

HOUSE BILL NO. 587

INTRODUCED BY HANSON, LORY, EUDAILY, ANDREASON,  
DUSSAULT, WALDRON, KEMMIS, ANDERSON, NORMAN

IN THE HOUSE

January 30, 1981	Introduced and referred to Committee on Education.
February 12, 1981	Committee recommend bill do pass as amended. Report adopted.
February 13, 1981	Bill printed and placed on members' desks.
February 14, 1981	Second reading, do pass.
February 16, 1981	Correctly engrossed.
February 17, 1981	Third reading, passed. Ayes, 98; Noes, 2. Transmitted to Senate.

IN THE SENATE

February 18, 1981	Introduced and referred to Committee on Education and Cultural Resources.
March 24, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1981	Second reading, concurred in.
March 28, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 0.

IN THE HOUSE

March 28, 1981	Returned from Senate with amendments.
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April 8, 1981

Second reading, amendments  
concurrent in.

April 9, 1981

Third reading, amendments  
concurrent in. Ayes, 94;  
Noes, 2. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 587  
 2 INTRODUCED BY *Hanson, Long, Daily, Andreason,*  
 3 *Nussamer, Waldron, Kinnis, Ahrens, Norman*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
 5 PROCEDURES FOR CREATION OF A NEW ELEMENTARY DISTRICT;  
 6 PROVIDING THAT A MAJORITY OF THE ELECTORS OF THE PROPOSED  
 7 NEW DISTRICT MUST SIGN THE PETITION TO CREATE A NEW  
 8 DISTRICT; PROVIDING THAT THE TERRITORY TO BE INCLUDED IN THE  
 9 NEW DISTRICT MUST CONSIST OF PARCELS OF LAND THAT ARE  
 10 CONTIGUOUS; AMENDING SECTIONS 20-6-216 AND 20-6-217, MCA."  
 11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Section 20-6-216, MCA, is amended to read:  
 14 "20-6-216. Limitations for creation of new elementary  
 15 district. A new elementary district may be created out of  
 16 the territory of an existing elementary district or  
 17 districts when:  
 18 (1) the taxable value of the taxable property of the  
 19 territory proposed to be included in such new district is  
 20 \$75,000 or more, except that when 50,000 acres or more of  
 21 such new district are nontaxable Indian land, this  
 22 limitation shall not be applicable;  
 23 (2) the taxable value of the taxable property of each  
 24 existing district from which territory would be detached  
 25 will be \$100,000 or more after the territory is detached;

1 and  
 2 (3) the ANB in any of the existing districts is not  
 3 reduced to less than 15% ;  
 4 ~~(4) the territory to be included in the new district~~  
 5 ~~does not consist of parcels of land that are noncontiguous."~~  
 6 Section 2. Section 20-6-217, MCA, is amended to read:  
 7 "20-6-217. Procedure for creation of new elementary  
 8 district. (1) The petition requesting the creation of a new  
 9 elementary district out of the territory of an elementary  
 10 district or districts shall be addressed to the county  
 11 superintendent and shall:  
 12 (a) describe the territory that is requested to be  
 13 incorporated in the new district and the taxable value of  
 14 such territory as shown by the last completed assessment  
 15 roll;  
 16 (b) state the reasons why the creation of a new  
 17 district is requested; and  
 18 (c) be signed by ~~the parents or guardians of not less~~  
 19 ~~than 10 children between the ages of 6 and 16 years who~~  
 20 ~~reside in the territory that would be included in the new~~  
 21 ~~district and who a majority of the electors of the proposed~~  
 22 ~~new district who are qualified to vote under the provisions~~  
 23 ~~of 20-20-301. At least 10% of the voters signing the~~  
 24 ~~petition must~~ reside more than 3 miles over the shortest  
 25 practical route from an operating school.

1 (2) When a county superintendent receives a valid  
2 petition requesting the creation of a new district, he  
3 shall:

4 (a) file such petition;

5 (b) set a hearing place, date, and time for  
6 consideration of such petition that is not more than 40 days  
7 after the receipt of the petition; and

8 (c) give notice of the place, date, and time of the  
9 hearing. The notices shall be posted in the districts  
10 affected by the request in the manner prescribed in this  
11 title for school elections, with at least one such notice  
12 posted in the territory to be included in the new district.

13 (3) The county superintendent shall conduct the  
14 hearing as scheduled ~~unless before or at the time of the~~  
15 ~~hearing he receives a protest petition signed by a majority~~  
16 ~~of the electors of the proposed new district who are~~  
17 ~~qualified to vote under the provisions of 20-20-301. A valid~~  
18 ~~protest petition shall conclusively deny the creation of a~~  
19 ~~new district. If a~~ At such a hearing is conducted, any  
20 resident or taxpayer of the affected districts shall be  
21 heard. If the county superintendent ~~shall deem~~ considers it  
22 advisable and in the best interests of the residents of the  
23 proposed new district, he shall grant the petitioned request  
24 and order the creation of a new elementary district with its  
25 boundaries coinciding with the boundaries defined in the

1 petition. Otherwise, he shall, by order, deny the request.  
2 ~~In the order creating the new district, the county~~  
3 ~~superintendent shall establish the effective date for its~~  
4 ~~creation and the procedures for effecting an orderly~~  
5 ~~transition.~~

6 (4) Either of the county superintendent's orders may  
7 be appealed to the board of county commissioners within 30  
8 days after the date of such order. Such appeal shall be in  
9 writing, signed by not less than three resident taxpayers,  
10 and shall state sufficient facts to show the appellants'  
11 right to appeal the order. The board of county commissioners  
12 shall call a hearing of such appeal for the first regular  
13 meeting of the commission that will allow notice of the  
14 hearing to be given in accordance with the requirements for  
15 notice of school elections. After considering the material  
16 presented at the county superintendent's hearing and such  
17 other material as is presented at its hearing, the board of  
18 county commissioners shall render a decision on the creation  
19 of such new elementary district. Such decision shall be  
20 final.

21 (5) When a new elementary district is created, the  
22 county superintendent shall appoint the trustees of the new  
23 district, giving preference in his selections to any  
24 trustees who were trustees of an old district and who reside  
25 in the new district. Any trustee position vacancies that may

1 occur in the other districts shall be filled in the manner  
2 provided for filling trustee position vacancies for such  
3 district. Any trustee appointed under the provisions of this  
4 section shall serve until a successor is elected at the next  
5 regular school election and qualified.

6 (6) The order of the county superintendent or, if his  
7 order is appealed, the decision of the board of county  
8 commissioners creating a new district under this section  
9 shall be null and void, and the new district shall cease to  
10 exist, if such district does not open and operate a school  
11 within 8 months after the date of such order or decision. If  
12 the new district does not satisfy this requirement, the  
13 territory shall be reincorporated in the district or  
14 districts in which it was located before the creation of  
15 such new district and the trustees shall thereafter be  
16 without capacity to act."

-End-

Approved by Committee  
on Education

HOUSE BILL NO. 587

INTRODUCED BY HANSON, LORY, EUDAILY, ANDREASON,

DUSSAULT, WALDRON, KEMMIS, ANDERSON, NORMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURES FOR CREATION OF A NEW ELEMENTARY DISTRICT; PROVIDING THAT A MAJORITY OF THE ELECTORS OF THE PROPOSED NEW DISTRICT MUST SIGN THE PETITION TO CREATE A NEW DISTRICT; PROVIDING THAT THE TERRITORY TO BE INCLUDED IN THE NEW DISTRICT MUST CONSIST OF PARCELS OF LAND THAT ARE CONTIGUOUS; AMENDING SECTIONS 20-6-216 AND 20-6-217, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-6-216, MCA, is amended to read:

"20-6-216. Limitations for creation of new elementary district. A new elementary district may be created out of the territory of an existing elementary district or districts when:

(1) the taxable value of the taxable property of the territory proposed to be included in such new district is \$75,000 or more, except that when 50,000 acres or more of such new district are nontaxable Indian land, this limitation shall not be applicable;

(2) the taxable value of the taxable property of each existing district from which territory would be detached

will be \$100,000 or more after the territory is detached;

and

(3) the ANB in any of the existing districts is not reduced to less than 15;

~~(4) the territory to be included in the new district does--not SHALL consist ONLY of parcels of land that are noncontiguous~~ CONTIGUOUS."

Section 2. Section 20-6-217, MCA, is amended to read:

"20-6-217. Procedure for creation of new elementary district. (1) The petition requesting the creation of a new elementary district out of the territory of an elementary district or districts shall be addressed to the county superintendent and shall:

(a) describe the territory that is requested to be incorporated in the new district and the taxable value of such territory as shown by the last completed assessment roll;

(b) state the reasons why the creation of a new district is requested; and

(c) be signed by ~~the parents or guardians of not less than 10 children between the ages of 6 and 16 years who reside in the territory that would be included in the new district and who a majority of the electors of the proposed new district who are qualified to vote under the provisions of 20-20-301. At least 10% of the voters signing the~~

1 petition must reside more than 3 miles over the shortest  
2 practical route from an operating school.

3 (2) When a county superintendent receives a valid  
4 petition requesting the creation of a new district, he  
5 shall:

6 (a) file such petition;

7 (b) set a hearing place, date, and time for  
8 consideration of such petition that is not more than 40 days  
9 after the receipt of the petition; and

10 (c) give notice of the place, date, and time of the  
11 hearing. The notices shall be posted in the districts  
12 affected by the request in the manner prescribed in this  
13 title for school elections, with at least one such notice  
14 posted in the territory to be included in the new district.

15 (3) The county superintendent shall conduct the  
16 hearing as scheduled ~~unless--before-or-at-the-time-of-the~~  
17 ~~hearing-he-receives-a-protest-petition-signed-by-a--majority~~  
18 ~~of--the-electors--of--the--proposed--new--district--who-are~~  
19 ~~qualified-to-vote-under-the-provisions-of-20-20-301. A valid~~  
20 ~~protest-petition-shall-conclusively-deny-the-creation-of--a~~  
21 ~~new--district--if--a~~ At such a hearing is conducted, any  
22 resident or taxpayer of the affected districts shall be  
23 heard. If the county superintendent ~~shall-deem~~ considers it  
24 advisable and in the best interests of the residents of the  
25 proposed new district AND THE RESIDENTS OF THE REMAINING

1 DISTRICT, he shall grant the petitioned request and order  
2 the creation of a new elementary district with its  
3 boundaries coinciding with the boundaries defined in the  
4 petition. Otherwise, he shall, by order, deny the request.  
5 In the order creating the new district, the county  
6 superintendent shall establish the effective date for its  
7 creation and the procedures for effecting an orderly  
8 transition.

9 (4) Either of the county superintendent's orders may  
10 be appealed to the board of county commissioners within 30  
11 days after the date of such order. Such appeal shall be in  
12 writing, signed by not less than three resident taxpayers,  
13 and shall state sufficient facts to show the appellants'  
14 right to appeal the order. The board of county commissioners  
15 shall call a hearing of such appeal for the first regular  
16 meeting of the commission that will allow notice of the  
17 hearing to be given in accordance with the requirements for  
18 notice of school elections. After considering the material  
19 presented at the county superintendent's hearing and such  
20 other material as is presented at its hearing, the board of  
21 county commissioners shall render a decision on the creation  
22 of such new elementary district. Such decision shall be  
23 final.

24 (5) When a new elementary district is created, the  
25 county superintendent shall appoint the trustees of the new

1 district, giving preference in his selections to any  
2 trustees who were trustees of an old district and who reside  
3 in the new district. Any trustee position vacancies that may  
4 occur in the other districts shall be filled in the manner  
5 provided for filling trustee position vacancies for such  
6 district. Any trustee appointed under the provisions of this  
7 section shall serve until a successor is elected at the next  
8 regular school election and qualified.

9 (6) The order of the county superintendent or, if his  
10 order is appealed, the decision of the board of county  
11 commissioners creating a new district under this section  
12 shall be null and void, and the new district shall cease to  
13 exist, if such district does not open and operate a school  
14 within ~~3--months~~ 1 YEAR after the date of such order or  
15 decision. If the new district does not satisfy this  
16 requirement, the territory shall be reincorporated in the  
17 district or districts in which it was located before the  
18 creation of such new district and the trustees shall  
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INTRODUCED BY HANSON, LORY, EUDAILY, ANDREASON,  
DUSSAULT, WALORON, KEMMIS, ANDERSON, NORMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-6-216, MCA, is amended to read:

"20-6-216. Limitations for creation of new elementary  
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the territory of an existing elementary district or  
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(1) the taxable value of the taxable property of the  
territory proposed to be included in such new district is  
\$75,000 or more, except that when 50,000 acres or more of  
such new district are nontaxable Indian land, this  
limitation shall not be applicable;

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existing district from which territory would be detached

will be \$100,000 or more after the territory is detached;  
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10 order is appealed, the decision of the board of county  
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 4 WHO reside more than 3 miles over the shortest practical  
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6 (2) When a county superintendent receives a valid  
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 25 THE HEARING HE RECEIVES A PROTEST PETITION SIGNED BY A

1 MAJORITY OF THE ELECTORS OF THE PROPOSED NEW DISTRICT WHO  
 2 ARE QUALIFIED TO VOTE UNDER THE PROVISIONS OF 20-20-301. A  
 3 VALID PROTEST PETITION SHALL CONCLUSIVELY DENY THE CREATION  
 4 OF A NEW DISTRICT. IF a hearing is conducted IS CONDUCTED,  
 5 any resident or taxpayer of the affected districts shall be  
 6 heard. If the county superintendent shall ~~deem~~ considers it  
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 8 the proposed new district AND THE RESIDENTS OF THE REMAINING  
 9 DISTRICT, he shall grant the petitioned request and order  
 10 the creation of a new elementary district with its  
 11 boundaries coinciding with the boundaries defined in the  
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17 (4) Either of the county superintendent's orders may  
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7 (5) When a new elementary district is created, the  
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 15 section shall serve until a successor is elected at the next  
 16 regular school election and qualified.

17 (6) The order of the county superintendent or, if his  
 18 order is appealed, the decision of the board of county  
 19 commissioners creating a new district under this section  
 20 shall be null and void, and the new district shall cease to  
 21 exist, if such district does not open and operate a school  
 22 within ~~6-months~~ 1-YEAR 2 YEARS after the date of such order  
 23 or decision. If the new district does not satisfy this  
 24 requirement, the territory shall be reincorporated in the  
 25 district or districts in which it was located before the

1 creation of such new district and the trustees shall  
 2 thereafter be without capacity to act.

3 (7) IF A PETITION HAS BEEN FILED UNDER THE PROVISIONS  
 4 OF THIS SECTION AND DENIED BY THE COUNTY SUPERINTENDENT, NO  
 5 NEW PETITION MAY BE FILED UNTIL 1 YEAR AFTER THE FINAL  
 6 DECISION ON THE ORIGINAL PETITION."

-End-

March 24, 1981

SENATE STANDING COMMITTEE REPORT  
(Education and Cultural Resources)

That House Bill No. 587 be amended as follows:

1. Title, line 7 through line 9.

Following: "DISTRICT;"

Strike: line 7 through "DISTRICT;" on line 9

2. Page 2, line 23 through line 1 on page 3.

Following: "who"

Strike: line 23 through "must" on line 1, page 3

Insert: "the parents or guardians of not less than 10 children  
between the ages of 6 and 16 years who reside in the territory  
that would be included in the new district and who"

3. Page 3, line 21.

Following: "If-a"

Strike: "At such"

Insert: "unless before or at the time of the hearing he receives  
a protest petition signed by a majority of the electors of the  
proposed new district who are qualified to vote under the provisions  
of 20-20-301. A valid protest petition shall conclusively deny  
the creation of a new district. If"

Following: "hearing"

Insert: "is conducted"

4. Page 3, line 24.

Following: "best"

Insert: "best"

5. Page 5, line 14.

Following: "~~months~~"

Strike: "1 YEAR"

Insert: "2 years"

6. Page 5.

Following: line 19

Insert: "(7) If a petition has been filed under the provisions of  
this section and denied by the county superintendent, no new petition  
may be filed until 1 year after the final decision on the original  
petition."

7. Page 3, line 19.

Strike: "."