

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2351

Introduced by

Senator Beard

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 15.1-12-05 of the North Dakota~~  
2 ~~Century Code, relating to providing notice to affected property owners of a petition for the~~  
3 ~~annexation of property to a school district.~~ for an Act to amend and reenact section 15.1-12-05 of  
4 the North Dakota Century Code, relating to annexation of property to a school district.

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

6 ~~— **SECTION 1. AMENDMENT.** Subsection 1 of section 15.1-12-05 of the North Dakota~~  
7 ~~Century Code is amended and reenacted as follows:~~

8 ~~— 1. Upon receiving a petition for the annexation of property to a school district, the county~~  
9 ~~superintendent shall schedule:~~

10 ~~— a. Schedule and give notice of a public hearing regarding the annexation; and~~

11 ~~— b. Provide by certified mail notice regarding the annexation to each owner of~~  
12 ~~real property affected by the petition.~~

13 **SECTION 1. AMENDMENT.** Section 15.1-12-05 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **15.1-12-05. Annexation of property to school district - Hearing.**

16 1. Upon receiving a petition for the annexation of property to a school district, the county  
17 superintendent shall schedule and give notice of a public hearing regarding the  
18 annexation.

19 2. ~~The~~ At least fourteen days before the date of the public hearing, the county  
20 superintendent shall provide by certified mail notice regarding the annexation to each

1 owner of real property to be annexed and publish notice of the public hearing in the  
2 official newspaper of the county in which the major portion of each affected school  
3 district's real property is situated, ~~at least fourteen days before the date of the hearing.~~

4 If no newspaper is published in the county, the county superintendent shall publish the  
5 notice in a newspaper in an adjoining county in this state.

6 3. Before the hearing, the county committee shall:

7 a. Determine the number of qualified electors residing on the property to be  
8 annexed;

9 b. Ensure that two-thirds of such qualified electors have signed the petition; and

10 c. Ensure that all other statutory requirements regarding the petition have been met.

11 4. At the hearing, the county committee shall accept testimony and documentary  
12 evidence regarding:

13 a. The value and amount of property held by each affected school district;

14 b. The amount of all outstanding bonded and other indebtedness of each affected  
15 district;

16 c. The levies for bonded indebtedness to which the property will be subjected or  
17 from which the property will be exempted, as provided for in section 15.1-12-08;

18 d. The taxable valuation of each affected district and the taxable valuation under the  
19 proposed annexation;

20 e. The size, geographical features, and boundaries of each affected district;

21 f. The number of students enrolled in each affected district;

22 g. Each school in the district, including its name, location, condition, the grade  
23 levels it offers, and the distance that students living in the petitioned area would  
24 have to travel to attend school;

25 h. The location and condition of roads, highways, and natural barriers in each  
26 affected district;

27 i. Conditions affecting the welfare of students residing on the property to be  
28 annexed;

29 j. The boundaries of other governmental entities;

30 k. The educational needs of communities in each affected district;

31 l. Potential savings in school district transportation and administrative services;

- 1 m. The potential for a reduction in per student valuation disparity between the  
2 affected districts;
- 3 n. The potential to equalize or increase the educational opportunities for students in  
4 each affected district; ~~and~~
- 5 o. The potential modification to the property tax obligation of the owners of the  
6 property to be annexed and the concerns of the owners of the property to be  
7 annexed; and
- 8 p. All other relevant factors.
- 9 5. Following consideration of the testimony and documentary evidence presented at the  
10 hearing, the committee shall make specific findings of fact and approve or deny the  
11 annexation. If the annexation is approved, the county superintendent shall forward all  
12 minutes, records, documentary evidence, and other information regarding the  
13 proceeding and the county committee's decision to the state board for final approval of  
14 the annexation.
- 15 6. a. Except as provided in this subsection, the state board shall conduct a hearing  
16 after publication of a notice in the manner required in subsection 2, accept and  
17 consider testimony and documentary evidence regarding the proposed  
18 annexation, make specific findings, and approve or deny the annexation.
- 19 b. If no opposition is presented to the county committee at the hearing and the  
20 county committee approves the annexation, the state board may review the  
21 record of the county committee and give final approval to the annexation without  
22 holding its own hearing.
- 23 7. If the school districts involved in a proposed annexation include property in more than  
24 one county, but the major portion of each district's property is in the same county, the  
25 county committee of that county shall consider the annexation petition.
- 26 8. If the school districts involved in a proposed annexation are situated in more than one  
27 county and the major portion of each district's property is not in the same county, the  
28 county committees of those counties encompassing the major portion of each school  
29 district shall jointly consider the annexation petition. The county committees shall vote  
30 separately on whether to approve the annexation.

- 1        9.    If the state board denies the annexation, another petition involving any of the same  
2            property may not be submitted to the county committee for a period of three months  
3            after the state board's denial. A petition involving any of the same property cited in the  
4            original petition may not be considered by the state board more than twice in a  
5            twelve-month period.
- 6        10.    Regardless of how many county committees consider the annexation, the decision  
7            may be appealed to the state board.
- 8        11.    Each annexation must receive final approval from the state board.
- 9        12.    The county superintendent with whom the petition has been filed shall forward all  
10           minutes, records, documentary evidence, and other information regarding the  
11           annexation, and the county committee's decision to the state board for final approval  
12           or for consideration of an appeal.
- 13       13.    A decision of the state board with respect to an annexation petition may be appealed  
14           to the district court of the judicial district in which the property to be annexed is  
15           located.