

**HOUSE BILL NO. 1177**

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, 15.1-10-01, 15.1-10-02,  
2 15.1-10-03, 15.1-10-04, 15.1-11-04, 15.1-12-01, 15.1-12-03, 15.1-12-04, 15.1-12-05,  
3 15.1-12-08, 15.1-12-09, 15.1-12-10, 15.1-12-11, 15.1-12-13, 15.1-12-14, 15.1-12-26, and  
4 15.1-12-27 of the North Dakota Century Code, relating to regional committees to address  
5 school district annexations, reorganizations, and dissolutions; and to provide for transition.

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

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

9 **15.1-01-03. State board of public school education - Powers and duties.** The state  
10 board of public school education shall:

- 11 1. Assist ~~county~~ regional committees in carrying out their duties.
- 12 2. Provide ~~county~~ regional committees with clerical assistance, plans of procedure,  
13 standards, data, maps, forms, and other materials, information, and services.
- 14 3. Appoint members to the ~~county~~ regional committee, if ~~the county superintendent~~  
15 any board of county commissioners does not fulfill ~~this~~ its duty, as provided for in  
16 section 15.1-10-01.
- 17 4. Adopt rules regarding school district reorganizations, annexations, and  
18 dissolutions.

19 **SECTION 2. AMENDMENT.** Section 15.1-10-01 of the 1999 Supplement to the North  
20 Dakota Century Code is amended and reenacted as follows:

21 **15.1-10-01. ~~County~~ Regional committee - Appointment - Compensation.**

- 22 1. ~~The county superintendent of schools, with the approval of the board of county~~  
23 ~~commissioners, shall appoint residents, equal in number to the board of county~~  
24 ~~commissioners, to serve as a county committee~~ There are eight regional

- 1           committees for purposes of school district annexations, dissolutions, and  
2           reorganizations. There is one regional committee for each of the following regions:
- 3           a. The Williston region consists of Divide, McKenzie, and Williams counties;  
4           b. The Minot region consists of Bottineau, Burke, McHenry, Mountrail, Pierce,  
5           Renville, and Ward counties;
- 6           c. The Devils Lake region consists of Benson, Cavalier, Eddy, Ramsey, Rolette,  
7           and Towner counties;
- 8           d. The Grand Forks region consists of Grand Forks, Nelson, Pembina, and  
9           Walsh counties;
- 10          e. The Fargo region consists of Cass, Ransom, Richland, Sargent, Steele, and  
11          Traill counties;
- 12          f. The Jamestown region consists of Barnes, Dickey, Foster, Griggs, LaMoure,  
13          Logan, McIntosh, Stutsman, and Wells counties;
- 14          g. The Bismarck region consists of Burleigh, Emmons, Grant, Kidder, McLean,  
15          Mercer, Morton, Oliver, Sheridan, and Sioux counties; and
- 16          h. The Dickinson region consists of Adams, Billings, Bowman, Dunn, Golden  
17          Valley, Hettinger, Slope, and Stark counties.
- 18          2. A regional committee consists of one member appointed by the board of county  
19          commissioners from each county in the region. If any region has three or fewer  
20          counties, each board of county commissioners in that region shall appoint two  
21          members and if, after the appointment, there are an even number of members, the  
22          most populous of the counties shall appoint one additional member. If any region  
23          has an even number of members, the most populous county in that region shall  
24          appoint one additional member. The presidents of the school boards of the  
25          districts whose administrative headquarters are in a particular county shall provide  
26          advice to that board of county commissioners regarding the appointments.
- 27          3. The term of office for ~~county~~ regional committee members is three years,  
28          staggered by lot, so that ~~one term~~ approximately one-third of the members' terms  
29          expires each year.
- 30          ~~3.~~ 4. If a vacancy occurs, the county superintendent, with the approval of the board of  
31          county commissioners, shall appoint an individual to serve for the unexpired

1           ~~portion of the term.~~ Vacancies must be filled in the manner as provided for  
2           appointment of members in subsection 2. If a ~~county~~ regional committee member  
3           fails, refuses, or is unable to perform the required duties, the board of county  
4           ~~superintendent~~ commissioners, upon being petitioned by a majority of the school  
5           board presidents representing districts having ~~territory wholly or partially within~~  
6           their administrative headquarters in the county from which the member was  
7           appointed, shall declare the position of the member vacant and shall appoint a new  
8           member to the committee.

9           4. 5. Each member is entitled to compensation at the rate of sixty-two dollars and fifty  
10           cents per day and to reimbursement for expenses from the biennial appropriation  
11           for the superintendent of public instruction, as provided by law for state officers, if  
12           they are attending regional committee meetings or performing duties directed by  
13           the regional committee.

14           **SECTION 3. AMENDMENT.** Section 15.1-10-02 of the 1999 Supplement to the North  
15           Dakota Century Code is amended and reenacted as follows:

16           **15.1-10-02. ~~County~~ Regional committee - Chairman - Meetings.** The members of  
17           the ~~county~~ regional committee shall elect one member to serve as chairman for one year and  
18           until a successor is chosen. Meetings of the committee must be held upon the call of the  
19           chairman or a majority of the committee members.

20           **SECTION 4. AMENDMENT.** Section 15.1-10-03 of the 1999 Supplement to the North  
21           Dakota Century Code is amended and reenacted as follows:

22           **15.1-10-03. ~~County~~ Regional committee - Secretary.** The members shall select a  
23           county superintendent of schools is from a county in the region to serve as the secretary of the  
24           committee but. The county superintendent may not vote. The county superintendent is entitled  
25           to compensation ~~from the employing county~~ for actual and necessary expenses incurred while  
26           in the performance of required duties. The compensation must be paid proportionately by each  
27           county in the region. A county's proportion must be determined according to the percentage  
28           that a county's population bears to the total population of the region.

29           **SECTION 5. AMENDMENT.** Section 15.1-10-04 of the 1999 Supplement to the North  
30           Dakota Century Code is amended and reenacted as follows:

1           **15.1-10-04. ~~State's attorney to represent~~ Legal representation and publishing**  
2 **costs of regional committee.**

- 3           1. ~~Each county's state's attorney shall serve as legal counsel to the county. The~~  
4 ~~regional committee may hire an attorney who serves as legal counsel to the~~  
5 ~~regional committee. The state's attorney shall defend the committee and any of its~~  
6 ~~officers in legal proceedings relating to the conduct or business of the committee.~~  
7 ~~If providing this defense would cause a conflict with the other duties of the state's~~  
8 ~~attorney, the board of county commissioners, at county expense, shall employ a~~  
9 ~~special counsel to represent the committee in the proceedings. Compensation of~~  
10 ~~the attorney, in the amount agreed to by the committee members, must be paid~~  
11 ~~proportionately by each board of county commissioners represented on the~~  
12 ~~committee from their county general fund. A county's proportion must be~~  
13 ~~determined according to the percentage that a county's population bears to the~~  
14 ~~total population of the region.~~  
15           2. The cost for the secretary of the regional committee to publish notices in a county's  
16 official newspaper as specified by law must be paid by that particular county.

17           **SECTION 6. AMENDMENT.** Section 15.1-11-04 of the 1999 Supplement to the North  
18 Dakota Century Code is amended and reenacted as follows:

19           **15.1-11-04. County superintendent of schools - Duties.** A county superintendent of  
20 schools shall:

- 21           1. Serve as the superintendent of all schools in a county except those schools in  
22 districts that employ a district superintendent of schools.  
23           2. Receive copies of and review, in a timely manner, all reports submitted to the  
24 superintendent of public instruction by school districts having their administrative  
25 headquarters in the county.  
26           3. Compile reports containing statistics and any other information requested by the  
27 superintendent of public instruction and forward the reports at the time and in the  
28 manner directed by the superintendent of public instruction.  
29           4. If requested by a school district, assist in planning, coordinating, and providing  
30 education and related services.

- 1           5. Promote coordination and cooperation among the school districts and the
- 2           multidistrict special education units within the county.
- 3           6. Assist school districts in taking advantage of incentive programs administered by
- 4           the superintendent of public instruction.
- 5           7. As secretary of the ~~county~~ regional committee:
- 6           a. Provide to the public information regarding the annexation of property to
- 7           another school district;
- 8           b. Provide to the public all forms necessary for the annexation of property to
- 9           another school district;
- 10          c. Compile information regarding school district annexations and dissolutions
- 11          and provide such information to the appropriate ~~county~~ regional committees,
- 12          at the time and in the manner directed by the state board of public school
- 13          education; and
- 14          d. Compile information regarding school district annexations, reorganizations,
- 15          and dissolutions, and provide such information to the state board of public
- 16          school education, at the time and in the manner directed by the state board.
- 17          8. Perform any other duties required by law.

18           **SECTION 7. AMENDMENT.** Section 15.1-12-01 of the 1999 Supplement to the North  
19 Dakota Century Code is amended and reenacted as follows:

20           **15.1-12-01. Definitions.** In this chapter, unless the context otherwise requires:

- 21          1. "Annexation" means the alteration of a school district's boundaries through the
- 22          removal of real property from one school district and its attachment to another
- 23          contiguous school district.
- 24          2. "Contiguous" means two or more tracts of real property which share a common
- 25          point or which would share a common point but for an intervening road or right of
- 26          way.
- 27          3. "Dissolution" means the process through which a school district ceases to function
- 28          and the subsequent attachment of its real property to other school districts.
- 29          4. "Regional committee" means the regional committee for the annexation,
- 30          reorganization, and dissolution of school districts.



- 1 e. Be submitted to the county superintendent ~~whose jurisdiction~~ who is the  
2 secretary for the regional committee for the region that includes the  
3 administrative headquarters of the district where the petitioners live.
- 4 2. Any person who wishes to add or remove that person's name from the annexation  
5 petition may do so until five p.m. on the last business day before the public hearing  
6 by the ~~county~~ regional committee; provided the person appears before the county  
7 superintendent who is the secretary for the regional committee to request the  
8 action.
- 9 3. This section does not apply to annexations involving an exchange of property.

10 **SECTION 10. AMENDMENT.** Section 15.1-12-05 of the 1999 Supplement to the North  
11 Dakota Century Code is amended and reenacted as follows:

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

- 13 1. Upon receiving a petition for the annexation of property to a school district, the  
14 county superintendent who is the secretary for the regional committee shall  
15 schedule and give notice of a public hearing regarding the annexation.
- 16 2. The county superintendent who is the secretary for the regional committee shall  
17 publish notice of the public hearing in the official newspaper of the county in which  
18 the major portion of each affected school district's real property is situated, at least  
19 fourteen days before the date of the hearing. If no newspaper is published in the  
20 county, the county superintendent shall publish the notice in a newspaper in an  
21 adjoining county in this state.
- 22 3. Before the hearing, the ~~county~~ regional committee shall:
- 23 a. Determine the number of qualified electors residing on the property to be  
24 annexed;
- 25 b. Ensure that two-thirds of such qualified electors have signed the petition; and
- 26 c. Ensure that all other statutory requirements regarding the petition have been  
27 met.
- 28 4. At the hearing, the ~~county~~ regional committee shall accept testimony and  
29 documentary evidence regarding:
- 30 a. The value and amount of property held by each affected school district;

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- 1           b.    The amount of all outstanding bonded and other indebtedness of each
- 2                 affected district;
- 3           c.    The levies for bonded indebtedness to which the property will be subjected or
- 4                 from which the property will be exempted, as provided for in section
- 5                 15.1-12-08;
- 6           d.    The taxable valuation of each affected district and the taxable valuation under
- 7                 the proposed annexation;
- 8           e.    The size, geographical features, and boundaries of each affected district;
- 9           f.    The number of students in each affected district;
- 10          g.    The general population of each affected district;
- 11          h.    Each school in the district, including its name, location, condition, the grade
- 12                 levels it offers, and the distance that students living in the petitioned area
- 13                 would have to travel to attend school;
- 14          i.    The location and condition of roads, highways, and natural barriers in each
- 15                 affected district;
- 16          j.    Conditions affecting the welfare of students residing on the property to be
- 17                 annexed;
- 18          k.    The boundaries of other governmental entities;
- 19          l.    The educational needs of communities in each affected district;
- 20          m.    Potential savings in school district transportation and administrative services;
- 21          n.    The potential for a reduction in per student valuation disparity between the
- 22                 affected districts;
- 23          o.    The potential to equalize or increase the educational opportunities for
- 24                 students in each affected district; and
- 25          p.    All other relevant factors.
- 26          5.    Following consideration of the testimony and documentary evidence presented at
- 27                 the hearing, the regional committee shall make specific findings of fact and
- 28                 approve or deny the annexation. If the annexation is approved, the county
- 29                 superintendent who is the secretary for the regional committee shall forward all
- 30                 minutes, records, documentary evidence, and other information regarding the

- 1 proceeding and the ~~county~~ regional committee's decision to the state board for  
2 final approval of the annexation.
- 3 6. a. Except as provided in this subsection, the state board shall conduct a hearing,  
4 accept and consider testimony and documentary evidence regarding the  
5 proposed annexation, make specific findings, and approve or deny the  
6 annexation.
- 7 b. If no opposition is presented to the ~~county~~ regional committee at the hearing  
8 and the ~~county~~ regional committee approves the annexation, the state board  
9 may review the record of the ~~county~~ regional committee and give final  
10 approval to the annexation without holding its own hearing.
- 11 7. If the school districts involved in a proposed annexation include property in more  
12 than one ~~county~~ region, but the major portion of each district's property is in the  
13 same ~~county~~ region, the ~~county~~ committee ~~of for~~ that ~~county~~ region shall consider  
14 the annexation petition.
- 15 8. If the school districts involved in a proposed annexation are situated in more than  
16 one ~~county~~ region and the major portion of each district's property is not in the  
17 same ~~county~~ region, the ~~county~~ regional committees of those ~~counties~~ regions  
18 encompassing the major portion of each school district shall jointly consider the  
19 annexation petition.
- 20 9. If a ~~county~~ regional committee denies the annexation, another petition involving  
21 any of the same property may not be submitted to the ~~county~~ regional committee  
22 for a period of three months from the date on which the original petition was filed  
23 with the county superintendent. A petition involving any of the same property cited  
24 in the original petition may not be considered by a ~~county~~ regional committee more  
25 than twice in a twelve-month period.
- 26 10. If the state board denies the annexation, another petition involving any of the same  
27 property may not be submitted to the ~~county~~ regional committee for a period of  
28 three months after the state board's denial. A petition involving any of the same  
29 property cited in the original petition may not be considered by the state board  
30 more than twice in a twelve-month period.

- 1           11.   Regardless of how many ~~county~~ regional committees consider the annexation, the  
2                    decision may be appealed to the state board.
- 3           12.   Each annexation must receive final approval from the state board.
- 4           13.   The county superintendent with whom the petition has been filed shall forward all  
5                    minutes, records, documentary evidence, and other information regarding the  
6                    annexation, and the ~~county~~ regional committee's decision to the state board for  
7                    final approval or for consideration of an appeal.
- 8           14.   A decision of the state board with respect to an annexation petition may be  
9                    appealed to the district court of the judicial district in which the property to be  
10                  annexed is located.

11           **SECTION 11. AMENDMENT.** Section 15.1-12-08 of the 1999 Supplement to the North  
12 Dakota Century Code is amended and reenacted as follows:

13           **15.1-12-08. Payment of school district levies after annexation or dissolution.**

- 14           1.   Property annexed or attached to the receiving school district is subject to all of the  
15                    receiving school district's levies, except those to retire bonded debt existing before  
16                    the effective date of the annexation or dissolution. The ~~county~~ regional committee  
17                    and the state board in approving the annexation or dissolution, however, may  
18                    require that the property be subject to the receiving school district's levies that are  
19                    required to retire bonded debt existing before the effective date of the annexation  
20                    or dissolution.
- 21           2.   Property annexed to a receiving school district is not subject to any levies of the  
22                    school district from which it was detached, except those to retire bonded debt  
23                    existing before the effective date of the annexation. The ~~county~~ regional  
24                    committee and the state board in approving the annexation, however, may exempt  
25                    the property from the levies of the school district from which the property was  
26                    detached which are required to retire bonded debt existing before the effective date  
27                    of the annexation.

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

- 1           **15.1-12-09. School district reorganization - Initiation of a reorganization plan.** In  
2 order for two or more contiguous school districts or contiguous portions of two or more school  
3 districts to initiate a reorganization process, the board of each participating school district must:
- 4           1. Vote to pursue the reorganization;
  - 5           2. Prepare a reorganization plan;
  - 6           3. Approve the reorganization plan; and
  - 7           4. Submit the plan to the county superintendent ~~having jurisdiction over~~ who is the  
8           secretary for the regional committee for the region that includes the major portion  
9           of property in each participating school district.

10           **SECTION 13. AMENDMENT.** Section 15.1-12-10 of the 1999 Supplement to the North  
11 Dakota Century Code is amended and reenacted as follows:

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

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

- 1 k. Identify other governmental entities, including multidistrict special education  
2 units and area vocational and technology centers, which may provide services  
3 to the new district;
- 4 l. Include the taxable valuation and per student valuation of each participating  
5 district and the taxable valuation and per student valuation of the new district;
- 6 m. Include the amount of all bonded and other indebtedness incurred by each  
7 participating district;
- 8 n. Address the planned disposition of all property, assets, debts, and liabilities of  
9 each participating district, taking into consideration section 15.1-12-18;
- 10 o. Include a proposed budget for the new district and a proposed general fund  
11 levy and any other levies, provided that tax levies submitted to and approved  
12 by the state board as part of a reorganization plan are not subject to mill levy  
13 limitations otherwise provided by law; and
- 14 p. Include any other information that the participating school districts wish to  
15 have considered by the ~~county~~ regional committee or the state board.
- 16 2. Upon receiving a reorganization plan, the county superintendent who is the  
17 secretary for the regional committee shall schedule and give notice of a public  
18 hearing regarding the plan.
- 19 3. The county superintendent who is the secretary for the regional committee shall  
20 publish the notice in the official newspaper of the ~~county~~ counties that include  
21 property of the reorganizing school districts at least fourteen days before the date  
22 of the hearing.
- 23 4. If no newspaper is published in the county, the county superintendent shall publish  
24 the notice in the official newspaper of an adjoining county in this state.
- 25 5. Before the hearing, the ~~county~~ regional committee shall review the reorganization  
26 plan and ensure that all statutory requirements have been met.
- 27 6. At the hearing, the ~~county~~ regional committee shall accept testimony and  
28 documentary evidence regarding the reorganization plan.
- 29 7. Following consideration of the testimony and documentary evidence presented at  
30 the hearing, the committee shall approve or deny the reorganization plan.

1           8. If the plan is approved by at least one ~~county~~ regional committee, the county  
2           superintendent who is the secretary for the regional committee shall forward all  
3           minutes, records, documentary evidence, and other information regarding the  
4           proceeding, and the ~~county~~ regional committee's decision, to the state board for  
5           final approval.

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

9           **SECTION 14. AMENDMENT.** Section 15.1-12-11 of the 1999 Supplement to the North  
10          Dakota Century Code is amended and reenacted as follows:

11           **15.1-12-11. School district reorganization - Approved plan - Special election -**  
12          **Formation of new district.**

13           1. If the state board approves a reorganization plan, the state board shall notify each  
14           county superintendent of schools ~~having jurisdiction over~~ who are secretaries for  
15           the regional committees for the regions that include real property in the proposed  
16           new district. A county superintendent receiving notice under this section shall call  
17           a special election in order that the electors residing within the boundaries of the  
18           proposed new district may approve or reject the reorganization plan. The election  
19           must be held between July first and December thirty-first of the year in which the  
20           plan is approved by the state board. If there are insufficient days left in the year to  
21           meet the notice requirements of this section, the election must be held the  
22           following year.

23           2. The county superintendent who is the secretary for the regional committee shall  
24           give notice of the election by publishing the time, date, and place of the election in  
25           the official newspaper of the county, at least fourteen days before the date of the  
26           election.

27           3. The election notice must:

28           a. State that the election has been called for the purpose of approving or  
29           rejecting a plan to form a new school district;

30           b. Describe the boundaries of the proposed new district; and

- 1 c. Include a statement describing the adjustment of property, debts, and  
2 liabilities proposed in the plan, together with the proposed tax levy.
- 3 4. The county superintendent who is the secretary for the regional committee shall  
4 appoint judges and clerks of the election. The election must be conducted in the  
5 same manner and the polls must open and close at the same time as specified for  
6 school district elections.
- 7 5. The result of the elections must be certified by the participating school boards and  
8 delivered to the county superintendent who is the secretary for the regional  
9 committee within three days after the closing of the polls.
- 10 6. If a majority of electors residing within each school district vote to approve the  
11 reorganization plan, the county superintendent who is the secretary for the regional  
12 committee shall make the necessary adjustments of property, debts, and liabilities  
13 and perform all duties required by law in order to establish and organize the new  
14 school district.

15 **SECTION 15. AMENDMENT.** Section 15.1-12-13 of the 1999 Supplement to the North  
16 Dakota Century Code is amended and reenacted as follows:

17 **15.1-12-13. School district reorganization - Proposal rejection - Revision - New**  
18 **election.**

- 19 1. If the electors reject the reorganization plan, the ~~county~~ regional committee, after a  
20 period of three months from the date of the special election, may hold a public  
21 hearing as provided for in section 15.1-12-10 to consider a revised reorganization  
22 plan proposed by the participating school districts. If the ~~county~~ regional  
23 committee approves a revised plan, the county superintendent who is the secretary  
24 for the regional committee shall submit the revised plan to the state board for  
25 approval.
- 26 2. If the state board approves the revised plan, it shall notify the county  
27 superintendent of schools who is the secretary for the regional committee. A  
28 county superintendent receiving notice under this section shall follow the  
29 procedures set forth in this chapter for calling a special election to approve or reject  
30 the revised plan. If a majority of the electors residing within each school district  
31 vote to approve the revised reorganization plan, the county superintendent shall

1           make the necessary adjustments of property, debts, and liabilities and perform all  
2           duties required by law in order to establish and organize the new school district.

3           **SECTION 16. AMENDMENT.** Section 15.1-12-14 of the 1999 Supplement to the North  
4 Dakota Century Code is amended and reenacted as follows:

5           **15.1-12-14. School district reorganization - School boards - Assumption of**  
6 **duties.**

- 7           1. Upon approval of a reorganization plan by the electors, in accordance with section  
8 15.1-12-11, a school board for the reorganized district must be elected at the next  
9 regular school district election or at a special election called by the county  
10 superintendent of schools for that purpose. The first school board election in a  
11 newly reorganized district is governed by chapter 15.1-09.
- 12           2. Members of newly formed school boards representing reorganized districts may  
13 not enter upon the duties of office until the time specified in section 15.1-12-18,  
14 except as provided in sections 15.1-12-15 and 15.1-12-16. Before the completion  
15 of a reorganization, the board of an existing district may not contract or obligate the  
16 district, except with the approval of the ~~county~~ regional committee.

17           **SECTION 17. AMENDMENT.** Section 15.1-12-26 of the 1999 Supplement to the North  
18 Dakota Century Code is amended and reenacted as follows:

19           **15.1-12-26. Dissolution of school district - Grounds.**

- 20           1. A ~~county~~ regional committee shall initiate proceedings to dissolve a school district  
21 and attach the property to other operating school districts when it is notified in  
22 writing by the county superintendent of schools ~~whose jurisdiction~~ who is the  
23 secretary for the regional committee for the region that includes the administrative  
24 headquarters of the district that:
- 25           a. The district is financially unable to effectively and efficiently educate its  
26 students;
- 27           b. The district has not operated a school as required by section 15.1-12-24; or
- 28           c. A school board has determined that dissolution is in the best interest of its  
29 students.
- 30           2. Except as provided in subsection 3, a ~~county~~ regional committee shall initiate  
31 proceedings under section 15.1-12-27 to attach real property to an operating

- 1 school district when it is notified in writing by the county superintendent who is the  
2 secretary for the regional committee that:
- 3 a. Real property has been severed from its school district by the expansion of a  
4 city and the severed portion is not contiguous with its district; or
- 5 b. There exists real property that does not belong to a school district.
- 6 3. If a school district reorganization plan which does not include all real property in a  
7 district is approved by the electors, the ~~county~~ regional committee shall, within  
8 forty-five days after the election, hold a hearing under section 15.1-12-29 to attach  
9 the remaining property to one or more operating districts.
- 10 4. Receipt of notice by a ~~county~~ regional committee under this section:
- 11 a. Renders an annexation petition involving any real property in the district void,  
12 unless the annexation has already been approved by the state board; and
- 13 b. Prohibits the acceptance of a new annexation petition involving any real  
14 property in the district until all dissolution proceedings have been completed.
- 15 5. One or more annexation petitions may not be used to annex all of the real property  
16 in a school district to surrounding school districts.

17 **SECTION 18. AMENDMENT.** Section 15.1-12-27 of the 1999 Supplement to the North  
18 Dakota Century Code is amended and reenacted as follows:

19 **15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.**

- 20 1. The county superintendent who is the secretary for the regional committee shall  
21 schedule and give notice of a public hearing regarding the dissolution of the district  
22 and the subsequent attachment of the property to other districts. The county  
23 superintendent who is the secretary for the regional committee shall publish the  
24 notice in the official newspaper of each county that encompasses property in the  
25 dissolving district and in the official newspaper of each county that encompasses  
26 property in a district adjacent to the dissolving district, at least fourteen days before  
27 the date of the hearing. The county superintendent who is the secretary for the  
28 regional committee shall provide notice of the public hearing to the business  
29 manager of each school district adjacent to the dissolving district.
- 30 2. At the hearing, the board of the dissolving district may propose a particular manner  
31 of dissolution.

- 1           3. The ~~county~~ regional committee shall consider testimony and documentary  
2 evidence regarding:
- 3           a. The value and amount of property held by the dissolving school district;  
4           b. The amount of all outstanding bonded and other indebtedness;  
5           c. The distribution of property and assets among the districts to which the  
6 dissolved district is attached;  
7           d. The taxable valuation of the dissolving district and adjacent districts and the  
8 taxable valuation of adjacent districts under the proposed manner of  
9 dissolution;  
10          e. The size, geographical features, and boundaries of the dissolving district and  
11 of adjacent districts;  
12          f. The number of students in the dissolving district and in adjacent districts;  
13          g. The general population of the dissolving district and adjacent districts;  
14          h. Each school in the dissolving district and in adjacent districts, including its  
15 name, location, condition, accessibility, and the grade levels it offers;  
16          i. The location and condition of roads, highways, and natural barriers in the  
17 dissolving district and in adjacent districts;  
18          j. Conditions affecting the welfare of students in the dissolving district and in  
19 adjacent districts;  
20          k. The boundaries of other governmental entities;  
21          l. The educational needs of communities in the dissolving district and in  
22 adjacent districts;  
23          m. Potential savings in school district transportation and administrative services;  
24          n. The anticipated future use of the dissolving districts' buildings, sites, and  
25 playfields;  
26          o. The potential for a reduction in per student valuation disparities between the  
27 districts to which the dissolved district is attached;  
28          p. The potential to equalize or increase the educational opportunities for  
29 students from the dissolving district and for students in adjacent districts; and  
30          q. All other relevant factors.

- 1           4. After the hearing, the ~~county~~ regional committee shall make findings of fact.  
2           Subject to final approval by the state board, the ~~county~~ regional committee may  
3           order the district dissolved and its real property attached to one or more  
4           contiguous, operating school districts.
- 5           5. Any property ordered attached under this section must have at least one minor  
6           residing within its boundaries.
- 7           6. The county superintendent who is the secretary for the regional committee shall  
8           forward all minutes, records, documentary evidence, and other information  
9           regarding the dissolution proceeding together with a copy of the ~~county~~ regional  
10          committee's order to the state board for final approval of the dissolution.
- 11          7. The order of dissolution becomes effective July first following approval by the state  
12          board, unless the ~~county~~ regional committee provides for a different effective date.
- 13          8. If the boundaries of the dissolving school district cross ~~county~~ regional lines, the  
14          proceeding to dissolve the district must be conducted jointly by the ~~county~~ regional  
15          committees ~~representing counties containing~~ for the regions that contain  
16          twenty-five percent or more of the dissolving district's taxable valuation. If, after  
17          the hearing, a majority of the ~~county~~ regional committees are unable to agree upon  
18          an order of dissolution and attachment, the county superintendent ~~of the county in~~  
19          ~~which~~ who is the secretary for the regional committee for the region containing the  
20          administrative headquarters of the dissolving school district ~~is located~~ shall notify  
21          the state board. The state board shall conduct a public hearing, as required in this  
22          section, and order the dissolution of the district and the attachment of its real  
23          property to adjacent districts in the manner it deems appropriate.
- 24          9. If any portion of the order providing for the attachment of real property is  
25          suspended or voided, the order of dissolution is likewise suspended or voided.

26          **SECTION 19. TRANSITION.** Any county committee considering matters of annexation,  
27          reorganization, or dissolution before the effective date of this Act shall complete the  
28          committee's considerations and other duties under the provisions of law in effect before the  
29          effective date of this Act.