

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 sections 15.1-12-03
4 and 15.1-12-05 of the North Dakota Century Code, relating to providing notice and voting rights
5 to affected property owners of an annexation of property to a school district.

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

7 ~~SECTION 1. AMENDMENT. Subsection 1 of section 15.1-12-05 of the North Dakota~~
8 ~~Century Code is amended and reenacted as follows:~~
9 ~~1. Upon receiving a petition for the annexation of property to a school district, the county~~
10 ~~superintendent shall schedule;~~
11 ~~a. Schedule and give notice of a public hearing regarding the annexation; and~~
12 ~~b. Provide by certified mail notice regarding the annexation to each owner of~~
13 ~~real property affected by the petition.~~

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

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

Real property may be annexed to a school district provided:

- 18 1. The property to be annexed constitutes a single area that is contiguous to the school
19 district;
- 20 2. The property to be annexed does not constitute an entire school district;

- 1 3. The annexation petition is signed by two-thirds of the ~~qualified electors residing on-~~
2 ~~the~~owners of the parcels of real property to be annexed;
- 3 4. The annexation petition is filed with the county superintendent of schools whose
4 jurisdiction includes the administrative headquarters of the district;
- 5 5. A public hearing is held by the county committee or the county committees, as
6 required in section 15.1-12-05; and
- 7 6. The annexation petition is approved by the state board.

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

10 **15.1-12-05. Annexation of property to school district - Hearing.**

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

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

1 consider testimony and documentary evidence regarding the proposed
2 annexation, make specific findings, and approve or deny the annexation.

3 b. If no opposition is presented to the county committee at the hearing and the
4 county committee approves the annexation, the state board may review the
5 record of the county committee and give final approval to the annexation without
6 holding its own hearing.

7 7. If the school districts involved in a proposed annexation include property in more than
8 one county, but the major portion of each district's property is in the same county, the
9 county committee of that county shall consider the annexation petition.

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

15 9. If the state board denies the annexation, another petition involving any of the same
16 property may not be submitted to the county committee for a period of three months
17 after the state board's denial. A petition involving any of the same property cited in the
18 original petition may not be considered by the state board more than twice in a
19 twelve-month period.

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

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

23 12. The county superintendent with whom the petition has been filed shall forward all
24 minutes, records, documentary evidence, and other information regarding the
25 annexation, and the county committee's decision to the state board for final approval
26 or for consideration of an appeal.

27 13. A decision of the state board with respect to an annexation petition may be appealed
28 to the district court of the judicial district in which the property to be annexed is
29 located.