

House BILL NO. 491

INTRODUCED BY

*Reuben Stetzel Ketchum Ryan
Cassandra McLellan John Johnson*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO THE TRANSFER OF TERRITORY FROM ONE SCHOOL DISTRICT TO ANOTHER; INCREASING THE FILING FEE TO \$100; ALLOWING AN APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN THE CASE OF AN ELEMENTARY DISTRICT TRANSFER; ELIMINATING THE DUTIES OF THE COUNTY COMMISSIONERS RELATING TO TRANSFERS; ELIMINATING THE VOTE OF THE PEOPLE IN THE CASE OF AN ELEMENTARY DISTRICT TRANSFER; CHANGING THE TIME LIMITATION FOR A BOUNDARY CHANGE FOR A HIGH SCHOOL DISTRICT; REQUIRING THAT A TRANSFER INVOLVING A K-12 DISTRICT MUST INCLUDE BOTH AN ELEMENTARY AND A HIGH SCHOOL TRANSFER; AND AMENDING SECTIONS 20-6-213, 20-6-314, 20-6-320, AND 20-6-703, MCA."

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

Section 1. Section 20-6-213, MCA, is amended to read:

"20-6-213. Transfer of territory from one elementary district to another. (1) A majority of the registered electors of an elementary district who reside in territory that is a part of an elementary district may petition the county superintendent to transfer the territory in which they reside to another elementary district if:

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

(b) the territory to be transferred 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 the territory will not reduce the taxable value of the district to less than \$100,000 unless the remaining territory of the district will contain not less than 50,000 acres of nontaxable Indian land;

(d) the board of trustees of the school district that would receive the territory has approved the proposed transfer in writing ~~the transfer~~; and

(e) the territory proposed to be transferred to another elementary district has not been included in a petition filed under this section in the previous 3 years.

- 1 (2) The petition must be addressed to the county superintendent and must:
- 2 (a) provide a legal description of the territory that is requested to be transferred and a description
- 3 of the elementary district to which it is to be transferred;
- 4 (b) state the reasons why the transfer is requested;
- 5 (c) state the number of elementary school-age children residing in the territory; and
- 6 (d) be accompanied by a ~~\$50~~ \$100 nonrefundable filing fee.
- 7 (3) A petition that meets the criteria specified in subsection (1) and that contains all the information
- 8 required by subsection (2) is considered a valid petition. On receipt of a valid petition for a territory transfer,
- 9 the county superintendent shall:
- 10 (a) file the petition;
- 11 (b) set a hearing place, date, and time for consideration of the petition that is not more than 40
- 12 days after receipt of the petition; and
- 13 (c) give notice of the place, date, and time of the hearing. The notices must be posted in the
- 14 districts affected by the petition for the transfer of territory in the manner prescribed in this title for school
- 15 elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered
- 16 to the board of trustees of the school district from which the territory is to be transferred.
- 17 (4) The county superintendent shall conduct the hearing as scheduled in accordance with the rules
- 18 of procedure adopted by the superintendent of public instruction pursuant to 20-3-107(3), and any resident,
- 19 taxpayer, or representative of the affected districts must, upon request, be heard.
- 20 (5) Within 30 days after the hearing, the county superintendent shall, after considering the
- 21 testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order.
- 22 The county superintendent shall grant or deny the requested transfer of territory. The decision must be
- 23 based on the effects that the transfer would have on those residing in the territory proposed for transfer
- 24 as well as those residing in the remaining territory of the elementary district.
- 25 (6) The decision of the county superintendent is final 30 days after its date unless it is appealed
- 26 ~~to the board of county commissioners~~ to the superintendent of public instruction in accordance with
- 27 20-3-107 by a resident, taxpayer, or representative of ~~the either elementary districts~~ district affected by
- 28 the petitioned territory transfer.
- 29 (7) The decision of the ~~board of county commissioners~~ superintendent of public instruction, after
- 30 ~~a hearing on the matter and~~ consideration of the record from the county superintendent's hearing, is final

1 30 days after its date ~~unless prior to that time it has been contested through the filing of a valid petition~~
 2 ~~to submit the question to a vote of the people in the elementary district from which the land is to be~~
 3 ~~transferred. In order for a petition to be valid, the petition must be signed by 20% of the electors of the~~
 4 ~~elementary district who are qualified to vote in elections for that district under 20-20-301. When a valid~~
 5 ~~petition is submitted under this subsection, the question of whether the territory must be transferred to~~
 6 ~~another district must be put before the voters at the next regular school election in the affected elementary~~
 7 ~~district. The results of the vote must be the final decision on the petition for transfer of territory. The final~~
 8 order of the superintendent of public instruction is subject to judicial review under the Montana
 9 Administrative Procedure Act, Title 2, chapter 4.

10 (8) Whenever a petition to transfer territory from one elementary district to another elementary
 11 district creates a joint elementary district or affects the boundary of an existing joint elementary district,
 12 the petition to transfer territory must be presented to the county superintendent of the county where the
 13 territory is located. The county superintendent shall notify any other county superintendents of counties
 14 with elementary districts affected by the petition, and the duties prescribed in this section for the county
 15 superintendent ~~and the board of county commissioners~~ must be performed jointly ~~by the county officials.~~
 16 If the number of county superintendents involved is an even number, the county superintendents shall
 17 jointly appoint an additional county superintendent from an unaffected county to join them in conducting
 18 the hearing required in subsection (4) and issuing the decision required in subsection (5). The decision
 19 issued under subsection (5) must be made by a majority of the county superintendents.

20 (9) A petition seeking to transfer elementary territory out of or into a K-12 district must be
 21 accompanied by a petition to transfer the same territory as high school territory in accordance with
 22 20-6-320. In the case of a proposed transfer out of or into a K-12 district, an elementary petition that is
 23 not accompanied by the high school petition is invalid for the purpose of subsection (3)."

24
 25 **Section 2.** Section 20-6-314, MCA, is amended to read:

26 "20-6-314. **Time limitations for boundary changes.** ~~Ne~~ A high school district may not be created
 27 and ~~ne~~ a high school district boundary may not be changed between the first day of ~~March~~ January and
 28 the second Monday of August of any calendar year except when:

29 (1) the entire territory of a high school district is annexed or attached to another high school
 30 district;

1 (2) the entire territory or portion of a joint high school district located in one county is annexed or
2 attached to another high school district; or

3 (3) two or more districts are consolidated in their entirety."

4

5 **Section 3.** Section 20-6-320, MCA, is amended to read:

6 "20-6-320. **Transfer of territory from one high school district to another.** (1) A majority of
7 registered electors of a high school district who reside in territory that is a part of a high school district may
8 petition the county superintendent to transfer the territory in which they reside to another high school
9 district if:

10 (a) the territory to be transferred is contiguous to the high school district to which it is to be
11 attached;

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

14 (c) the transfer of the territory will not reduce the taxable value of the district to less than
15 \$300,000 unless the remaining territory of the high school district contains not less than 50,000 acres of
16 nontaxable Indian land;

17 (d) the board of trustees of the school district that would receive the territory has approved the
18 proposed transfer in writing ~~the transfer~~; and

19 (e) the territory proposed to be transferred to another high school district has not been included
20 in a petition filed under this section in the previous 3 years.

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

22 (a) provide a legal description of the territory that is requested to be transferred and a description
23 of the high school district to which it is to be transferred;

24 (b) state the reasons why the transfer is requested;

25 (c) state the number of high-school-age children residing in the territory; and

26 (d) be accompanied by a ~~\$50~~ \$100 nonrefundable filing fee.

27 (3) A petition that meets the criteria specified in subsection (1) and that contains all the information
28 required by subsection (2) is a valid petition. On receipt of a valid petition for a territory transfer, the county
29 superintendent shall:

30 (a) ~~present the petition to the board of county commissioners for certification that the criteria set~~

1 ~~forth in subsection (1) have been met. The board shall, within 10 days of receiving the petition, return it~~
 2 ~~to the county superintendent with certification, signed by a majority of the board, that the criteria have~~
 3 ~~been met or with a notation, signed by a majority of the board, that the criteria have not been met. The~~
 4 ~~board's certification is binding on the county superintendent unless the county superintendent believes that~~
 5 ~~the certification is in error. A dispute between the board and the county superintendent on this issue must~~
 6 ~~be decided by the superintendent of public instruction and the decision of the superintendent of public~~
 7 ~~instruction on the matter is final.~~

8 ~~(b) file the petition; as certified by the board of county commissioners.~~

9 ~~(4) If the petition is certified or adjusted on appeal to the superintendent of public instruction to~~
 10 ~~meet the criteria specified in subsection (1), the county superintendent shall:~~

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

13 ~~(b)(c) give notice of the place, date, and time of the hearing. The notices must be posted in the~~
 14 ~~high school districts affected by the petition for the territory transfer in the manner prescribed in this title~~
 15 ~~for school elections, with at least one notice posted in the territory to be transferred. Notice must also be~~
 16 ~~delivered to the board of trustees of the school district from which the territory is to be transferred.~~

17 ~~(5)(4) The county superintendent shall conduct the hearing as scheduled in accordance with the~~
 18 ~~rules of procedure adopted by the superintendent of public instruction pursuant to 20-3-107(3), and any~~
 19 ~~resident, taxpayer, or representative of either affected high school district must be heard.~~

20 ~~(6)(5) Within 30 days after the hearing, the county superintendent shall, after considering the~~
 21 ~~testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order.~~
 22 ~~The county superintendent shall grant or deny the requested transfer of territory. The decision must be~~
 23 ~~based on the effects that the transfer would have on those residing in the territory proposed for transfer~~
 24 ~~as well as those residing in the remaining territory of the high school district.~~

25 ~~(7)(6) The decision of the county superintendent is final 30 days after its date unless it is appealed~~
 26 ~~pursuant to 20-3-107 to the superintendent of public instruction by a resident, taxpayer, or representative~~
 27 ~~of either high school district affected by the petitioned territory transfer. The decision of the superintendent~~
 28 ~~of public instruction, after consideration of the record from the county superintendent's hearing, is final 30~~
 29 ~~days after its date. The final order of the superintendent of public instruction is subject to judicial review~~
 30 ~~pursuant to the Montana Administrative Procedure Act, Title 2, chapter 4.~~

1 ~~(8)~~(7) If a petition to transfer territory from one high school district to another high school district
 2 would create a joint high school district or affect the boundary of any existing joint high school district, the
 3 petition must be presented to the county superintendent of the county where the territory proposed for
 4 transfer is located. The county superintendent shall notify any other county superintendents of counties
 5 with districts affected by the petition, and the duties prescribed in this section for the county
 6 superintendent must be performed jointly ~~by such county officials.~~ If the number of county superintendents
 7 is an even number, the county superintendents shall jointly appoint a county superintendent from an
 8 unaffected county to join them in conducting the hearing required by subsection (4) and in issuing the
 9 decision required by subsection (5). The decision issued under subsection (5) must be made by a majority
 10 of the county superintendents.

11 (8) A petition seeking to transfer high school territory out of or into a K-12 district must be
 12 accompanied by a petition to transfer the same territory as elementary territory in accordance with
 13 20-6-213. In the case of a proposed transfer out of or into a K-12 district, a high school petition that is
 14 not accompanied by an elementary petition is invalid for the purpose of subsection (3)."

15
 16 **Section 4.** Section 20-6-703, MCA, is amended to read:

17 **"20-6-703. Transitions after formation of K-12 school district.** (1) When an attachment order for
 18 a K-12 school district becomes effective on July 1 under the provisions of 20-6-701:

19 (a) the ~~board of county commissioners~~ county superintendent shall order the trustees to execute
 20 all necessary and appropriate deeds, bills of sale, or other instruments for the conveyance of title to all real
 21 and personal property of the elementary district to the high school district;

22 (b) the trustees of the elementary district shall entrust the minutes of the board of trustees, the
 23 elementary district documents, and other records to the high school district to which it is attached; and

24 (c) the county treasurer shall transfer all end-of-the-year warrants and fund balances of the
 25 attached elementary district to the similar funds established for the K-12 school district in the high school
 26 district.

27 (2) All taxes levied by and revenue due from a previous school fiscal year to an elementary district
 28 attached to a high school district must be payable to the appropriate fund of the high school district.

29 (3) The previous year's general fund budget amounts for the elementary district and the high school
 30 district that form a K-12 school district must be combined to determine the budget limitation for the ensuing

1 school fiscal year pursuant to 20-9-308."

2

3 NEW SECTION. Section 5. Boundary adjustments in high school districts. The trustees of a high
4 school district may, by resolution, request a change in the boundaries between their district and an adjacent
5 district. The resolution must be addressed to the county superintendent of schools who, upon receiving
6 a resolution, shall proceed as provided in 20-6-320.

7

8 NEW SECTION. Section 6. Codification instruction. [Section 5] is intended to be codified as an
9 integral part of Title 20, chapter 6, part 3, and the provisions of Title 20, chapter 6, part 3, apply to
10 [section 5].

11

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INTRODUCED BY *Reuben Otter* *Ketynberg* *Rene*
Caughlan *McCallister* *John Johnson*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO THE TRANSFER OF
TERRITORY FROM ONE SCHOOL DISTRICT TO ANOTHER; INCREASING THE FILING FEE TO \$100;
ALLOWING AN APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN THE CASE OF AN
ELEMENTARY DISTRICT TRANSFER; ELIMINATING THE DUTIES OF THE COUNTY COMMISSIONERS
RELATING TO TRANSFERS; ELIMINATING THE VOTE OF THE PEOPLE IN THE CASE OF AN ELEMENTARY
DISTRICT TRANSFER; CHANGING THE TIME LIMITATION FOR A BOUNDARY CHANGE FOR A HIGH
SCHOOL DISTRICT; REQUIRING THAT A TRANSFER INVOLVING A K-12 DISTRICT MUST INCLUDE BOTH
AN ELEMENTARY AND A HIGH SCHOOL TRANSFER; AND AMENDING SECTIONS 20-6-213, 20-6-314,
20-6-320, AND 20-6-703, MCA."

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

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
REPRINTED. PLEASE REFER TO INTRODUCED COPY
(WHITE) FOR COMPLETE TEXT.**

1 HOUSE BILL NO. 491

2 INTRODUCED BY REHBEIN, HERTEL, KITZENBERG, ROSE, COCCHIARELLA, MCCULLOCH,
3 J. JOHNSON

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO THE TRANSFER OF
6 TERRITORY FROM ONE SCHOOL DISTRICT TO ANOTHER; INCREASING THE FILING FEE TO \$100;
7 ALLOWING AN APPEAL TO THE ~~SUPERINTENDENT OF PUBLIC INSTRUCTION IN THE CASE OF AN~~
8 ~~ELEMENTARY~~ DISTRICT COURT CONCERNING A TRANSFER; ELIMINATING THE DUTIES OF THE COUNTY
9 COMMISSIONERS RELATING TO TRANSFERS; ELIMINATING THE VOTE OF THE PEOPLE IN THE CASE OF
10 AN ELEMENTARY DISTRICT TRANSFER; CHANGING THE TIME LIMITATION FOR A BOUNDARY CHANGE
11 FOR A HIGH SCHOOL DISTRICT; REQUIRING THAT A TRANSFER INVOLVING A K-12 DISTRICT MUST
12 INCLUDE BOTH AN ELEMENTARY AND A HIGH SCHOOL TRANSFER; AND AMENDING SECTIONS
13 20-6-213, 20-6-314, 20-6-320, AND 20-6-703, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **Section 1.** Section 20-6-213, MCA, is amended to read:

18 **"20-6-213. Transfer of territory from one elementary district to another.** (1) A majority of the
19 registered electors of an elementary district who reside in territory that is a part of an elementary district
20 may petition the county superintendent to transfer the territory in which they reside to another elementary
21 district if:

22 (a) the territory to be transferred is contiguous to the district to which it is to be attached;

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

25 (c) the transfer of the territory will not reduce the taxable value of the district to less than
26 \$100,000 unless the remaining territory of the district will contain not less than 50,000 acres of nontaxable
27 Indian land;

28 (d) the board of trustees of the school district that would receive the territory has approved the
29 proposed transfer in writing ~~the transfer~~; and

30 (e) the territory proposed to be transferred to another elementary district has not been included in

1 a petition filed under this section in the previous 3 years.

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

3 (a) provide a legal description of the territory that is requested to be transferred and a description
4 of the elementary district to which it is to be transferred;

5 (b) state the reasons why the transfer is requested;

6 (c) state the number of elementary school-age children residing in the territory; and

7 (d) be accompanied by a ~~\$50~~ \$100 nonrefundable filing fee.

8 (3) A petition that meets the criteria specified in subsection (1) and that contains all the information
9 required by subsection (2) is considered a valid petition. On receipt of a valid petition for a territory transfer,
10 the county superintendent shall:

11 (a) file the petition;

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

14 (c) give notice of the place, date, and time of the hearing. The notices must be posted in the
15 districts affected by the petition for the transfer of territory in the manner prescribed in this title for school
16 elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered
17 to the board of trustees of the school district from which the territory is to be transferred.

18 (4) The county superintendent shall conduct the hearing as scheduled in accordance with the rules
19 of procedure adopted by the superintendent of public instruction pursuant to 20-3-107(3), and any resident,
20 taxpayer, or representative of the affected districts must, upon request, be heard.

21 (5) Within 30 days after the hearing, the county superintendent shall, after considering the
22 testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order.
23 The county superintendent shall grant or deny the requested transfer of territory. The decision must be
24 based on the effects that the transfer would have on those residing in the territory proposed for transfer
25 as well as those residing in the remaining territory of the elementary district.

26 (6) The decision of the county superintendent is final 30 days after its date unless it is appealed
27 ~~to the board of county commissioners to the superintendent of public instruction in accordance with~~
28 20-3-107 DISTRICT COURT by a resident, taxpayer, or representative of the either elementary districts
29 district affected by the petitioned territory transfer.

30 ~~(7) The decision of the board of county commissioners superintendent of public instruction, after~~

1 ~~a hearing on the matter and consideration of the record from the county superintendent's hearing, is final~~
 2 ~~30 days after its date unless prior to that time it has been contested through the filing of a valid petition~~
 3 ~~to submit the question to a vote of the people in the elementary district from which the land is to be~~
 4 ~~transferred. In order for a petition to be valid, the petition must be signed by 20% of the electors of the~~
 5 ~~elementary district who are qualified to vote in elections for that district under 20-20-301. When a valid~~
 6 ~~petition is submitted under this subsection, the question of whether the territory must be transferred to~~
 7 ~~another district must be put before the voters at the next regular school election in the affected elementary~~
 8 ~~district. The results of the vote must be the final decision on the petition for transfer of territory. The final~~
 9 ~~order of the superintendent of public instruction is subject to judicial review under the Montana~~
 10 ~~Administrative Procedure Act, Title 2, chapter 4.~~

11 ~~(8)(7)~~ Whenever a petition to transfer territory from one elementary district to another elementary
 12 district creates a joint elementary district or affects the boundary of an existing joint elementary district,
 13 the petition to transfer territory must be presented to the county superintendent of the county where the
 14 territory is located. The county superintendent shall notify any other county superintendents of counties
 15 with elementary districts affected by the petition, and the duties prescribed in this section for the county
 16 superintendent ~~and the board of county commissioners~~ must be performed jointly ~~by the county officials~~.
 17 If the number of county superintendents involved is an even number, the county superintendents shall
 18 jointly appoint an additional county superintendent from an unaffected county to join them in conducting
 19 the hearing required in subsection (4) and issuing the decision required in subsection (5). The decision
 20 issued under subsection (5) must be made by a majority of the county superintendents.

21 ~~(9)(8)~~ A petition seeking to transfer elementary territory out of or into a K-12 district must be
 22 accompanied by a petition to transfer the same territory as high school territory in accordance with
 23 20-6-320. In the case of a proposed transfer out of or into a K-12 district, an elementary petition that is
 24 not accompanied by the high school petition is invalid for the purpose of subsection (3)."

26 **Section 2.** Section 20-6-314, MCA, is amended to read:

27 **"20-6-314. Time limitations for boundary changes.** ~~No~~ A high school district may not be created
 28 and ~~no~~ a high school district boundary may not be changed between the first day of ~~March~~ January and
 29 the second Monday of August of any calendar year except when:

30 (1) the entire territory of a high school district is annexed or attached to another high school

1 district;

2 (2) the entire territory or portion of a joint high school district located in one county is annexed or
3 attached to another high school district; or

4 (3) two or more districts are consolidated in their entirety."

5

6 **Section 3.** Section 20-6-320, MCA, is amended to read:

7 **"20-6-320. Transfer of territory from one high school district to another.** (1) A majority of
8 registered electors of a high school district who reside in territory that is a part of a high school district may
9 petition the county superintendent to transfer the territory in which they reside to another high school
10 district if:

11 (a) the territory to be transferred is contiguous to the high school district to which it is to be
12 attached;

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

15 (c) the transfer of the territory will not reduce the taxable value of the district to less than
16 \$300,000 unless the remaining territory of the high school district contains not less than 50,000 acres of
17 nontaxable Indian land;

18 (d) the board of trustees of the school district that would receive the territory has approved the
19 proposed transfer in writing ~~the transfer~~; and

20 (e) the territory proposed to be transferred to another high school district has not been included
21 in a petition filed under this section in the previous 3 years.

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

23 (a) provide a legal description of the territory that is requested to be transferred and a description
24 of the high school district to which it is to be transferred;

25 (b) state the reasons why the transfer is requested;

26 (c) state the number of high-school-age children residing in the territory; and

27 (d) be accompanied by a ~~\$50~~ \$100 nonrefundable filing fee.

28 (3) A petition that meets the criteria specified in subsection (1) and that contains all the information
29 required by subsection (2) is a valid petition. On receipt of a valid petition for a territory transfer, the county
30 superintendent shall:

1 (a) ~~present the petition to the board of county commissioners for certification that the criteria set~~
 2 ~~forth in subsection (1) have been met. The board shall, within 10 days of receiving the petition, return it~~
 3 ~~to the county superintendent with certification, signed by a majority of the board, that the criteria have~~
 4 ~~been met or with a notation, signed by a majority of the board, that the criteria have not been met. The~~
 5 ~~board's certification is binding on the county superintendent unless the county superintendent believes that~~
 6 ~~the certification is in error. A dispute between the board and the county superintendent on this issue must~~
 7 ~~be decided by the superintendent of public instruction and the decision of the superintendent of public~~
 8 ~~instruction on the matter is final.~~

9 (b) ~~file the petition; as certified by the board of county commissioners.~~

10 (4) ~~If the petition is certified or adjusted on appeal to the superintendent of public instruction to~~
 11 ~~meet the criteria specified in subsection (1), the county superintendent shall:~~

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

14 ~~(b)~~(c) give notice of the place, date, and time of the hearing. The notices must be posted in the
 15 high school districts affected by the petition for the territory transfer in the manner prescribed in this title
 16 for school elections, with at least one notice posted in the territory to be transferred. Notice must also be
 17 delivered to the board of trustees of the school district from which the territory is to be transferred.

18 ~~(5)~~(4) The county superintendent shall conduct the hearing as scheduled in accordance with the
 19 rules of procedure adopted by the superintendent of public instruction pursuant to 20-3-107(3), and any
 20 resident, taxpayer, or representative of either affected high school district must be heard.

21 ~~(6)~~(5) Within 30 days after the hearing, the county superintendent shall, after considering the
 22 testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order.
 23 The county superintendent shall grant or deny the requested transfer of territory. The decision must be
 24 based on the effects that the transfer would have on those residing in the territory proposed for transfer
 25 as well as those residing in the remaining territory of the high school district.

26 ~~(7)~~(6) The decision of the county superintendent is final 30 days after its date unless it is appealed
 27 pursuant to 20-3-107 to the superintendent of public instruction DISTRICT COURT by a resident, taxpayer,
 28 or representative of either high school district affected by the petitioned territory transfer. ~~The decision of~~
 29 ~~the superintendent of public instruction, after consideration of the record from the county superintendent's~~
 30 ~~hearing, is final 30 days after its date. The final order of the superintendent of public instruction is subject~~

1 to judicial review pursuant to the ~~Montana Administrative Procedure Act, Title 2, chapter 4.~~

2 ~~(8)(7)~~ If a petition to transfer territory from one high school district to another high school district
 3 would create a joint high school district or affect the boundary of any existing joint high school district, the
 4 petition must be presented to the county superintendent of the county where the territory proposed for
 5 transfer is located. The county superintendent shall notify any other county superintendents of counties
 6 with districts affected by the petition, and the duties prescribed in this section for the county
 7 superintendent must be performed jointly ~~by such county officials.~~ If the number of county superintendents
 8 is an even number, the county superintendents shall jointly appoint a county superintendent from an
 9 unaffected county to join them in conducting the hearing required by subsection (4) and in issuing the
 10 decision required by subsection (5). The decision issued under subsection (5) must be made by a majority
 11 of the county superintendents.

12 (8) A petition seeking to transfer high school territory out of or into a K-12 district must be
 13 accompanied by a petition to transfer the same territory as elementary territory in accordance with
 14 20-6-213. In the case of a proposed transfer out of or into a K-12 district, a high school petition that is
 15 not accompanied by an elementary petition is invalid for the purpose of subsection (3)."

16
 17 **Section 4.** Section 20-6-703, MCA, is amended to read:

18 **"20-6-703. Transitions after formation of K-12 school district.** (1) When an attachment order for
 19 a K-12 school district becomes effective on July 1 under the provisions of 20-6-701:

20 (a) ~~the board of county commissioners~~ county superintendent shall order the trustees to execute
 21 all necessary and appropriate deeds, bills of sale, or other instruments for the conveyance of title to all real
 22 and personal property of the elementary district to the high school district;

23 (b) the trustees of the elementary district shall entrust the minutes of the board of trustees, the
 24 elementary district documents, and other records to the high school district to which it is attached; and

25 (c) the county treasurer shall transfer all end-of-the-year warrants and fund balances of the
 26 attached elementary district to the similar funds established for the K-12 school district in the high school
 27 district.

28 (2) All taxes levied by and revenue due from a previous school fiscal year to an elementary district
 29 attached to a high school district must be payable to the appropriate fund of the high school district.

30 (3) The previous year's general fund budget amounts for the elementary district and the high school

1 district that form a K-12 school district must be combined to determine the budget limitation for the ensuing
2 school fiscal year pursuant to 20-9-308."

3
4 **NEW SECTION. Section 5. Boundary adjustments in high school districts.** The trustees of a high
5 school district may, by resolution, request a change in the boundaries between their district and an adjacent
6 district. The resolution must be addressed to the county superintendent of schools who, upon receiving
7 a resolution, shall proceed as provided in 20-6-320.

8
9 **NEW SECTION. Section 6. Codification instruction.** [Section 5] is intended to be codified as an
10 integral part of Title 20, chapter 6, part 3, and the provisions of Title 20, chapter 6, part 3, apply to
11 [section 5].

12 -END-

APPROVED BY COM ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 491

INTRODUCED BY REHBEIN, HERTEL, KITZENBERG, ROSE, COCCHIARELLA, MCCULLOCH,
J. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO THE TRANSFER OF
TERRITORY FROM ONE SCHOOL DISTRICT TO ANOTHER; INCREASING THE FILING FEE TO \$100;
ALLOWING AN APPEAL TO THE ~~SUPERINTENDENT OF PUBLIC INSTRUCTION IN THE CASE OF AN~~
~~ELEMENTARY DISTRICT COURT CONCERNING A TRANSFER~~; ELIMINATING THE DUTIES OF THE COUNTY
COMMISSIONERS RELATING TO TRANSFERS; ELIMINATING THE VOTE OF THE PEOPLE IN THE CASE OF
AN ELEMENTARY DISTRICT TRANSFER; CHANGING THE TIME LIMITATION FOR A BOUNDARY CHANGE
FOR A HIGH SCHOOL DISTRICT; REQUIRING THAT A TRANSFER INVOLVING A K-12 DISTRICT MUST
INCLUDE BOTH AN ELEMENTARY AND A HIGH SCHOOL TRANSFER; ~~AND~~ AMENDING SECTIONS
20-6-213, 20-6-314, 20-6-320, AND 20-6-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

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

Section 1. Section 20-6-213, MCA, is amended to read:

"20-6-213. Transfer of territory from one elementary district to another. (1) A majority of the
registered electors of an elementary district who reside in territory that is a part of an elementary district
may petition the county superintendent to transfer the territory in which they reside to another elementary
district if:

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

(b) the territory to be transferred 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 the territory will not reduce the taxable value of the district to less than
\$100,000 unless the remaining territory of the district will contain not less than 50,000 acres of nontaxable
Indian land;

(d) the board of trustees of the school district that would receive the territory has approved the
proposed transfer in writing ~~the transfer~~; and

1 (e) the territory proposed to be transferred to another elementary district has not been included in
2 a petition filed under this section in the previous 3 years.

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

4 (a) provide a legal description of the territory that is requested to be transferred and a description
5 of the elementary district to which it is to be transferred;

6 (b) state the reasons why the transfer is requested;

7 (c) state the number of elementary school-age children residing in the territory; and

8 (d) be accompanied by a ~~\$50~~ \$100 nonrefundable filing fee.

9 (3) A petition that meets the criteria specified in subsection (1) and that contains all the information
10 required by subsection (2) is considered a valid petition. On receipt of a valid petition for a territory transfer,
11 the county superintendent shall:

12 (a) file the petition;

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

15 (c) give notice of the place, date, and time of the hearing. The notices must be posted in the
16 districts affected by the petition for the transfer of territory in the manner prescribed in this title for school
17 elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered
18 to the board of trustees of the school district from which the territory is to be transferred.

19 (4) The county superintendent shall conduct the hearing as scheduled in accordance with the rules
20 of procedure adopted by the superintendent of public instruction pursuant to 20-3-107(3), and any resident,
21 taxpayer, or representative of the affected districts must, upon request, be heard.

22 (5) Within 30 days after the hearing, the county superintendent shall, after considering the
23 testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order.
24 The county superintendent shall grant or deny the requested transfer of territory. The decision must be
25 based on the effects that the transfer would have on those residing in the territory proposed for transfer
26 as well as those residing in the remaining territory of the elementary district.

27 (6) The decision of the county superintendent is final 30 days after its date unless it is appealed
28 ~~to the board of county commissioners to the superintendent of public instruction in accordance with~~
29 20-3-107 DISTRICT COURT by a resident, taxpayer, or representative of ~~the either~~ elementary districts
30 district affected by the petitioned territory transfer.

1 ~~(7) The decision of the board of county commissioners superintendent of public instruction, after~~
 2 ~~a hearing on the matter and consideration of the record from the county superintendent's hearing, is final~~
 3 ~~30 days after its date unless prior to that time it has been contested through the filing of a valid petition~~
 4 ~~to submit the question to a vote of the people in the elementary district from which the land is to be~~
 5 ~~transferred. In order for a petition to be valid, the petition must be signed by 20% of the electors of the~~
 6 ~~elementary district who are qualified to vote in elections for that district under 20-20-301. When a valid~~
 7 ~~petition is submitted under this subsection, the question of whether the territory must be transferred to~~
 8 ~~another district must be put before the voters at the next regular school election in the affected elementary~~
 9 ~~district. The results of the vote must be the final decision on the petition for transfer of territory. The final~~
 10 ~~order of the superintendent of public instruction is subject to judicial review under the Montana~~
 11 ~~Administrative Procedure Act, Title 2, chapter 4.~~

12 ~~(8)(7)~~ Whenever a petition to transfer territory from one elementary district to another elementary
 13 district creates a joint elementary district or affects the boundary of an existing joint elementary district,
 14 the petition to transfer territory must be presented to the county superintendent of the county where the
 15 territory is located. The county superintendent shall notify any other county superintendents of counties
 16 with elementary districts affected by the petition, and the duties prescribed in this section for the county
 17 superintendent ~~and the board of county commissioners~~ must be performed jointly ~~by the county officials~~.
 18 If the number of county superintendents involved is an even number, the county superintendents shall
 19 jointly appoint an additional county superintendent from an unaffected county to join them in conducting
 20 the hearing required in subsection (4) and issuing the decision required in subsection (5). The decision
 21 issued under subsection (5) must be made by a majority of the county superintendents.

22 ~~(9)(8)~~ A petition seeking to transfer elementary territory out of or into a K-12 district must be
 23 accompanied by a petition to transfer the same territory as high school territory in accordance with
 24 20-6-320. In the case of a proposed transfer out of or into a K-12 district, an elementary petition that is
 25 not accompanied by the high school petition is invalid for the purpose of subsection (3)."

26
 27 **Section 2.** Section 20-6-314, MCA, is amended to read:
 28 **"20-6-314. Time limitations for boundary changes.** ~~No~~ A high school district may not be created
 29 and ~~no~~ a high school district boundary may not be changed between the first day of ~~March~~ January and
 30 the second Monday of August of any calendar year except when:

- 1 (1) the entire territory of a high school district is annexed or attached to another high school
2 district;
- 3 (2) the entire territory or portion of a joint high school district located in one county is annexed or
4 attached to another high school district; or
- 5 (3) two or more districts are consolidated in their entirety."
6

7 **Section 3.** Section 20-6-320, MCA, is amended to read:

8 **"20-6-320. Transfer of territory from one high school district to another.** (1) A majority of
9 registered electors of a high school district who reside in territory that is a part of a high school district may
10 petition the county superintendent to transfer the territory in which they reside to another high school
11 district if:

12 (a) the territory to be transferred is contiguous to the high school district to which it is to be
13 attached;

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

16 (c) the transfer of the territory will not reduce the taxable value of the district to less than
17 \$300,000 unless the remaining territory of the high school district contains not less than 50,000 acres of
18 nontaxable Indian land;

19 (d) the board of trustees of the school district that would receive the territory has approved the
20 proposed transfer in writing ~~the transfer~~; and

21 (e) the territory proposed to be transferred to another high school district has not been included
22 in a petition filed under this section in the previous 3 years.

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

24 (a) provide a legal description of the territory that is requested to be transferred and a description
25 of the high school district to which it is to be transferred;

26 (b) state the reasons why the transfer is requested;

27 (c) state the number of high-school-age children residing in the territory; and

28 (d) be accompanied by a ~~\$50~~ \$100 nonrefundable filing fee.

29 (3) A petition that meets the criteria specified in subsection (1) and that contains all the information
30 required by subsection (2) is a valid petition. On receipt of a valid petition for a territory transfer, the county

1 superintendent shall:

2 (a) ~~present the petition to the board of county commissioners for certification that the criteria set~~
 3 ~~forth in subsection (1) have been met. The board shall, within 10 days of receiving the petition, return it~~
 4 ~~to the county superintendent with certification, signed by a majority of the board, that the criteria have~~
 5 ~~been met or with a notation, signed by a majority of the board, that the criteria have not been met. The~~
 6 ~~board's certification is binding on the county superintendent unless the county superintendent believes that~~
 7 ~~the certification is in error. A dispute between the board and the county superintendent on this issue must~~
 8 ~~be decided by the superintendent of public instruction and the decision of the superintendent of public~~
 9 ~~instruction on the matter is final.~~

10 (b) ~~file the petition; as certified by the board of county commissioners.~~

11 (4) ~~If the petition is certified or adjusted on appeal to the superintendent of public instruction to~~
 12 ~~meet the criteria specified in subsection (1), the county superintendent shall:~~

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

15 (b)(c) ~~give notice of the place, date, and time of the hearing. The notices must be posted in the~~
 16 ~~high school districts affected by the petition for the territory transfer in the manner prescribed in this title~~
 17 ~~for school elections, with at least one notice posted in the territory to be transferred. Notice must also be~~
 18 ~~delivered to the board of trustees of the school district from which the territory is to be transferred.~~

19 (5)(4) ~~The county superintendent shall conduct the hearing as scheduled in accordance with the~~
 20 ~~rules of procedure adopted by the superintendent of public instruction pursuant to 20-3-107(3), and any~~
 21 ~~resident, taxpayer, or representative of either affected high school district must be heard.~~

22 (6)(5) ~~Within 30 days after the hearing, the county superintendent shall, after considering the~~
 23 ~~testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order.~~
 24 ~~The county superintendent shall grant or deny the requested transfer of territory. The decision must be~~
 25 ~~based on the effects that the transfer would have on those residing in the territory proposed for transfer~~
 26 ~~as well as those residing in the remaining territory of the high school district.~~

27 (7)(6) ~~The decision of the county superintendent is final 30 days after its date unless it is appealed~~
 28 ~~pursuant to 20-3-107 to the superintendent of public instruction DISTRICT COURT by a resident, taxpayer,~~
 29 ~~or representative of either high school district affected by the petitioned territory transfer. ~~The decision of~~~~
 30 ~~the superintendent of public instruction, after consideration of the record from the county superintendent's~~

1 ~~hearing, is final 30 days after its date. The final order of the superintendent of public instruction is subject~~
 2 ~~to judicial review pursuant to the Montana Administrative Procedure Act, Title 2, chapter 4.~~

3 ~~(8)(7)~~ If a petition to transfer territory from one high school district to another high school district
 4 would create a joint high school district or affect the boundary of any existing joint high school district, the
 5 petition must be presented to the county superintendent of the county where the territory proposed for
 6 transfer is located. The county superintendent shall notify any other county superintendents of counties
 7 with districts affected by the petition, and the duties prescribed in this section for the county
 8 superintendent must be performed jointly ~~by such county officials.~~ If the number of county superintendents
 9 is an even number, the county superintendents shall jointly appoint a county superintendent from an
 10 unaffected county to join them in conducting the hearing required by subsection (4) and in issuing the
 11 decision required by subsection (5). The decision issued under subsection (5) must be made by a majority
 12 of the county superintendents.

13 (8) A petition seeking to transfer high school territory out of or into a K-12 district must be
 14 accompanied by a petition to transfer the same territory as elementary territory in accordance with
 15 20-6-213. In the case of a proposed transfer out of or into a K-12 district, a high school petition that is
 16 not accompanied by an elementary petition is invalid for the purpose of subsection (3)."

17
 18 **Section 4.** Section 20-6-703, MCA, is amended to read:

19 **"20-6-703. Transitions after formation of K-12 school district.** (1) When an attachment order for
 20 a K-12 school district becomes effective on July 1 under the provisions of 20-6-701:

21 (a) ~~the board of county commissioners~~ county superintendent shall order the trustees to execute
 22 all necessary and appropriate deeds, bills of sale, or other instruments for the conveyance of title to all real
 23 and personal property of the elementary district to the high school district;

24 (b) the trustees of the elementary district shall entrust the minutes of the board of trustees, the
 25 elementary district documents, and other records to the high school district to which it is attached; and

26 (c) the county treasurer shall transfer all end-of-the-year warrants and fund balances of the
 27 attached elementary district to the similar funds established for the K-12 school district in the high school
 28 district.

29 (2) All taxes levied by and revenue due from a previous school fiscal year to an elementary district
 30 attached to a high school district must be payable to the appropriate fund of the high school district.

1 (3) The previous year's general fund budget amounts for the elementary district and the high school
2 district that form a K-12 school district must be combined to determine the budget limitation for the ensuing
3 school fiscal year pursuant to 20-9-308."

4
5 **NEW SECTION. Section 5. Boundary adjustments in high school districts.** The trustees of a high
6 school district may, by resolution, request a change in the boundaries between their district and an adjacent
7 district. The resolution must be addressed to the county superintendent of schools who, upon receiving
8 a resolution, shall proceed as provided in 20-6-320.

9
10 **NEW SECTION. Section 6. Codification instruction.** [Section 5] is intended to be codified as an
11 integral part of Title 20, chapter 6, part 3, and the provisions of Title 20, chapter 6, part 3, apply to
12 [section 5].

13
14 **NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND**
15 **APPROVAL.**

16 -END-

HOUSE BILL NO. 491

INTRODUCED BY REHBEIN, HERTEL, KITZENBERG, ROSE, COCCHIARELLA, MCCULLOCH,
J. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO THE TRANSFER OF
TERRITORY FROM ONE SCHOOL DISTRICT TO ANOTHER; INCREASING THE FILING FEE TO \$100;
ALLOWING AN APPEAL TO THE ~~SUPERINTENDENT OF PUBLIC INSTRUCTION IN THE CASE OF AN~~
~~ELEMENTARY~~ DISTRICT COURT CONCERNING A TRANSFER; ELIMINATING THE DUTIES OF THE COUNTY
COMMISSIONERS RELATING TO TRANSFERS; ELIMINATING THE VOTE OF THE PEOPLE IN THE CASE OF
AN ELEMENTARY DISTRICT TRANSFER; CHANGING THE TIME LIMITATION FOR A BOUNDARY CHANGE
FOR A HIGH SCHOOL DISTRICT; REQUIRING THAT A TRANSFER INVOLVING A K-12 DISTRICT MUST
INCLUDE BOTH AN ELEMENTARY AND A HIGH SCHOOL TRANSFER; ~~AND~~ AMENDING SECTIONS
20-6-213, 20-6-314, 20-6-320, AND 20-6-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

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

Section 1. Section 20-6-213, MCA, is amended to read:

"20-6-213. Transfer of territory from one elementary district to another. (1) A majority of the
registered electors of an elementary district who reside in territory that is a part of an elementary district
may petition the county superintendent to transfer the territory in which they reside to another elementary
district if:

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

(b) the territory to be transferred 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 the territory will not reduce the taxable value of the district to less than
\$100,000 unless the remaining territory of the district will contain not less than 50,000 acres of nontaxable
indian land;

(d) the board of trustees of the school district that would receive the territory has approved the
proposed transfer in writing ~~the transfer~~; and

- 1 (e) the territory proposed to be transferred to another elementary district has not been included in
 2 a petition filed under this section in the previous 3 years.
- 3 (2) The petition must be addressed to the county superintendent and must:
- 4 (a) provide a legal description of the territory that is requested to be transferred and a description
 5 of the elementary district to which it is to be transferred;
- 6 (b) state the reasons why the transfer is requested;
- 7 (c) state the number of elementary school-age children residing in the territory; and
- 8 (d) be accompanied by a ~~\$50~~ \$100 nonrefundable filing fee.
- 9 (3) A petition that meets the criteria specified in subsection (1) and that contains all the information
 10 required by subsection (2) is considered a valid petition. On receipt of a valid petition for a territory transfer,
 11 the county superintendent shall:
- 12 (a) file the petition;
- 13 (b) set a hearing place, date, and time for consideration of the petition that is not more than 40
 14 days after receipt of the petition; and
- 15 (c) give notice of the place, date, and time of the hearing. The notices must be posted in the
 16 districts affected by the petition for the transfer of territory in the manner prescribed in this title for school
 17 elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered
 18 to the board of trustees of the school district from which the territory is to be transferred.
- 19 (4) The county superintendent shall conduct the hearing as scheduled in accordance with the rules
 20 of procedure adopted by the superintendent of public instruction pursuant to 20-3-107(3), and any resident,
 21 taxpayer, or representative of the affected districts must, upon request, be heard.
- 22 (5) Within 30 days after the hearing, the county superintendent shall, after considering the
 23 testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order.
 24 The county superintendent shall grant or deny the requested transfer of territory. The decision must be
 25 based on the effects that the transfer would have on those residing in the territory proposed for transfer
 26 as well as those residing in the remaining territory of the elementary district.
- 27 (6) The decision of the county superintendent is final 30 days after its date unless it is appealed
 28 ~~to the board of county commissioners to the superintendent of public instruction in accordance with~~
 29 20-3-107 DISTRICT COURT by a resident, taxpayer, or representative of ~~the either~~ elementary districts
 30 district affected by the petitioned territory transfer.

1 ~~(7) The decision of the board of county commissioners superintendent of public instruction, after~~
 2 ~~a hearing on the matter and consideration of the record from the county superintendent's hearing, is final~~
 3 ~~30 days after its date unless prior to that time it has been contested through the filing of a valid petition~~
 4 ~~to submit the question to a vote of the people in the elementary district from which the land is to be~~
 5 ~~transferred. In order for a petition to be valid, the petition must be signed by 20% of the electors of the~~
 6 ~~elementary district who are qualified to vote in elections for that district under 20-20-301. When a valid~~
 7 ~~petition is submitted under this subsection, the question of whether the territory must be transferred to~~
 8 ~~another district must be put before the voters at the next regular school election in the affected elementary~~
 9 ~~district. The results of the vote must be the final decision on the petition for transfer of territory. The final~~
 10 ~~order of the superintendent of public instruction is subject to judicial review under the Montana~~
 11 ~~Administrative Procedure Act, Title 2, chapter 4.~~

12 ~~(8)(7)~~ Whenever a petition to transfer territory from one elementary district to another elementary
 13 district creates a joint elementary district or affects the boundary of an existing joint elementary district,
 14 the petition to transfer territory must be presented to the county superintendent of the county where the
 15 territory is located. The county superintendent shall notify any other county superintendents of counties
 16 with elementary districts affected by the petition, and the duties prescribed in this section for the county
 17 superintendent ~~and the board of county commissioners~~ must be performed jointly ~~by the county officials~~.
 18 If the number of county superintendents involved is an even number, the county superintendents shall
 19 jointly appoint an additional county superintendent from an unaffected county to join them in conducting
 20 the hearing required in subsection (4) and issuing the decision required in subsection (5). The decision
 21 issued under subsection (5) must be made by a majority of the county superintendents.

22 ~~(9)(8)~~ A petition seeking to transfer elementary territory out of or into a K-12 district must be
 23 accompanied by a petition to transfer the same territory as high school territory in accordance with
 24 20-6-320. In the case of a proposed transfer out of or into a K-12 district, an elementary petition that is
 25 not accompanied by the high school petition is invalid for the purpose of subsection (3)."

26
 27 **Section 2.** Section 20-6-314, MCA, is amended to read:

28 **"20-6-314. Time limitations for boundary changes.** ~~No~~ A high school district may not be created
 29 and ~~no~~ a high school district boundary may not be changed between the first day of ~~March~~ January and
 30 the second Monday of August of any calendar year except when:

- 1 (1) the entire territory of a high school district is annexed or attached to another high school
2 district;
- 3 (2) the entire territory or portion of a joint high school district located in one county is annexed or
4 attached to another high school district; or
- 5 (3) two or more districts are consolidated in their entirety."

6

7 **Section 3.** Section 20-6-320, MCA, is amended to read:

8 **"20-6-320. Transfer of territory from one high school district to another.** (1) A majority of
9 registered electors of a high school district who reside in territory that is a part of a high school district may
10 petition the county superintendent to transfer the territory in which they reside to another high school
11 district if:

12 (a) the territory to be transferred is contiguous to the high school district to which it is to be
13 attached;

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

16 (c) the transfer of the territory will not reduce the taxable value of the district to less than
17 \$300,000 unless the remaining territory of the high school district contains not less than 50,000 acres of
18 nontaxable Indian land;

19 (d) the board of trustees of the school district that would receive the territory has approved the
20 proposed transfer in writing ~~the transfer~~; and

21 (e) the territory proposed to be transferred to another high school district has not been included
22 in a petition filed under this section in the previous 3 years.

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

24 (a) provide a legal description of the territory that is requested to be transferred and a description
25 of the high school district to which it is to be transferred;

26 (b) state the reasons why the transfer is requested;

27 (c) state the number of high-school-age children residing in the territory; and

28 (d) be accompanied by a ~~\$50~~ \$100 nonrefundable filing fee.

29 (3) A petition that meets the criteria specified in subsection (1) and that contains all the information
30 required by subsection (2) is a valid petition. On receipt of a valid petition for a territory transfer, the county

1 superintendent shall:

2 (a) ~~present the petition to the board of county commissioners for certification that the criteria set~~
 3 ~~forth in subsection (1) have been met. The board shall, within 10 days of receiving the petition, return it~~
 4 ~~to the county superintendent with certification, signed by a majority of the board, that the criteria have~~
 5 ~~been met or with a notation, signed by a majority of the board, that the criteria have not been met. The~~
 6 ~~board's certification is binding on the county superintendent unless the county superintendent believes that~~
 7 ~~the certification is in error. A dispute between the board and the county superintendent on this issue must~~
 8 ~~be decided by the superintendent of public instruction and the decision of the superintendent of public~~
 9 ~~instruction on the matter is final.~~

10 (b) ~~file the petition; as certified by the board of county commissioners.~~

11 (4) ~~If the petition is certified or adjusted on appeal to the superintendent of public instruction to~~
 12 ~~meet the criteria specified in subsection (1), the county superintendent shall:~~

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 16 ~~high school districts affected by the petition for the territory transfer in the manner prescribed in this title~~
 17 ~~for school elections, with at least one notice posted in the territory to be transferred. Notice must also be~~
 18 ~~delivered to the board of trustees of the school district from which the territory is to be transferred.~~

19 (5)(4) ~~The county superintendent shall conduct the hearing as scheduled in accordance with the~~
 20 ~~rules of procedure adopted by the superintendent of public instruction pursuant to 20-3-107(3), and any~~
 21 ~~resident, taxpayer, or representative of either affected high school district must be heard.~~

22 (6)(5) ~~Within 30 days after the hearing, the county superintendent shall, after considering the~~
 23 ~~testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order.~~
 24 ~~The county superintendent shall grant or deny the requested transfer of territory. The decision must be~~
 25 ~~based on the effects that the transfer would have on those residing in the territory proposed for transfer~~
 26 ~~as well as those residing in the remaining territory of the high school district.~~

27 (7)(6) ~~The decision of the county superintendent is final 30 days after its date unless it is appealed~~
 28 ~~pursuant to 20-3-107 to the superintendent of public instruction DISTRICT COURT by a resident, taxpayer,~~
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 4 would create a joint high school district or affect the boundary of any existing joint high school district, the
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 6 transfer is located. The county superintendent shall notify any other county superintendents of counties
 7 with districts affected by the petition, and the duties prescribed in this section for the county
 8 superintendent must be performed jointly ~~by such county officials.~~ If the number of county superintendents
 9 is an even number, the county superintendents shall jointly appoint a county superintendent from an
 10 unaffected county to join them in conducting the hearing required by subsection (4) and in issuing the
 11 decision required by subsection (5). The decision issued under subsection (5) must be made by a majority
 12 of the county superintendents.

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 14 accompanied by a petition to transfer the same territory as elementary territory in accordance with
 15 20-6-213. In the case of a proposed transfer out of or into a K-12 district, a high school petition that is
 16 not accompanied by an elementary petition is invalid for the purpose of subsection (3)."

17
 18 **Section 4.** Section 20-6-703, MCA, is amended to read:

19 **"20-6-703. Transitions after formation of K-12 school district.** (1) When an attachment order for
 20 a K-12 school district becomes effective on July 1 under the provisions of 20-6-701:

21 (a) ~~the board of county commissioners~~ county superintendent shall order the trustees to execute
 22 all necessary and appropriate deeds, bills of sale, or other instruments for the conveyance of title to all real
 23 and personal property of the elementary district to the high school district;

24 (b) the trustees of the elementary district shall entrust the minutes of the board of trustees, the
 25 elementary district documents, and other records to the high school district to which it is attached; and

26 (c) the county treasurer shall transfer all end-of-the-year warrants and fund balances of the
 27 attached elementary district to the similar funds established for the K-12 school district in the high school
 28 district.

29 (2) All taxes levied by and revenue due from a previous school fiscal year to an elementary district
 30 attached to a high school district must be payable to the appropriate fund of the high school district.

1 (3) The previous year's general fund budget amounts for the elementary district and the high school
2 district that form a K-12 school district must be combined to determine the budget limitation for the ensuing
3 school fiscal year pursuant to 20-9-308."

4

5 NEW SECTION. Section 5. Boundary adjustments in high school districts. The trustees of a high
6 school district may, by resolution, request a change in the boundaries between their district and an adjacent
7 district. The resolution must be addressed to the county superintendent of schools who, upon receiving
8 a resolution, shall proceed as provided in 20-6-320.

9

10 NEW SECTION. Section 6. Codification instruction. [Section 5] is intended to be codified as an
11 integral part of Title 20, chapter 6, part 3, and the provisions of Title 20, chapter 6, part 3, apply to
12 [section 5].

13

14 NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND
15 APPROVAL.

16

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