

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

committees for purposes of school district annexations, dissolutions, and reorganizations. There is one regional committee for each of the following regions:

a. The Williston region consists of Divide, McKenzie, and Williams counties;

b. The Minot region consists of Bottineau, Burke, McHenry, Mountrail, Pierce, Renville, and Ward counties;

c. The Devils Lake region consists of Benson, Cavalier, Eddy, Ramsey, Rolette, and Towner counties;

d. The Grand Forks region consists of Grand Forks, Nelson, Pembina, and Walsh counties;

e. The Fargo region consists of Cass, Ransom, Richland, Sargent, Steele, and Traill counties;

f. The Jamestown region consists of Barnes, Dickey, Foster, Griggs, LaMoure, Logan, McIntosh, Stutsman, and Wells counties;

g. The Bismarck region consists of Burleigh, Emmons, Grant, Kidder, McLean, Mercer, Morton, Oliver, Sheridan, and Sioux counties; and

h. The Dickinson region consists of Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope, and Stark counties.

2. A regional committee consists of one member appointed by the board of county commissioners from each county in the region. If any region has three or fewer counties, each board of county commissioners in that region shall appoint two members and if, after the appointment, there are an even number of members, the most populous of the counties shall appoint one additional member. If any region has an even number of members, the most populous county in that region shall appoint one additional member. The presidents of the school boards of the districts whose administrative headquarters are in a particular county shall provide advice to that board of county commissioners regarding the appointments.

3. The term of office for ~~county~~ regional committee members is three years, staggered by lot, so that ~~one term~~ approximately one-third of the members' terms expires each year.

~~3.~~ 4. If a vacancy occurs, the county superintendent, with the approval of the board of county commissioners, shall appoint an individual to serve for the unexpired

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

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

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

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

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

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

SECTION 5. AMENDMENT. Section 15.1-10-04 of the 1999 Supplement to the North 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.

5. "Reorganization" means the formation of a new school district through the combination, in whole or in part, of two or more school districts.

~~5.~~ 6. "State board" means the state board of public school education.

SECTION 8. AMENDMENT. Section 15.1-12-03 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15.1-12-03. Annexation of property to school district - Eligibility. Real property may be annexed to a school district provided:

1. The property to be annexed constitutes a single area that is contiguous to the school district;
2. The property to be annexed does not constitute an entire school district;
3. The annexation petition is signed by two-thirds of the qualified electors residing on the property to be annexed;
4. The annexation petition is filed with the county superintendent of schools ~~whose jurisdiction~~ who is the secretary for the regional committee for the region that includes the administrative headquarters of the district where the petitioners live;
5. A public hearing is held by the ~~county~~ regional committee or the ~~county~~ regional committees, as required in section 15.1-12-05; and
6. The annexation petition is approved by the state board.

SECTION 9. AMENDMENT. Section 15.1-12-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15.1-12-04. Annexation of property to school district - Petition requirements.

1. A petition to request the annexation of property must:
 - a. Be obtained from the county superintendent of schools who is the secretary for the regional committee;
 - b. Identify all property to be annexed, before circulation;
 - c. Identify one child whose place of residence is on the property to be annexed and whose parent has stated an intention to send the child to a public school in the district receiving the property during the school year following the effective date of the annexation;
 - d. Be signed in the presence of the petition carrier; and

e. Be submitted to the county superintendent ~~whose jurisdiction~~ who is the secretary for the regional committee for the region that includes the administrative headquarters of the district where the petitioners live.

2. Any person who wishes to add or remove that person's name from the annexation petition may do so until five p.m. on the last business day before the public hearing by the ~~county~~ regional committee; provided the person appears before the county superintendent who is the secretary for the regional committee to request the action.

3. This section does not apply to annexations involving an exchange of property.

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

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

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent who is the secretary for the regional committee shall schedule and give notice of a public hearing regarding the annexation.

2. The county superintendent who is the secretary for the regional committee shall publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.

3. Before the hearing, the ~~county~~ regional committee shall:

a. Determine the number of qualified electors residing on the property to be annexed;

b. Ensure that two-thirds of such qualified electors have signed the petition; and

c. Ensure that all other statutory requirements regarding the petition have been met.

4. At the hearing, the ~~county~~ regional committee shall accept testimony and documentary evidence regarding:

a. The value and amount of property held by each affected school district;

- 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

proceeding and the ~~county~~ regional committee's decision to the state board for final approval of the annexation.

6. a. Except as provided in this subsection, the state board shall conduct a hearing, accept and consider testimony and documentary evidence regarding the proposed annexation, make specific findings, and approve or deny the annexation.

b. If no opposition is presented to the ~~county~~ regional committee at the hearing and the ~~county~~ regional committee approves the annexation, the state board may review the record of the ~~county~~ regional committee and give final approval to the annexation without holding its own hearing.

7. If the school districts involved in a proposed annexation include property in more than one ~~county~~ region, but the major portion of each district's property is in the same ~~county~~ region, the ~~county~~ committee ~~of for~~ that ~~county~~ region shall consider the annexation petition.

8. If the school districts involved in a proposed annexation are situated in more than one ~~county~~ region and the major portion of each district's property is not in the same ~~county~~ region, the ~~county~~ regional committees of those ~~counties~~ regions encompassing the major portion of each school district shall jointly consider the annexation petition.

9. If a ~~county~~ regional committee denies the annexation, another petition involving any of the same property may not be submitted to the ~~county~~ regional committee for a period of three months from the date on which the original petition was filed with the county superintendent. A petition involving any of the same property cited in the original petition may not be considered by a ~~county~~ regional committee more than twice in a twelve-month period.

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

11. Regardless of how many ~~county~~ regional committees consider the annexation, the decision may be appealed to the state board.

12. Each annexation must receive final approval from the state board.

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

14. A decision of the state board with respect to an annexation petition may be appealed to the district court of the judicial district in which the property to be annexed is located.

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

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

1. Property annexed or attached to the receiving school district is subject to all of the receiving school district's levies, except those to retire bonded debt existing before the effective date of the annexation or dissolution. The ~~county~~ regional committee and the state board in approving the annexation or dissolution, however, may require that the property be subject to the receiving school district's levies that are required to retire bonded debt existing before the effective date of the annexation or dissolution.

2. Property annexed to a receiving school district is not subject to any levies of the school district from which it was detached, except those to retire bonded debt existing before the effective date of the annexation. The ~~county~~ regional committee and the state board in approving the annexation, however, may exempt the property from the levies of the school district from which the property was detached which are required to retire bonded debt existing before the effective date of the annexation.

SECTION 12. AMENDMENT. Section 15.1-12-09 of the 1999 Supplement to the North 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

c. Include a statement describing the adjustment of property, debts, and liabilities proposed in the plan, together with the proposed tax levy.

4. The county superintendent who is the secretary for the regional committee shall appoint judges and clerks of the election. The election must be conducted in the same manner and the polls must open and close at the same time as specified for school district elections.
5. The result of the elections must be certified by the participating school boards and delivered to the county superintendent who is the secretary for the regional committee within three days after the closing of the polls.
6. If a majority of electors residing within each school district vote to approve the reorganization plan, the county superintendent who is the secretary for the regional committee shall make the necessary adjustments of property, debts, and liabilities and perform all duties required by law in order to establish and organize the new school district.

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

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

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

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

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

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

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

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

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

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