

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1188

Introduced by

Representatives Sukut, Hatlestad, Schatz

Senator Krebsbach

1 A BILL ~~for an Act to create and enact section 15.1-12-08.1 of the North Dakota Century Code,~~
2 ~~relating to annexation petitions.~~ for an Act to amend and reenact sections 15.1-12-03 and
3 15.1-12-05 of the North Dakota Century Code, relating to school district annexations.

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

5 ~~**SECTION 1.** Section 15.1-12-08.1 of the North Dakota Century Code is created and~~
6 ~~enacted as follows:~~

7 ~~**15.1-12-08.1. High school district – Petition for annexation – Coterminous boundary.**~~

8 ~~1. If the boundary of a high school district does not include all land within the boundary of~~
9 ~~the city in which the district is headquartered, and if the land that is excluded is in an~~
10 ~~elementary district or a rural district, the board of the high school district may petition~~
11 ~~the state board of public school education for an order directing that the boundary of~~
12 ~~the high school district be made coterminous with the boundary of the city.~~

13 ~~2. Upon receipt of a petition, the state board of public school education shall:~~

14 ~~a. Verify that the conditions set forth in subsection 1 exist; and~~

15 ~~b. Order the annexation of the excluded property to the high school district.~~

16 ~~3. An order under this section has the same force and effect as a final approval of an~~
17 ~~annexation by the state board of public school education in accordance with section~~
18 ~~15.1-12-05.~~

19 **SECTION 1. AMENDMENT.** Section 15.1-12-03 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-12-03. Annexation of property to school district - Eligibility.**

22 Real property may be annexed to a school district provided:

- 23 1. The property to be annexed constitutes a single area that is contiguous to the school
24 district;

2. The property to be annexed does not constitute an entire school district;
3. The annexation petition is signed by ~~two-thirds~~ a majority 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 includes the administrative headquarters of the district;
5. A public hearing is held by the county committee or the county committees, as required in section 15.1-12-05; and
6. The annexation petition is approved by the state board.

SECTION 2. AMENDMENT. Section 15.1-12-05 of 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 shall schedule and give notice of a public hearing regarding the annexation.
2. The county superintendent 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 committee shall:
 - a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that ~~two-thirds~~ a majority 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 committee shall accept testimony and documentary evidence regarding:
 - a. The value and amount of property held by each affected school district;
 - b. The amount of all outstanding bonded and other indebtedness of each affected district;

- c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
 - d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
 - e. The size, geographical features, and boundaries of each affected district;
 - f. The number of students enrolled in each affected district;
 - g. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;
 - h. The location and condition of roads, highways, and natural barriers in each affected district;
 - i. Conditions affecting the welfare of students residing on the property to be annexed;
 - j. The boundaries of other governmental entities;
 - k. The educational needs of communities in each affected district;
 - l. Potential savings in school district transportation and administrative services;
 - m. The potential for a reduction in per student valuation disparity between the affected districts;
 - n. The potential to equalize or increase the educational opportunities for students in each affected district; and
 - o. All other relevant factors.
5. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall make specific findings of fact and approve or deny the annexation. If the annexation is approved, the county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the proceeding and the county 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 after publication of a notice in the manner required in subsection 2, 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 committee at the hearing and the county committee approves the annexation, the state board may review the record of the county 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, but the major portion of each district's property is in the same county, the county committee of that county shall consider the annexation petition.

8. If the school districts involved in a proposed annexation are situated in more than one county and the major portion of each district's property is not in the same county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the annexation petition. The county committees shall vote separately on whether to approve the annexation.

9. If the state board denies the annexation, another petition involving any of the same property may not be submitted to the county 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.

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

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

12. 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 committee's decision to the state board for final approval or for consideration of an appeal.

13. 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.