

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Zaiser

1 A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota
2 Century Code, relating to the leasing of school buildings and facilities; to amend and reenact
3 section 15.1-09-33 of the North Dakota Century Code, relating to school board powers; and to
4 provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-09-33 is amended:

7 **15.1-09-33. School board - Powers.** The board of a school district may:

- 8 1. Establish a system of free public schools for all children of legal school age
9 residing within the district.
- 10 2. Organize, establish, operate, and maintain elementary, middle, and high schools.
- 11 3. Have custody and control of all school district property and, in the case of the
12 board of education of the city of Fargo, have custody and control of all public
13 school property within the boundaries of the Fargo public school district and to
14 manage and control all school matters.
- 15 4. Acquire real property and construct school buildings and other facilities.
- 16 5. Relocate or discontinue schools and liquidate the assets of the district as required
17 by law; provided no site may be acquired or building constructed, or no school may
18 be organized, established, operated, maintained, discontinued, or changed in
19 location without the approval of the state board of public school education if outside
20 the boundary of the district.
- 21 6. Purchase, sell, exchange, and improve real property.
- 22 7. a. Lease real property for ~~a maximum of one year except in the case of a career~~
23 and technical education facility constructed in whole or in part with financing
24 acquired under chapter 40-57, which may be leased for up to twenty years.

- 1 b. Lease real property other than that referenced in subdivision a, in accordance
2 with section 2 of this Act.
- 3 8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real
4 property for school purposes.
- 5 9. Purchase, sell, exchange, improve, and lease for up to one year equipment,
6 furniture, supplies, and textbooks.
- 7 10. Recruit or contract with others to recruit homes and facilities which provide
8 boarding care for special education students.
- 9 11. Provide dormitories for the boarding care of special education students.
- 10 12. Insure school district property.
- 11 13. Independently or jointly with other school districts, purchase telecommunications
12 equipment or lease a telecommunications system or network.
- 13 14. Provide for the education of students by another school district.
- 14 15. Contract with federal officials for the education of students in a federal school.
- 15 16. Prescribe courses of study in addition to those prescribed by the superintendent of
16 public instruction or by law.
- 17 17. Adopt rules regarding the instruction of students, including their admission,
18 transfer, organization, grading, and government.
- 19 18. Join the North Dakota high school activities association and pay membership fees.
- 20 19. Adopt alternative curricula for high school seniors who require fewer than four
21 academic units.
- 22 20. Contract with, employ, and compensate school district personnel.
- 23 21. Contract with and provide reimbursement for the provision of teaching services by
24 an individual certified as an instructor in the areas of North Dakota American Indian
25 languages and culture by the education standards and practices board.
- 26 22. Suspend school district personnel.
- 27 23. Dismiss school district personnel.
- 28 24. Participate in group insurance plans and pay all or part of the insurance premiums.
- 29 25. Contract for the services of a district superintendent, provided that the contract,
30 which may be renewed, does not exceed a period of three years.
- 31 26. Contract for the services of a principal.

27. Employ an individual to serve as the school district business manager or contract with any person to perform the duties assigned to a school district business manager by law.
28. Suspend or dismiss a school district business manager for cause without prior notice.
29. Suspend or dismiss a school district business manager without cause with thirty days' written notice.
30. Defray the necessary and contingent expenses of the board.
31. Levy a tax upon property in the district for school purposes.
32. Amend and certify budgets and tax levies, as provided in title 57.
33. Pay dues allowing for the board to hold membership in city, county, state, and national organizations and associations.
34. Designate, at its annual meeting, a newspaper of general circulation as the official newspaper of the district.

SECTION 2. A new section to chapter 15.1-09 is created:

Leasing of buildings and facilities - Vote - Waiver - Penalty.

1. Except as provided in sections 15.1-09-45 and 40-57-03, the board of a school district may not contract for the lease of a building or facility from another person, unless the board:
 - a. Adopts a resolution stating:
 - (1) The board's intent to enter into the contract;
 - (2) The purpose for which the board believes the contract is necessary;
 - (3) The duration of the contract;
 - (4) The amount and due date of all payments required by the contract;
 - (5) The number of times the board anticipates renewing the contract; and
 - (6) Whether the school district will acquire an ownership interest in the building or facility being leased at the conclusion or termination of the contract.
 - b. Posts a copy of the contract on the school district web site and provides written copies of the contract upon request;
 - c. Files a copy of the contract with the superintendent of public instruction;

- 1 d. Publishes the resolution at least once each week for two consecutive weeks
- 2 in the official newspaper of the district;
- 3 e. Places the question of approving the contract on the ballot at the next annual
- 4 or special election and obtains the approval of at least sixty percent of the
- 5 qualified electors voting on the question.
- 6 2. Upon receiving a petition by the board of a school district, the superintendent of
- 7 public instruction may waive this section provided the board demonstrates to the
- 8 satisfaction of the superintendent that an Act of God or other exigency has
- 9 occurred and that the board must contract for a lease of a building or facility in
- 10 order to provide for the uninterrupted education of students. A waiver under this
- 11 section is applicable only to a contract that expires no later than June thirtieth of
- 12 the school year succeeding that in which the waiver is granted.
- 13 3. For purposes of this section, a "facility" includes a sports or athletic complex.
- 14 4. A school board member who votes to approve any action that constitutes a
- 15 violation of this section is guilty of a class B misdemeanor.