

1999 HOUSE EDUCATION

HB 1477

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1477

House Education Committee

Conference Committee

Hearing Date 1-26-99

Tape Number	Side A	Side B	Meter #
#2	x		2.2 to 11.9
Committee Clerk Signature <i>Joan Dies</i>			

Minutes:

Those present: Chairman R. Kelsch , Vice-Chair Drovdal, Rep Brandenburg , Rep Brusegaard , Rep. Haas , Rep. Johnson , Rep. Nelson , Rep. Nottestad , it , Rep. Grumbo , Rep. Hanson , Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Chairman R. Kelsch : Opened the hearing on HB 1477, and ask the clerk to read the title.

Rep Mickelson: sponsor of HB 1477. This bill was introduced last session and the bill you have now are the parts that were amended out. The person who introduced the bill, is not here, and if he does not appear, I will get written testimony to submit to the committee.

Chairman R. Kelsch : Is there anyone else here that wishes to testify in support of HB 1477? Is there anyone here who wishes to appear in opposition of HB 1477?

Leah Ann Schneider: Assistant Attorney General . (see written testimony attached).

Chairman R. Kelsch : Since we are leaving the hearing open for testimony, could you submit written comments so we can do a comparison.

Rep Brusegaard : The bill as proposed would take away your right to give local information to give final approval instead it would just be automatic?

Schneider:That's correct. You or your meaning the state board.

Chairman R. Kelsch : Any further questions? Anyone else who wishes to appear in opposition of HB 1477? We will close the hearing on HB 1477.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1477-2-12-99

House Education Committee

Conference Committee

Hearing Date 2-2-99

Tape Number	Side A	Side B	Meter #
Tape #3	x		14.0 to 16.0
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

COMMITTEE ACTION

Chairman R. Kelsch , Vice-Chair Drovdal , Rep Brandenburg , Rep Brusegaard , Rep. Haas ,
Rep. Johnson , Rep. Nelson , Rep. Nottestad , Rep. L. Thoreson , Rep. Grumbo , Rep. Hanson ,
Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Chairman R. Kelsch : We will take up HB 1477. What are the wishes of the committee.

Rep. Johnson : Move a DO NOT PASS.

Rep Brandenburg : Second.

Chairman R. Kelsch : Discussion. There is a DO NOT PASS motion, have the clerk call the roll.

The DO NOT PASS motion passes with 13 YES 2 NO 0 Absent Floor assignment Rep.

Johnson .

Date: 2-2-99
Roll Call Vote #: /

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1477

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Johnson Seconded By Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard		✓			
Rep. C. B. Haas	✓				
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson		✓			
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson	✓				
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 13 No 2

Absent 0

Floor Assignment Johnson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 2, 1999 5:56 p.m.

Module No: HR-21-1739
Carrier: D. Johnson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1477: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS
(13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1477 was placed on the
Eleventh order on the calendar.

1999 TESTIMONY
FB 1477

TESTIMONY OF LEAH ANN SCHNEIDER
REGARDING HOUSE BILL 1477
BEFORE THE HOUSE EDUCATION COMMITTEE
January 26, 1999

Madam Chair, members of the Committee, my name is Leah Ann Schneider. I am an assistant attorney general appearing here in my capacity as legal counsel for the State Board of Public School Education. It was expected that Tom Decker of the State Board's staff would testify regarding this bill, but he is sick, so I am appearing in his stead.

I am testifying in opposition to HB 1477 on behalf of the Chairman of the State Board of Public School Education, Charles Brickner, and Tom Decker, staff for the State Board. There was no time to have a meeting to get the entire State Board's position regarding this bill.

School district annexations are first heard at the county level. Before the 1997 legislative session, school district annexations approved at the county level were not effective unless a hearing was had, and final approval was given, by the State Board of Public School Education.

Last session, the Legislature authorized the State Board to give final approval to an annexation without having a hearing if there had been no opposition to the annexation at the county hearing. When the record of this kind of annexation (where there has been no opposition at the county hearing) is sent to the State Board staff, I review the record submitted by the county superintendent to determine whether all of the statutory requirements have been met. I'll go into some of those requirements in a minute.

Then, at the State Board meeting, the State Board reviews the record without a hearing. The State Board makes its findings of fact by, i.e., adopting the findings of fact of the county committee, but sometimes adding to, or changing, them to meet statutory requirements or requirements based on North Dakota Supreme Court cases.

I then draft a document, on behalf of the Board, called "Findings of Fact, Conclusions of Law, and Order," a copy of which is then sent to the school districts and parents involved.

The concern that both Tom Decker and Charles Brickner have is that they think there needs to be a review at the state level to make sure all of the statutory requirements have been met. Some of those requirements are:

- The land area described in the annexation petition must be contiguous to the school district to which the petitioners/parents want the land on which they reside attached.
- The petition must be signed by two-thirds of the qualified electors residing on the land area described in the petition.
- The land area described in the petition must constitute one land area; it may not constitute two or more land areas that are not contiguous with each other.
- The petition must identify at least one student who will attend school in the school district to which the land is annexed, in the next school year.
- The county must have given proper notice of its hearing.

- If either of the school districts have bonded debt, the findings of fact must specify to which school district's bonded debt levy the petitioned land area will be subject.

Also, after the State Board approves an annexation, the document entitled, "Findings of Fact, Conclusions of Law, and Order," is sent to the school districts and petitioners/parents involved. If the State Board would not give final approval to an annexation, as HB 1477 would allow, no final document would be prepared at the county level stating the Findings of Fact, Conclusions of Law, and Order.

Therefore, on behalf of Tom Decker and Charles Brickner, I ask this Committee to give HB 1477 a Do Not Pass recommendation. Thank you.