

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1154

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to create and enact sections 15-27.3-07.5 and 15-27.3-13.5 of the North
2 Dakota Century Code, relating to voting on the issuance of bonds by school districts
3 contemplating reorganization; and to amend and reenact sections 15-27.1-10, 15-27.1-11,
4 subsection 2 of section 15-27.2-01, sections 15-27.3-10, 15-27.3-12, 15-27.3-20, 15-27.4-02,
5 and 15-47-39 of the North Dakota Century Code, relating to the annexation, reorganization, and
6 dissolution of school districts.

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

8 **SECTION 1. AMENDMENT.** Section 15-27.1-10 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15-27.1-10. Transfer of land upon annexation ~~or~~, reorganization, or dissolution.**

11 The legal title to all land owned by an original school district which has been annexed to
12 another district ~~or~~, included in a reorganized district, or dissolved which is not subject to a
13 possibility of reverter or right of reentry if title is held by other than the original district, vests in
14 the school board of the reorganized school district or the district to which the property is
15 annexed or attached upon approval of the reorganization proposal by the electors or upon
16 orders of the county superintendent of schools or the reorganization committee, as the case
17 may be. If the reorganized district or district to which the property is annexed or attached
18 includes less than the whole of the former district, legal title to the land of the former district
19 vests in the school board of the district in which the land is situated after reorganization ~~or~~,
20 chapter 15-27.2 annexation, or chapter 15-27.4 dissolution. A certificate prepared by the
21 county superintendent of schools of the county wherein the land in question is located, stating
22 the legal description of the land involved, and the fact that the school district formerly owning
23 the land has become either annexed, attached, or reorganized with another school district, may
24 be recorded in the office of the register of deeds of the county in which the land is located.

SECTION 2. AMENDMENT. Section 15-27.1-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-27.1-11. Reorganization or dissolution of school district not operating a school - Transportation. Any school district that, for a period of one year, does not operate either an elementary or high school, must become by the end of that year, through the process of reorganization or dissolution, part of a school district operating an approved elementary or high school. Any student who resides within a school district which is reorganized with another district or districts pursuant to this section, or dissolved pursuant to this section and section 15-27.4-01, whose school district has been sending the students to a school district in a bordering state, county, or district, because of proximity or terrain, ~~shall be permitted to~~ may attend or continue to attend school in the district in the bordering state, county, or district, subject to the provisions of section 15-40.2-09. The students residing within a school district that is reorganized with another district or districts pursuant to this section, or dissolved pursuant to this section and section 15-27.4-01 must be provided transportation in the same manner transportation is provided to students in the school district the nonoperating district is attached to.

~~The county committee of the county encompassing the major portion of any~~ If a school district affected by this section, which school district does ~~has not reorganize with an operating school district~~ been reorganized or dissolved within the time limit prescribed in this section, the school district shall dissolve be dissolved and attach the nonoperating school district attached to an operating school district in accordance with chapter 15-27.4.

This section does not apply to school districts established pursuant to chapter 15-27.5.

SECTION 3. AMENDMENT. Subsection 2 of section 15-27.2-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The annexation petition must:

- a. Be obtained from the county superintendent;
- b. Identify all of the territory to be annexed before it is circulated. The territory must constitute one land area, with no territory identified in the petition separate from other territory identified in the petition;
- c. Identify one student who ~~resides~~ lives in the area to be annexed and who will attend a public school in the receiving school district during the school year

following ~~approval~~ the effective date of the petition annexation if it is approved
by the state board;

d. Be signed in the presence of the carrier of the petition; and

e. Be submitted to the county superintendent of the county in which the majority
of land identified in the petition is located.

SECTION 4. Section 15-27.3-07.5 of the North Dakota Century Code is created and
enacted as follows:

15-27.3-07.5. Vote on issuance of bonds when voting on reorganization proposal.

1. If the reorganization proposal contemplates the issuance of bonds pursuant to
chapter 21-03, the question of the issuance of the bonds may be voted on at the
same election as that for which approval of the reorganization is sought, provided:

a. Each of the school boards involved in the reorganization adopts, by a majority
vote, an identical initial resolution required by chapter 21-03; and

b. All of the terms of chapter 21-03 are complied with, except that if there is a
conflict with section 15-27.3-08 regarding how the election will proceed, the
terms of section 15-27.3-08 prevail.

2. If the reorganization is not approved, the result of the vote on the issuance of
bonds is ineffective.

SECTION 5. AMENDMENT. Section 15-27.3-10 of the 1995 Supplement to the North
Dakota Century Code is amended and reenacted as follows:

15-27.3-10. Transportation provisions effective until changed by majority vote.

Any provision in a reorganization proposal relating to the transportation of students ~~effective~~
~~before August 1, 1995,~~ must remain in effect until changed in accordance with section
15-27.3-19.

SECTION 6. AMENDMENT. Section 15-27.3-12 of the North Dakota Century Code is
amended and reenacted as follows:

15-27.3-12. School boards in reorganized and original districts. After the
establishment of any new school district, the school board for the new school district must be
elected at the regular annual school district election or at a special election called by the county
superintendent of schools for that purpose. The first election to elect a school board in a newly
reorganized district is governed by chapter 15-28. Members of school boards elected in the

1 newly reorganized districts may not enter upon the duties of office until the time specified in
2 section 15-27.3-15 except as provided by ~~section~~ sections 15-27.3-13 and 15-27.3-13.5.
3 School boards in original school districts included within a reorganized district continue and
4 remain in existence until the time specified in section 15-27.3-15 at which time the new school
5 board elected for the newly reorganized district as provided in this section becomes the
6 governing body of ~~such~~ the school districts. Prior to the completion of the reorganization of any
7 school district under this chapter, the existing school board of any school district may not
8 contract or place the district under any obligation, except upon the recommendation of the
9 county committee. Subsequent annual elections in the school district are governed by the laws
10 pertaining to such elections.

11 **SECTION 7.** Section 15-27.3-13.5 of the North Dakota Century Code is created and
12 enacted as follows:

13 **15-27.3-13.5. Board may proceed in accordance with chapter 21-03.** The school
14 board for a new school district established pursuant to this chapter may, before the effective
15 date of the reorganization, proceed in accordance with chapter 21-03 for the issuance of bonds
16 for purposes specified in that chapter if the issuance of the bonds is contemplated by the
17 approved reorganization proposal.

18 **SECTION 8. AMENDMENT.** Section 15-27.3-20 of the 1995 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **15-27.3-20. Powers of school board in reorganized district - Exceptions.** After five
21 years from the effective date of the reorganization proposal, the school board of a reorganized
22 district ~~shall~~ may exercise the powers granted to a school board by section 15-29-08 or any
23 other provisions of law regardless of limitations contained in the reorganization proposal. ~~This~~
24 However, this section does not authorize the school board of a reorganized district to ~~exercise~~
25 ~~any powers prohibited or limited by~~ change geographic voting areas except in accordance with
26 section 15-27.3-17 or 15-27.3-19 nor does it authorize a change in transportation except in
27 accordance with section 15-27.3-10.

28 **SECTION 9. AMENDMENT.** Section 15-27.4-02 of the 1995 Supplement to the North
29 Dakota Century Code is amended and reenacted as follows:

30 **15-27.4-02. Notice of hearing - Order of attachment - Joint county action.**

- 1 1. The county superintendent of the county in which the administrative headquarters
2 of the dissolving school district is located, upon order of the county committee,
3 shall notify the business manager of each school district adjoining any district
4 which is to be dissolved pursuant to section 15-27.4-01, and any unorganized
5 territory recommended for attachment as provided by that section, that a hearing
6 will be held and the time and the place of the hearing by the county committee, for
7 the purpose of determining to which school district or districts the dissolved or
8 unorganized territory will be attached.
- 9 2. The county committee shall receive testimony at the hearing for the purpose of
10 determining and considering the factors listed in subsection 3 of section 15-27.2-04
11 as they relate to the dissolution proceeding. At the hearing, the school district to
12 be dissolved may propose a particular manner of dissolution.
- 13 3. After the hearing, the county committee shall by resolution order the district
14 dissolved and its territory attached, or the unorganized territory attached, to one or
15 more adjoining school districts in such manner as will, in its judgment, provide the
16 best educational opportunities for ~~pupils~~ students of the public schools and the
17 wisest use of public funds for the support of the public school system in the school
18 districts and attached territory. The county committee may not order the
19 attachment of any territory unless a minor resides within the boundaries of the
20 territory to be attached.
- 21 4. The district to be dissolved must be attached to a contiguous operating school
22 district.
- 23 5. The order becomes effective July first following the date of the order or resolution
24 and after approval by the state board, unless another effective date is provided for
25 by the county committee, as provided in section 15-27.4-01.
- 26 6. If that portion of the order providing for attachment of the dissolved or unorganized
27 territory is rendered ineffective or suspended for any reason, the portion of the
28 order providing for the dissolution is suspended until such time as the attachment
29 becomes effective.
- 30 7. ~~If any of the adjoining district is situated wholly or partly in a county other than that~~
31 ~~which included the district to be dissolved or the unorganized territory affected, any~~

~~order attaching territory to the adjoining school district becomes effective only upon the adoption of a concurring resolution by the county committee of the other county in which it is situated.~~

8- If the school district to be dissolved is located in more than one county, the county committees of the counties in which twenty-five percent or more of the taxable valuation of the dissolving school district is located, shall hear the dissolution. After the hearing, if a majority of the county committees hearing the dissolution cannot agree upon an order attaching the territory to adjoining districts, the county superintendent of the county in which the majority administrative headquarters of the dissolving school district being dissolved is located, shall submit the dissolution and attachment to the state board, and in such instance the state board shall, after holding a hearing such as the one described in subsections 1 and 2, dissolve and attach the district to be dissolved, or the unorganized territory, in the manner as will, in its judgment, provide the best educational opportunities for pupils students of the public school system in the school districts and attached territories.

9- ~~The action of the state board has the same effect as approval by all county committees.~~

SECTION 10. AMENDMENT. Section 15-47-39 of the North Dakota Century Code is amended and reenacted as follows:

15-47-39. Agreements between school district and school district of adjoining states - Provisions - Election - Tax levy. Notwithstanding any other ~~provisions~~ provision of law, subject to the provisions of this section, the board of any school district with boundaries touching upon a school district in another state may enter into a written agreement with the board of such school district for the joint operation and maintenance of school facilities and activities in either district. ~~Such~~ The agreement must be submitted to the superintendent of public instruction and, in approving or disapproving ~~such~~ the agreements, must take into consideration the enrollment, valuation of the district and future possibilities of the district and, if approved and endorsed by ~~him~~ the superintendent of public instruction, must be submitted to the electorate of the school district at any annual election or at a special election. There must be published by the school board in a newspaper having general circulation within the district,

at least fourteen days next preceding ~~such~~ the election, a statement of the purpose of the election and the terms of the agreement. The question on the ballot must be:

Shall the proposed agreement between this school district and school district number _____ in _____ County, state of _____, as approved by the superintendent of public instruction by endorsement dated _____ be executed?

Yes _____

No _____

Upon approval by the electorate, the board of the school district may levy and collect taxes to carry out the provisions of the agreement pursuant to chapters 15-48 and 57-16 and sections 57-15-13 and 57-15-14. In the event that a school district which has entered into an agreement with an out-of-state district is ~~annexed~~ dissolved and attached to or reorganized into another school district, the school board of the attaching or reorganized ~~or annexing~~ district shall have all powers, duties, and responsibilities of the board of the district which executed the agreement in effect at the time of the ~~annexation~~ dissolution or reorganization.