

SENATE BILL NO. 276

INTRODUCED BY PINSONEAULT, HAMMOND

IN THE SENATE

FEBRUARY 3, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 17, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1987 PRINTING REPORT.

FEBRUARY 19, 1987 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

FEBRUARY 20, 1987 SECOND READING, DO PASS.

FEBRUARY 21, 1987 ENGROSSING REPORT.

FEBRUARY 23, 1987 THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 24, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

MARCH 7, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 10, 1987 SECOND READING, CONCURRED IN.

MARCH 11, 1987 THIRD READING, CONCURRED IN.
AYES, 89; NOES, 9.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 21, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 23, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 INTRODUCTION BY *Paul Remond* BILL NO. *276*
 2 *Hammond*

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT ANY
 4 PETITION FOR THE TRANSFER OF TERRITORY FROM ONE HIGH SCHOOL
 5 DISTRICT TO ANOTHER MUST BE ACTED UPON BY THE BOARD OF
 6 COUNTY COMMISSIONERS TO CERTIFY COMPLIANCE WITH CERTAIN
 7 CRITERIA; AND AMENDING SECTION 20-6-320, MCA."

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

9 Section 1. Section 20-6-320, MCA, is amended to read:

10 "20-6-320. Transfer of territory from one high school
 11 district to another. (1) A majority of electors of any high
 12 school district who are qualified to vote under the
 13 provisions of 20-20-301 and who reside in territory that is
 14 a part of a high school district may petition the county
 15 superintendent to transfer such territory to another high
 16 school district if:

- 17 (a) the territory adjoins the district to which it is
- 18 to be attached;
- 19 (b) the territory is not located within 3 miles, over
- 20 the shortest practical route, of an operating school of the
- 21 district from which it is to be detached;
- 22 (c) the transfer of such territory will not reduce the
- 23 taxable value of the district to less than \$300,000 unless
- 24
- 25

1 the remaining territory of the district contains not less
 2 than 50,000 acres of nontaxable Indian land; and

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

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

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

9 (b) state the reasons why such transfer is requested;
 10 and

11 (c) state the number of high-school-age children
 12 residing in such territory.

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

15 (a) present the petition to the board of county
 16 commissioners for certification that the criteria set forth
 17 in subsection (1) have been met. The board shall, within 10
 18 days of receiving the petition, return it to the county
 19 superintendent with certification, signed by each member of
 20 the board, that such criteria have been met or with a
 21 notation, signed by each member, that the criteria have not
 22 been met. The board's certification is binding on the county
 23 superintendent unless the county superintendent believes
 24 that the certification is in error. A dispute between the
 25 board and county commissioners must be decided by the



-2- INTRODUCED BILL
 SB 276

1 superintendent of public instruction and the decision of the
2 superintendent of public instruction on the matter is final.

3 (a)(b) file the petition as certified by the board of
4 county commissioners;

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

8 (c)(d) give notice of the place, date, and time of the
9 hearing. The notices must be posted in the districts
10 affected by the request in the manner prescribed in this
11 title for school elections, with at least one notice posted
12 in the territory to be transferred.

13 (4) The county superintendent shall conduct the
14 hearing as scheduled, and any resident or taxpayer of either
15 affected district must be heard. If the county
16 superintendent considers it advisable and in the best
17 interests of the residents of the territory, he shall grant
18 the petitioned request and order the change of district
19 boundaries to coincide with the boundary description in the
20 petition. Otherwise, he shall by order deny the request.
21 Either of the orders shall be final 20 days after its date
22 unless it is appealed to the superintendent of public
23 instruction by a resident of either district affected by the
24 territory transfer. The decision of the superintendent of
25 public instruction, after consideration of the material

1 presented at the county superintendent's hearing, is final
2 30 days after its date.

3 (5) If a petition to transfer territory from one high
4 school district to another high school district would create
5 a joint high school district or affect the boundary of any
6 existing joint high school district, the petition must be
7 presented to the county superintendent of the county where
8 the territory is located. The county superintendent shall
9 notify any other county superintendents of counties with
10 districts affected by the petition, and the duties
11 prescribed in this section for the county superintendent
12 must be performed jointly by such county officials."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 276

INTRODUCED BY PINSONEAULT, HAMMOND

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT ANY PETITION FOR THE TRANSFER OF TERRITORY FROM ONE HIGH SCHOOL DISTRICT TO ANOTHER MUST BE ACTED UPON BY THE BOARD OF COUNTY COMMISSIONERS TO CERTIFY COMPLIANCE WITH CERTAIN CRITERIA; AND AMENDING SECTION 20-6-320, MCA."

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

Section 1. Section 20-6-320, MCA, is amended to read:

"20-6-320. Transfer of territory from one high school district to another. (1) A majority of electors of any high school district who are qualified to vote under the provisions of 20-20-301 and who reside in territory that is a part of a high school district may petition the county superintendent to transfer such territory to another high school district if:

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

(b) the 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 \$300,000 unless

the remaining territory of the district contains not less than 50,000 acres of nontaxable Indian land; and

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

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

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

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

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

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

(a) present the petition to the board of county commissioners for certification that the criteria set forth in subsection (1) have been met. The board shall, within 10 days of receiving the petition, return it to the county superintendent with certification, signed by each member A MAJORITY of the board, that such criteria have been met, or with a notation, signed by each member, that the criteria have not been met. The board's certification is binding on the county superintendent unless the county superintendent believes that the certification is in error. A dispute between the board and county commissioners must be decided

~~by-the-superintendent-of-public-instruction-and-the-decision
of-the-superintendent-of-public-instruction-on-the-matter-is
final;~~

(a)(b) file the petition as certified by the board of county commissioners;

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

(c)(d) give notice of the place, date, and time of the hearing. The notices must be posted in the districts affected by the request in the manner prescribed in this title for school elections, with at least one notice posted in the territory to be transferred.

(4) The county superintendent shall conduct the hearing as scheduled, and any resident or taxpayer of either affected district must be heard. If the county superintendent considers it advisable and in the best interests of the residents of the territory, he shall grant the petitioned request and order the change of district boundaries to coincide with the boundary description in the petition. Otherwise, he shall by order deny the request. Either of the orders shall be final 20 days after its date unless it is appealed to the superintendent of public instruction by a resident of either district affected by the territory transfer. The decision of the superintendent of

public instruction, after consideration of the material presented at the county superintendent's hearing, is final 30 days after its date.

(5) If a petition to transfer territory from one high school district to another high school district would create a joint high school district or affect the boundary of any existing joint high school district, the petition must be presented to the county superintendent of the county where the territory is located. The county superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly by such county officials."

-End-

1 SENATE BILL NO. 276

2 INTRODUCED BY PINSONEAULT, HAMMOND

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT ANY
5 PETITION FOR THE TRANSFER OF TERRITORY FROM ONE HIGH SCHOOL
6 DISTRICT TO ANOTHER MUST BE ACTED UPON BY THE BOARD OF
7 COUNTY COMMISSIONERS TO CERTIFY COMPLIANCE WITH CERTAIN
8 CRITERIA; AND AMENDING SECTION 20-6-320, MCA."

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

11 Section 1. Section 20-6-320, MCA, is amended to read:

12 "20-6-320. Transfer of territory from one high school
13 district to another. (1) A majority of electors of any high
14 school district who are qualified to vote under the
15 provisions of 20-20-301 and who reside in territory that is
16 a part of a high school district may petition the county
17 superintendent to transfer such territory to another high
18 school district if:

19 (a) the territory adjoins the district to which it is
20 to be attached;

21 (b) the territory is not located within 3 miles, over
22 the shortest practical route, of an operating school of the
23 district from which it is to be detached;

24 (c) the transfer of such territory will not reduce the
25 taxable value of the district to less than \$300,000 unless

1 the remaining territory of the district contains not less
2 than 50,000 acres of nontaxable Indian land; and

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

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

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

9 (b) state the reasons why such transfer is requested;
10 and

11 (c) state the number of high-school-age children
12 residing in such territory.

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

15 (a) present the petition to the board of county
16 commissioners for certification that the criteria set forth
17 in subsection (1) have been met. The board shall, within 10
18 days of receiving the petition, return it to the county
19 superintendent with certification, signed by each member A
20 MAJORITY of the board, that such criteria have been met. or
21 with--a--notation--signed-by-each-member--that-the-criteria
22 have-not-been-met--The-board's-certification-is-binding-on
23 the--county--superintendent-unless-the-county-superintendent
24 believes-that-the-certification-is-in-error--A-dispute
25 between--the--board-and-county-commissioners-must-be-decided

1 ~~by the superintendent of public instruction and the decision~~
2 ~~of the superintendent of public instruction on the matter is~~
3 ~~final.~~

4 {a}{b} file the petition as certified by the board of
5 county commissioners;

6 {b}{c} set a hearing place, date, and time for
7 consideration of the petition that is not more than 40 days
8 after receipt of the petition; and

9 {c}{d} give notice of the place, date, and time of the
10 hearing. The notices must 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 notice posted
13 in the territory to be transferred.

14 (4) The county superintendent shall conduct the
15 hearing as scheduled, and any resident or taxpayer of either
16 affected district must be heard. If the county
17 superintendent considers it advisable and in the best
18 interests of the residents of the territory, he shall grant
19 the petitioned request and order the change of district
20 boundaries to coincide with the boundary description in the
21 petition. Otherwise, he shall by order deny the request.
22 Either of the orders shall be final 20 days after its date
23 unless it is appealed to the superintendent of public
24 instruction by a resident of either district affected by the
25 territory transfer. The decision of the superintendent of

1 public instruction, after consideration of the material
2 presented at the county superintendent's hearing, is final
3 30 days after its date.

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

-End-

1 SENATE BILL NO. 276

2 INTRODUCED BY PINSONEAULT, HAMMOND

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT ANY
5 PETITION FOR THE TRANSFER OF TERRITORY FROM ONE HIGH SCHOOL
6 DISTRICT TO ANOTHER MUST BE ACTED UPON BY THE BOARD OF
7 COUNTY COMMISSIONERS TO CERTIFY COMPLIANCE WITH CERTAIN
8 CRITERIA; AND AMENDING SECTION 20-6-320, MCA."

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

11 Section 1. Section 20-6-320, MCA, is amended to read:

12 "20-6-320. Transfer of territory from one high school
13 district to another. (1) A majority of electors of any high
14 school district who are qualified to vote under the
15 provisions of 20-20-301 and who reside in territory that is
16 a part of a high school district may petition the county
17 superintendent to transfer such territory to another high
18 school district if:

19 (a) the territory adjoins the district to which it is
20 to be attached;

21 (b) the territory is not located within 3 miles, over
22 the shortest practical route, of an operating school of the
23 district from which it is to be detached;

24 (c) the transfer of such territory will not reduce the
25 taxable value of the district to less than \$300,000 unless

1 the remaining territory of the district contains not less
2 than 50,000 acres of nontaxable Indian land; and

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

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

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

9 (b) state the reasons why such transfer is requested;
10 and

11 (c) state the number of high-school-age children
12 residing in such territory.

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

15 (a) present the petition to the board of county
16 commissioners for certification that the criteria set forth
17 in subsection (1) have been met. The board shall, within 10
18 days of receiving the petition, return it to the county
19 superintendent with certification, signed by each-member A
20 MAJORITY of the board, that such criteria have been met; OR
21 WITH A NOTATION, SIGNED BY A MAJORITY OF THE BOARD, THAT THE
22 CRITERIA HAVE NOT BEEN MET. THE BOARD'S CERTIFICATION IS
23 BINDING ON THE COUNTY SUPERINTENDENT UNLESS THE COUNTY
24 SUPERINTENDENT BELIEVES THAT THE CERTIFICATION IS IN ERROR.
25 A DISPUTE BETWEEN THE BOARD AND THE COUNTY COMMISSIONERS

1 MUST BE DECIDED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 2 AND THE DECISION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 3 ON THE MATTER IS FINAL. or-with-a-notation, signed--by--each
 4 member,--that--the--criteria--have-not-been-met,--The-board's
 5 certification-is-binding-on-the-county-superintendent-unless
 6 the-county-superintendent-believes-that-the-certification-is
 7 in-error.--A-dispute--between--the--board--and--county
 8 commissioners--must--be--decided--by--the--superintendent-of
 9 public-instruction-and-the-decision-of-the-superintendent-of
 10 public-instruction-on-the-matter-is-final.

11 (a)(b) file the petition as certified by the board of
 12 county commissioners;

13 (b)(c) set a hearing place, date, and time for
 14 consideration of the petition that is not more than 40 days
 15 after receipt of the petition; and

16 (c)(d) give notice of the place, date, and time of the
 17 hearing. The notices must be posted in the districts
 18 affected by the request in the manner prescribed in this
 19 title for school elections, with at least one notice posted
 20 in the territory to be transferred.

21 (4) The county superintendent shall conduct the
 22 hearing as scheduled, and any resident or taxpayer of either
 23 affected district must be heard. If the county
 24 superintendent considers it advisable and in the best
 25 interests of the residents of the territory, he shall grant

1 the petitioned request and order the change of district
 2 boundaries to coincide with the boundary description in the
 3 petition. Otherwise, he shall by order deny the request.
 4 Either of the orders shall be final 20 days after its date
 5 unless it is appealed to the superintendent of public
 6 instruction by a resident of either district affected by the
 7 territory transfer. The decision of the superintendent of
 8 public instruction, after consideration of the material
 9 presented at the county superintendent's hearing, is final
 10 30 days after its date.

11 (5) If a petition to transfer territory from one high
 12 school district to another high school district would create
 13 a joint high school district or affect the boundary of any
 14 existing joint high school district, the petition must be
 15 presented to the county superintendent of the county where
 16 the territory is located. The county superintendent shall
 17 notify any other county superintendents of counties with
 18 districts affected by the petition, and the duties
 19 prescribed in this section for the county superintendent
 20 must be performed jointly by such county officials."

-End-

STANDING COMMITTEE REPORT

HOUSE

MARCH 6, 19 87

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES

report SENATE BILL NO. 276

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached


REP. JACK SANDS,

Chairman

COUNTY COMMISSIONERS TO REVIEW HIGH SCHOOL DISTRICT TRANSFER OF TERRITORY

1. Page 2, line 20.
Following: "met"
Strike: "."

~~2. Page 3, line 3.~~

~~Following: "final."~~

Insert: "or with a notation, signed by a majority of the board, that the criteria have not been met. The board's certification is binding on the county superintendent unless the county superintendent believes that the certification is in error. A dispute between the board and the county commissioners must be decided by the superintendent of public instruction and the decision of the superintendent of public instruction of the matter is final."

REP. EUDAILY WILL CARRY THE BILL IN THE HOUSE OF REPRESENTATIVES

THIRD reading copy (BLUE)
color