

**SENATE BILL NO. 2148
with House Amendments**

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2148

Introduced by

Education Committee

(At the request of the Department of Public Instruction)

1 A BILL for an Act to amend and reenact sections 15.1-01-03, 15.1-12-05, 15.1-12-09,
2 15.1-12-10, and 15.1-12-27 of the North Dakota Century Code, relating to school district
3 annexations, reorganizations, and dissolutions.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-01-03 of the 1999 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **15.1-01-03. State board of public school education - Powers and duties.**

- 8 1. The state board of public school education shall:
 - 9 ~~1-~~ a. Assist county committees in carrying out their duties.
 - 10 ~~2-~~ b. Provide county committees with clerical assistance, plans of procedure,
11 standards, data, maps, forms, and other materials, information, and services.
 - 12 ~~3-~~ c. Appoint members to the county committee, if the county superintendent does
13 not fulfill this duty, as provided for in section 15.1-10-01.
 - 14 ~~4-~~ 2. ~~Adopt~~ The state board of public school education may adopt rules regarding
15 school district reorganizations, annexations, and dissolutions.

16 **SECTION 2. AMENDMENT.** Section 15.1-12-05 of the 1999 Supplement to the North
17 Dakota Century Code is amended and reenacted as follows:

18 **15.1-12-05. Annexation of property to school district - Hearing.**

- 19 1. Upon receiving a petition for the annexation of property to a school district, the
20 county superintendent shall schedule and give notice of a public hearing regarding
21 the annexation.
- 22 2. The county superintendent shall publish notice of the public hearing in the official
23 newspaper of the county in which the major portion of each affected school
24 district's real property is situated, at least fourteen days before the date of the

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

- 1 n. The potential for a reduction in per student valuation disparity between the
2 affected districts;
- 3 o. The potential to equalize or increase the educational opportunities for
4 students in each affected district; and
- 5 p. All other relevant factors.
- 6 5. Following consideration of the testimony and documentary evidence presented at
7 the hearing, the committee shall make specific findings of fact and approve or deny
8 the annexation. If the annexation is approved, the county superintendent shall
9 forward all minutes, records, documentary evidence, and other information
10 regarding the proceeding and the county committee's decision to the state board
11 for final approval of the annexation.
- 12 6. a. Except as provided in this subsection, the state board shall conduct a hearing
13 after publication of a notice in the manner required in subsection 2, accept
14 and consider testimony and documentary evidence regarding the proposed
15 annexation, make specific findings, and approve or deny the annexation.
- 16 b. If no opposition is presented to the county committee at the hearing and the
17 county committee approves the annexation, the state board may review the
18 record of the county committee and give final approval to the annexation
19 without holding its own hearing.
- 20 7. If the school districts involved in a proposed annexation include property in more
21 than one county, but the major portion of each district's property is in the same
22 county, the county committee of that county shall consider the annexation petition.
- 23 8. If the school districts involved in a proposed annexation are situated in more than
24 one county and the major portion of each district's property is not in the same
25 county, the county committees of those counties encompassing the major portion
26 of each school district shall jointly consider the annexation petition. The county
27 committees shall vote separately on whether to approve the annexation.
- 28 9. ~~If a county committee denies the annexation, another petition involving any of the~~
29 ~~same property may not be submitted to the county committee for a period of three~~
30 ~~months from the date on which the original petition was filed with the county~~
31 ~~superintendent. A petition involving any of the same property cited in the original~~

1 ~~petition may not be considered by a county committee more than twice in a~~
2 ~~twelve month period.~~

3 ~~40.~~ If the state board denies the annexation, another petition involving any of the same
4 property may not be submitted to the county committee for a period of three
5 months after the state board's denial. A petition involving any of the same property
6 cited in the original petition may not be considered by the state board more than
7 twice in a twelve-month period.

8 ~~41.~~ 10. Regardless of how many county committees consider the annexation, the decision
9 may be appealed to the state board.

10 ~~42.~~ 11. Each annexation must receive final approval from the state board.

11 ~~43.~~ 12. The county superintendent with whom the petition has been filed shall forward all
12 minutes, records, documentary evidence, and other information regarding the
13 annexation, and the county committee's decision to the state board for final
14 approval or for consideration of an appeal.

15 ~~44.~~ 13. A decision of the state board with respect to an annexation petition may be
16 appealed to the district court of the judicial district in which the property to be
17 annexed is located.

18 **SECTION 3. AMENDMENT.** Section 15.1-12-09 of the 1999 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **15.1-12-09. School district reorganization - Initiation of a reorganization plan.**

21 1. In order for two or more contiguous school districts or contiguous portions of two or
22 more school districts to initiate a reorganization process, the board of each
23 participating school district must:

24 ~~4.~~ a. Vote to pursue the reorganization;

25 ~~2.~~ b. Prepare a reorganization plan;

26 ~~3.~~ c. Approve the reorganization plan; and

27 ~~4.~~ d. Submit the plan to the county superintendent having jurisdiction over the
28 major portion of property in each participating school district.

29 2. Submission of a reorganization plan to the county superintendent after July 31,
30 2001:

- 1 a. Renders an annexation petition involving any real property that is included in
2 the reorganization plan void, unless the annexation has already been
3 approved by the state board; and
4 b. Prohibits the acceptance of a new annexation petition involving any real
5 property that is included in the reorganization plan, until all reorganization
6 proceedings have been completed.

7 **SECTION 4. AMENDMENT.** Section 15.1-12-10 of the 1999 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **15.1-12-10. School district reorganization - Contents of plan - Public hearing -**
10 **Testimony and evidence.**

- 11 1. The reorganization plan required by section 15.1-12-09 must:
- 12 a. Include a map showing the boundaries of each participating district and of the
13 proposed new district;
- 14 b. Include the demographic characteristics of each participating district,
15 including the population per age group;
- 16 c. Include the number of students enrolled in each participating district during
17 the current school year and during the ten preceding school years;
- 18 d. Include projected student enrollments for the ensuing ten years;
- 19 e. Include the location and condition of all school buildings and facilities in each
20 participating district and intended uses for the buildings and facilities;
- 21 f. Address planned construction, modification, or improvement of school
22 buildings and facilities located within the boundaries of the new district;
- 23 g. Address planned course offerings by the new district;
- 24 h. Include the planned administrative structure of the new district and the
25 number of full-time equivalent personnel to be employed by the new district;
- 26 i. Include the planned number of members who will constitute the board of the
27 new district and the manner in which the members are to be elected;
- 28 j. Address plans regarding student transportation;
- 29 k. Identify other governmental entities, including multidistrict special education
30 units and area vocational and technology centers, which may provide
31 services to the new district;

- 1 l. Include the taxable valuation and per student valuation of each participating
2 district and the taxable valuation and per student valuation of the new district;
- 3 m. Include the amount of all bonded and other indebtedness incurred by each
4 participating district;
- 5 n. Address the planned disposition of all property, assets, debts, and liabilities of
6 each participating district, taking into consideration section 15.1-12-18;
- 7 o. Include a proposed budget for the new district and a proposed general fund
8 levy and any other levies, provided that tax levies submitted to and approved
9 by the state board as part of a reorganization plan are not subject to mill levy
10 limitations otherwise provided by law; and
- 11 p. Include any other information that the participating school districts wish to
12 have considered by the county committee or the state board.
- 13 2. Upon receiving a reorganization plan, the county superintendent shall schedule
14 and give notice of a public hearing regarding the plan. If the school districts
15 involved in a reorganization plan include property in more than one county, but the
16 major portion of each district's property is in the same county, the county
17 committee of that county shall consider the reorganization plan. If the school
18 districts involved in a reorganization plan are situated in more than one county and
19 the major portion of each district's property is not in the same county, the county
20 committees of those counties encompassing the major portion of each school
21 district shall jointly consider the reorganization plan.
- 22 3. The county superintendent shall publish the notice in the official newspaper of the
23 county at least fourteen days before the date of the hearing.
- 24 4. If no newspaper is published in the county, the county superintendent shall publish
25 the notice in the official newspaper of an adjoining county in this state.
- 26 5. Before the hearing, the county committee shall review the reorganization plan and
27 ensure that all statutory requirements have been met.
- 28 6. At the hearing, the county committee shall accept testimony and documentary
29 evidence regarding the reorganization plan.
- 30 7. Following consideration of the testimony and documentary evidence presented at
31 the hearing, the committee shall approve or deny the reorganization plan.

1 8. If the plan is approved by at least one county committee, the county
2 superintendent shall forward all minutes, records, documentary evidence, and
3 other information regarding the proceeding, and the county committee's decision,
4 to the state board for final approval. The state board shall publish notice of its
5 meeting at which it will consider the reorganization plan in the official newspaper of
6 the county at least fourteen days before the date of the meeting. If no newspaper
7 is published in the county, the state board shall publish the notice in the official
8 newspaper of an adjoining county in this state.

9 9. To become effective, a reorganization plan must meet all statutory requirements
10 and must receive approval by both the state board and a majority of electors
11 residing within the boundaries of the proposed new district.

12 **SECTION 5. AMENDMENT.** Section 15.1-12-27 of the 1999 Supplement to the North
13 Dakota Century Code is amended and reenacted as follows:

14 **15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.**

- 15 1. The county superintendent shall schedule and give notice of a public hearing
16 regarding the dissolution of the district and the subsequent attachment of the
17 property to other districts. The county superintendent shall publish the notice in
18 the official newspaper of each county that encompasses property in the dissolving
19 district and in the official newspaper of each county that encompasses property in
20 a district adjacent to the dissolving district, at least fourteen days before the date of
21 the hearing. The county superintendent shall provide notice of the public hearing
22 to the business manager of each school district adjacent to the dissolving district.
- 23 2. At the hearing, the board of the dissolving district may propose a particular manner
24 of dissolution.
- 25 3. The county committee shall consider testimony and documentary evidence
26 regarding:
- 27 a. The value and amount of property held by the dissolving school district;
28 b. The amount of all outstanding bonded and other indebtedness;
29 c. The distribution of property and assets among the districts to which the
30 dissolved district is attached;

Fifty-seventh
Legislative Assembly

- 1 d. The taxable valuation of the dissolving district and adjacent districts and the
2 taxable valuation of adjacent districts under the proposed manner of
3 dissolution;
- 4 e. The size, geographical features, and boundaries of the dissolving district and
5 of adjacent districts;
- 6 f. The number of students in the dissolving district and in adjacent districts;
- 7 g. The general population of the dissolving district and adjacent districts;
- 8 h. Each school in the dissolving district and in adjacent districts, including its
9 name, location, condition, accessibility, and the grade levels it offers;
- 10 i. The location and condition of roads, highways, and natural barriers in the
11 dissolving district and in adjacent districts;
- 12 j. Conditions affecting the welfare of students in the dissolving district and in
13 adjacent districts;
- 14 k. The boundaries of other governmental entities;
- 15 l. The educational needs of communities in the dissolving district and in
16 adjacent districts;
- 17 m. Potential savings in school district transportation and administrative services;
- 18 n. The anticipated future use of the dissolving districts' buildings, sites, and
19 playfields;
- 20 o. The potential for a reduction in per student valuation disparities between the
21 districts to which the dissolved district is attached;
- 22 p. The potential to equalize or increase the educational opportunities for
23 students from the dissolving district and for students in adjacent districts; and
24 q. All other relevant factors.
- 25 4. After the hearing, the county committee shall make findings of fact. Subject to final
26 approval by the state board, the county committee may order the district dissolved
27 and its real property attached to one or more contiguous, operating school districts.
- 28 5. Any property ordered attached under this section must have at least one minor
29 residing within its boundaries.
- 30 6. The county superintendent shall forward all minutes, records, documentary
31 evidence, and other information regarding the dissolution proceeding together with

- 1 a copy of the county committee's order to the state board for final approval of the
2 dissolution. The state board shall publish notice of its meeting at which it will
3 consider the dissolution, in the official newspapers of the counties required for
4 publication under subsection 1, at least fourteen days before the meeting.
- 5 7. The order of dissolution becomes effective July first following approval by the state
6 board, unless the county committee provides for a different effective date.
- 7 8. If the boundaries of the dissolving school district cross county lines, the proceeding
8 to dissolve the district must be conducted jointly by the county committees
9 representing counties containing twenty-five percent or more of the dissolving
10 district's taxable valuation. If, after the hearing, a majority of the county
11 committees are unable to agree upon an order of dissolution and attachment, the
12 county superintendent of the county in which the administrative headquarters of
13 the dissolving school district is located shall notify the state board. The state board
14 shall conduct a public hearing, as required in this section, and order the dissolution
15 of the district and the attachment of its real property to adjacent districts in the
16 manner it deems appropriate. The state board shall publish notice of the public
17 hearing in the official newspapers of the counties required for publication under
18 subsection 1, at least fourteen days before the date of the hearing.
- 19 9. If any portion of the order providing for the attachment of real property is
20 suspended or voided, the order of dissolution is likewise suspended or voided.