

HOUSE BILL NO. 428

INTRODUCED BY ELLISON, EUDAILY, BERTELSEN, SCHULTZ

IN THE HOUSE

January 20, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 5, 1983	Committee recommend bill do pass as amended. Report adopted.
February 7, 1983	Bill printed and placed on members' desks.
February 8, 1983	Second reading, do pass.
February 9, 1983	Considered correctly engrossed.
February 10, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 11, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 23, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 24, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983	Returned to House with amendments.
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April 1, 1983

Second reading, amendments  
concurred in.

Amendments segregated.

April 4, 1983

Second reading, amendments  
not concurred in.

On motion Free Conference  
Committee requested and  
appointed.

April 12, 1983

Free Conference Committee  
reported.

April 13, 1983

Second reading, Free  
Conference Committee report  
adopted.

April 14, 1983

Third reading, Free  
Conference Committee report  
adopted.

April 16, 1983

Free Conference Committee  
report adopted by Senate. .

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *428*  
2 INTRODUCED BY *Elison E. Bailey Butler*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 PROCEDURES FOR CHANGING HIGH SCHOOL DISTRICT BOUNDARIES  
6 THROUGH ANNEXATION, CONSOLIDATION, OR TRANSFER OF TERRITORY  
7 OF SUCH DISTRICTS; AMENDING SECTIONS 20-6-304, 20-6-311,  
8 20-6-402, AND 20-6-403, MCA; REPEALING SECTIONS 20-6-302,  
9 20-6-305, AND 20-6-306, MCA."  
10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12 NEW SECTION. Section 1. Time limitations for boundary  
13 changes. No high school district may be created and no high  
14 school district boundary may be changed between the first  
15 day of March and the second Monday of August of any calendar  
16 year except when:  
17 (1) the entire territory of a high school district is  
18 annexed or attached to another high school district;  
19 (2) the entire territory or portion of a joint high  
20 school district located in one county is annexed or attached  
21 to another high school district; or  
22 (3) two or more districts are consolidated in their  
23 entirety.  
24 NEW SECTION. Section 2. District consolidation. Any  
25 two or more high school districts in one county may

1 consolidate to organize a high school district. The  
2 consolidation must be conducted under the following  
3 procedure:  
4 (1) At the time the consolidation proposition is first  
5 considered, the districts involved shall jointly determine  
6 whether the consolidation is to be made with or without the  
7 mutual assumption of the bonded indebtedness of each  
8 district by all districts included in the consolidation  
9 proposition.  
10 (2) A consolidation proposition may be introduced,  
11 individually, in each of the districts by either of the  
12 following methods:  
13 (a) the trustees may pass a resolution requesting the  
14 county superintendent to order an election to consider a  
15 consolidation proposition involving their district; or  
16 (b) not less than 20% of the electors of a high school  
17 district who are qualified to vote under the provisions of  
18 20-20-301 may petition the county superintendent requesting  
19 an election to consider a consolidation proposition  
20 involving their district.  
21 (3) When the county superintendent receives a  
22 resolution or a valid petition from each of the districts  
23 included in the consolidation proposition, he shall, within  
24 10 days after the receipt of the last resolution or petition  
25 and as provided by 20-20-201, order the trustees of each

1 high school district included in the consolidation  
2 proposition to call a consolidation election.

3 (4) (a) Each district, individually, shall call and  
4 conduct an election in the manner prescribed in this title  
5 for school elections.

6 (b) In addition:

7 (i) if the districts to be consolidated are to  
8 mutually assume the bonded indebtedness of each district  
9 involved in the consolidation, the consolidation election  
10 must also follow the procedures prescribed in [section 5];  
11 or

12 (ii) if the districts to be consolidated are not to  
13 mutually assume the bonded indebtedness of each district  
14 involved in the consolidation, the consolidation election  
15 must also follow the procedures prescribed in 20-6-207.

16 (5) After the county superintendent receives the  
17 election certificate provided for in 20-20-416 from the  
18 trustees of each district included in a consolidation  
19 proposition, he shall determine if the consolidation  
20 proposition has been approved in each district. If each  
21 district has approved the consolidation proposition, he  
22 shall, within 10 days after the receipt of the election  
23 certificate, order the consolidation of such districts. If  
24 the order is for consolidation with the mutual assumption of  
25 bonded indebtedness of each high school district by all

1 districts included in the consolidation order, the order  
2 shall specify that all taxable real and personal property of  
3 the consolidated district shall assume the bonded  
4 indebtedness of each district. In addition, the order shall  
5 specify the number of the consolidated high school district.  
6 The superintendent shall send a copy of the order to the  
7 board of county commissioners and to the trustees of each  
8 district incorporated in the consolidation order.

9 (6) If any district included in the consolidation  
10 proposition disapproves the consolidation proposition, the  
11 consolidation of all districts fails and the county  
12 superintendent shall notify each district of the disapproval  
13 of the consolidation proposition.

14 NEW SECTION. Section 3. Conditions for high school  
15 district annexation. (1) A high school district may be  
16 annexed to another high school district located in the same  
17 county when:

18 (a) a third-class district is annexed to a first-class  
19 district or a second-class district; or

20 (b) a second-class district is annexed to a  
21 first-class district.

22 (2) The annexation of high school districts must be  
23 conducted under the provisions of [section 4].

24 NEW SECTION. Section 4. High school district  
25 annexation procedure. A high school district may be annexed

1 to another high school district located in the same county  
2 when one of the conditions of [section 3] is met in  
3 accordance with the following procedure:

4 (1) At the time the annexation proposition is first  
5 considered, the districts involved shall jointly determine  
6 whether the annexation is to be made with or without the  
7 joint assumption of the bonded indebtedness of the annexing  
8 district by the district to be annexed and the annexing  
9 district.

10 (2) An annexation proposition may be introduced in the  
11 district to be annexed by either of the following methods:

12 (a) the trustees may pass a resolution requesting the  
13 county superintendent to order an election to consider an  
14 annexation proposition for their district; or

15 (b) not less than 20% of the electors of the district  
16 who are qualified to vote under the provisions of 20-20-302  
17 may petition the county superintendent requesting an  
18 election to consider an annexation proposition for their  
19 district.

20 (3) Before ordering an election on the proposition,  
21 the county superintendent must receive from the trustees of  
22 the annexing district a resolution giving him the authority  
23 to annex such district.

24 (4) When the county superintendent receives  
25 authorization from the annexing district, he shall, within

1 10 days after the receipt of the resolution or a valid  
2 petition from the district to be annexed and as provided by  
3 20-20-201, order the trustees of the district to be annexed  
4 to call an annexation election.

5 (5) (a) The district shall call and conduct an  
6 election in the manner prescribed in this title for school  
7 elections.

8 (b) In addition:

9 (i) if the district to be annexed is to jointly assume  
10 with the annexing district the bonded indebtedness of the  
11 annexing district, the annexation election must also follow  
12 the procedures prescribed in [section 5]; or

13 (ii) if the district to be annexed is not to jointly  
14 assume with the annexing district the bonded indebtedness of  
15 the annexing district, the annexation election must also  
16 follow the procedures prescribed in [section 6].

17 (6) After the county superintendent receives the  
18 election certificate provided for in 20-20-416 from the  
19 trustees of the district conducting the annexation election  
20 and if the annexation proposition has been approved by such  
21 election, he shall order the annexation of the territory of  
22 the high school district voting on such proposition to the  
23 high school district that has authorized the annexation to  
24 its territory. The order must be issued within 10 days after  
25 the receipt of the election certificate and, if it is for

annexation with the assumption of bonded indebtedness, must specify that all the taxable real and personal property of the annexed territory shall jointly assume with the annexing district the existing bonded indebtedness of the annexing district. The county superintendent shall send a copy of the order to the board of county commissioners and to the trustees of the districts involved in the annexation order.

[7] If the annexation proposition is disapproved in the district to be annexed, it fails and the county superintendent shall notify each district of the disapproval of the annexation proposition.

NEW SECTION. Section 5. Consolidation or annexation election with assumption of bonded indebtedness. A consolidation election involving the mutual assumption of bonded indebtedness by the high school districts to be consolidated as prescribed in [section 2] or an annexation election involving the joint assumption of bonded indebtedness by the high school districts to be annexed as prescribed in [section 4] must comply with the following procedures in addition to those prescribed by this title for other school elections:

(1) In a consolidation election the ballots must read, after stating the consolidation proposition, "FOR consolidation with assumption of bonded indebtedness" and "AGAINST consolidation with assumption of bonded

indebtedness".

(2) In an annexation election the ballots must read, after stating the annexation proposition, "FOR annexation with assumption of bonded indebtedness" and "AGAINST annexation with assumption of bonded indebtedness".

(3) Any elector qualified to vote under the provisions of 20-20-301 may vote.

(4) When the trustees in each high school district conducting an election canvass the vote under the provisions of 20-20-415, they shall decide according to the following procedure if the proposition has been approved:

(a) determine if a sufficient number of the qualified electors of the district voted to validate the election and voted to approve the election proposition in the manner required for bond elections by 20-9-428; and

(b) if the proposition is approved under subsection (4)(a), determine the number of votes "FOR" and "AGAINST" the proposition.

(5) If the proposition is disapproved under the provisions of subsection (4)(a), the proposition is disapproved in the district.

NEW SECTION. Section 6. Consolidation or annexation election without assumption of bonded indebtedness. (1) A consolidation election without the assumption of bonded indebtedness by the high school districts to be consolidated

1 as prescribed in [section 2] or an annexation election  
 2 without the joint assumption of bonded indebtedness by the  
 3 high school district to be annexed as prescribed in [section  
 4 4] must be conducted in the manner prescribed by this title  
 5 for school elections. Any elector qualified to vote under  
 6 the provisions of 20-20-302 may vote at the election.

7 (2) In a consolidation election the ballots must read,  
 8 after stating the consolidation proposition, "FOR  
 9 consolidation without assumption of bonded indebtedness" and  
 10 "AGAINST consolidation without assumption of bonded  
 11 indebtedness". The consolidation proposition is approved by  
 12 a district if a majority of those voting in a district  
 13 approve the proposition; otherwise, it is disapproved.

14 (3) In an annexation election the ballots must read,  
 15 after stating the annexation proposition, "FOR annexation  
 16 without assumption of bonded indebtedness" and "AGAINST  
 17 annexation without assumption of bonded indebtedness". The  
 18 annexation proposition is approved by a district if a  
 19 majority of those voting approve the proposition; otherwise,  
 20 it is disapproved.

21 NEW SECTION. Section 7. Transfer of territory from  
 22 one high school district to another. (1) A majority of  
 23 electors of any high school district who are qualified to  
 24 vote under the provisions of 20-20-301 and who reside in  
 25 territory that is a part of a high school district may

1 petition the county superintendent to transfer such  
 2 territory to another high school district if:

3 (a) the territory adjoins the district to which it is  
 4 to be attached;

5 (b) the territory is not located within 3 miles, over  
 6 the shortest practical route, of an operating school of the  
 7 district from which it is to be detached;

8 (c) the transfer of such territory will not reduce the  
 9 taxable value of the district to less than \$300,000 unless  
 10 the remaining territory of the district contains not less  
 11 than 50,000 acres of nontaxable Indian land; and

12 (d) the board of trustees of the school district that  
 13 would receive the territory has approved the transfer.

14 (2) The petition must be addressed to the county  
 15 superintendent and shall:

16 (a) describe the territory that is requested to be  
 17 transferred and to what district it is to be transferred;

18 (b) state the reasons why such transfer is requested;  
 19 and

20 (c) state the number of high-school-age children  
 21 residing in such territory.

22 (3) On receipt of a valid petition for a territory  
 23 transfer, the county superintendent shall:

24 (a) file the petition;

25 (b) set a hearing place, date, and time for

1 consideration of the petition that is not more than 40 days  
2 after receipt of the petition; and

3 (c) give notice of the place, date, and time of the  
4 hearing. The notices must be posted in the districts  
5 affected by the request in the manner prescribed in this  
6 title for school elections, with at least one notice posted  
7 in the territory to be transferred.

8 (4) The county superintendent shall conduct the  
9 hearing as scheduled, and any resident or taxpayer of either  
10 affected district must be heard. If the county  
11 superintendent considers it advisable and in the best  
12 interests of the residents of the territory, he shall grant  
13 the petitioned request and order the change of district  
14 boundaries to coincide with the boundary description in the  
15 petition. Otherwise, he shall by order deny the request.  
16 Either of the orders shall be final 20 days after its date  
17 unless it is appealed to the superintendent of public  
18 instruction by a resident of either district affected by the  
19 territory transfer. The decision of the superintendent of  
20 public instruction, after consideration of the material  
21 presented at the county superintendent's hearing, is final  
22 30 days after its date.

23 (5) If a petition to transfer territory from one high  
24 school district to another high school district would create  
25 a joint high school district or affect the boundary of any

1 existing joint high school district, the petition must be  
2 presented to the county superintendent of the county where  
3 the territory is located. The county superintendent shall  
4 notify any other county superintendents of counties with  
5 districts affected by the petition, and the duties  
6 prescribed in this section for the county superintendent  
7 must be performed jointly by such county officials.

8 Section 8. Section 20-6-304, MCA, is amended to read:  
9 "20-6-304. High school boundary commission --  
10 procedure for ~~boundary change~~ division ~~or~~ ~~redivision~~ of  
11 county into high school districts. (1) Each county of the  
12 state of Montana shall have a high school boundary  
13 commission consisting of the board of county commissioners  
14 and the county superintendent. Whenever a county  
15 superintendent receives a resolution from the trustees of  
16 any high school district requesting ~~a boundary change or a~~  
17 ~~request the commission~~ to divide ~~or~~ ~~redivide~~ the county into  
18 high school districts, he shall immediately notify the high  
19 school boundary commission. Such commission shall set a  
20 time, date, and place for a public hearing on the request.  
21 The hearing shall be set for a date within 60 days after the  
22 receipt of the request, and any interested person may appear  
23 and be heard on such request. The county superintendent  
24 shall send a written notice of the public hearing on a  
25 requested ~~boundary change~~ division ~~or~~ ~~redivision~~ to the



trustees of each elementary ~~and high school~~ district of the county which has territory that would be affected by the change. The county superintendent shall also give notice of such public hearing in accordance with the requirement for school election notices prescribed by school election provisions of this title. The certificate of the county superintendent filed with the high school boundary commission reciting that such notice requirements have been satisfied shall be conclusive.

(2) In considering a request ~~to change high school district boundaries or~~ to divide ~~or redive~~ the county into high school districts, the high school boundary commission shall give primary consideration to the convenience of the high school pupils of the territory under consideration. Such commission also shall consider the grouping of elementary districts to be encompassed by a high school district or districts and shall group contiguous elementary districts within a high school district unless obstacles of travel, such as mountains, rivers, impractical routes of travel, or distance, make such grouping impractical. After the hearing, the high school boundary commission ~~may grant or deny any request made under the provisions of 20-6-302 for a high school district boundary change but~~ shall order the division of the county into high school districts whenever requested under the provisions of 20-6-303. ~~In the~~

~~letter case the~~ The commission's discretion shall extend only to the establishing of boundaries for the newly created high school district or districts."

Section 9. Section 20-6-311, MCA, is amended to read:

"20-6-311. High school district boundary approval by superintendent. Whenever a high school boundary commission orders ~~changes in high school district boundaries or a division or redivision~~ of the county into high school districts under ~~the provisions of this title 20-6-304,~~ its order shall not be final until it has been approved by the superintendent of public instruction. The superintendent of public instruction shall not approve any high school boundary commission order that:

(1) is dated less than 1 year since the last high school boundary commission order was approved for such county; ~~or~~

(2) has not been confirmed by the high school boundary commission of each county affected by the boundary change when it involves a joint high school district; ~~or~~

~~(3) does not provide for the high school district boundaries approved by the electors of an elementary district under the provisions of 20-6-305 or 20-6-306."~~

Section 10. Section 20-6-402, MCA, is amended to read:

"20-6-402. Voluntary consolidation and annexation incentive plan. Sections 20-6-401 through 20-6-408 shall be

1 known as the voluntary consolidation and annexation  
2 incentive plan. The purpose of this plan is to provide  
3 additional financial assistance to school districts that  
4 consolidate or annex under the provisions of 20-6-203,  
5 20-6-205, or 20-6-208 for elementary school districts or  
6 ~~20-6-304~~ [section 2] or [section 4] for high school  
7 districts."

8 Section 11. Section 20-6-403, MCA, is amended to read:

9 "20-6-403. Application for bonus payment. Whenever two  
10 or more elementary school districts consolidate or annex  
11 under the provisions of 20-6-203, 20-6-205, or 20-6-208 or  
12 two or more high school districts consolidate or annex under  
13 the provisions of ~~20-6-304~~ [section 2] or [section 4], the  
14 enlarged district may make application for the bonus payment  
15 as provided herein if such consolidation or annexation shall  
16 result in the dissolution of at least one elementary or high  
17 school district. Application for the bonus payments must be  
18 made during the school year of the order creating the  
19 enlarged school district."

20 NEW SECTION. Section 12. Repealer. Sections 20-6-302,  
21 20-6-305, and 20-6-306, MCA, are repealed.

22 NEW SECTION. Section 13. Codification instruction.  
23 Sections 1 through 7 are intended to be codified as an  
24 integral part of Title 20, chapter 6, part 3, and the  
25 provisions of Title 20 apply to sections 1 through 7.

App. by comm. on education  
and cultural resources

HOUSE BILL NO. 428

INTRODUCED BY ELLISON, EUDAILY, BERTELSEN, SCHULTZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE PROCEDURES FOR CHANGING HIGH SCHOOL DISTRICT BOUNDARIES THROUGH ANNEXATION, CONSOLIDATION, OR TRANSFER OF TERRITORY OF SUCH DISTRICTS; AMENDING SECTIONS 20-6-304, 20-6-311, 20-6-402, AND 20-6-403, MCA; REPEALING SECTIONS 20-6-302, 20-6-305, AND 20-6-306, ~~AND 20-6-310~~, MCA."

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

~~NEW SECTION.~~ Section 1. Time limitations for boundary changes. No high school district may be created and no high school district boundary may be changed between the first day of March and the second Monday of August of any calendar year except when:

(1) the entire territory of a high school district is annexed or attached to another high school district;

(2) the entire territory or portion of a joint high school district located in one county is annexed or attached to another high school district; or

(3) two or more districts are consolidated in their entirety.

~~NEW SECTION.~~ Section 2. District consolidation. Any two or more high school districts in one county may

consolidate to organize a high school district. The consolidation must be conducted under the following procedure:

(1) At the time the consolidation proposition is first considered, the districts involved shall jointly determine whether the consolidation is to be made with or without the mutual assumption of the bonded indebtedness of each district by all districts included in the consolidation proposition.

(2) A consolidation proposition may be introduced, individually, in each of the districts by either of the following methods:

(a) the trustees may pass a resolution requesting the county superintendent to order an election to consider a consolidation proposition involving their district; or

(b) not less than 20% of the electors of a high school district who are qualified to vote under the provisions of 20-20-301 may petition the county superintendent requesting an election to consider a consolidation proposition involving their district.

(3) When the county superintendent receives a resolution or a valid petition from each of the districts included in the consolidation proposition, he shall, within 10 days after the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each

1 high school district included in the consolidation  
2 proposition to call a consolidation election.

3 (4) (a) Each district, individually, shall call and  
4 conduct an election in the manner prescribed in this title  
5 for school elections.

6 (b) In addition:

7 (i) if the districts to be consolidated are to  
8 mutually assume the bonded indebtedness of each district  
9 involved in the consolidation, the consolidation election  
10 must also follow the procedures prescribed in [section 5];  
11 or

12 (ii) if the districts to be consolidated are not to  
13 mutually assume the bonded indebtedness of each district  
14 involved in the consolidation, the consolidation election  
15 must also follow the procedures prescribed in 20-6-207.

16 (5) After the county superintendent receives the  
17 election certificate provided for in 20-20-416 from the  
18 trustees of each district included in a consolidation  
19 proposition, he shall determine if the consolidation  
20 proposition has been approved in each district. If each  
21 district has approved the consolidation proposition, he  
22 shall, within 10 days after the receipt of the election  
23 certificate, order the consolidation of such districts. If  
24 the order is for consolidation with the mutual assumption of  
25 bonded indebtedness of each high school district by all

1 districts included in the consolidation order, the order  
2 shall specify that all taxable real and personal property of  
3 the consolidated district shall assume the bonded  
4 indebtedness of each district. In addition, the order shall  
5 specify the number of the consolidated high school district.  
6 The superintendent shall send a copy of the order to the  
7 board of county commissioners and to the trustees of each  
8 district incorporated in the consolidation order.

9 (5) If any district included in the consolidation  
10 proposition disapproves the consolidation proposition, the  
11 consolidation of all districts fails and the county  
12 superintendent shall notify each district of the disapproval  
13 of the consolidation proposition.

14 NEW SECTION. Section 3. Conditions for high school  
15 district annexation. (1) A high school district may be  
16 annexed to another high school district located in the same  
17 county when:

18 (a) a third-class district is annexed to a first-class  
19 district or a second-class district; or

20 (b) a second-class district is annexed to a  
21 first-class district.

22 (2) The annexation of high school districts must be  
23 conducted under the provisions of [section 4].

24 NEW SECTION. Section 4. High school district  
25 annexation procedure. A high school district may be annexed

1 to another high school district located in the same county  
2 when one of the conditions of [section 3] is met in  
3 accordance with the following procedure:

4 (1) At the time the annexation proposition is first  
5 considered, the districts involved shall jointly determine  
6 whether the annexation is to be made with or without the  
7 joint assumption of the bonded indebtedness of the annexing  
8 district by the district to be annexed and the annexing  
9 district.

10 (2) An annexation proposition may be introduced in the  
11 district to be annexed by either of the following methods:

12 (a) the trustees may pass a resolution requesting the  
13 county superintendent to order an election to consider an  
14 annexation proposition for their district; or

15 (b) not less than 20% of the electors of the district  
16 who are qualified to vote under the provisions of ~~20-20-302~~  
17 ~~20-20-301~~ may petition the county superintendent requesting  
18 an election to consider an annexation proposition for their  
19 district.

20 (3) Before ordering an election on the proposition,  
21 the county superintendent must receive from the trustees of  
22 the annexing district a resolution giving him the authority  
23 to annex such district.

24 (4) When the county superintendent receives  
25 authorization from the annexing district, he shall, within

1 10 days after the receipt of the resolution or a valid  
2 petition from the district to be annexed and as provided by  
3 20-20-201, order the trustees of the district to be annexed  
4 to call an annexation election.

5 (5) (a) The district shall call and conduct an  
6 election in the manner prescribed in this title for school  
7 elections.

8 (b) In addition:

9 (i) if the district to be annexed is to jointly assume  
10 with the annexing district the bonded indebtedness of the  
11 annexing district, the annexation election must also follow  
12 the procedures prescribed in [section 5]; or

13 (ii) if the district to be annexed is not to jointly  
14 assume with the annexing district the bonded indebtedness of  
15 the annexing district, the annexation election must also  
16 follow the procedures prescribed in [section 6].

17 (6) After the county superintendent receives the  
18 election certificate provided for in 20-20-416 from the  
19 trustees of the district conducting the annexation election  
20 and if the annexation proposition has been approved by such  
21 election, he shall order the annexation of the territory of  
22 the high school district voting on such proposition to the  
23 high school district that has authorized the annexation to  
24 its territory. The order must be issued within 10 days after  
25 the receipt of the election certificate and, if it is for

1 annexation with the assumption of bonded indebtedness, must  
 2 specify that all the taxable real and personal property of  
 3 the annexed territory shall jointly assume with the annexing  
 4 district the existing bonded indebtedness of the annexing  
 5 district. The county superintendent shall send a copy of the  
 6 order to the board of county commissioners and to the  
 7 trustees of the districts involved in the annexation order.

8 (7) If the annexation proposition is disapproved in  
 9 the district to be annexed, it fails and the county  
 10 superintendent shall notify each district of the disapproval  
 11 of the annexation proposition.

12 **NEW\_SECTION.** Section 5. Consolidation or annexation  
 13 election with assumption of bonded indebtedness. A  
 14 consolidation election involving the mutual assumption of  
 15 bonded indebtedness by the high school districts to be  
 16 consolidated as prescribed in [section 2] or an annexation  
 17 election involving the joint assumption of bonded  
 18 indebtedness by the high school districts to be annexed as  
 19 prescribed in [section 4] must comply with the following  
 20 procedures in addition to those prescribed by this title for  
 21 other school elections:

22 (1) In a consolidation election the ballots must read,  
 23 after stating the consolidation proposition, "FOR  
 24 consolidation with assumption of bonded indebtedness" and  
 25 "AGAINST consolidation with assumption of bonded

1 indebtedness".

2 (2) In an annexation election the ballots must read,  
 3 after stating the annexation proposition, "FOR annexation  
 4 with assumption of bonded indebtedness" and "AGAINST  
 5 annexation with assumption of bonded indebtedness".

6 (3) Any elector qualified to vote under the provisions  
 7 of 20-20-301 may vote.

8 (4) When the trustees in each high school district  
 9 conducting an election canvass the vote under the provisions  
 10 of 20-20-415, they shall decide according to the following  
 11 procedure if the proposition has been approved:

12 (a) determine if a sufficient number of the qualified  
 13 electors of the district voted to validate the election and  
 14 voted to approve the election proposition in the manner  
 15 required for bond elections by 20-9-428; and

16 (b) if the proposition is approved under subsection  
 17 (4)(a), determine the number of votes "FOR" and "AGAINST"  
 18 the proposition.

19 (5) If the proposition is disapproved under the  
 20 provisions of subsection (4)(a), the proposition is  
 21 disapproved in the district.

22 **NEW\_SECTION.** Section 6. Consolidation or annexation  
 23 election without assumption of bonded indebtedness. (1) A  
 24 consolidation election without the assumption of bonded  
 25 indebtedness by the high school districts to be consolidated

1 as prescribed in [section 2] or an annexation election  
 2 without the joint assumption of bonded indebtedness by the  
 3 high school district to be annexed as prescribed in [section  
 4 4] must be conducted in the manner prescribed by this title  
 5 for school elections. Any elector qualified to vote under  
 6 the provisions of ~~20-20-302~~ 20-20-301 may vote at the  
 7 election.

8 (2) In a consolidation election the ballots must read,  
 9 after stating the consolidation proposition, "FOR  
 10 consolidation without assumption of bonded indebtedness" and  
 11 "AGAINST consolidation without assumption of bonded  
 12 indebtedness". The consolidation proposition is approved by  
 13 a district if a majority of those voting in a district  
 14 approve the proposition; otherwise, it is disapproved.

15 (3) In an annexation election the ballots must read,  
 16 after stating the annexation proposition, "FOR annexation  
 17 without assumption of bonded indebtedness" and "AGAINST  
 18 annexation without assumption of bonded indebtedness". The  
 19 annexation proposition is approved by a district if a  
 20 majority of those voting approve the proposition; otherwise,  
 21 it is disapproved.

22 **NEW SECTION.** Section 7. Transfer of territory from  
 23 one high school district to another. (1) A majority of  
 24 electors of any high school district who are qualified to  
 25 vote under the provisions of 20-20-301 and who reside in

1 territory that is a part of a high school district may  
 2 petition the county superintendent to transfer such  
 3 territory to another high school district if:

4 (a) the territory adjoins the district to which it is  
 5 to be attached;

6 (b) the territory is not located within 3 miles, over  
 7 the shortest practical route, of an operating school of the  
 8 district from which it is to be detached;

9 (c) the transfer of such territory will not reduce the  
 10 taxable value of the district to less than \$300,000 unless  
 11 the remaining territory of the district contains not less  
 12 than 50,000 acres of nontaxable Indian land; and

13 (d) the board of trustees of the school district that  
 14 would receive the territory has approved the transfer.

15 (2) The petition must be addressed to the county  
 16 superintendent and shall:

17 (a) describe the territory that is requested to be  
 18 transferred and to what district it is to be transferred;

19 (b) state the reasons why such transfer is requested;  
 20 and

21 (c) state the number of high-school-age children  
 22 residing in such territory.

23 (3) On receipt of a valid petition for a territory  
 24 transfer, the county superintendent shall:

25 (a) file the petition;

1 (b) set a hearing place, date, and time for  
2 consideration of the petition that is not more than 40 days  
3 after receipt of the petition; and

4 (c) give notice of the place, date, and time of the  
5 hearing. The notices must be posted in the districts  
6 affected by the request in the manner prescribed in this  
7 title for school elections, with at least one notice posted  
8 in the territory to be transferred.

9 (4) The county superintendent shall conduct the  
10 hearing as scheduled, and any resident or taxpayer of either  
11 affected district must be heard. If the county  
12 superintendent considers it advisable and in the best  
13 interests of the residents of the territory, he shall grant  
14 the petitioned request and order the change of district  
15 boundaries to coincide with the boundary description in the  
16 petition. Otherwise, he shall by order deny the request.  
17 Either of the orders shall be final 20 days after its date  
18 unless it is appealed to the superintendent of public  
19 instruction by a resident of either district affected by the  
20 territory transfer. The decision of the superintendent of  
21 public instruction, after consideration of the material  
22 presented at the county superintendent's hearing, is final  
23 30 days after its date.

24 (5) If a petition to transfer territory from one high  
25 school district to another high school district would create

1 a joint high school district or affect the boundary of any  
2 existing joint high school district, the petition must be  
3 presented to the county superintendent of the county where  
4 the territory is located. The county superintendent shall  
5 notify any other county superintendents of counties with  
6 districts affected by the petition, and the duties  
7 prescribed in this section for the county superintendent  
8 must be performed jointly by such county officials.

9 THERE IS A NEW MCA SECTION THAT READS:

10 Section 8. High school district consolidation of  
11 districts in two or more counties. Any two or more high  
12 school districts located in two or more counties and whose  
13 territory is contiguous may consolidate to organize a joint  
14 high school district. Whenever a joint district  
15 consolidation is considered by two or more districts, the  
16 procedure for consolidation with the assumption of bonded  
17 indebtedness prescribed in [section 2] and [section 6] must  
18 be used, except that each district shall submit its  
19 resolution or petition and its election certificate to the  
20 county superintendent of its resident county and the several  
21 county superintendents shall jointly perform the duties  
22 prescribed for the county superintendent in [section 2].

23 Section 9. Section 20-6-304, MCA, is amended to read:

24 "20-6-304. High school boundary commission  
25 procedure for boundary--changes division--new provisions"



1 ~~county into high school districts.~~ (1) Each county of the  
 2 state of Montana shall have a high school boundary  
 3 commission consisting of the board of county commissioners  
 4 and the county superintendent. Whenever a county  
 5 superintendent receives a resolution from the trustees of  
 6 any high school district requesting ~~a boundary change or a~~  
 7 ~~request the commission~~ to divide ~~or redivide~~ the county into  
 8 high school districts, he shall immediately notify the high  
 9 school boundary commission. Such commission shall set a  
 10 time, date, and place for a public hearing on the request.  
 11 The hearing shall be set for a date within 60 days after the  
 12 receipt of the request, and any interested person may appear  
 13 and be heard on such request. The county superintendent  
 14 shall send a written notice of the public hearing on a  
 15 requested ~~boundary change~~ ~~division or redivision~~ to the  
 16 trustees of each elementary ~~and high school~~ district of the  
 17 county which has territory that would be affected by the  
 18 change. The county superintendent shall also give notice of  
 19 such public hearing in accordance with the requirement for  
 20 school election notices prescribed by school election  
 21 provisions of this title. The certificate of the county  
 22 superintendent filed with the high school boundary  
 23 commission reciting that such notice requirements have been  
 24 satisfied shall be conclusive.

25 (2) In considering a request ~~to change high school~~

1 ~~district boundaries or~~ to divide ~~or redivide~~ the county into  
 2 high school districts, the high school boundary commission  
 3 shall give primary consideration to the convenience of the  
 4 high school pupils of the territory under consideration.  
 5 Such commission also shall consider the grouping of  
 6 elementary districts to be encompassed by a high school  
 7 district or districts and shall group contiguous elementary  
 8 districts within a high school district unless obstacles of  
 9 travel, such as mountains, rivers, impractical routes of  
 10 travel, or distance, make such grouping impractical. After  
 11 the hearing, the high school boundary commission ~~may grant~~  
 12 ~~or deny any request made under the provisions of 20-6-302~~  
 13 ~~for a high school district boundary change but~~ shall order  
 14 the division of the county into high school districts  
 15 whenever requested under the provisions of 20-6-303. ~~In the~~  
 16 ~~latter case the~~ ~~the~~ commission's discretion shall extend  
 17 only to the establishing of boundaries for the newly created  
 18 high school district or districts."

19 Section 10. Section 20-6-311, MCA, is amended to read:  
 20 "20-6-311. High school district boundary approval by  
 21 superintendent. Whenever a high school boundary commission  
 22 orders ~~changes in high school district boundaries or a~~  
 23 ~~division or redivision~~ of the county into high school  
 24 ~~districts~~ under the provisions of this title ~~20-6-304~~, its  
 25 order shall not be final until it has been approved by the

1 superintendent of public instruction. The superintendent of  
2 public instruction shall not approve any high school  
3 boundary commission order that:

4 (1) is dated less than 1 year since the last high  
5 school boundary commission order was approved for such  
6 county; OR

7 (2) has not been confirmed by the high school boundary  
8 commission of each county affected by the boundary change  
9 when it involves a joint high school district; ~~OR~~

10 ~~{3}--does--not--provide--for--the--high-school-district~~  
11 ~~boundaries--approved--by--the--electors--of--an--elementary~~  
12 ~~district-under-the-provisions-of-20-6-305-or-20-6-306."~~

13 Section 11. Section 20-6-402, MCA, is amended to read:

14 "20-6-402. Voluntary consolidation and annexation  
15 incentive plan. Sections 20-6-401 through 20-6-408 shall be  
16 known as the voluntary consolidation and annexation  
17 incentive plan. The purpose of this plan is to provide  
18 additional financial assistance to school districts that  
19 consolidate or annex under the provisions of 20-6-203,  
20 20-6-205, or 20-6-208 for elementary school districts or  
21 20-6-304 [section 2] or [section 4] for high school  
22 districts."

23 Section 12. Section 20-6-403, MCA, is amended to read:

24 "20-6-403. Application for bonus payment. Whenever two  
25 or more elementary school districts consolidate or annex

1 under the provisions of 20-6-203, 20-6-205, or 20-6-208 or  
2 two or more high school districts consolidate OR annex under  
3 the provisions of ~~20-6-304~~ [section 2] or [section 4], the  
4 enlarged district may make application for the bonus payment  
5 as provided herein if such consolidation or annexation shall  
6 result in the dissolution of at least one elementary or high  
7 school district. Application for the bonus payments must be  
8 made during the school year of the order creating the  
9 enlarged school district."

10 NEW SECTION. Section 13. Repealer. Sections 20-6-302,  
11 20-6-305, and 20-6-306, AND 20-6-310, MCA, are repealed.

12 NEW SECTION. Section 14. Codification instruction.  
13 Sections 1 through 7 & 8 are intended to be codified as an  
14 integral part of Title 20, chapter 6, part 3, and the  
15 provisions of Title 20 apply to sections 1 through 7 & 8.

-End-

## HOUSE BILL NO. 428

INTRODUCED BY ELLISON, EUDAILY, BERTELSEN, SCHULTZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE PROCEDURES FOR CHANGING HIGH SCHOOL DISTRICT BOUNDARIES THROUGH ANNEXATION, CONSOLIDATION, OR TRANSFER OF TERRITORY OF SUCH DISTRICTS; AMENDING SECTIONS 20-6-304, 20-6-311, 20-6-402, AND 20-6-403, MCA; REPEALING SECTIONS 20-6-302, 20-6-305, AND 20-6-306, ~~AND 20-6-310, MCA.~~"

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

NEW SECTION. Section 1. Time limitations for boundary changes. No high school district may be created and no high school district boundary may be changed between the first day of March and the second Monday of August of any calendar year except when:

(1) the entire territory of a high school district is annexed or attached to another high school district;

(2) the entire territory or portion of a joint high school district located in one county is annexed or attached to another high school district; or

(3) two or more districts are consolidated in their entirety.

NEW SECTION. Section 2. District consolidation. Any two or more high school districts in one county may

consolidate to organize a high school district. The consolidation must be conducted under the following procedure:

(1) At the time the consolidation proposition is first considered, the districts involved shall jointly determine whether the consolidation is to be made with or without the mutual assumption of the bonded indebtedness of each district by all districts included in the consolidation proposition.

(2) A consolidation proposition may be introduced, individually, in each of the districts by either of the following methods:

(a) the trustees may pass a resolution requesting the county superintendent to order an election to consider a consolidation proposition involving their district; or

(b) not less than 20% of the electors of a high school district who are qualified to vote under the provisions of 20-20-301 may petition the county superintendent requesting an election to consider a consolidation proposition involving their district.

(3) When the county superintendent receives a resolution or a valid petition from each of the districts included in the consolidation proposition, he shall, within 10 days after the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each

1 high school district included in the consolidation  
2 proposition to call a consolidation election.

3 (4) (a) Each district, individually, shall call and  
4 conduct an election in the manner prescribed in this title  
5 for school elections.

6 (b) In addition:

7 (i) if the districts to be consolidated are to  
8 mutually assume the bonded indebtedness of each district  
9 involved in the consolidation, the consolidation election  
10 must also follow the procedures prescribed in [section 5];  
11 or

12 (ii) if the districts to be consolidated are not to  
13 mutually assume the bonded indebtedness of each district  
14 involved in the consolidation, the consolidation election  
15 must also follow the procedures prescribed in 20-6-207.

16 (5) After the county superintendent receives the  
17 election certificate provided for in 20-20-416 from the  
18 trustees of each district included in a consolidation  
19 proposition, he shall determine if the consolidation  
20 proposition has been approved in each district. If each  
21 district has approved the consolidation proposition, he  
22 shall, within 10 days after the receipt of the election  
23 certificate, order the consolidation of such districts. If  
24 the order is for consolidation with the mutual assumption of  
25 bonded indebtedness of each high school district by all

1 districts included in the consolidation order, the order  
2 shall specify that all taxable real and personal property of  
3 the consolidated district shall assume the bonded  
4 indebtedness of each district. In addition, the order shall  
5 specify the number of the consolidated high school district.  
6 The superintendent shall send a copy of the order to the  
7 board of county commissioners and to the trustees of each  
8 district incorporated in the consolidation order.

9 (6) If any district included in the consolidation  
10 proposition disapproves the consolidation proposition, the  
11 consolidation of all districts fails and the county  
12 superintendent shall notify each district of the disapproval  
13 of the consolidation proposition.

14 **NEW SECTION.** Section 3. Conditions for high school  
15 district annexation. (1) A high school district may be  
16 annexed to another high school district located in the same  
17 county when:

18 (a) a third-class district is annexed to a first-class  
19 district or a second-class district; or

20 (b) a second-class district is annexed to a  
21 first-class district.

22 (2) The annexation of high school districts must be  
23 conducted under the provisions of [section 4].

24 **NEW SECTION.** Section 4. High school district  
25 annexation procedure. A high school district may be annexed

1 to another high school district located in the same county  
2 when one of the conditions of [section 3] is met in  
3 accordance with the following procedure:

4 (1) At the time the annexation proposition is first  
5 considered, the districts involved shall jointly determine  
6 whether the annexation is to be made with or without the  
7 joint assumption of the bonded indebtedness of the annexing  
8 district by the district to be annexed and the annexing  
9 district.

10 (2) An annexation proposition may be introduced in the  
11 district to be annexed by either of the following methods:

12 (a) the trustees may pass a resolution requesting the  
13 county superintendent to order an election to consider an  
14 annexation proposition for their district; or

15 (b) not less than 20% of the electors of the district  
16 who are qualified to vote under the provisions of 20-20-302  
17 20-20-301 may petition the county superintendent requesting  
18 an election to consider an annexation proposition for their  
19 district.

20 (3) Before ordering an election on the proposition,  
21 the county superintendent must receive from the trustees of  
22 the annexing district a resolution giving him the authority  
23 to annex such district.

24 (4) When the county superintendent receives  
25 authorization from the annexing district, he shall, within

1 10 days after the receipt of the resolution or a valid  
2 petition from the district to be annexed and as provided by  
3 20-20-201, order the trustees of the district to be annexed  
4 to call an annexation election.

5 (5) (a) The district shall call and conduct an  
6 election in the manner prescribed in this title for school  
7 elections.

8 (b) In addition:

9 (i) if the district to be annexed is to jointly assume  
10 with the annexing district the bonded indebtedness of the  
11 annexing district, the annexation election must also follow  
12 the procedures prescribed in [section 5]; or

13 (ii) if the district to be annexed is not to jointly  
14 assume with the annexing district the bonded indebtedness of  
15 the annexing district, the annexation election must also  
16 follow the procedures prescribed in [section 6].

17 (6) After the county superintendent receives the  
18 election certificate provided for in 20-20-416 from the  
19 trustees of the district conducting the annexation election  
20 and if the annexation proposition has been approved by such  
21 election, he shall order the annexation of the territory of  
22 the high school district voting on such proposition to the  
23 high school district that has authorized the annexation to  
24 its territory. The order must be issued within 10 days after  
25 the receipt of the election certificate and, if it is for

1 annexation with the assumption of bonded indebtedness, must  
 2 specify that all the taxable real and personal property of  
 3 the annexed territory shall jointly assume with the annexing  
 4 district the existing bonded indebtedness of the annexing  
 5 district. The county superintendent shall send a copy of the  
 6 order to the board of county commissioners and to the  
 7 trustees of the districts involved in the annexation order.

8 (7) If the annexation proposition is disapproved in  
 9 the district to be annexed, it fails and the county  
 10 superintendent shall notify each district of the disapproval  
 11 of the annexation proposition.

12 **NEW\_SECTION.** Section 5. Consolidation or annexation  
 13 election with assumption of bonded indebtedness. A  
 14 consolidation election involving the mutual assumption of  
 15 bonded indebtedness by the high school districts to be  
 16 consolidated as prescribed in [section 2] or an annexation  
 17 election involving the joint assumption of bonded  
 18 indebtedness by the high school districts to be annexed as  
 19 prescribed in [section 4] must comply with the following  
 20 procedures in addition to those prescribed by this title for  
 21 other school elections:

22 (1) In a consolidation election the ballots must read,  
 23 after stating the consolidation proposition, "FOR  
 24 consolidation with assumption of bonded indebtedness" and  
 25 "AGAINST consolidation with assumption of bonded

1 indebtedness".

2 (2) In an annexation election the ballots must read,  
 3 after stating the annexation proposition, "FOR annexation  
 4 with assumption of bonded indebtedness" and "AGAINST  
 5 annexation with assumption of bonded indebtedness".

6 (3) Any elector qualified to vote under the provisions  
 7 of 20-20-301 may vote.

8 (4) When the trustees in each high school district  
 9 conducting an election canvass the vote under the provisions  
 10 of 20-20-415, they shall decide according to the following  
 11 procedure if the proposition has been approved:

12 (a) determine if a sufficient number of the qualified  
 13 electors of the district voted to validate the election and  
 14 voted to approve the election proposition in the manner  
 15 required for bond elections by 20-9-428; and

16 (b) if the proposition is approved under subsection  
 17 (4)(a), determine the number of votes "FOR" and "AGAINST"  
 18 the proposition.

19 (5) If the proposition is disapproved under the  
 20 provisions of subsection (4)(a), the proposition is  
 21 disapproved in the district.

22 **NEW\_SECTION.** Section 6. Consolidation or annexation  
 23 election without assumption of bonded indebtedness. (1) A  
 24 consolidation election without the assumption of bonded  
 25 indebtedness by the high school districts to be consolidated

1 as prescribed in [section 2] or an annexation election  
 2 without the joint assumption of bonded indebtedness by the  
 3 high school district to be annexed as prescribed in [section  
 4 4] must be conducted in the manner prescribed by this title  
 5 for school elections. Any elector qualified to vote under  
 6 the provisions of ~~20-20-302~~ 20-20-301 may vote at the  
 7 election.

8 (2) In a consolidation election the ballots must read,  
 9 after stating the consolidation proposition, "FOR  
 10 consolidation without assumption of bonded indebtedness" and  
 11 "AGAINST consolidation without assumption of bonded  
 12 indebtedness". The consolidation proposition is approved by  
 13 a district if a majority of those voting in a district  
 14 approve the proposition; otherwise, it is disapproved.

15 (3) In an annexation election the ballots must read,  
 16 after stating the annexation proposition, "FOR annexation  
 17 without assumption of bonded indebtedness" and "AGAINST  
 18 annexation without assumption of bonded indebtedness". The  
 19 annexation proposition is approved by a district if a  
 20 majority of those voting approve the proposition; otherwise,  
 21 it is disapproved.

22 NEW SECTION. Section 7. Transfer of territory from  
 23 one high school district to another. (1) A majority of  
 24 electors of any high school district who are qualified to  
 25 vote under the provisions of ~~20-20-301~~ and who reside in

1 territory that is a part of a high school district may  
 2 petition the county superintendent to transfer such  
 3 territory to another high school district if:

4 (a) the territory adjoins the district to which it is  
 5 to be attached;

6 (b) the territory is not located within 3 miles, over  
 7 the shortest practical route, of an operating school of the  
 8 district from which it is to be detached;

9 (c) the transfer of such territory will not reduce the  
 10 taxable value of the district to less than \$300,000 unless  
 11 the remaining territory of the district contains not less  
 12 than 50,000 acres of nontaxable Indian land; and

13 (d) the board of trustees of the school district that  
 14 would receive the territory has approved the transfer.

15 (2) The petition must be addressed to the county  
 16 superintendent and shall:

17 (a) describe the territory that is requested to be  
 18 transferred and to what district it is to be transferred;

19 (b) state the reasons why such transfer is requested;  
 20 and

21 (c) state the number of high-school-age children  
 22 residing in such territory.

23 (3) On receipt of a valid petition for a territory  
 24 transfer, the county superintendent shall:

25 (a) file the petition;

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

(c) give notice of the place, date, and time of the hearing. The notices must be posted in the districts affected by the request in the manner prescribed in this title for school elections, with at least one notice posted in the territory to be transferred.

(4) The county superintendent shall conduct the hearing as scheduled, and any resident or taxpayer of either affected district must be heard. If the county superintendent considers it advisable and in the best interests of the residents of the territory, he shall grant the petitioned request and order the change of district boundaries to coincide with the boundary description in the petition. Otherwise, he shall by order deny the request. Either of the orders shall be final 20 days after its date unless it is appealed to the superintendent of public instruction by a resident of either district affected by the territory transfer. The decision of the superintendent of public instruction, after consideration of the material presented at the county superintendent's hearing, is final 30 days after its date.

(5) If a petition to transfer territory from one high school district to another high school district would create

a joint high school district or affect the boundary of any existing joint high school district, the petition must be presented to the county superintendent of the county where the territory is located. The county superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly by such county officials.

THERE IS A NEW MCA SECTION THAT READS:

Section 8. High school district consolidation of districts in two or more counties. Any two or more high school districts located in two or more counties and whose territory is contiguous may consolidate to organize a joint high school district. Whenever a joint district consolidation is considered by two or more districts, the procedure for consolidation with the assumption of bonded indebtedness prescribed in [section 2] and [section 6] must be used, except that each district shall submit its resolution or petition and its election certificate to the county superintendent of its resident county and the several county superintendents shall jointly perform the duties prescribed for the county superintendent in [section 2].

Section 9. Section 20-6-304, MCA, is amended to read: "20-6-304. High school boundary commission -- procedure for boundary--changes, division, or-redvision of



1 ~~county into high school districts.~~ (1) Each county of the  
 2 state of Montana shall have a high school boundary  
 3 commission consisting of the board of county commissioners  
 4 and the county superintendent. Whenever a county  
 5 superintendent receives a resolution from the trustees of  
 6 any high school district requesting ~~a boundary change or a~~  
 7 ~~request the commission~~ to divide or ~~redivide~~ the county into  
 8 high school districts, he shall immediately notify the high  
 9 school boundary commission. Such commission shall set a  
 10 time, date, and place for a public hearing on the request.  
 11 The hearing shall be set for a date within 60 days after the  
 12 receipt of the request, and any interested person may appear  
 13 and be heard on such request. The county superintendent  
 14 shall send a written notice of the public hearing on a  
 15 requested ~~boundary change~~ ~~division or redivision~~ to the  
 16 trustees of each elementary ~~and high school~~ district of the  
 17 county which has territory that would be affected by the  
 18 change. The county superintendent shall also give notice of  
 19 such public hearing in accordance with the requirement for  
 20 school election notices prescribed by school election  
 21 provisions of this title. The certificate of the county  
 22 superintendent filed with the high school boundary  
 23 commission reciting that such notice requirements have been  
 24 satisfied shall be ~~conclusive.~~

25 (2) In considering a request to ~~change high school~~

1 ~~district boundaries or~~ to divide or ~~redivide~~ the county into  
 2 high school districts, the high school boundary commission  
 3 shall give primary consideration to the convenience of the  
 4 high school pupils of the territory under consideration.  
 5 Such commission also shall consider the grouping of  
 6 elementary districts to be encompassed by a high school  
 7 district or districts and shall group contiguous elementary  
 8 districts within a high school district unless obstacles of  
 9 travel, such as mountains, rivers, impractical routes of  
 10 travel, or distance, make such grouping impractical. After  
 11 the hearing, the high school boundary commission ~~may grant~~  
 12 ~~or deny any request made under the provisions of 20-6-302~~  
 13 ~~for a high school district boundary change but~~ shall order  
 14 the division of the county into high school districts  
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 18 high school district or districts."

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 21 superintendent. Whenever a high school boundary commission  
 22 orders ~~changes in high school district boundaries or~~ a  
 23 division or ~~redivision~~ of the county ~~into high school~~  
 24 ~~districts under the provisions of this title~~ 20-6-304, its  
 25 order shall not be final until it has been approved by the

1 superintendent of public instruction. The superintendent of  
2 public instruction shall not approve any high school  
3 boundary commission order that:

4 (1) is dated less than 1 year since the last high  
5 school boundary commission order was approved for such  
6 county; or

7 (2) has not been confirmed by the high school boundary  
8 commission of each county affected by the boundary change  
9 when it involves a joint high school district; or

10 ~~(3) does not provide for the high school district~~  
11 ~~boundaries approved by the electors of an elementary~~  
12 ~~district under the provisions of 20-6-305 or 20-6-306."~~

13 Section 11. Section 20-6-402, MCA, is amended to read:

14 "20-6-402. Voluntary consolidation and annexation  
15 incentive plan. Sections 20-6-401 through 20-6-408 shall be  
16 known as the voluntary consolidation and annexation  
17 incentive plan. The purpose of this plan is to provide  
18 additional financial assistance to school districts that  
19 consolidate or annex under the provisions of 20-6-203,  
20 20-6-205, or 20-6-208 for elementary school districts or  
21 20-6-304 [section 2] or [section 4] for high school  
22 districts."

23 Section 12. Section 20-6-403, MCA, is amended to read:

24 "20-6-403. Application for bonus payment. Whenever two  
25 or more elementary school districts consolidate or annex

1 under the provisions of 20-6-203, 20-6-205, or 20-6-208 or  
2 two or more high school districts consolidate or annex under  
3 the provisions of 20-6-304 [section 2] or [section 4], the  
4 enlarged district may make application for the bonus payment  
5 as provided herein if such consolidation or annexation shall  
6 result in the dissolution of at least one elementary or high  
7 school district. Application for the bonus payments must be  
8 made during the school year of the order creating the  
9 enlarged school district."

10 NEW SECTION. Section 13. Repealer. Sections 20-6-302,  
11 20-6-305, and 20-6-306, AND 20-6-310, MCA, are repealed.

12 NEW SECTION. Section 14. Codification instruction.  
13 Sections 1 through 7 are intended to be codified as an  
14 integral part of Title 20, chapter 6, part 3, and the  
15 provisions of Title 20 apply to sections 1 through 7.

-End-

March 23, 1983

SENATE STANDING COMMITTEE REPORT  
(Education & Cultural Resources)

That House Bill No. 428 be amended as follows:

1. Page 12.

Following: line 22

Insert: "NEW SECTION. Section 9. Procedure to create new high school district. (1) A petition requesting the creation of a new high school 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 35 children between the ages of 14 and 18 years who reside in the territory that would be included in the new district and who reside more than 20 miles over the shortest practical route from an operating high school.

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

(a) file the petition;

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

(c) give notice of the place, date, and time of the hearing. Notice shall be posted in the districts affected by the request in the manner prescribed in this title for school elections, with a least one notice posted in the territory to be included in the new district.

(3) The county superintendent shall conduct the hearing as scheduled 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 conclusively denies the creation of a new district. If a hearing is conducted, any resident or taxpayer of the affected districts must be heard. If the county superintendent considers it advisable and in the best interest of the residents of the proposed new district, he shall grant the petitioned request and order the creation of a new high school district with its boundaries coinciding with the boundaries defined in the petition. Otherwise, he shall, by order, deny the request. In the order creating the new district, the county superintendent shall establish the effective date for its creation and the procedures for effecting an orderly transition.

SENATE STANDING COMMITTEE REPORT

House Bill No. 428

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(4) Either of the county superintendent's orders may be appealed to the superintendent of public instruction within 30 days after the date of the order. The appeal must be in writing, signed by not less than three electors, and state sufficient facts to show the appellant's right to appeal the order. The superintendent of public instruction shall review the appeal and after considering the material presented at the county superintendent's hearing and such other material as may be presented, he shall render a decision on the creating of the new high school district. Such decision is final.

(5) When a new high school district is created, the trustees of the elementary district where the high school buildings are located are the new high school trustees. Any trustee position vacancies that may occur in the other districts must be filled in the manner provided for filling trustee position vacancies for such district.

(6) The order of the county superintendent or, if his order is appealed, the decision of the superintendent of public instruction creating a new district under this section is null and void, and the new district ceases to exist, if the district does not open and operate a school within 2 years after the date of such order or decision. If the new district does not satisfy this requirement, the territory must be reincorporated in the district or districts in which it was located before the creation of such new district and the trustees are thereafter without capacity to act.

(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 one year after the final decision on the original petition."

Renumber: subsequent sections

## HOUSE BILL NO. 428

INTRODUCED BY ELLISON, EUDAILY, BERTELSEN, SCHULTZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE PROCEDURES FOR CHANGING HIGH SCHOOL DISTRICT BOUNDARIES THROUGH ANNEXATION, CONSOLIDATION, OR TRANSFER OF TERRITORY OF SUCH DISTRICTS; AMENDING SECTIONS 20-6-304, 20-6-311, 20-6-402, AND 20-6-403, MCA; REPEALING SECTIONS 20-6-302, 20-6-305, AND 20-6-306, ~~AND 20-6-310~~, MCA."

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

NEW SECTION. Section 1. Time limitations for boundary changes. No high school district may be created and no high school district boundary may be changed between the first day of March and the second Monday of August of any calendar year except when:

(1) the entire territory of a high school district is annexed or attached to another high school district;

(2) the entire territory or portion of a joint high school district located in one county is annexed or attached to another high school district; or

(3) two or more districts are consolidated in their entirety.

NEW SECTION. Section 2. District consolidation. Any two or more high school districts in one county may

consolidate to organize a high school district. The consolidation must be conducted under the following procedure:

(1) At the time the consolidation proposition is first considered, the districts involved shall jointly determine whether the consolidation is to be made with or without the mutual assumption of the bonded indebtedness of each district by all districts included in the consolidation proposition.

(2) A consolidation proposition may be introduced, individually, in each of the districts by either of the following methods:

(a) the trustees may pass a resolution requesting the county superintendent to order an election to consider a consolidation proposition involving their district; or

(b) not less than 20% of the electors of a high school district who are qualified to vote under the provisions of 20-20-301 may petition the county superintendent requesting an election to consider a consolidation proposition involving their district.

(3) When the county superintendent receives a resolution or a valid petition from each of the districts included in the consolidation proposition, he shall, within 10 days after the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each

1 high school district included in the consolidation  
2 proposition to call a consolidation election.

3 (4) (a) Each district, individually, shall call and  
4 conduct an election in the manner prescribed in this title  
5 for school elections.

6 (b) In addition:

7 (i) If the districts to be consolidated are to  
8 mutually assume the bonded indebtedness of each district  
9 involved in the consolidation, the consolidation election  
10 must also follow the procedures prescribed in [section 5];  
11 or

12 (ii) If the districts to be consolidated are not to  
13 mutually assume the bonded indebtedness of each district  
14 involved in the consolidation, the consolidation election  
15 must also follow the procedures prescribed in 20-6-207.

16 (5) After the county superintendent receives the  
17 election certificate provided for in 20-20-416 from the  
18 trustees of each district included in a consolidation  
19 proposition, he shall determine if the consolidation  
20 proposition has been approved in each district. If each  
21 district has approved the consolidation proposition, he  
22 shall, within 10 days after the receipt of the election  
23 certificate, order the consolidation of such districts. If  
24 the order is for consolidation with the mutual assumption of  
25 bonded indebtedness of each high school district by all

1 districts included in the consolidation order, the order  
2 shall specify that all taxable real and personal property of  
3 the consolidated district shall assume the bonded  
4 indebtedness of each district. In addition, the order shall  
5 specify the number of the consolidated high school district.  
6 The superintendent shall send a copy of the order to the  
7 board of county commissioners and to the trustees of each  
8 district incorporated in the consolidation order.

9 (6) If any district included in the consolidation  
10 proposition disapproves the consolidation proposition, the  
11 consolidation of all districts fails and the county  
12 superintendent shall notify each district of the disapproval  
13 of the consolidation proposition.

14 NEW SECTION. Section 3. Conditions for high school  
15 district annexation. (1) A high school district may be  
16 annexed to another high school district located in the same  
17 county when:

18 (a) a third-class district is annexed to a first-class  
19 district or a second-class district; or

20 (b) a second-class district is annexed to a  
21 first-class district.

22 (2) The annexation of high school districts must be  
23 conducted under the provisions of [section 4].

24 NEW SECTION. Section 4. High school district  
25 annexation procedure. A high school district may be annexed

1 to another high school district located in the same county  
 2 when one of the conditions of [section 3] is met in  
 3 accordance with the following procedure:

4 (1) At the time the annexation proposition is first  
 5 considered, the districts involved shall jointly determine  
 6 whether the annexation is to be made with or without the  
 7 joint assumption of the bonded indebtedness of the annexing  
 8 district by the district to be annexed and the annexing  
 9 district.

10 (2) An annexation proposition may be introduced in the  
 11 district to be annexed by either of the following methods:

12 (a) the trustees may pass a resolution requesting the  
 13 county superintendent to order an election to consider an  
 14 annexation proposition for their district; or

15 (b) not less than 20% of the electors of the district  
 16 who are qualified to vote under the provisions of ~~20-20-302~~  
 17 ~~20-20-301~~ may petition the county superintendent requesting  
 18 an election to consider an annexation proposition for their  
 19 district.

20 (3) Before ordering an election on the proposition,  
 21 the county superintendent must receive from the trustees of  
 22 the annexing district a resolution giving him the authority  
 23 to annex such district.

24 (4) When the county superintendent receives  
 25 authorization from the annexing district, he shall, within

1 10 days after the receipt of the resolution or a valid  
 2 petition from the district to be annexed and as provided by  
 3 20-20-201, order the trustees of the district to be annexed  
 4 to call an annexation election.

5 (5) (a) The district shall call and conduct an  
 6 election in the manner prescribed in this title for school  
 7 elections.

8 (b) In addition:

9 (i) If the district to be annexed is to jointly assume  
 10 with the annexing district the bonded indebtedness of the  
 11 annexing district, the annexation election must also follow  
 12 the procedures prescribed in [section 5]; or

13 (ii) If the district to be annexed is not to jointly  
 14 assume with the annexing district the bonded indebtedness of  
 15 the annexing district, the annexation election must also  
 16 follow the procedures prescribed in [section 6].

17 (6) After the county superintendent receives the  
 18 election certificate provided for in 20-20-416 from the  
 19 trustees of the district conducting the annexation election  
 20 and if the annexation proposition has been approved by such  
 21 election, he shall order the annexation of the territory of  
 22 the high school district voting on such proposition to the  
 23 high school district that has authorized the annexation to  
 24 its territory. The order must be issued within 10 days after  
 25 the receipt of the election certificate and, if it is for

1 annexation with the assumption of bonded indebtedness, must  
 2 specify that all the taxable real and personal property of  
 3 the annexed territory shall jointly assume with the annexing  
 4 district the existing bonded indebtedness of the annexing  
 5 district. The county superintendent shall send a copy of the  
 6 order to the board of county commissioners and to the  
 7 trustees of the districts involved in the annexation order.

8 (7) If the annexation proposition is disapproved in  
 9 the district to be annexed, it fails and the county  
 10 superintendent shall notify each district of the disapproval  
 11 of the annexation proposition.

12 **NEW SECTION.** Section 5. Consolidation or annexation  
 13 election with assumption of bonded indebtedness. A  
 14 consolidation election involving the mutual assumption of  
 15 bonded indebtedness by the high school districts to be  
 16 consolidated as prescribed in [section 2] or an annexation  
 17 election involving the joint assumption of bonded  
 18 indebtedness by the high school districts to be annexed as  
 19 prescribed in [section 4] must comply with the following  
 20 procedures in addition to those prescribed by this title for  
 21 other school elections:

22 (1) In a consolidation election the ballots must read,  
 23 after stating the consolidation proposition, "FOR  
 24 consolidation with assumption of bonded indebtedness" and  
 25 "AGAINST consolidation with assumption of bonded

1 indebtedness".

2 (2) In an annexation election the ballots must read,  
 3 after stating the annexation proposition, "FOR annexation  
 4 with assumption of bonded indebtedness" and "AGAINST  
 5 annexation with assumption of bonded indebtedness".

6 (3) Any elector qualified to vote under the provisions  
 7 of 20-20-301 may vote.

8 (4) When the trustees in each high school district  
 9 conducting an election canvass the vote under the provisions  
 10 of 20-20-415, they shall decide according to the following  
 11 procedure if the proposition has been approved:

12 (a) determine if a sufficient number of the qualified  
 13 electors of the district voted to validate the election and  
 14 voted to approve the election proposition in the manner  
 15 required for bond elections by 20-9-428; and

16 (b) if the proposition is approved under subsection  
 17 (4)(a), determine the number of votes "FOR" and "AGAINST"  
 18 the proposition.

19 (5) If the proposition is disapproved under the  
 20 provisions of subsection (4)(a), the proposition is  
 21 disapproved in the district.

22 **NEW SECTION.** Section 6. Consolidation or annexation  
 23 election without assumption of bonded indebtedness. (1) A  
 24 consolidation election without the assumption of bonded  
 25 indebtedness by the high school districts to be consolidated



1 as prescribed in [section 2] or an annexation election  
 2 without the joint assumption of bonded indebtedness by the  
 3 high school district to be annexed as prescribed in [section  
 4 4] must be conducted in the manner prescribed by this title  
 5 for school elections. Any elector qualified to vote under  
 6 the provisions of ~~20-20-302~~ 20-20-301 may vote at the  
 7 election.

8 (2) In a consolidation election the ballots must read,  
 9 after stating the consolidation proposition, "FOR  
 10 consolidation without assumption of bonded indebtedness" and  
 11 "AGAINST consolidation without assumption of bonded  
 12 indebtedness". The consolidation proposition is approved by  
 13 a district if a majority of those voting in a district  
 14 approve the proposition; otherwise, it is disapproved.

15 (3) In an annexation election the ballots must read,  
 16 after stating the annexation proposition, "FOR annexation  
 17 without assumption of bonded indebtedness" and "AGAINST  
 18 annexation without assumption of bonded indebtedness". The  
 19 annexation proposition is approved by a district if a  
 20 majority of those voting approve the proposition; otherwise,  
 21 it is disapproved.

22 NEW SECTION. Section 7. Transfer of territory from  
 23 one high school district to another. (1) A majority of  
 24 electors of any high school district who are qualified to  
 25 vote under the provisions of 20-20-301 and who reside in

1 territory that is a part of a high school district may  
 2 petition the county superintendent to transfer such  
 3 territory to another high school district if:

4 (a) the territory adjoins the district to which it is  
 5 to be attached;

6 (b) the territory is not located within 3 miles, over  
 7 the shortest practical route, of an operating school of the  
 8 district from which it is to be detached;

9 (c) the transfer of such territory will not reduce the  
 10 taxable value of the district to less than \$300,000 unless  
 11 the remaining territory of the district contains not less  
 12 than 50,000 acres of nontaxable Indian land; and

13 (d) the board of trustees of the school district that  
 14 would receive the territory has approved the transfer.

15 (2) The petition must be addressed to the county  
 16 superintendent and shall:

17 (a) describe the territory that is requested to be  
 18 transferred and to what district it is to be transferred;

19 (b) state the reasons why such transfer is requested;  
 20 and

21 (c) state the number of high-school-age children  
 22 residing in such territory.

23 (3) On receipt of a valid petition for a territory  
 24 transfer, the county superintendent shall:

25 (a) file the petition;

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

(c) give notice of the place, date, and time of the hearing. The notices must be posted in the districts affected by the request in the manner prescribed in this title for school elections, with at least one notice posted in the territory to be transferred.

(4) The county superintendent shall conduct the hearing as scheduled, and any resident or taxpayer of either affected district must be heard. If the county superintendent considers it advisable and in the best interests of the residents of the territory, he shall grant the petitioned request and order the change of district boundaries to coincide with the boundary description in the petition. Otherwise, he shall by order deny the request. Either of the orders shall be final 20 days after its date unless it is appealed to the superintendent of public instruction by a resident of either district affected by the territory transfer. The decision of the superintendent of public instruction, after consideration of the material presented at the county superintendent's hearing, is final 30 days after its date.

(5) If a petition to transfer territory from one high school district to another high school district would create

a joint high school district or affect the boundary of any existing joint high school district, the petition must be presented to the county superintendent of the county where the territory is located. The county superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly by such county officials.

THERE IS A NEW MCA SECTION THAT READS:

Section 8. High school district consolidation of districts in two or more counties. Any two or more high school districts located in two or more counties and whose territory is contiguous may consolidate to organize a joint high school district. Whenever a joint district consolidation is considered by two or more districts, the procedure for consolidation with the assumption of bonded indebtedness prescribed in [section 2] and [section 6] must be used, except that each district shall submit its resolution or petition and its election certificate to the county superintendent of its resident county and the several county superintendents shall jointly perform the duties prescribed for the county superintendent in [section 2].

THERE IS A NEW MCA SECTION THAT READS:

Section 9. Procedure to create new high school district.  
(1) A petition requesting the creation of a new high school

1 district or districts shall be addressed to the county  
2 superintendent and shall:

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

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

9 (c) be signed by the parents or guardians of not less  
10 than 35 children between the ages of 14 and 18 years who  
11 reside in the territory that would be included in the new  
12 district and who reside more than 20 miles over the shortest  
13 practical route from an operating high school.

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

17 (a) file the petition;

18 (b) set a hearing place, date, and time for  
19 consideration of the petition that is not more than 40 days  
20 after the receipt of the petition; and

21 (c) give notice of the place, date, and time of the  
22 hearing. Notice shall be posted in the districts affected by  
23 the request in the manner prescribed in this title for  
24 school elections, with at least one notice posted in the  
25 territory to be included in the new district.

1 (3) The county superintendent shall conduct the  
2 hearing as scheduled unless before or at the time of the  
3 hearing he receives a protest petition signed by a majority  
4 of the electors of the proposed new district who are  
5 qualified to vote under the provisions of 20-20-301. A valid  
6 protest petition conclusively denies the creation of a new  
7 district. If a hearing is conducted, any resident or  
8 taxpayer of the affected districts must be heard. If the  
9 county superintendent considers it advisable and in the best  
10 interest of the residents of the proposed new district, he  
11 shall grant the petitioned request and order the creation of  
12 a new high school district with its boundaries coinciding  
13 with the boundaries defined in the petition. Otherwise, he  
14 shall by order deny the request. In the order creating the  
15 new district, the county superintendent shall establish the  
16 effective date for its creation and the procedures for  
17 effecting an orderly transition.

18 (4) Either of the county superintendent's orders may  
19 be appealed to the superintendent of public instruction  
20 within 30 days after the date of the order. The appeal must  
21 be in writing, signed by not less than three electors, and  
22 state sufficient facts to show the appellants' right to  
23 appeal the order. The superintendent of public instruction  
24 shall review the appeal, and after considering the material  
25 presented at the county superintendent's hearing and such

1 other material as may be presented, he shall render a  
2 decision on the creating of the new high school district.  
3 Such decision is final.

4 (5) When a new high school district is created, the  
5 trustees of the elementary district where the high school  
6 buildings are located are the new high school trustees. Any  
7 trustee position vacancies that may occur in the other  
8 districts must be filled in the manner provided for filling  
9 trustee position vacancies for such district.

10 (6) The order of the county superintendent or, if his  
11 order is appealed, the decision of the superintendent of  
12 public instruction creating a new district under this  
13 section is null and void and the new district ceases to  
14 exist if the district does not open and operate a school  
15 within 2 years after the date of such order or decision. If  
16 the new district does not satisfy this requirement, the  
17 territory must be reincorporated in the district or  
18 districts in which it was located before the creation of  
19 such new district and the trustees are thereafter without  
20 capacity to act.

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

25 Section 10. Section 20-6-304, MCA, is amended to read:

1 "20-6-304. High school boundary commission --  
2 procedure for boundary-change, divisions--or--redivision of  
3 county into high school districts. (1) Each county of the  
4 state of Montana shall have a high school boundary  
5 commission consisting of the board of county commissioners  
6 and the county superintendent. Whenever a county  
7 superintendent receives a resolution from the trustees of  
8 any high school district requesting a boundary-change--or--a  
9 request the commission to divide or-redivide the county into  
10 high school districts, he shall immediately notify the high  
11 school boundary commission. Such commission shall set a  
12 time, date, and place for a public hearing on the request.  
13 The hearing shall be set for a date within 60 days after the  
14 receipt of the request, and any interested person may appear  
15 and be heard on such request. The county superintendent  
16 shall send a written notice of the public hearing on a  
17 requested boundary-change, divisions--or--redivision to the  
18 trustees of each elementary and-high-school district of the  
19 county which has territory that would be affected by the  
20 change. The county superintendent shall also give notice of  
21 such public hearing in accordance with the requirement for  
22 school election notices prescribed by school election  
23 provisions of this title. The certificate of the county  
24 superintendent filed with the high school boundary  
25 commission reciting that such notice requirements have been

1 satisfied shall be conclusive.

2 (2) In considering a request to change high school  
3 district boundaries or to divide or redivide the county into  
4 high school districts, the high school boundary commission  
5 shall give primary consideration to the convenience of the  
6 high school pupils of the territory under consideration.  
7 Such commission also shall consider the grouping of  
8 elementary districts to be encompassed by a high school  
9 district or districts and shall group contiguous elementary  
10 districts within a high school district unless obstacles of  
11 travel, such as mountains, rivers, impractical routes of  
12 travel, or distance, make such grouping impractical. After  
13 the hearing, the high school boundary commission may grant  
14 or deny any request made under the provisions of 20-6-302  
15 for a high school district boundary change but shall order  
16 the division of the county into high school districts  
17 whenever requested under the provisions of 20-6-303. In the  
18 latter case the high school commission's discretion shall extend  
19 only to the establishing of boundaries for the newly created  
20 high school district or districts."

21 Section 11. Section 20-6-311, MCA, is amended to read:

22 "20-6-311. High school district boundary approval by  
23 superintendent. Whenever a high school boundary commission  
24 orders changes in high school district boundaries or a  
25 division or redivision of the county into high school

1 districts under the provisions of this title 20-6-304, its  
2 order shall not be final until it has been approved by the  
3 superintendent of public instruction. The superintendent of  
4 public instruction shall not approve any high school  
5 boundary commission order that:

6 (1) is dated less than 1 year since the last high  
7 school boundary commission order was approved for such  
8 county; or

9 (2) has not been confirmed by the high school boundary  
10 commission of each county affected by the boundary change  
11 when it involves a joint high school district; or

12 (3) does not provide for the high school district  
13 boundaries approved by the electors of an elementary  
14 district under the provisions of 20-6-305 or 20-6-306."

15 Section 12. Section 20-6-402, MCA, is amended to read:

16 "20-6-402. Voluntary consolidation and annexation  
17 incentive plan. Sections 20-6-401 through 20-6-408 shall be  
18 known as the voluntary consolidation and annexation  
19 incentive plan. The purpose of this plan is to provide  
20 additional financial assistance to school districts that  
21 consolidate or annex under the provisions of 20-6-203,  
22 20-6-205, or 20-6-208 for elementary school districts or  
23 20-6-304 [section 2] or [section 4] for high school  
24 districts."

25 Section 13. Section 20-6-403, MCA, is amended to read:

1       "20-6-403. Application for bonus payment. Whenever two  
2       or more elementary school districts consolidate or annex  
3       under the provisions of 20-6-203, 20-6-205, or 20-6-208 or  
4       two or more high school districts consolidate ~~or annex~~ under  
5       the provisions of ~~20-6-304~~ [section 2] ~~or [section 4]~~, the  
6       enlarged district may make application for the bonus payment  
7       as provided herein if such consolidation or annexation shall  
8       result in the dissolution of at least one elementary or high  
9       school district. Application for the bonus payments must be  
10      made during the school year of the order creating the  
11      enlarged school district."

12      ~~NEW SECTION.~~ Section 14. Repealer. Sections 20-6-302,  
13      20-6-305, and 20-6-306, ~~AND 20-6-310~~, MCA, are repealed.

14      ~~NEW SECTION.~~ Section 15. Codification instruction.  
15      Sections 1 through 7 ~~8~~ are intended to be codified as an  
16      integral part of Title 20, chapter 6, part 3, and the  
17      provisions of Title 20 apply to sections 1 through 7 ~~8~~.

-End-

.....April 10, 1983.....~~xx~~.....

FREE CONFERENCE COMMITTEE  
ON HOUSE BILL NO. 428

(Report No. 1, April 10, 1983)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill 428, met  
April 10, 1983, and considered;

Senate Education and Cultural Resources Committee Amendments  
to the third reading copy, dated March 23, 1983, and recommend  
as follows:


That the Senate recede from Education and Cultural Resources  
Committee amendment no. 1, dated March 23, 1983;

And, that the Free Conference Committee Report to Senate Bill  
No. 428 be adopted.

FOR THE HOUSE:

  
PECK, Chairman


  
HAMMOND, J.

  
EUDAILY

FOR THE SENATE:

  
BROWN, Chairman

  
BLAYLOCK

  
SMITH

## HOUSE BILL NO. 428

INTRODUCED BY ELLISON, EUDAILY, BERTELSEN, SCHULTZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE PROCEDURES FOR CHANGING HIGH SCHOOL DISTRICT BOUNDARIES THROUGH ANNEXATION, CONSOLIDATION, OR TRANSFER OF TERRITORY OF SUCH DISTRICTS; AMENDING SECTIONS 20-6-304, 20-6-311, 20-6-402, AND 20-6-403, MCA; REPEALING SECTIONS 20-6-302, 20-6-305, AND 20-6-306, AND 20-6-310, MCA."

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

NEW SECTION. Section 1. Time limitations for boundary changes. No high school district may be created and no high school district boundary may be changed between the first day of March and the second Monday of August of any calendar year except when:

(1) the entire territory of a high school district is annexed or attached to another high school district;

(2) the entire territory or portion of a joint high school district located in one county is annexed or attached to another high school district; or

(3) two or more districts are consolidated in their entirety.

NEW SECTION. Section 2. District consolidation. Any two or more high school districts in one county may

consolidate to organize a high school district. The consolidation must be conducted under the following procedure:

(1) At the time the consolidation proposition is first considered, the districts involved shall jointly determine whether the consolidation is to be made with or without the mutual assumption of the bonded indebtedness of each district by all districts included in the consolidation proposition.

(2) A consolidation proposition may be introduced, individually, in each of the districts by either of the following methods:

(a) the trustees may pass a resolution requesting the county superintendent to order an election to consider a consolidation proposition involving their district; or

(b) not less than 20% of the electors of a high school district who are qualified to vote under the provisions of 20-20-301 may petition the county superintendent requesting an election to consider a consolidation proposition involving their district.

(3) When the county superintendent receives a resolution or a valid petition from each of the districts included in the consolidation proposition, he shall, within 10 days after the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each



1 high school district included in the consolidation  
2 proposition to call a consolidation election.

3 (4) (a) Each district, individually, shall call and  
4 conduct an election in the manner prescribed in this title  
5 for school elections.

6 (b) In addition:

7 (i) if the districts to be consolidated are to  
8 mutually assume the bonded indebtedness of each district  
9 involved in the consolidation, the consolidation election  
10 must also follow the procedures prescribed in [section 5];  
11 or

12 (ii) if the districts to be consolidated are not to  
13 mutually assume the bonded indebtedness of each district  
14 involved in the consolidation, the consolidation election  
15 must also follow the procedures prescribed in 20-6-207.

16 (5) After the county superintendent receives the  
17 election certificate provided for in 20-20-416 from the  
18 trustees of each district included in a consolidation  
19 proposition, he shall determine if the consolidation  
20 proposition has been approved in each district. If each  
21 district has approved the consolidation proposition, he  
22 shall, within 10 days after the receipt of the election  
23 certificate, order the consolidation of such districts. If  
24 the order is for consolidation with the mutual assumption of  
25 bonded indebtedness of each high school district by all

1 districts included in the consolidation order, the order  
2 shall specify that all taxable real and personal property of  
3 the consolidated district shall assume the bonded  
4 indebtedness of each district. In addition, the order shall  
5 specify the number of the consolidated high school district.  
6 The superintendent shall send a copy of the order to the  
7 board of county commissioners and to the trustees of each  
8 district incorporated in the consolidation order.

9 (6) If any district included in the consolidation  
10 proposition disapproves the consolidation proposition, the  
11 consolidation of all districts fails and the county  
12 superintendent shall notify each district of the disapproval  
13 of the consolidation proposition.

14 ~~NEW SECTION.~~ Section 3. Conditions for high school  
15 district annexation. (1) A high school district may be  
16 annexed to another high school district located in the same  
17 county when:

18 (a) a third-class district is annexed to a first-class  
19 district or a second-class district; or

20 (b) a second-class district is annexed to a  
21 first-class district.

22 (2) The annexation of high school districts must be  
23 conducted under the provisions of [section 4].

24 ~~NEW SECTION.~~ Section 4. High school district  
25 annexation procedure. A high school district may be annexed

1 to another high school district located in the same county  
2 when one of the conditions of [section 3] is met in  
3 accordance with the following procedures:

4 (1) At the time the annexation proposition is first  
5 considered, the districts involved shall jointly determine  
6 whether the annexation is to be made with or without the  
7 joint assumption of the bonded indebtedness of the annexing  
8 district by the district to be annexed and the annexing  
9 district.

10 (2) An annexation proposition may be introduced in the  
11 district to be annexed by either of the following methods:

12 (a) the trustees may pass a resolution requesting the  
13 county superintendent to order an election to consider an  
14 annexation proposition for their district; or

15 (b) not less than 20% of the electors of the district  
16 who are qualified to vote under the provisions of ~~20-20-302~~  
17 ~~20-20-301~~ may petition the county superintendent requesting  
18 an election to consider an annexation proposition for their  
19 district.

20 (3) Before ordering an election on the proposition,  
21 the county superintendent must receive from the trustees of  
22 the annexing district a resolution giving him the authority  
23 to annex such district.

24 (4) When the county superintendent receives  
25 authorization from the annexing district, he shall, within

1 10 days after the receipt of the resolution or a valid  
2 petition from the district to be annexed and as provided by  
3 20-20-201, order the trustees of the district to be annexed  
4 to call an annexation election.

5 (5) (a) The district shall call and conduct an  
6 election in the manner prescribed in this title for school  
7 elections.

8 (b) In addition:

9 (i) if the district to be annexed is to jointly assume  
10 with the annexing district the bonded indebtedness of the  
11 annexing district, the annexation election must also follow  
12 the procedures prescribed in [section 5]; or

13 (ii) if the district to be annexed is not to jointly  
14 assume with the annexing district the bonded indebtedness of  
15 the annexing district, the annexation election must also  
16 follow the procedures prescribed in [section 6].

17 (6) After the county superintendent receives the  
18 election certificate provided for in 20-20-416 from the  
19 trustees of the district conducting the annexation election  
20 and if the annexation proposition has been approved by such  
21 election, he shall order the annexation of the territory of  
22 the high school district voting on such proposition to the  
23 high school district that has authorized the annexation to  
24 its territory. The order must be issued within 10 days after  
25 the receipt of the election certificate and, if it is for

1 annexation with the assumption of bonded indebtedness, must  
 2 specify that all the taxable real and personal property of  
 3 the annexed territory shall jointly assume with the annexing  
 4 district the existing bonded indebtedness of the annexing  
 5 district. The county superintendent shall send a copy of the  
 6 order to the board of county commissioners and to the  
 7 trustees of the districts involved in the annexation order.

8 (7) If the annexation proposition is disapproved in  
 9 the district to be annexed, it fails and the county  
 10 superintendent shall notify each district of the disapproval  
 11 of the annexation proposition.

12 NEW SECTION. Section 5. Consolidation or annexation  
 13 election with assumption of bonded indebtedness. A  
 14 consolidation election involving the mutual assumption of  
 15 bonded indebtedness by the high school districts to be  
 16 consolidated as prescribed in [section 2] or an annexation  
 17 election involving the joint assumption of bonded  
 18 indebtedness by the high school districts to be annexed as  
 19 prescribed in [section 4] must comply with the following  
 20 procedures in addition to those prescribed by this title for  
 21 other school elections:

22 (1) In a consolidation election the ballots must read,  
 23 after stating the consolidation proposition, "FOR  
 24 consolidation with assumption of bonded indebtedness" and  
 25 "AGAINST consolidation with assumption of bonded

1 indebtedness".

2 (2) In an annexation election the ballots must read,  
 3 after stating the annexation proposition, "FOR annexation  
 4 with assumption of bonded indebtedness" and "AGAINST  
 5 annexation with assumption of bonded indebtedness".

6 (3) Any elector qualified to vote under the provisions  
 7 of 20-20-301 may vote.

8 (4) When the trustees in each high school district  
 9 conducting an election canvass the vote under the provisions  
 10 of 20-20-415, they shall decide according to the following  
 11 procedure if the proposition has been approved:

12 (a) determine if a sufficient number of the qualified  
 13 electors of the district voted to validate the election and  
 14 voted to approve the election proposition in the manner  
 15 required for bond elections by 20-9-428; and

16 (b) if the proposition is approved under subsection  
 17 (4)(a), determine the number of votes "FOR" and "AGAINST"  
 18 the proposition.

19 (5) If the proposition is disapproved under the  
 20 provisions of subsection (4)(a), the proposition is  
 21 disapproved in the district.

22 NEW SECTION. Section 6. Consolidation or annexation  
 23 election without assumption of bonded indebtedness. (1) A  
 24 consolidation election without the assumption of bonded  
 25 indebtedness by the high school districts to be consolidated

1 as prescribed in [section 2] or an annexation election  
 2 without the joint assumption of bonded indebtedness by the  
 3 high school district to be annexed as prescribed in [section  
 4 4] must be conducted in the manner prescribed by this title  
 5 for school elections. Any elector qualified to vote under  
 6 the provisions of ~~20-20-302~~ 20-20-301 may vote at the  
 7 election.

8 (2) In a consolidation election the ballots must read,  
 9 after stating the consolidation proposition, "FOR  
 10 consolidation without assumption of bonded indebtedness" and  
 11 "AGAINST consolidation without assumption of bonded  
 12 indebtedness". The consolidation proposition is approved by  
 13 a district if a majority of those voting in a district  
 14 approve the proposition; otherwise, it is disapproved.

15 (3) In an annexation election the ballots must read,  
 16 after stating the annexation proposition, "FOR annexation  
 17 without assumption of bonded indebtedness" and "AGAINST  
 18 annexation without assumption of bonded indebtedness". The  
 19 annexation proposition is approved by a district if a  
 20 majority of those voting approve the proposition; otherwise,  
 21 it is disapproved.

22 NEW SECTION. Section 7. Transfer of territory from  
 23 one high school district to another. (1) A majority of  
 24 electors of any high school district who are qualified to  
 25 vote under the provisions of 20-20-301 and who reside in

1 territory that is a part of a high school district may  
 2 petition the county superintendent to transfer such  
 3 territory to another high school district if:

4 (a) the territory adjoins the district to which it is  
 5 to be attached;

6 (b) the territory is not located within 3 miles, over  
 7 the shortest practical route, of an operating school of the  
 8 district from which it is to be detached;

9 (c) the transfer of such territory will not reduce the  
 10 taxable value of the district to less than \$300,000 unless  
 11 the remaining territory of the district contains not less  
 12 than 50,000 acres of nontaxable Indian land; and

13 (d) the board of trustees of the school district that  
 14 would receive the territory has approved the transfer.

15 (2) The petition must be addressed to the county  
 16 superintendent and shall:

17 (a) describe the territory that is requested to be  
 18 transferred and to what district it is to be transferred;

19 (b) state the reasons why such transfer is requested;  
 20 and

21 (c) state the number of high-school-age children  
 22 residing in such territory.

23 (3) On receipt of a valid petition for a territory  
 24 transfer, the county superintendent shall:

25 (a) file the petition;

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

(c) give notice of the place, date, and time of the hearing. The notices must be posted in the districts affected by the request in the manner prescribed in this title for school elections, with at least one notice posted in the territory to be transferred.

(4) The county superintendent shall conduct the hearing as scheduled, and any resident or taxpayer of either affected district must be heard. If the county superintendent considers it advisable and in the best interests of the residents of the territory, he shall grant the petitioned request and order the change of district boundaries to coincide with the boundary description in the petition. Otherwise, he shall by order deny the request. Either of the orders shall be final 20 days after its date unless it is appealed to the superintendent of public instruction by a resident of either district affected by the territory transfer. The decision of the superintendent of public instruction, after consideration of the material presented at the county superintendent's hearing, is final 30 days after its date.

(5) If a petition to transfer territory from one high school district to another high school district would create

a joint high school district or affect the boundary of any existing joint high school district, the petition must be presented to the county superintendent of the county where the territory is located. The county superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly by such county officials.

THERE IS A NEW MCA SECTION THAT READS:

Section 8. High school district consolidation of districts in two or more counties. Any two or more high school districts located in two or more counties and whose territory is contiguous may consolidate to organize a joint high school district. Whenever a joint district consolidation is considered by two or more districts, the procedure for consolidation with the assumption of bonded indebtedness prescribed in [section 2] and [section 6] must be used, except that each district shall submit its resolution or petition and its election certificate to the county superintendent of its resident county and the several county superintendents shall jointly perform the duties prescribed for the county superintendent in [section 2].

~~THERE IS A NEW MCA SECTION THAT READS:~~

~~Section 9. Procedure to create new high school districts.~~  
~~(1) A petition requesting the creation of a new high school~~

1 district--or--districts--shall--be--addressed--to--the--county  
2 superintendent--and--shall:

3 {a}--describe--the--territory--that--is--requested--to--be  
4 incorporated--in--the--new--district--and--the--taxable--value--of  
5 such--territory--as--shown--by--the--last--completed--assessment  
6 rolls;

7 {b}--state--the--reasons--why--the--creation--of--a--new  
8 district--is--requested; and

9 {c}--be--signed--by--the--parents--or--guardians--of--not--less  
10 than--35--children--between--the--ages--of--14--and--18--years--who  
11 reside--in--the--territory--that--would--be--included--in--the--new  
12 district--and--who--reside--more--than--20--miles--over--the--shortest  
13 practical--route--from--an--operating--high--schools;

14 {2}--When--a--county--superintendent--receives--a--valid  
15 petition--requesting--the--creation--of--a--new--district;--he  
16 shall:

17 {a}--file--the--petition;

18 {b}--set--a--hearing--place;--date;--and--time--for  
19 consideration--of--the--petition--that--is--not--more--than--40--days  
20 after--the--receipt--of--the--petition; and

21 {c}--give--notice--of--the--place;--date;--and--time--of--the  
22 hearings--Notice--shall--be--posted--in--the--districts--affected--by  
23 the--request--in--the--manner--prescribed--in--this--title--for  
24 school--elections;--with--at--least--one--notice--posted--in--the  
25 territory--to--be--included--in--the--new--district;

1 {3}--The--county--superintendent--shall--conduct--the  
2 hearing--as--scheduled--unless--before--or--at--the--time--of--the  
3 hearing--he--receives--a--protest--petition--signed--by--a--majority  
4 of--the--electors--of--the--proposed--new--district--who--are  
5 qualified--to--vote--under--the--provisions--of--20-20-301e--A--valid  
6 protest--petition--conclusively--denies--the--creation--of--a--new  
7 district;--if--a--hearing--is--conducted;--any--resident--or  
8 taxpayer--of--the--affected--districts--must--be--heard;--if--the  
9 county--superintendent--considers--it--advisable--and--in--the--best  
10 interest--of--the--residents--of--the--proposed--new--district;--he  
11 shall--grant--the--petitioned--request--and--order--the--creation--of  
12 a--new--high--school--district--with--its--boundaries--coinciding  
13 with--the--boundaries--defined--in--the--petition;--Otherwise;--he  
14 shall--by--order--deny--the--request;--in--the--order--creating--the  
15 new--district;--the--county--superintendent--shall--establish--the  
16 effective--date--for--its--creation--and--the--procedures--for  
17 effecting--an--orderly--transitions;

18 {4}--Either--of--the--county--superintendent's--orders--may  
19 be--appealed--to--the--superintendent--of--public--instruction  
20 within--30--days--after--the--date--of--the--order;--The--appeal--must  
21 be--in--writing;--signed--by--not--less--than--three--electors;--and  
22 state--sufficient--facts--to--show--the--appellants'--right--to  
23 appeal--the--order;--The--superintendent--of--public--instruction  
24 shall--review--the--appeal--and--after--considering--the--material  
25 presented--at--the--county--superintendent's--hearing--and--such

1 other material as may be presented, he shall render a  
2 decision on the creating of the new high school districts.  
3 Such decision is final.

4 (5) When a new high school district is created, the  
5 trustees of the elementary district where the high school  
6 buildings are located are the new high school trustees. Any  
7 trustee position vacancies that may occur in the other  
8 districts must be filled in the manner provided for filling  
9 trustee position vacancies for such districts.

10 (6) The order of the county superintendent or, if his  
11 order is appealed, the decision of the superintendent of  
12 public instruction creating a new district under this  
13 section is null and void and the new district ceases to  
14 exist if the district does not open and operate a school  
15 within 2 years after the date of such order or decision. If  
16 the new district does not satisfy this requirement, the  
17 territory must be reincorporated in the district or  
18 districts in which it was located before the creation of  
19 such new district and the trustees are thereafter without  
20 capacity to act.

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

25 Section 9. Section 20-6-304, MCA, is amended to read:

1 "20-6-304. High school boundary commission --  
2 procedure for boundary change, division or redivision of  
3 county into high school districts. (1) Each county of the  
4 state of Montana shall have a high school boundary  
5 commission consisting of the board of county commissioners  
6 and the county superintendent. Whenever a county  
7 superintendent receives a resolution from the trustees of  
8 any high school district requesting a boundary change or a  
9 request the commission to divide or redivide the county into  
10 high school districts, he shall immediately notify the high  
11 school boundary commission. Such commission shall set a  
12 time, date, and place for a public hearing on the request.  
13 The hearing shall be set for a date within 60 days after the  
14 receipt of the request, and any interested person may appear  
15 and be heard on such request. The county superintendent  
16 shall send a written notice of the public hearing on a  
17 requested boundary change, division or redivision to the  
18 trustees of each elementary and high school district of the  
19 county which has territory that would be affected by the  
20 change. The county superintendent shall also give notice of  
21 such public hearing in accordance with the requirement for  
22 school election notices prescribed by school election  
23 provisions of this title. The certificate of the county  
24 superintendent filed with the high school boundary  
25 commission reciting that such notice requirements have been

1 satisfied shall be conclusive.

2 (2) In considering a request ~~to--change--high--school~~  
3 ~~district-boundaries-or~~ to divide or-redivide the county into  
4 high school districts, the high school boundary commission  
5 shall give primary consideration to the convenience of the  
6 high school pupils of the territory under consideration.  
7 Such commission also shall consider the grouping of  
8 elementary districts to be encompassed by a high school  
9 district or districts and shall group contiguous elementary  
10 districts within a high school district unless obstacles of  
11 travel, such as mountains, rivers, impractical routes of  
12 travel, or distance, make such grouping impractical. After  
13 the hearing, the high school boundary commission ~~may--grant~~  
14 ~~or--deny--any--request-made-under-the-provisions-of-20-6-302~~  
15 ~~for-a-high-school-district-boundary-change-but~~ shall order  
16 the division of the county into high school districts  
17 whenever requested under the provisions of 20-6-303. ~~In--the~~  
18 ~~letter--case--the~~ ~~The~~ commission's discretion shall extend  
19 only to the establishing of boundaries for the newly created  
20 high school district or districts."

21 Section 10. Section 20-6-311, MCA, is amended to read:

22 "20-6-311. High school district boundary approval by  
23 superintendent. Whenever a high school boundary commission  
24 orders ~~changes-in--high--school--district--boundaries--or~~ a  
25 division ~~or--redivision~~ of the county into high school

1 ~~districts under the-provisions-of-this-title 20-6-304,~~ its  
2 order shall not be final until it has been approved by the  
3 superintendent of public instruction. The superintendent of  
4 public instruction shall not approve any high school  
5 boundary commission order that:

6 (1) is dated less than 1 year since the last high  
7 school boundary commission order was approved for such  
8 county; or

9 (2) has not been confirmed by the high school boundary  
10 commission of each county affected by the boundary change  
11 when it involves a joint high school district; ~~or~~

12 ~~(3)--does--not--provide--for--the--high--school--district~~  
13 ~~boundaries--approved--by--the--electors--of--an--elementary~~  
14 ~~district-under-the-provisions-of-20-6-305-or-20-6-306."~~

15 Section 11. Section 20-6-402, MCA, is amended to read:

16 "20-6-402. Voluntary consolidation and annexation  
17 incentive plan. Sections 20-6-401 through 20-6-408 shall be  
18 known as the voluntary consolidation and annexation  
19 incentive plan. The purpose of this plan is to provide  
20 additional financial assistance to school districts that  
21 consolidate or annex under the provisions of 20-6-203,  
22 20-6-205, or 20-6-208 for elementary school districts or  
23 ~~20-6-304~~ [section 2] or [section 4] for high school  
24 districts."

25 Section 12. Section 20-6-403, MCA, is amended to read:



1       "20-6-403. Application for bonus payment. Whenever two  
 2       or more elementary school districts consolidate or annex  
 3       under the provisions of 20-6-203, 20-6-205, or 20-6-208 or  
 4       two or more high school districts consolidate or annex under  
 5       the provisions of ~~20-6-304~~ [section 2] or [section 4], the  
 6       enlarged district may make application for the bonus payment  
 7       as provided herein if such consolidation or annexation shall  
 8       result in the dissolution of at least one elementary or high  
 9       school district. Application for the bonus payments must be  
 10      made during the school year of the order creating the  
 11      enlarged school district."

12      ~~NEW SECTION.~~ Section 13. Repealer. Sections 20-6-302,  
 13      20-6-305, and 20-6-306, ~~AND 20-6-310~~, MCA, are repealed.

14      ~~NEW SECTION.~~ Section 14. Codification instruction.  
 15      Sections 1 through 7 & 8 are intended to be codified as an  
 16      integral part of Title 20, chapter 6, part 3, and the  
 17      provisions of Title 20 apply to sections 1 through 7 & 8.

-End-