

HOUSE BILL 460

Introduced by Hayne

1/27	Introduced
1/27	Referred to Local Government
2/07	Hearing
2/08	Committee Report--Bill Not Passed as Amended
2/09	Adverse Committee Report Adopted

1 HOUSE BILL NO. 460
2 INTRODUCED BY Harpe
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT THE
5 BOARD OF COUNTY COMMISSIONERS HEAR ANY APPEAL OF A COUNTY
6 SUPERINTENDENT'S DECISION ON THE CREATION OF A NEW HIGH
7 SCHOOL DISTRICT; AND AMENDING SECTION 20-6-325, MCA."

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

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

11 "20-6-325. Procedure for creation of new high school
12 district out of existing districts -- limitation for
13 creation. (1) To create a new high school district, a
14 petition requesting the creation of a new high school
15 district out of the territory of an existing high school
16 district or districts must be addressed to the county
17 superintendent and must:

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

22 (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
25 than 50 children who are at least 14 years old but less than

1 18 years old and who reside in the territory that would be
2 included in the new district and who reside more than 20
3 miles over the shortest practical route from an operating
4 high school.

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

8 (a) file such the petition;

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

12 (c) give notice of the place, date, and time of the
13 hearing. Notices must be posted in the high school districts
14 affected by the request in the manner prescribed in
15 20-20-204 for school elections, with at least one such
16 notice posted in the territory to be included in the new
17 district.

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

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 boundaries defined in the petition. Otherwise, he shall by
6 order deny the request. In the order creating the new
7 district, the effective date for its creation must be the
8 following July 1.

9 (4) The county superintendent's order may be appealed
10 to the superintendent-of-public-instruction board of county
11 commissioners within 30 days after the date of such the
12 order. An appeal must be in writing and be signed by not
13 less than 10 residents-of-the-proposed-new-district resident
14 taxpayers and must state sufficient facts to show the
15 appellants' right to appeal the order. The superintendent
16 of--public--instruction board of county commissioners shall:

17 (a) call a hearing on the appeal not-less-than-20-days
18 or-more-than-30-days-from-receipt--of--the--appeal for the
19 first regular meeting of the commission that will allow
20 notice to be given in accordance with the requirements for
21 notice of school elections;

22 (b) provide--notice--of--the--hearing--in--the--manner
23 prescribed-in-subsection-(2)(c);

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

1 (d)(c) render a decision on the creation of such the
2 new high school district. The decision is final.

3 (5) When a new high school district is created, the
4 trustees of the elementary district in which the high school
5 buildings are located are the trustees of the new district.
6 A trustee appointed under the provisions of this section
7 shall serve until a successor is elected at the next regular
8 school election and is qualified.

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

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

24 (8) For the purposes of this section, the taxable
25 value of the taxable property of the territory proposed to

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1 be included in the new district must be at least \$1 million,
2 unless 50,000 acres or more of such proposed new district
3 are nontaxable Indian land, and the taxable value of the
4 taxable property of each existing district from which
5 territory would be detached must be at least \$2 million
6 after the territory is detached."

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