

**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;

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

9       **SECTION 2. AMENDMENT.** Section 15.1-12-05 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **15.1-12-05. Annexation of property to school district - Hearing.**

- 12       1. Upon receiving a petition for the annexation of property to a school district, the county
- 13       superintendent shall schedule and give notice of a public hearing regarding the
- 14       annexation.
- 15       2. The county superintendent shall publish notice of the public hearing in the official
- 16       newspaper of the county in which the major portion of each affected school district's
- 17       real property is situated, at least fourteen days before the date of the hearing. If no
- 18       newspaper is published in the county, the county superintendent shall publish the
- 19       notice in a newspaper in an adjoining county in this state.
- 20       3. Before the hearing, the county committee shall:
  - 21       a. Determine the number of qualified electors residing on the property to be
  - 22       annexed;
  - 23       b. Ensure that ~~two-thirds~~ a majority of such qualified electors have signed the
  - 24       petition; and
  - 25       c. Ensure that all other statutory requirements regarding the petition have been met.
- 26       4. At the hearing, the county committee shall accept testimony and documentary
- 27       evidence regarding:
  - 28       a. The value and amount of property held by each affected school district;
  - 29       b. The amount of all outstanding bonded and other indebtedness of each affected
  - 30       district;

- 1 c. The levies for bonded indebtedness to which the property will be subjected or
- 2 from which the property will be exempted, as provided for in section 15.1-12-08;
- 3 d. The taxable valuation of each affected district and the taxable valuation under the
- 4 proposed annexation;
- 5 e. The size, geographical features, and boundaries of each affected district;
- 6 f. The number of students enrolled in each affected district;
- 7 g. Each school in the district, including its name, location, condition, the grade
- 8 levels it offers, and the distance that students living in the petitioned area would
- 9 have to travel to attend school;
- 10 h. The location and condition of roads, highways, and natural barriers in each
- 11 affected district;
- 12 i. Conditions affecting the welfare of students residing on the property to be
- 13 annexed;
- 14 j. The boundaries of other governmental entities;
- 15 k. The educational needs of communities in each affected district;
- 16 l. Potential savings in school district transportation and administrative services;
- 17 m. The potential for a reduction in per student valuation disparity between the
- 18 affected districts;
- 19 n. The potential to equalize or increase the educational opportunities for students in
- 20 each affected district; and
- 21 o. All other relevant factors.
- 22 5. Following consideration of the testimony and documentary evidence presented at the
- 23 hearing, the committee shall make specific findings of fact and approve or deny the
- 24 annexation. If the annexation is approved, the county superintendent shall forward all
- 25 minutes, records, documentary evidence, and other information regarding the
- 26 proceeding and the county committee's decision to the state board for final approval of
- 27 the annexation.
- 28 6. a. Except as provided in this subsection, the state board shall conduct a hearing
- 29 after publication of a notice in the manner required in subsection 2, accept and
- 30 consider testimony and documentary evidence regarding the proposed
- 31 annexation, make specific findings, and approve or deny the annexation.

- 1           b. If no opposition is presented to the county committee at the hearing and the
- 2           county committee approves the annexation, the state board may review the
- 3           record of the county committee and give final approval to the annexation without
- 4           holding its own hearing.
- 5        7. If the school districts involved in a proposed annexation include property in more than
- 6        one county, but the major portion of each district's property is in the same county, the
- 7        county committee of that county shall consider the annexation petition.
- 8        8. If the school districts involved in a proposed annexation are situated in more than one
- 9        county and the major portion of each district's property is not in the same county, the
- 10       county committees of those counties encompassing the major portion of each school
- 11       district shall jointly consider the annexation petition. The county committees shall vote
- 12       separately on whether to approve the annexation.
- 13       9. If the state board denies the annexation, another petition involving any of the same
- 14       property may not be submitted to the county committee for a period of three months
- 15       after the state board's denial. A petition involving any of the same property cited in the
- 16       original petition may not be considered by the state board more than twice in a
- 17       twelve-month period.
- 18       10. Regardless of how many county committees consider the annexation, the decision
- 19       may be appealed to the state board.
- 20       11. Each annexation must receive final approval from the state board.
- 21       12. The county superintendent with whom the petition has been filed shall forward all
- 22       minutes, records, documentary evidence, and other information regarding the
- 23       annexation, and the county committee's decision to the state board for final approval
- 24       or for consideration of an appeal.
- 25       13. A decision of the state board with respect to an annexation petition may be appealed
- 26       to the district court of the judicial district in which the property to be annexed is
- 27       located.