

**HOUSE BILL NO. 1477**

Introduced by

Representative Mickelson

1 A BILL for an Act to amend and reenact subsection 5 of section 15-27.2-04 of the North Dakota  
2 Century Code, or in the alternative to amend and reenact section 15.1-12-05 of the North  
3 Dakota Century Code, relating to school district annexation proceedings.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** If House Bill No. 1034 does not become effective,  
6 Subsection 5 of section 15-27.2-04 of the 1997 Supplement to the North Dakota Century Code  
7 is amended and reenacted as follows:

8 5. Except as provided in this subsection, all proposed annexations must be given final  
9 approval by the state board following a hearing conducted by the board at which  
10 testimony and documentary evidence shall be considered with respect to any of  
11 the factors listed in subsection 3. The state board shall make specific findings with  
12 reference to every one of those factors to which testimony or documentary  
13 evidence was directed. If the county committee approves an annexation after  
14 receiving no opposition at the hearing, the state board ~~may review the record of the~~  
15 ~~county hearing and give~~ is deemed to have given final approval to the annexation  
16 ~~without holding a~~ and the hearing required by this subsection need not occur.

17 **SECTION 2. AMENDMENT.** Section 15.1-12-05 of the North Dakota Century Code as  
18 created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is amended  
19 and reenacted as follows:

20 **15.1-12-05. Annexation of property to school district - Hearing.**

21 1. Upon receiving a petition for the annexation of property to a school district, the  
22 county superintendent shall schedule and give notice of a public hearing regarding  
23 the annexation.

- 1           2.    The county superintendent shall publish notice of the public hearing in the official  
2                    newspaper of the county in which the major portion of each affected school  
3                    district's real property is situated, at least fourteen days before the date of the  
4                    hearing. If no newspaper is published in the county, the county superintendent  
5                    shall publish the notice in a newspaper in an adjoining county in this state.
- 6           3.    Before the hearing, the county committee shall:
  - 7                   a.    Determine the number of qualified electors residing on the property to be  
8                            annexed;
  - 9                   b.    Ensure that two-thirds of such qualified electors have signed the petition; and
  - 10                   c.    Ensure that all other statutory requirements regarding the petition have been  
11                            met.
- 12           4.    At the hearing, the county committee shall accept testimony and documentary  
13                    evidence regarding:
  - 14                   a.    The value and amount of property held by each affected school district;
  - 15                   b.    The amount of all bonded and other indebtedness incurred by each affected  
16                            district;
  - 17                   c.    The levies for bonded indebtedness to which the property will be subjected or  
18                            from which the property will be exempted, as provided for in section  
19                            15.1-12-08;
  - 20                   d.    The taxable valuation of each affected district and the projected valuation  
21                            under the proposed annexation;
  - 22                   e.    The size, geographical features, and boundaries of each affected district;
  - 23                   f.    The number of students in each affected district;
  - 24                   g.    The general population of each affected district;
  - 25                   h.    Each school in the district, including its name, location, condition, the grade  
26                            levels it offers, and the distance that students living in the petitioned area  
27                            would have to travel to attend school;
  - 28                   i.    The location and condition of roads, highways, and natural barriers in each  
29                            affected district;
  - 30                   j.    Conditions affecting the welfare of students residing on the property to be  
31                            annexed;

- 1 k. The boundaries of other governmental entities;
- 2 l. The educational needs of communities in each affected district;
- 3 m. Potential savings in school district transportation and administrative services;
- 4 n. The potential for a reduction in per student valuation disparities between the  
5 affected districts;
- 6 o. The potential to equalize or increase the educational opportunities for  
7 students in each affected district; and
- 8 p. All other relevant factors.
- 9 5. Following consideration of the testimony and documentary evidence presented at  
10 the hearing, the committee shall make specific findings of fact and approve or deny  
11 the annexation. ~~¶ Except as provided in subsection 6, if~~ the annexation is  
12 approved, the county superintendent shall forward all minutes, records,  
13 documentary evidence, and other information regarding the proceeding and the  
14 county committee's decision to the state board for final approval of the annexation.
- 15 6. a. Except as provided in this subsection, the state board shall conduct a hearing,  
16 accept and consider testimony and documentary evidence regarding the  
17 proposed annexation, make specific findings, and approve or deny the  
18 annexation.
- 19 b. If no opposition is presented to the county committee at the hearing and the  
20 county committee approves the annexation, the state board ~~may review the~~  
21 ~~record of the county committee and give~~ is deemed to have given final  
22 approval to the annexation ~~without holding its own~~ and the hearing required  
23 by this subsection need not occur.
- 24 7. If the school districts involved in a proposed annexation include property in more  
25 than one county, but the major portion of each district's property is in the same  
26 county, the county committee of that county shall consider the annexation petition.
- 27 8. If the school districts involved in a proposed annexation are situated in more than  
28 one county and the major portion of each district's property is not in the same  
29 county, the county committees of those counties encompassing the major portion  
30 of each school district shall jointly consider the annexation petition.

- 1           9. If a county committee denies the annexation, another petition involving any of the  
2           same property may not be submitted to the county committee for a period of three  
3           months from the date on which the original petition was filed with the county  
4           superintendent. A petition involving any of the same property cited in the original  
5           petition may not be considered by a county committee more than twice in a  
6           twelve-month period.
- 7           10. If the state board denies the annexation, another petition involving any of the same  
8           property may not be submitted to the county committee for a period of three  
9           months after the state board's denial. A petition involving any of the same property  
10          cited in the original petition may not be considered by the state board more than  
11          twice in a twelve-month period.
- 12          11. a. If an annexation petition is considered by a single county committee, the  
13             decision of the county committee may be appealed to the state board.  
14          b. If an annexation petition is considered by more than one county committee  
15             and at least one county committee approves the annexation, the decision may  
16             be appealed to the state board.  
17          c. If an annexation petition is considered by more than one county committee  
18             and denied by each county committee, the decision may not be appealed to  
19             the state board.
- 20          12. Each annexation must receive final approval from the state board.
- 21          13. The county superintendent with whom the petition has been filed shall forward all  
22             minutes, records, documentary evidence, and other information regarding the  
23             annexation, and the county committee's decision to the state board for final  
24             approval or for consideration of an appeal.
- 25          14. A decision of the state board with respect to an annexation petition may be  
26             appealed to the district court of the judicial district in which the property to be  
27             annexed is located.