SENATE BILL NO. 231

INTRODUCED BY YELLOWTAIL

IN THE SENATE

JANUARY 27, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
FEBRUARY 10, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 11, 1987	PRINTING REPORT.
FEBRUARY 13, 1987	SECOND READING, DO PASS.
FEBRUARY 14, 1987	ENGROSSING REPORT.
FEBRUARY 16, 1987	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.
IN	THE HOUSE
FEBRUARY 18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
MARCH 13, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1987	SECOND READING, CONCURRED IN.
MARCH 18, 1987	THIRD READING, CONCURRED IN. AYES, 91; NOES, 2.
	RETURNED TO SENATE.
IN	THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

MARCH 19, 1987

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1		Senate BILL NO. 25/
2	INTRODUCED BY	Yellowtail
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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A NEW HIGH SCHOOL DISTRICT A TIME PERIOD OF 2 YEARS IN WHICH TO OPEN AND OPERATE A SCHOOL BEFORE THE ORDER TO CREATE THE DISTRICT IS VOID AND THE DISTRICT CEASES TO EXIST; AMENDING SECTION 20-6-325, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 20-6-325, MCA, is amended to read:

"20-6-325. Procedure for creation of new high school
district out of existing districts -- limitation for
creation. (1) To create a new high school district, a
petition requesting the creation of a new high school
district out of the territory of an existing high school
district or districts must be addressed to the county
superintendent and must:

- (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;
- 23 (b) state the reasons why the creation of a new 24 district is requested; and
 - (c) be signed by the parents or guardians of not less

	than 50 children who are at least 14 years old but less than
:	18 years old and 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:
- 9 (a) file such petition;

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- 10 (b) set a hearing place, date, and time for 11 consideration of the petition that is not more than 40 days 12 after the receipt of the petition; and
- 13 (c) give notice of the place, date, and time of the
 14 hearing. Notices must be posted in the high school districts
 15 affected by the request in the manner prescribed in
 16 20-20-204 for school elections, with at least one such
 17 notice posted in the territory to be included in the new
 18 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

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school election and is qualified.

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1 taxpayer of the affected districts must be heard. If the 2 county superintendent considers it advisable and in the best interests of the residents of the proposed new district, he 3 4 shall grant the petitioned request and order the creation of a new district with its boundaries coinciding with the 5 6 boundaries defined in the petition. Otherwise, he shall by 7 order deny the request. In the order creating the new district, the effective date for its creation must be the 8 following July 1. 9

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

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- (a) call a hearing on the appeal not less than 20 days or more than 30 days from receipt of the appeal;
- (b) provide notice of the hearing in the manner
 prescribed in subsection (2)(c);
 - (c) consider the material presented at the county superintendent's hearing and pertinent other material; and
- (d) render a decision on the creation of such new highschool district. The decision is final.
- (5) When a new high school district is created, thetrustees 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
 - within 1-year 2 years after the effective date of the creation of the new district, 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 void and the new district ceases to exist. 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 the new district and the trustees are 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 1 year after the final decision on the original petition.
- 20 (8) For the purposes of this section, the taxable value of the taxable property of the territory proposed to 22 be included in the new district must be at least \$500,000, 23 unless 50,000 acres or more of such proposed new district 24 are nontaxable Indian land."
- 25 <u>NEW SECTION.</u> Section 2. Effective date. This act is

effective on passage and approval.

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

INTRODUCED BY Wellowfail 1 3 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A NEW HIGH 4 SCHOOL DISTRICT A TIME PERIOD OF 2 YEARS IN WHICH TO OPEN 5

AND OPERATE A SCHOOL BEFORE THE ORDER TO CREATE THE DISTRICT IS VOID AND THE DISTRICT CEASES TO EXIST: AMENDING SECTION

20-6-325, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 20-6-325, MCA, is amended to read: "20-6-325. Procedure for creation of new high school district out of existing districts -- limitation for creation. (1) To create a new high school district, a petition requesting the creation of a new high school district out of the territory of an existing high school district or districts must be addressed to the county superintendent and must:

- (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;
- 23 (b) state the reasons why the creation of a new 24 district is requested; and
- 25 (c) be signed by the parents or guardians of not less

- than 50 children who are at least 14 years old but less than
- 18 years old and 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 such petition;
- 10 (b) set a hearing place, date, and time for
- consideration of the petition that is not more than 40 days 11
- after the receipt of the petition; and 12
- 13 (C) give notice of the place, date, and time of the
- hearing. Notices must be posted in the high school districts
- 15 affected by the request in the manner prescribed
- 16 20-20-204 for school elections, with at least one such
- notice posted in the territory to be included in the new 17
- 18 district.
- 19 (3) The county superintendent shall conduct the
- hearing as scheduled unless before or at the time of the 20
- hearing he receives a protest petition signed by a majority 21
- 22 of the electors of the proposed new district who are
- qualified to vote under the provisions of 20-20-301. A valid 2.3
- protest petition conclusively denies the creation of a new 24
- district. If a hearing is conducted, any resident or 25

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 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.

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- (4) The county superintendent's order may be appealed to the superintendent of public instruction within 30 days after the date of such order. An appeal must be in writing and be signed by not less than 10 residents of the proposed new district. The superintendent of public instruction shall:
- 16 (a) call a hearing on the appeal not less than 20 days or more than 30 days from receipt of the appeal; 17
- 18 (b) provide notice of the hearing in the manner prescribed in subsection (2)(c);
 - (c) consider the material presented at the county superintendent's hearing and pertinent other material; and
- 22 (d) render a decision on the creation of such new high 23 school district. The decision is final.
- 24 (5) When a new high school district is created, the 25 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
- 3 shall serve until a successor is elected at the next regular
- school election and is qualified.
- 5 (6) If the district does not open and operate a school within 1-year 2 years after the effective date of the creation of the new district, the order of the county superintendent or, if his order is appealed, the decision of the superintendent of public instruction creating a new 9 10 district under this section is void and the new district ceases to exist. If the new district does not satisfy this 11 1.2 requirement, the territory must be reincorporated in the district or districts in which it was located before the 14 creation of the new district and the trustees are without 15 capacity to act.
- 16 (7) If a petition has been filed under the provisions 17 of this section and denied by the county superintendent, no new petition may be filed until 1 year after the final 18 19 decision on the original petition.
- 20 (8) For the purposes of this section, the taxable value of the taxable property of the territory proposed to 21 22 be included in the new district must be at least \$500,000, 23 unless 50,000 acres or more of such proposed new district 24 are nontaxable Indian land."
- NEW SECTION. Section 2. Effective date. This act is 25

1 effective on passage and approval.

-End-

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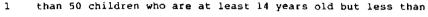
1	INTRODUCED BY Allowland
2	INTRODUCED BY Ifellowland
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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A NEW HIGH SCHOOL DISTRICT A TIME PERIOD OF 2 YEARS IN WHICH TO OPEN AND OPERATE A SCHOOL BEFORE THE ORDER TO CREATE THE DISTRICT IS VOID AND THE DISTRICT CEASES TO EXIST; AMENDING SECTION 20-6-325, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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- (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 23 district is requested; and 24
 - (c) be signed by the parents or guardians of not less



- 18 years old and 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 such petition;
- 10 (b) set a hearing place, date, and time for
- consideration of the petition that is not more than 40 days 11
- 12 after the receipt of the petition; and
- 13 (c) give notice of the place, date, and time of the
- 14 hearing. Notices must be posted in the high school districts
- affected by the request in the manner prescribed 15

20-20-204 for school elections, with at least one such

hearing as scheduled unless before or at the time of the

- notice posted in the territory to be included in the new 17
- district. 18

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- 19 (3) The county superintendent shall conduct the
- 21 hearing he receives a protest petition signed by a majority
- 22 of the electors of the proposed new district who are
- qualified to vote under the provisions of 20-20-301. A valid 23
- 24 protest petition conclusively denies the creation of a new
- 25 district. If a hearing is conducted, any resident or

- taxpayer of the affected districts must be heard. If the 1 county superintendent considers it advisable and in the best 2 interests of the residents of the proposed new district, he 3 shall grant the petitioned request and order the creation of 4 a new district with its boundaries coinciding with the 5 6 boundaries defined in the petition. Otherwise, he shall by order deny the request. In the order creating the new 7 district, the effective date for its creation must be the 8 9 following July 1.
- 10 (4) The county superintendent's order may be appealed
 11 to the superintendent of public instruction within 30 days
 12 after the date of such order. An appeal must be in writing
 13 and be signed by not less than 10 residents of the proposed
 14 new district. The superintendent of public instruction
 15 shall:
- (a) call a hearing on the appeal not less than 20 days or more than 30 days from receipt of the appeal;
- (b) provide notice of the hearing in the manner
 prescribed in subsection (2)(c);
- (c) consider the material presented at the county
 superintendent's hearing and pertinent other material; and
- (d) render a decision on the creation of such new highschool district. The decision is final.
- (5) When a new high school district is created, thetrustees of the elementary district in which the high school

1 buildings are located are the trustees of the new district.

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- 2 A trustee appointed under the provisions of this section
- 3 shall serve until a successor is elected at the next regular
- 4 school election and is qualified.
- 5 (6) If the district does not open and operate a school within 1-year 2 years after the effective date of the 6 7 creation of the new district, the order of the county superintendent or, if his order is appealed, the decision of 8 9 the superintendent of public instruction creating a new district under this section is void and the new district 10 ceases to exist. If the new district does not satisfy this 11 requirement, the territory must be reincorporated in the 12 district or districts in which it was located before the 13 creation of the new district and the trustees are without 14 15 capacity to act.
- 16 (7) If a petition has been filed under the provisions
 17 of this section and denied by the county superintendent, no
 18 new petition may be filed until 1 year after the final
 19 decision on the original petition.
- 20 (8) For the purposes of this section, the taxable 21 value of the taxable property of the territory proposed to 22 be included in the new district must be at least \$500,000, 23 unless 50,000 acres or more of such proposed new district 24 are nontaxable Indian land."
- 25 NEW SECTION. Section 2. Effective date. This act is

1 effective on passage and approval.

-End-

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50th Legislature SB 0231/02 SB 0231/02

1	SENATE BILL NO. 231
2	INTRODUCED BY YELLOWTAIL
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A NEW HIGH
5	SCHOOL DISTRICT A TIME PERIOD OF 2 YEARS IN WHICH TO OPER
6	AND OPERATE A SCHOOL BEFORE THE ORDER TO CREATE THE DISTRICT
7	IS VOID AND THE DISTRICT CEASES TO EXIST; AMENDING SECTION
8	20-6-325, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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13	district out of existing districts limitation for
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15	petition requesting the creation of a new high school
16	district out of the territory of an existing high school
17	district or districts must be addressed to the county
18	superintendent and must:
19	(a) describe the territory that is requested to be
20	incorporated in the new district and the taxable value of
21	such territory as shown by the last completed assessment
22	roll;
23	(b) state the reasons why the creation of a new
24	district is requested; and

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- 9 10 11 12 13 14 15 16 17 district. 18 19 20 21 22
- (c) be signed by the parents or guardians of not less

- 1 than 50 children who are at least 14 years old but less than
- 2 18 years old and who reside in the territory that would be
- included in the new district and who reside more than 20 3
- miles over the shortest practical route from an operating
- high school.
- 6 (2) When a county superintendent receives a valid 7 petition requesting the creation of a new district, he 8 shall:
 - (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
- 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

(3) The county superintendent shall conduct the

- qualified to vote under the provisions of 20-20-301. A valid 23
- 24 protest petition conclusively denies the creation of a new
- district. If a hearing is conducted, any resident or

- 1 taxpayer of the affected districts must be heard. If the
- 2 county superintendent considers it advisable and in the best
- 3 interests of the residents of the proposed new district, he
- 4 shall grant the petitioned request and order the creation of
- 5 a new district with its boundaries coinciding with the
- 6 boundaries defined in the petition. Otherwise, he shall by
- 7 order deny the request. In the order creating the new
- 8 district, the effective date for its creation must be the
- 9 following July 1.
- 10 (4) The county superintendent's order may be appealed
- 11 to the superintendent of public instruction within 30 days
 - after the date of such order. An appeal must be in writing
 - and be signed by not less than 10 residents of the proposed
- 14 new district. The superintendent of public instruction
- 15 shall:

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- 16 (a) call a hearing on the appeal not less than 20 days
- or more than 30 days from receipt of the appeal;
- 18 (b) provide notice of the hearing in the manner
- 19 prescribed in subsection (2)(c);
- 20 (c) consider the material presented at the county
- 21 superintendent's hearing and pertinent other material; and
- 22 (d) render a decision on the creation of such new high
- 23 school district. The decision is final.
- 24 (5) When a new high school district is created, the
- 25 trustees of the elementary district in which the high school

- buildings are located are the trustees of the new district.
- 2 A trustee appointed under the provisions of this section
- 3 shall serve until a successor is elected at the next regular
- 4 school election and is qualified.
- 5 (6) If the district does not open and operate a school
- 6 within $\frac{1}{2}$ -year $\frac{2}{2}$ years after the effective date of the
- 7 creation of the new district, the order of the county
- 8 superintendent or, if his order is appealed, the decision of
- 9 the superintendent of public instruction creating a new
- 10 district under this section is void and the new district
- ll ceases to exist. If the new district does not satisfy this
- 12 requirement, the territory must be reincorporated in the
- 13 district or districts in which it was located before the
- 14 creation of the new district and the trustees are without
- 15 capacity to act.
- 16 (7) If a petition has been filed under the provisions
- of this section and denied by the county superintendent, no
- 18 new petition may be filed until 1 year after the final
- 19 decision on the original petition.
- 20 (8) For the purposes of this section, the taxable
- 21 value of the taxable property of the territory proposed to
- 22 be included in the new district must be at least \$500,000,
- 23 unless 50,000 acres or more of such proposed new district
- 24 are nontaxable Indian land."
- 25 NEW SECTION. Section 2. Effective date. This act is

SB 0231/02

effective on passage and approval.

-End-