

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

MARCH 19, 1987                   RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 *Senate* BILL NO. *231*  
 2 INTRODUCED BY *Yellowtail*  
 3

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 OPEN  
 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:

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

12 "20-6-325. Procedure for creation of new high school  
 13 district out of existing districts -- limitation for  
 14 creation. (1) To create a new high school district, a  
 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

25 (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  
 3 included in the new district and who reside more than 20  
 4 miles over the shortest practical route from an operating  
 5 high school.

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

9 (a) file such petition;

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.

19 (3) The county superintendent shall conduct the  
 20 hearing as scheduled unless before or at the time of the  
 21 hearing he receives a protest petition signed by a majority  
 22 of the electors of the proposed new district who are  
 23 qualified to vote under the provisions of 20-20-301. A valid  
 24 protest petition conclusively denies the creation of a new  
 25 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  
 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:

16 (a) call a hearing on the appeal not less than 20 days  
 17 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

1 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 ~~1-year~~ 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  
 11 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  
 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

LC 1589/01

1 effective on passage and approval.

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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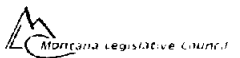
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6 (2) When a county superintendent receives a valid  
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20 hearing as scheduled unless before or at the time of the  
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