

HOUSE BILL NO. 1501

Introduced by

Representatives Roers Jones, Heinert, M. Johnson, Pyle

Senator Rust

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 suspension of a member of a school board; to amend and reenact
3 section 54-10-15 of the North Dakota Century Code, relating to audits and suspension of school
4 board members; and to declare an emergency.

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

6 **SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created
7 and enacted as follows:

8 **School board membership - Suspension.**

9 Upon the filing of a petition under chapter 44-11 for removal by the governor, the
10 superintendent of public instruction may suspend a member of a school board pending the
11 results of a forensic, fiscal, or performance audit in accordance with section 54-10-15.

12 **SECTION 2. AMENDMENT.** Section 54-10-15 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-10-15. Audits of political subdivisions by order of governor or the legislative audit**
15 **and fiscal review committee, upon petition, or upon request of the state court**
16 **administrator.**

17 1. The state auditor, by duly appointed deputy auditors or other authorized agents, shall
18 audit or review the books, records, and financial accounts of any political subdivision
19 when ordered by the governor or the legislative audit and fiscal review committee,
20 requested by the governing board, or upon petition of at least thirty-five percent of the
21 qualified electors of any political subdivision enumerated in section 54-10-14 voting for
22 the office of governor at the preceding general election or, in the case of school
23 districts, upon petition of at least thirty-five percent of the qualified electors voting at
24 the preceding school board election, or upon the request of the state court

1 administrator with respect to clerk of district court services provided by a county in
2 accordance with chapter 27-05.2. Fees for the audits must be paid in accordance with
3 the provisions of section 54-10-14.

4 2. If an audit is ordered due to financial irregularities or allegations of embezzlement, the
5 governor may suspend an elected or appointed official from the official's duties if the
6 governor determines suspension is in the best interest of the state pending the results
7 of the audit. If the governor suspends an elected or appointed official, the governor
8 immediately shall provide notice to the political subdivision or board with which the
9 suspended official serves. Within five days of receiving notice, the political subdivision
10 or board shall appoint an individual to replace the suspended official to serve during
11 the pendency of the audit. The governor shall consult with the superintendent of public
12 instruction in determining whether suspension of a member of a school board is in the
13 best interest of the state.

14 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.