# HOUSE BILL NO. 551

د

# INTRODUCED BY REHBERG

## BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

# IN THE HOUSE

January 29, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 21, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 22, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 23, 1985	Third reading, passed.
	Transmitted to Senate.
IN THE	SENATE
March 4, 1985	Introduced and referred to Committee on Education and Cultural Resources.
March 26, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 29, 1985	Second reading, concurred in.
March 30, 1985	Third reading, concurred in. Ayes, 48; Noes, 0.
	Returned to House with amendments.

## IN THE HOUSE

March 30, 1985

.

.

April 8, 1985

Received from Senate.

Second reading, amendments concurred in.

On motion, rules suspended and bill placed on third reading this day.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 551 1 INTRODUCED BY Relation 2 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A 6 PROCEDURE FOR THE CREATION OF A NEW HIGH SCHOOL DISTRICT." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Procedure for creation of a new high school district. (1) To create a new high school district, a 10 petition requesting the creation of a new high school 11 district out of the territory of an existing high school 12 district or districts must be addressed to the county 13 superintendent and must: 14 (a) describe the territory that is requested to be 15 16 incorporated in the new district and the taxable value of such territory as shown by the last completed assessment 17 18 roll: 19 (b) state the reasons why the creation of a new district is requested; and 20 (c) be signed by the parents or guardians of not less 21 than 24 children who are at least 14 years old but less than 22 23 18 years old and who reside in the territory that would be 24 included in the new district and who reside more than 20

25 miles over the shortest practical route from an operating

Montana Legislative Counci

1 high school.

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

5 (a) file such petition;

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

9 (c) give notice of the place, date, and time of the 10 hearing. Notices must be posted in the high school districts 11 affected by the request in the manner prescribed in 12 20-20-204 for school elections, with at least one such 13 notice posted in the territory to be included in the new 14 district.

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

> -2- INTRODUCED BILL HB 551

a new 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 effective date for its creation must be the
 following July 1.

6 (4) The county superintendent's order may be appealed 7 to the superintendent of public instruction within 30 days 8 after the date of such order. An appeal must be in writing 9 and be signed by not less than 10 residents of the proposed 10 new district. The superintendent of public instruction 11 shall:

12 (a) call a hearing on the appeal not less than 20 days13 or more than 30 days from receipt of the appeal;

14 (b) provide notice of the hearing in the manner 15 prescribed in subsection (2)(c);

16 (c) consider the material presented at the county 17 superintendent's hearing and pertinent other material; and 18 (d) render a decision on the creation of such new high 19 school district. The decision is final.

(5) When a new high school district is created, the
trustees of the elementary district in which the high school
buildings are located are the trustees of the new district.
A trustee appointed under the provisions of this section
shall serve until a successor is elected at the next regular
school election and is qualified.

(6) If the district does not open and operate a school 1 within 1 year after the effective date of the creation of 2 the new district, the order of the county superintendent or, З if his order is appealed, the decision of the superintendent 4 5 of public instruction creating a new district under this section is void and the new district ceases to exist. If the 6 new district does not satisfy this requirement, the 7 territory must be reincorporated in the district or 8 districts in which it was located before the creation of the 9 new district and the trustees are without capacity to act. 10 (7) If a petition has been filed under the provisions 11 12 of this section and denied by the county superintendent, no new petition may be filed until 1 year after the final 13 decision on the original petition. 14 Section 2. Extension of authority. Any existing 15 authority of the superintendent of public instruction to 16 make rules on the subject of the provisions of this act is 17

18 extended to the provisions of this act.

Section 3. Codification instruction. Section 1 is
 intended to be codified as an integral part of Title 20,
 chapter 6, part 3, and the provisions of Title 20 apply to
 section 1.

-End-

#### APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1	HOUSE BILL NO. 551	1	high school.
2	INTRODUCED BY REHBERG	2	(2) When a county superintendent receives a valid
3	BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION	3	petition requesting the creation of a new district, he
4		4	shall:
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A	5	(a) file such petition;
6	PROCEDURE FOR THE CREATION OF A NEW HIGH SCHOOL DISTRICT."	6	(b) set a hearing place, date, and time for
7		7	consideration of the petition that is not more than '40 days
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	after the receipt of the petition; and
9	Section 1. Procedure for creation of a new high school	9	(c) give notice of the place, date, and time of the
10	district LIMITATION FOR CREATION. (1) To create a new	10	hearing. Notices must be posted in the high school districts
11	high school district, a petition requesting the creation of	11	affected by the request in the manner prescribed in
12	a new high school district out of the territory of an	12	20-20-204 for school elections, with at least one such
13	existing high school district or districts must be addressed	13	notice posted in the territory to be included in the new
14	to the county superintendent and must:	14	district.
15	(a) describe the territory that is requested to be	15	(3) The county superintendent shall conduct the
16	incorporated in the new district and the taxable value of	16	hearing as scheduled unless before or at the time of the
17	such territory as shown by the last completed assessment	17	hearing he receives a protest petition signed by a majority
18	roll;	18	of the electors of the proposed new district who are
19	(b) state the reasons why the creation of a new	19	qualified to vote under the provisions of 20-20-301. A valid
20	district is requested; and	20	protest petition conclusively denies the creation of a new
21	(c) be signed by the parents or guardians of not less	21	district. If a hearing is conducted, any resident or
22	than 24 50 children who are at least 14 years old but less	22	taxpayer of the affected districts must be heard. If the
23	than 18 years old and who reside in the territory that would	23	county superintendent considers it advisable and in the best
24	be included in the new district and who reside more than 20	24	interests of the residents of the proposed new district, he
25	miles over the shortest practical route from an operating	25	shall grant the petitioned request and order the creation of
	۸.		-2- HB 551

Montana Legislative Council

SECOND READING

.

a new 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 effective date for its creation must be the
 following July 1.

6 (4) The county superintendent's order may be appealed 7 to the superintendent of public instruction within 30 days 8 after the date of such order. An appeal must be in writing 9 and be signed by not less than 10 residents of the proposed 10 new district. The superintendent of public instruction 11 shall:

12 (a) call a hearing on the appeal not less than 20 days13 or more than 30 days from receipt of the appeal;

(b) provide notice of the hearing in the mannerprescribed in subsection (2)(c);

16 (c) consider the material presented at the county
17 superintendent's hearing and pertinent other material; and
18 (d) render a decision on the creation of such new high
19 school district. The decision is final.

(5) When a new high school district is created, the
trustees of the elementary district in which the high school
buildings are located are the trustees of the new district.
A trustee appointed under the provisions of this section
shall serve until a successor is elected at the next regular
school election and is qualified.

. 1 (6) If the district does not open and operate a school within 1 year after the effective date of the creation of 2 the new district, the order of the county superintendent or, 3 4 if his order is appealed, the decision of the superintendent 5 of public instruction creating a new district under this section is void and the new district ceases to exist. If the 6 new district does not satisfy this requirement, 7 the territory must be reincorporated in the district or 8 9 districts in which it was located before the creation of the new district and the trustees are without capacity to act. 10 11 (7) If a petition has been filed under the provisions of this section and denied by the county superintendent, no 12 13 new petition may be filed until 1 year after the final decision on the original petition. 14 (8) FOR THE PURPOSES OF THIS SECTION, THE TAXABLE 15 16 VALUE OF THE TAXABLE PROPERTY OF THE TERRITORY PROPOSED TO BE INCLUDED IN THE NEW DISTRICT MUST BE AT LEAST \$500,000. 17 Section 2. Extension of authority. Any existing 18 19 authority of the superintendent of public instruction to 20 make rules on the subject of the provisions of this act is extended to the provisions of this act. 21 22 Section 3. Codification instruction. Section 1 iq

23 intended to be codified as an integral part of Title 20,
24 chapter 6, part 3, and the provisions of Title 20 apply to
25 section 1.

-3-

HB 551

~End-

HB 551

HOUSE BILL NO. 551 high school. 1 1 2 2 INTRODUCED BY REHBERG 3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION 3 . shall: 4 A "AN ACT TO ESTABLISH A A BILL FOR AN ACT ENTITLED: s 5 PROCEDURE FOR THE CREATION OF A NEW HIGH SCHOOL DISTRICT." 6 6 7 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 8 Section 1. Procedure for creation of a new high school 9 9 district -- LIMITATION FOR CREATION. (1) To create a new 10 10 high school district, a petition requesting the creation of 11 11 a new high school district out of the territory of an 12 12 existing high school district or districts must be addressed 13 13 district. to the county superintendent and must: 14 14 (a) describe the territory that is requested to be 15 15 incorporated in the new district and the taxable value of 16 16 such territory as shown by the last completed assessment 17 17 18 18 roll: (b) state the reasons why the creation of a new 19 19 20 district is requested; and 20 (c) be signed by the parents or guardians of not less 21 21 than 24 50 children who are at least 14 years old but less 22 22 than 18 years old and who reside in the territory that would 23 23 be included in the new district and who reside more than 20 24 24 25 miles over the shortest practical route from an operating 25

Nontana Legislative Council

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

(a) file such 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. Notices must be posted in the high school districts affected by the request in the manner prescribed in 20-20-204 for school elections, with at least one such notice posted in the territory to be included in the new

(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 interests of the residents of the proposed new district, he shall grant the petitioned request and order the creation of

-2-

HB 551

## THIRD READING

a new 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 effective date for its creation must be the
 following July 1.

6 (4) The county superintendent's order may be appealed 7 to the superintendent of public instruction within 30 days 8 after the date of such order. An appeal must be in writing 9 and be signed by not less than 10 residents of the proposed 10 new district. The superintendent of public instruction 11 shall:

12 (a) call a hearing on the appeal not less than 20 days13 or more than 30 days from receipt of the appeal;

14 (b) provide notice of the hearing in the manner15 prescribed in subsection (2)(c);

16 (c) consider the material presented at the county
17 superintendent's hearing and pertinent other material; and
18 (d) render a decision on the creation of such new high
19 school district. The decision is final.

(5) When a new high school district is created, the
trustees of the elementary district in which the high school
buildings are located are the trustees of the new district.
A trustee appointed under the provisions of this section
shall serve until a successor is elected at the next regular
school election and is qualified.

(6) If the district does not open and operate a school · 1 2 within 1 year after the effective date of the creation of the new district, the order of the county superintendent or, 3 if his order is appealed, the decision of the superintendent 4 of public instruction creating a new district under this 5 б section is void and the new district ceases to exist. If the new district does not satisfy this requirement, 7 the territory must be reincorporated in the district or 8 districts in which it was located before the creation of the 9 10 new district and the trustees are without capacity to act. 11 (7) If a petition has been filed under the provisions of this section and denied by the county superintendent, no 12 13 new petition may be filed until 1 year after the final 14 decision on the original petition. 15 (8) FOR THE PURPOSES OF THIS SECTION, THE TAXABLE 16 VALUE OF THE TAXABLE PROPERTY OF THE TERRITORY PROPOSED TO BE INCLUDED IN THE NEW DISTRICT MUST BE AT LEAST \$500,000. 17 Section 2. Extension of authority. Any existing 18 19 authority of the superintendent of public instruction to make rules on the subject of the provisions of this act is 20 21 extended to the provisions of this act. 22 Section 3. Codification instruction. Section 1 is 23 intended to be codified as an integral part of Title 20, chapter 6, part 3, and the provisions of Title 20 apply to 24

-3-

HB 551

25

section 1.

-End--4-

HB 551

HB 0551/02

# **STANDING COMMITTEE REPORT**

SENATE	ch. 26, 19.85
MR. PRESIDENT	
We, your committee on EDUCATION AND CULTURAL RESOURCES	
having had under consideration HOUSE BILL	
third reading copy ( ) color	
(Senator Yellowtail will carry the bill.)	
ESTABLISHING A METHOD FOR CREATION OF A NEW HIGH	SCHOOL DISTRICT
Respectfully report as follows: That	
be amended as follows:	
l. Page 4, line 17. Following: "\$500,000"	

Insert: ", unless 50,000 acres or more of such proposed new district are nontaxable Indian land"

AND AS AMENDED BE CONCURRED IN

OXXXXXS6

DAX NOTK RASS

Senator Chet Blaylock, Chairman.

1	HOUSE BILL NO. 551	1
2	INTRODUCED BY REHBERG	2
3	BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION	3
4		4
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A	5
6	PROCEDURE FOR THE CREATION OF A NEW HIGH SCHOOL DISTRICT."	6
7		7
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8
9	Section 1. Procedure for creation of a new high school	9
10	district LIMITATION FOR CREATION. (1) To create a new	10
11	high school district, a petition requesting the creation of	11
12	a new high school district out of the territory of an	12
13	existing high school district or districts must be addressed	13
14	to the county superintendent and must:	14
15	(a) describe the territory that is requested to be	15
16	incorporated in the new district and the taxable value of	16
17	such territory as shown by the last completed assessment	17
18	roll;	18
19	(b) state the reasons why the creation of a new	19
20	district is requested; and	20
21	(c) be signed by the parents or guardians of not less	21
22	than $24$ 50 children who are at least 14 years old but less	22
23	than 18 years old and who reside in the territory that would	23
24	be included in the new district and who reside more than 20	24
25	miles over the shortest practical route from an operating	25

Montana Legislative Counce

high school.
(2) When a county superintendent receives a valid petition requesting the creation of a new district, he shall:
(a) file such petition;
(b) set a hearing place, date, and time for

7 consideration of the petition that is not more than 40 days 8 after the receipt of the petition; and

9 (c) give notice of the place, date, and time of the 10 hearing. Notices must be posted in the high school districts 11 affected by the request in the manner prescribed in 12 20-20-204 for school elections, with at least one such 13 notice posted in the territory to be included in the new 14 district.

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

-2-

REFERENCE BILL

a new 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 effective date for its creation must be the
 following July 1.

6 (4) The county superintendent's order may be appealed 7 to the superintendent of public instruction within 30 days 8 after the date of such order. An appeal must be in writing 9 and be signed by not less than 10 residents of the proposed 10 new district. The superintendent of public instruction 11 shall:

12 (a) call a hearing on the appeal not less than 20 days13 or more than 30 days from receipt of the appeal;

14 (b) provide notice of the hearing in the manner 15 prescribed in subsection (2)(c);

16 (c) consider the material presented at the county
17 superintendent's hearing and pertinent other material; and
18 (d) render a decision on the creation of such new high
19 school district. The decision is final.

(5) When a new high school district is created, the
trustees of the elementary district in which the high school
buildings are located are the trustees of the new district.
A trustee appointed under the provisions of this section
shall serve until a successor is elected at the next regular
school election and is gualified.

(6) If the district does not open and operate a school 1 within I year after the effective date of the creation of 2 3 the new district, the order of the county superintendent or, if his order is appealed, the decision of the superintendent 4 of public instruction creating a new district under this 5 6 section is void and the new district ceases to exist. If the 7 new district does not satisfy this requirement, the territory must be reincorporated in the district or 8 9 districts in which it was located before the creation of the 10 new district and the trustees are without capacity to act. (7) If a petition has been filed under the provisions 11 of this section and denied by the county superintendent, no 12 new petition may be filed until 1 year after the final 13 decision on the original petition. 14 15 (8) FOR THE PURPOSES OF THIS SECTION, THE TAXABLE 16 VALUE OF THE TAXABLE PROPERTY OF THE TERRITORY PROPOSED TO BE INCLUDED IN THE NEW DISTRICT MUST BE AT LEAST \$500,000, 17 18 UNLESS 50,000 ACRES OR MORE OF SUCH PROPOSED NEW DISTRICT 19 ARE NONTAXABLE INDIAN LAND. Section 2. Extension of authority. Any existing 20 authority of the superintendent of public instruction to 21 make rules on the subject of the provisions of this act is 22 extended to the provisions of this act. 23 Section 3. Codification instruction. Section 1 is 24

25 intended to be codified as an integral part of Title 20,

HB 0551/03

-4-

1 chapter 6, part 3, and the provisions of Title 20 apply to

## 2 section 1.

.

-End-

.

.

.

HB 551