

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1366

Introduced by

Representative Mickelson

1 A BILL for an Act to amend and reenact section 15-27.2-04 of the North Dakota Century Code,
2 relating to school district annexation proceedings.

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

4 **SECTION 1. AMENDMENT.** Section 15-27.2-04 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **15-27.2-04. Annexation hearings - Equalization - Notice of hearings.**

- 7 1. Before detaching territory from one school district or annexing territory to another
8 school district, the county committee shall hold a hearing on the annexation.
- 9 2. At least fourteen days prior to the time the hearing is to be held, the committee
10 shall cause notice of such hearing to be published in the official newspaper of the
11 county in which the school district is located, or if no newspaper is published in the
12 county, the notice shall be published in a newspaper in an adjoining county in this
13 state.
- 14 3. At such hearing the committee shall consider testimony and documentary evidence
15 with respect to any of the following factors:
 - 16 a. The value and amount of all school property and all bonded and other
17 indebtedness of each school district affected by a change in boundaries.
 - 18 b. The amount of all outstanding indebtedness of each district and that which
19 would constitute an equitable adjustment of all property, assets, debts, and
20 liabilities among the districts involved.
 - 21 c. The taxable valuation of existing districts and the differences in such valuation
22 which would accrue under the proposed annexation.
 - 23 d. The size, geographical features, and boundaries of the districts.
 - 24 e. The number of pupils attending school and the population of the districts.

- 1 f. The location and condition of the districts' school buildings and their
- 2 accessibility to affected pupils.
- 3 g. The location and condition of roads, highways, and natural barriers within the
- 4 respective districts.
- 5 h. The school centers where children residing in the districts attend high school.
- 6 i. Conditions affecting the welfare of the pupils in the land area that is the
- 7 subject of the annexation petition.
- 8 j. The boundaries of other governmental units and the location of private
- 9 organizations in the territories of the respective districts.
- 10 k. The educational needs of local communities in the involved districts.
- 11 l. An objective in economizing in the use of transportation and administrative
- 12 services.
- 13 m. Projected future use of existing satisfactory school buildings, sites, and
- 14 playfields in the involved districts.
- 15 n. A reduction in disparities in per student valuation between school districts and
- 16 the objective of equalization of educational opportunities for pupils.
- 17 o. Any other relevant factors which, in the judgment of the committee, are of
- 18 importance.
- 19 4. Following the committee's consideration of testimony and documentary evidence
- 20 with respect to any of the factors listed in subsection 3, the committee shall make
- 21 specific findings with reference to every one of those factors to which testimony or
- 22 documentary evidence was directed. If, after the committee makes its findings, all
- 23 parties to a proposed annexation are in agreement with the annexation proposal,
- 24 as evidenced by a writing submitted to the committee, then final approval by the
- 25 state board is deemed to have been given and the hearing required by
- 26 subsection 5 need not occur.
- 27 5. ~~All~~ Except as provided in subsection 4, all proposed annexations must be given
- 28 final approval by the state board following a hearing conducted by the board at
- 29 which testimony and documentary evidence shall be considered with respect to
- 30 any of the factors listed in subsection 3. The state board shall make specific

findings with reference to every one of those factors to which testimony or documentary evidence was directed.

6. If the school districts involved in the proposed annexation are situated in more than one county, the county committee of the county encompassing the major portion of each school district shall consider and jointly effect the annexation if a majority of the members of each of such county committees approves the annexation. If the annexation is approved by a majority of the members of one of the two county committees, the county superintendent of the county in which the annexing district is located shall submit the annexation to the state board for approval or disapproval, and in such instance approval of the annexation shall have the same effect as approval by all county committees.
7. Whenever a petition for annexation has failed to be approved by any county committee, a petition involving any of the same area may not be submitted to the county committee for a period of three months after the filing of the original petition with the county. The petition may not be considered by the county committee more than twice in twelve consecutive months.
8. Whenever a petition for annexation has failed to be approved by the state board, a petition involving any of the same area may not be submitted to the county committee for a period of three months after the state board's determination not to approve the annexation. The petition may not be considered by the state board more than twice in twelve consecutive months.
9. If the school districts are situated in more than one county but the major portions of both such school districts are situated in the same county, the county committee of such county shall consider the matter.
10. Any determination made by a single county committee with respect to an annexation proposed under this section may be appealed to the state board. A decision of the state board with respect to a proposed annexation may in turn be appealed to the district court of the judicial district in which the territory proposed is located in accordance with chapter 28-32.