

HOUSE BILL NO. 69
INTRODUCED BY HAYNE

IN THE HOUSE

JANUARY 5, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 2, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 3, 1987 PRINTING REPORT.

FEBRUARY 4, 1987 SECOND READING, DO PASS.

FEBRUARY 5, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 85; NOES, 9.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

MARCH 17, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 20, 1987 SECOND READING, CONCURRED IN.

MARCH 23, 1987 THIRD READING, CONCURRED IN.
AYES, 47; NOES, 1.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 26, 1987 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 27, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 HOUSE BILL NO. 69

2 INTRODUCED BY HAYNE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE TAXABLE
5 VALUATION REQUIRED FOR CREATION OF A NEW ELEMENTARY SCHOOL
6 DISTRICT; TO PROVIDE THAT THERE BE A COMPELLING NEED FOR
7 CREATION OF A NEW DISTRICT; AND AMENDING SECTIONS 20-6-216
8 AND 20-6-217, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

12 "20-6-216. Limitations for creation of new elementary
13 district. A new elementary district may be created out of
14 the territory of an existing elementary district or
15 districts when if:

16 (1) the taxable value of the taxable property of the
17 territory proposed to be included in such new district is
18 ~~\$150,000~~ \$500,000 or more, except that when 50,000 acres or
19 more of such new district are nontaxable Indian land, this
20 limitation shall not be applicable;

21 (2) the taxable value of the taxable property of each
22 existing district from which territory would be detached
23 will be ~~\$300,000~~ \$500,000 or more after the territory is
24 detached;

25 (3) the ANB in any of the existing districts is not

1 reduced to less than 15; and

2 (4) the territory to be included in the new district
3 shall consist only of parcels of land that are contiguous;
4 and

5 (5) there is a compelling need, such as a significant
6 increase in school-age population of the territory to be
7 included in the new district, the extreme isolation of such
8 population, or an emergency situation."

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

10 "20-6-217. Procedure for creation of new elementary
11 district. (1) The petition requesting the creation of a new
12 elementary district out of the territory of an elementary
13 district or districts shall be addressed to the county
14 superintendent and shall:

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, in accordance with the provisions of
21 20-6-216(5); and

22 (c) be signed by the parents or guardians of not less
23 than 10 children between the ages of 6 and 16 years who
24 reside in the territory that would be included in the new
25 district and who reside more than 3 miles over the shortest



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1 practical route from an operating 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 such 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. The notices shall be posted in the districts
11 affected by the request in the manner prescribed in this
12 title for school elections, with at least one such notice
13 posted in the territory to be included in the new district.

14 (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 shall conclusively deny the creation of a
20 new district. If a hearing is conducted, any resident or
21 taxpayer of the affected districts shall be heard. If the
22 county superintendent considers it advisable and in the best
23 interests of the residents of the proposed new district and
24 the residents of the remaining district, he shall grant the
25 petitioned request and order the creation of a new

1 elementary 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 county superintendent shall establish the
5 effective date for its creation and the procedures for
6 effecting an orderly transition.

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

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

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

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

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

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 69
INTRODUCED BY HAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE TAXABLE VALUATION REQUIRED FOR CREATION OF A NEW ELEMENTARY SCHOOL DISTRICT OR NEW HIGH SCHOOL DISTRICT; TO PROVIDE THAT THERE BE A COMPELLING NEED FOR CREATION OF A NEW DISTRICT; AND AMENDING SECTIONS 20-6-216, AND 20-6-217, AND 20-6-325, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 20-6-216, MCA, is amended to read:
"20-6-216. Limitations for creation of new elementary district. A new elementary district may be created out of the territory of an existing elementary district or districts when if:

(1) the taxable value of the taxable property of the territory proposed to be included in such new district is ~~\$150,000~~ ~~\$500,000~~ \$1 MILLION or more, except that when 50,000 acres or more of such new district are nontaxable Indian land, this limitation shall not be applicable;

(2) the taxable value of the taxable property of each existing district from which territory would be detached will be ~~\$300,000~~ ~~\$500,000~~ \$2 MILLION or more after the territory is detached;

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

(4) the territory to be included in the new district shall consist only of parcels of land that are contiguous; and

(5) there is a compelling need, such as a significant increase in school-age population of the territory to be included in the new district, the extreme isolation of such population, or an emergency situation."

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

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

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

(b) state the reasons why the creation of a new district is requested, in accordance with the provisions of 20-6-216(5); and

(c) be signed by the parents or guardians of not less than 10 children between the ages of 6 and 16 years who reside in the territory that would be included in the new

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

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

23 (5) When a new elementary district is created, the
 24 county superintendent shall appoint the trustees of the new
 25 district, giving preference in his selections to any

1 district and who reside more than 3 miles over the shortest
 2 practical route from an operating school.

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

6 (a) file such petition;

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

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

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

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

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

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

23 SECTION 3. SECTION 20-6-325, MCA, IS AMENDED TO READ:

24 "20-6-325. Procedure for creation of new high school
 25 district out of existing districts -- limitation for

1 creation. (1) To create a new high school district, a
 2 petition requesting the creation of a new high school
 3 district out of the territory of an existing high school
 4 district or districts must be addressed to the county
 5 superintendent and must:

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

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

12 (c) be signed by the parents or guardians of not less
 13 than 50 children who are at least 14 years old but less than
 14 18 years old and who reside in the territory that would be
 15 included in the new district and who reside more than 20
 16 miles over the shortest practical route from an operating
 17 high school.

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

21 (a) file such petition;

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

25 (c) give notice of the place, date, and time of the

1 hearing. Notices must be posted in the high school districts
2 affected by the request in the manner prescribed in
3 20-20-204 for school elections, with at least one such
4 notice posted in the territory to be included in the new
5 district.

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

22 (4) The county superintendent's order may be appealed
23 to the superintendent of public instruction within 30 days
24 after the date of such order. An appeal must be in writing
25 and be signed by not less than 10 residents of the proposed

1 new district. The superintendent of public instruction
2 shall:

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

5 (b) provide notice of the hearing in the manner
6 prescribed in subsection (2)(c);

7 (c) consider the material presented at the county
8 superintendent's hearing and pertinent other material; and

9 (d) render a decision on the creation of such new high
10 school district. The decision is final.

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

17 (6) If the district does not open and operate a school
18 within 1 year after the effective date of the creation of
19 the new district, the order of the county superintendent or,
20 if his order is appealed, the decision of the superintendent
21 of public instruction creating a new district under this
22 section is void and the new district ceases to exist. If the
23 new district does not satisfy this requirement, the
24 territory must be reincorporated in the district or
25 districts in which it was located before the creation of the

1 new district and the trustees are without capacity to act.

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

6 (8) For the purposes of this section, the taxable
7 value of the taxable property of the territory proposed to
8 be included in the new district must be at least ~~\$500,000~~ \$1
9 million, unless 50,000 acres or more of such proposed new
10 district are nontaxable Indian land, and the taxable value
11 of the taxable property of each existing district from which
12 territory would be detached must be at least \$2 million
13 after the territory is detached."

14 NEW SECTION. SECTION 4. EFFECTIVE DATE. THIS ACT IS
15 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

1 HOUSE BILL NO. 69
 2 INTRODUCED BY HAYNE
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 5 VALUATION REQUIRED FOR CREATION OF A NEW ELEMENTARY SCHOOL
 6 DISTRICT OR NEW HIGH SCHOOL DISTRICT; TO PROVIDE THAT THERE
 7 BE A COMPELLING NEED FOR CREATION OF A NEW DISTRICT; AND
 8 AMENDING SECTIONS 20-6-216, AND 20-6-217, AND 20-6-325, MCA;
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 14 district. A new elementary district may be created out of
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 18 territory proposed to be included in such new district is
 19 ~~\$150,000~~ ~~\$500,000~~ \$1 MILLION or more, except that when
 20 50,000 acres or more of such new district are nontaxable
 21 Indian land, this limitation shall not be applicable;

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 23 existing district from which territory would be detached
 24 will be ~~\$300,000~~ ~~\$500,000~~ \$2 MILLION or more after the
 25 territory is detached;

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

3 (4) the territory to be included in the new district
 4 shall consist only of parcels of land that are contiguous;
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 15 superintendent and shall:

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

20 (b) state the reasons why the creation of a new
 21 district is requested, in accordance with the provisions of
 22 20-6-216(5); and

23 (c) be signed by the parents or guardians of not less
 24 than 10 children between the ages of 6 and 16 years who
 25 reside in the territory that would be included in the new

1 district and who reside more than 3 miles over the shortest
2 practical route from an operating school.

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

6 (a) file such petition;

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

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

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

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

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

23 (5) When a new elementary district is created, the
24 county superintendent shall appoint the trustees of the new
25 district, giving preference in his selections to any

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

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

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 20 of this section and denied by the county superintendent, no
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 4 district or districts must be addressed to the county
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 8 such territory as shown by the last completed assessment
 9 roll;

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

12 (c) be signed by the parents or guardians of not less
 13 than 50 children who are at least 14 years old but less than
 14 18 years old and who reside in the territory that would be
 15 included in the new district and who reside more than 20
 16 miles over the shortest practical route from an operating
 17 high school.

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

21 (a) file such petition;

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 23 consideration of the petition that is not more than 40 days
 24 after the receipt of the petition; and

25 (c) give notice of the place, date, and time of the

1 hearing. Notices must be posted in the high school districts
2 affected by the request in the manner prescribed in
3 20-20-204 for school elections, with at least one such
4 notice posted in the territory to be included in the new
5 district.

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7 hearing as scheduled unless before or at the time of the
8 hearing he receives a protest petition signed by a majority
9 of the electors of the proposed new district who are
10 qualified to vote under the provisions of 20-20-301. A valid
11 protest petition conclusively denies the creation of a new
12 district. If a hearing is conducted, any resident or
13 taxpayer of the affected districts must be heard. If the
14 county superintendent considers it advisable and in the best
15 interests of the residents of the proposed new district, he
16 shall grant the petitioned request and order the creation of
17 a new district with its boundaries coinciding with the
18 boundaries defined in the petition. Otherwise, he shall by
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20 district, the effective date for its creation must be the
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23 to the superintendent of public instruction within 30 days
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1 new district. The superintendent of public instruction
2 shall:

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4 or more than 30 days from receipt of the appeal;

5 (b) provide notice of the hearing in the manner
6 prescribed in subsection (2)(c);

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8 superintendent's hearing and pertinent other material; and

9 (d) render a decision on the creation of such new high
10 school district. The decision is final.

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

17 (6) If the district does not open and operate a school
18 within 1 year after the effective date of the creation of
19 the new district, the order of the county superintendent or,
20 if his order is appealed, the decision of the superintendent
21 of public instruction creating a new district under this
22 section is void and the new district ceases to exist. If the
23 new district does not satisfy this requirement, the
24 territory must be reincorporated in the district or
25 districts in which it was located before the creation of the

1 new district and the trustees are without capacity to act.

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3 of this section and denied by the county superintendent, no
4 new petition may be filed until 1 year after the final
5 decision on the original petition.

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7 value of the taxable property of the territory proposed to
8 be included in the new district must be at least ~~\$500,000~~ \$1
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10 district are nontaxable Indian land, and the taxable value
11 of the taxable property of each existing district from which
12 territory would be detached must be at least \$2 million
13 after the territory is detached."

14 NEW SECTION. SECTION 4. EFFECTIVE DATE. THIS ACT IS
15 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

HOUSE BILL NO. 69
INTRODUCED BY HAYNE

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A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE TAXABLE VALUATION REQUIRED FOR CREATION OF A NEW ELEMENTARY SCHOOL DISTRICT OR NEW HIGH SCHOOL DISTRICT; TO PROVIDE THAT THERE BE A COMPELLING NEED FOR CREATION OF A NEW DISTRICT; AND AMENDING SECTIONS 20-6-216, AND 20-6-217, AND 20-6-325, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

(4) the territory to be included in the new district shall consist only of parcels of land that are contiguous; and

(5) there is a compelling need, such as a significant increase in school-age population of the territory to be included in the new district, the extreme isolation of such population, or an emergency situation."

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

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

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

(b) state the reasons why the creation of a new district is requested, in accordance with the provisions of 20-6-216(5); and

(c) be signed by the parents or guardians of not less than 10 children between the ages of 6 and 16 years who reside in the territory that would be included in the new



1 district and who reside more than 3 miles over the shortest
2 practical route from an operating school.

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

6 (a) file such petition;

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

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

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

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

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

23 (5) When a new elementary district is created, the
24 county superintendent shall appoint the trustees of the new
25 district, giving preference in his selections to any

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

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

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

23 SECTION 3. SECTION 20-6-325, MCA, IS AMENDED TO READ:

24 "20-6-325. Procedure for creation of new high school
 25 district out of existing districts -- limitation for

1 creation. (1) To create a new high school district, a
 2 petition requesting the creation of a new high school
 3 district out of the territory of an existing high school
 4 district or districts must be addressed to the county
 5 superintendent and must:

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

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

12 (c) be signed by the parents or guardians of not less
 13 than 50 children who are at least 14 years old but less than
 14 18 years old and who reside in the territory that would be
 15 included in the new district and who reside more than 20
 16 miles over the shortest practical route from an operating
 17 high school.

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

21 (a) file such petition;

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

25 (c) give notice of the place, date, and time of the

1 hearing. Notices must be posted in the high school districts
2 affected by the request in the manner prescribed in
3 20-20-204 for school elections, with at least one such
4 notice posted in the territory to be included in the new
5 district.

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

22 (4) The county superintendent's order may be appealed
23 to the superintendent of public instruction within 30 days
24 after the date of such order. An appeal must be in writing
25 and be signed by not less than 10 residents of the proposed

1 new district. The superintendent of public instruction
2 shall:

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

5 (b) provide notice of the hearing in the manner
6 prescribed in subsection (2)(c);

7 (c) consider the material presented at the county
8 superintendent's hearing and pertinent other material; and

9 (d) render a decision on the creation of such new high
10 school district. The decision is final.

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

17 (6) If the district does not open and operate a school
18 within 1 year after the effective date of the creation of
19 the new district, the order of the county superintendent or,
20 if his order is appealed, the decision of the superintendent
21 of public instruction creating a new district under this
22 section is void and the new district ceases to exist. If the
23 new district does not satisfy this requirement, the
24 territory must be reincorporated in the district or
25 districts in which it was located before the creation of the

1 new district and the trustees are without capacity to act.

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

6 (8) For the purposes of this section, the taxable
7 value of the taxable property of the territory proposed to
8 be included in the new district must be at least \$500,000 \$1
9 million, unless 50,000 acres or more of such proposed new
10 district are nontaxable Indian land, and the taxable value
11 of the taxable property of each existing district from which
12 territory would be detached must be at least \$2 million
13 after the territory is detached."

14 NEW SECTION. SECTION 4. EFFECTIVE DATE. THIS ACT IS
15 EFFECTIVE ON-PASSAGE-AND-APPROVAL JULY 1, 1987.

-End-

STANDING COMMITTEE REPORT

SCRHB69

SENATE

March 13, 1987

MR. PRESIDENT

Senate Education

We, your committee on.....

House Bill 69

having had under consideration..... No.....

third blue reading copy (color)

TO INCREASE REQUIREMENTS FOR CREATION OF A NEW ELEMENTARY SCHOOL DISTRICT

HAYNE (McCALLUM)

Respectfully report as follows: That..... House Bill..... No.....69.....

BE AMENDED AS FOLLOWS:

1. Title, line 9.

Following: " AN "

Strike: "IMMEDIATE"

2. Page 9, line 15.

Following: "ON"

Strike: "PASSAGE AND APPROVAL"

Insert: "July 1, 1987"

AND AS AMENDED BE CONCURRED IN

~~DO NOT PASS~~

~~DO NOT PASS~~

RL Brown

Chairman.

Senator Brown

3-16-87