

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1081

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to amend and reenact sections 54-40.2-02, 54-40.2-03.1, and 54-40.2-03.2 of
2 the North Dakota Century Code, relating to notification to the superintendent of public
3 instruction regarding agreements contemplated between school districts and Indian tribes.

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

5 **SECTION 1. AMENDMENT.** Section 54-40.2-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-40.2-02. Authorization to enter agreements - General contents.**

- 8 1. Any one or more public agencies may enter into an agreement with any one or
9 more tribal governments to perform any administrative service, activity, or
10 undertaking that any of the public agencies or tribal governments are authorized to
11 perform by law and to resolve any disputes, in accordance with this chapter or any
12 other law that authorizes a public agency to enter an agreement. The agreement
13 must set forth fully the powers, rights, obligations, and responsibilities of the
14 parties to the agreement.
- 15 2. The Indian affairs commission may propose agreements entered into pursuant to
16 this chapter and may assist, at the request of any tribe affected by such an
17 agreement, in the negotiation and development of such agreements.
- 18 3. If the public agency contemplating entering into an agreement under this chapter is
19 a school district, the school district shall:
- 20 a. Provide written notice to the superintendent of public instruction that it is
21 contemplating entering into an agreement under this chapter; and
- 22 b. Consider written recommendations that the superintendent makes regarding
23 the agreement.

1 4. This chapter does not apply to agreements entered into under section 24-02-02.3
2 and chapter 54-38 or agreements entered with one or more tribal governments
3 pursuant to a state or federally funded program or other activity, including any
4 publicly announced offer of a grant, loan, request for proposal, bid, or other
5 contract originating with a public agency, for which the tribal government is
6 otherwise eligible under federal, state, or local law.

7 **SECTION 2. AMENDMENT.** Section 54-40.2-03.1 of the North Dakota Century Code
8 is amended and reenacted as follows:

9 **54-40.2-03.1. Agreement - Notice.**

10 1. After the parties to an agreement have agreed to its contents, the ~~state~~ public
11 agency involved shall publish a notice containing a summary of the agreement in
12 the official newspaper of each county of the state reasonably expected to be
13 affected by the agreement. The notice must also be published in any newspaper
14 of general circulation for the benefit of the members of any tribe affected by the
15 agreement. The notice must also be posted plainly at the tribal office of any tribe
16 affected by the agreement and in the county courthouse of any county affected by
17 the agreement. The notice must state that the ~~state~~ public agency will hold a
18 public hearing concerning the agreement upon the request of any resident of the
19 county in which the notice is published if the request is made within thirty days of
20 the publication of the notice.

21 2. If the public agency contemplating entering into an agreement under this chapter is
22 a school district, the school district must also provide the superintendent of public
23 instruction a copy of the notice.

24 **SECTION 3. AMENDMENT.** Section 54-40.2-03.2 of the North Dakota Century Code
25 is amended and reenacted as follows:

26 **54-40.2-03.2. Public hearing - Notice.**

27 1. If the ~~state~~ public agency receives a request pursuant to section 54-40.2-03.1, the
28 ~~state~~ public agency shall hold a public hearing prior to the submission of the
29 agreement to the governor at which any persons interested in the agreement may
30 be heard. Notice of the time, place, and purpose of the hearing must be published
31 prior to the hearing in the official newspaper of each county of the state reasonably

1 expected to be affected by the agreement. The notice of the public hearing must
2 also be published in any newspaper of general circulation published for the benefit
3 of the members of any tribe affected by the agreement. The notice must also be
4 posted plainly at the tribal office of any tribe affected by the agreement and in the
5 county courthouse of any county affected by the agreement. The notice must
6 describe the nature, scope, and purpose of the agreement and must state the
7 times and places at which the agreement will be available to the public for
8 inspection and copying.

9 2. If the public agency contemplating entering into an agreement under this chapter is
10 a school district, the school district must also provide the superintendent of public
11 instruction a copy of the notice.