

HOUSE BILL NO. 699

2/07 Introduced
2/07 Referred to Education & Cultural Resources
2/13 Hearing
2/19 Committee Report-Bill Do Pass
2/25 2nd Reading Do Not Pass
2/25 Bill Killed

1 HOUSE BILL NO. 699
2 INTRODUCED BY *Janet Moran Paul Markes Beam*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
5 SUPERINTENDENT OF PUBLIC INSTRUCTION RATHER THAN THE BOARD
6 OF COUNTY COMMISSIONERS WILL HEAR ANY APPEAL REGARDING A
7 COUNTY SUPERINTENDENT'S DECISION ON THE TRANSFER OF
8 TERRITORY FROM ONE ELEMENTARY DISTRICT TO ANOTHER; TO REMOVE
9 THE PROVISION ALLOWING A PETITION TO SUBMIT THE QUESTION OF
10 A TERRITORY TRANSFER TO A VOTE OF THE ELECTORS OF THE
11 DISTRICT FROM WHICH THE LAND IS TO BE TRANSFERRED; AMENDING
12 SECTION 20-6-213, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 20-6-213, MCA, is amended to read:

16 "20-6-213. Transfer of territory from one elementary
17 district to another. (1) A majority of the electors of any
18 elementary district who are qualified to vote under the
19 provisions of 20-20-301 and who reside in territory which is
20 a part of an elementary district may petition the county
21 superintendent to transfer such territory to another
22 elementary district when:

- 23 (a) such territory is contiguous to the district to
24 which it is to be attached;
25 (b) such territory is not located within 3 miles, over

1 the shortest practical route, of an operating school of the
2 district from which it is to be detached;

3 (c) the transfer of such territory will not reduce the
4 taxable value of the district to less than \$100,000 unless
5 the remaining territory of the district will contain not
6 less than 50,000 acres of nontaxable Indian land; and

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

9 (2) The petition shall be addressed to the county
10 superintendent and shall:

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

13 (b) state the reasons why such transfer is requested;
14 and

15 (c) state the number of elementary school-age children
16 residing in such territory.

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

19 (a) file such petition;

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

23 (c) give notice of the place, date, and time of the
24 hearing. The notices shall be posted in the districts
25 affected by the request in the manner prescribed in this



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1 title for school elections, with at least one such notice
2 posted in the territory to be transferred.

3 (4) The county superintendent shall conduct the
4 hearing as scheduled, and any resident or taxpayer of the
5 affected districts shall be heard. If the county
6 superintendent considers it advisable and in the best
7 interests of the residents of such territory, he shall grant
8 the petitioned request and order the change of district
9 boundaries to coincide with the boundary description in the
10 petition. Otherwise, he shall, by order, deny the request.
11 Either of the orders shall be final 30 days after its date
12 unless it is appealed to the ~~board-of-county-commissioners~~
13 superintendent of public instruction by a resident or
14 taxpayer of either district affected by the territory
15 transfer. The decision of the ~~board-of-county-commissioners~~
16 superintendent of public instruction, after ~~a-hearing-on~~
17 ~~such-matter-and~~ consideration of the material presented at
18 the county superintendent's hearing, shall be is final 30
19 days after its date ~~unless-a-petition-to-submit-the-question~~
20 ~~to-a-vote-of-the-people-in-the-district-from-which-the-land~~
21 ~~is-to-be-transferred, which-has-been-signed-by-a-majority-of~~
22 ~~the-electors-of-the-district-who-reside-in-the-territory--to~~
23 ~~be--transferred--and--who-are-qualified-to-vote-in-elections~~
24 ~~for-that-district-under-20-20-3017--is--presented--prior--to~~
25 ~~that--time.---When--a--petition--is--submitted--under--this~~

1 ~~subsection, the--question--of--whether--the--land--shall--be~~
2 ~~transferred--to--another--district--shall--be-put-before-the~~
3 ~~voters-at-the-next-regular-school-election-in--the--affected~~
4 ~~district.~~

5 (5) Whenever a petition to transfer territory from one
6 elementary district to another elementary district would
7 create a joint elementary district or affect the boundary of
8 an existing joint elementary district, the petition shall be
9 presented to the county superintendent of the county where
10 the territory is located. Such county superintendent shall
11 notify any other county superintendents of counties with
12 districts affected by such petition, and the duties
13 prescribed in this section for the county superintendent and
14 the board of county commissioners shall be performed jointly
15 by such county officials."

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

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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INTRODUCED BY *Janet Moran, Hank Narko, Ream*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION RATHER THAN THE BOARD OF COUNTY COMMISSIONERS WILL HEAR ANY APPEAL REGARDING A COUNTY SUPERINTENDENT'S DECISION ON THE TRANSFER OF TERRITORY FROM ONE ELEMENTARY DISTRICT TO ANOTHER; TO REMOVE THE PROVISION ALLOWING A PETITION TO SUBMIT THE QUESTION OF A TERRITORY TRANSFER TO A VOTE OF THE ELECTORS OF THE DISTRICT FROM WHICH THE LAND IS TO BE TRANSFERRED; AMENDING SECTION 20-6-213, MCA."

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

Section 1. Section 20-6-213, MCA, is amended to read:

"20-6-213. Transfer of territory from one elementary district to another. (1) A majority of the electors of any elementary district who are qualified to vote under the provisions of 20-20-301 and who reside in territory which is a part of an elementary district may petition the county superintendent to transfer such territory to another elementary district when:

(a) such territory is contiguous to the district to which it is to be attached;

(b) such territory is not located within 3 miles, over

the shortest practical route, of an operating school of the district from which it is to be detached;

(c) the transfer of such territory will not reduce the taxable value of the district to less than \$100,000 unless the remaining territory of the district will contain not less than 50,000 acres of nontaxable Indian land; and

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

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