

HOUSE BILL NO. 551

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

Received from Senate.

April 8, 1985

Second reading, amendments  
concurrent in.

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

Third reading, amendments  
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1                                    HOUSE BILL NO. 551  
 2    INTRODUCED BY Reid  
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4  
 5    A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A  
 6    PROCEDURE FOR THE CREATION OF A NEW HIGH SCHOOL DISTRICT."  
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8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9            Section 1. Procedure for creation of a new high school  
 10    district. (1) To create a new high school district, a  
 11    petition requesting the creation of a new high school  
 12    district out of the territory of an existing high school  
 13    district or districts must be addressed to the county  
 14    superintendent and must:

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

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

21            (c) be signed by the parents or guardians of not less  
 22    than 24 children who are at least 14 years old but less than  
 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

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.

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



1 a new district with its boundaries coinciding with the  
2 boundaries defined in the petition. Otherwise, he shall by  
3 order deny the request. In the order creating the new  
4 district, the effective date for its creation must be the  
5 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 days  
13 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.

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

1 (6) If the district does not open and operate a school  
2 within 1 year after the effective date of the creation of  
3 the new district, the order of the county superintendent or,  
4 if his order is appealed, the decision of the superintendent  
5 of public instruction creating a new district under this  
6 section is void and the new district ceases to exist. If the  
7 new district does not satisfy this requirement, the  
8 territory must be reincorporated in the district or  
9 districts in which it was located before the creation of the  
10 new district and the trustees are without capacity to act.

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

15 Section 2. Extension of authority. Any existing  
16 authority of the superintendent of public instruction to  
17 make rules on the subject of the provisions of this act is  
18 extended to the provisions of this act.

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

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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6 PROCEDURE FOR THE CREATION OF A NEW HIGH SCHOOL DISTRICT."  
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Procedure for creation of a new high school  
10 district -- LIMITATION FOR CREATION. (1) To create a new  
11 high school district, a petition requesting the creation of  
12 a new high school district out of the territory of an  
13 existing high school district or districts must be addressed  
14 to the county superintendent and must:

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

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

21 (c) be signed by the parents or guardians of not less  
22 than ~~24~~ 50 children who are at least 14 years old but less  
23 than 18 years old and who reside in the territory that would  
24 be included in the new district and who reside more than 20  
25 miles over the shortest practical route from an operating

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  
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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  
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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



1 a new district with its boundaries coinciding with the  
 2 boundaries defined in the petition. Otherwise, he shall by  
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 4 district, the effective date for its creation must be the  
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 7 to the superintendent of public instruction within 30 days  
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 19 school district. The decision is final.

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 21 trustees of the elementary district in which the high school  
 22 buildings are located are the trustees of the new district.  
 23 A trustee appointed under the provisions of this section  
 24 shall serve until a successor is elected at the next regular  
 25 school election and is qualified.

1 (6) If the district does not open and operate a school  
 2 within 1 year after the effective date of the creation of  
 3 the new district, the order of the county superintendent or,  
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 6 section is void and the new district ceases to exist. If the  
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 8 territory must be reincorporated in the district or  
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11 (7) If a petition has been filed under the provisions  
 12 of this section and denied by the county superintendent, no  
 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  
 17 BE INCLUDED IN THE NEW DISTRICT MUST BE AT LEAST \$500,000.

18 Section 2. Extension of authority. Any existing  
 19 authority of the superintendent of public instruction to  
 20 make rules on the subject of the provisions of this act is  
 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,  
 24 chapter 6, part 3, and the provisions of Title 20 apply to  
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-End-



# STANDING COMMITTEE REPORT

## SENATE

..... March 26, ..... 19 85....

MR. PRESIDENT

We, your committee on..... EDUCATION AND CULTURAL RESOURCES.....

having had under consideration..... HOUSE BILL..... No. 551.....

third reading copy ( blue )  
color

(Senator Yellowtail will carry the bill.)

ESTABLISHING A METHOD FOR CREATION OF A NEW HIGH SCHOOL DISTRICT

Respectfully report as follows: That..... HOUSE BILL..... No. 551.....

be amended as follows:

1. 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

~~DICKKAS6~~

~~DICKKOCKKAS6~~

*Chet Blaylock*  
.....  
Senator Chet Blaylock, Chairman.

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18 UNLESS 50,000 ACRES OR MORE OF SUCH PROPOSED NEW DISTRICT  
19 ARE NONTAXABLE INDIAN LAND.

20 Section 2. Extension of authority. Any existing  
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1 chapter 6, part 3, and the provisions of Title 20 apply to  
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-End-