

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 23-0592

MONTANA QUALITY EDUCATION
COALITION,

Petitioner,

v.

BEAVERHEAD COUNTY, BIG HORN
COUNTY, BLAINE COUNTY, BROADWATER
COUNTY, CARBON COUNTY, CARTER
COUNTY, CASCADE COUNTY, CHOUTEAU
COUNTY, CUSTER COUNTY, DANIELS
COUNTY, DAWSON COUNTY, DEER LODGE
COUNTY, FALLON COUNTY, FERGUS
COUNTY, FLATHEAD COUNTY, GALLATIN
COUNTY, GARFIELD COUNTY, GLACIER
COUNTY, GOLDEN VALLEY COUNTY,
GRANITE COUNTY, HILL COUNTY,
JEFFERSON COUNTY, JUDITH BASIN
COUNTY, LAKE COUNTY, LEWIS AND
CLARK COUNTY, LIBERTY COUNTY,
LINCOLN COUNTY, MADISON COUNTY,
MCCONE COUNTY, MEAGHER COUNTY,
MINERAL COUNTY, MISSOULA COUNTY,
MUSSELSHELL COUNTY, PARK COUNTY,
PETROLEUM COUNTY, PHILLIPS COUNTY,
PONDERA COUNTY, POWDER RIVER
COUNTY, POWELL COUNTY, PRAIRIE
COUNTY, RAVALLI COUNTY, RICHLAND
COUNTY, ROOSEVELT COUNTY, ROSEBUD
COUNTY, SANDERS COUNTY, SHERIDAN
COUNTY, SILVER BOW COUNTY,
STILLWATER COUNTY, SWEET GRASS
COUNTY, TETON COUNTY, TOOLE
COUNTY, TREASURE COUNTY, VALLEY
COUNTY, WHEATLAND COUNTY, WIBAUX
COUNTY, AND YELLOWSTONE COUNTY,

Respondents.

O R D E R

Through counsel, the Montana Quality Education Coalition (“MQEC”) has filed a Petition for Writ of Mandate and requested expedited consideration, directing all fifty-six Respondent Counties in the State of Montana (“Counties”) to levy 95 state equalization mills in accordance with direction received from the Department of Revenue (“DOR”) and as required by statute.

MQEC explains that it seeks emergency and immediate relief from this Court by way of a writ of mandate because the tax bills are scheduled to be distributed on October 15, 2023. MQEC asserts that school districts across the State will suffer immediate harm because instead of 95 mills, a lesser amount of 77.89 mills for public education will be used, contrary to the State Constitution and statutes. *See* Mont. Const. Art. X, § 1; §§ 20-9-331, -333, -360, MCA. MQEC provides copies of twelve county resolutions seeking to decrease mill levy amounts.

Upon review, we deem it appropriate to require a response to MQEC’s Petition. Therefore,

IT IS ORDERED that the Counties are GRANTED thirty days from the date of this Order in which to prepare, file, and serve a written response to the petition for a writ of mandate together with appropriate documentary exhibits.

The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record; to all Respondent Counties, and to the corresponding County Attorney’s Offices.

Electronically signed by:
Laurie McKinnon
Justice, Montana Supreme Court
October 11 2023