

2015 HOUSE EDUCATION

HB 1188

2015 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Pioneer Room, State Capitol

HB 1188

1/21/2015
22343

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Donna Whetnam

Explanation or reason for introduction of bill/resolution:

Relating to annexation petitions

Attachment # 1-10

Minutes:

Chairman Nathe: Opened the hearing on HB 1188.

Representative Sukut: District 1, introduced HB 1188, it is a simple bill. Read the HB 1188. This is not a mandate, if it works use it or if it doesn't don't use it. It is a tool to help any district where there is a large rapid growth district.

Rep Ben Koppelman: If there is a high school district entirely in the city, if the annexation takes place, and an elementary only has land, do all the kids K-12 then go to the high school district or only the high schoolers ?

Representative Sukut: Is it a K-12 district?

Rep Ben Koppelman: No just say there is a K-8 district and a K-12 District, and they are contiguous, does the K-8 district loose that land, it's property tax value and it's kids that are still K-8, or is it basically to set who that K-8 district is paying tuition too for those high school students?

Representative Sukut: If there is a K-8 district within that area they would lose that district. In Williston there is no schools in that particular area, but there is elementary rural land. Once it is annexed into the city it is now urban property. This bill would enable us to go through one annexation process here.

Chairman Nathe: With this bill is there still public input or is that what this is getting around?

Representative Sukut: The public input would be when the school board discussed the issue. It is a public meeting.

Rep Kelsh: So with that information meeting be held before that petition was filed with the state education, would they have a chance to testify before they sent the petition in or after?

Representative Sukut: The school board would have the petition on their agenda, it would be a public meeting and the public can express their opinion.

Deb Kemp: an annexation technician for Williams County. In support of HB 1168. (11:00) - (24:54). (See Attachment #1).

Rep Kelsh: The Hagen elementary school is a District 1 school but is in District 8?

Deb Kemp: Hagen elementary is in District 1, but area I showed you is which is D-2 that is in District 8, but some of these homes can look out their back door and see Hagen school, is what I was trying to explain.

Rep Ben Koppelman: Williston has gone to a closed enrollment status. Wouldn't the best thing for the students be if Williston could have an open enrollment system?

Deb Kemp: That has to come from the school district.

Rep Ben Koppelman: This bill would require the school districts to take action if that happens right?

Deb Kemp: The reason this came about if this is a long process and parents would like different options. They would like to go to the school board and say we want to have our children come to this school. As for the schools I can't speak for them.

Rep Meier: Trying to visualize all this, Williston is filled to capacity right now with students?

Deb Kemp: They do have some room to take students. Most of the kids are finding ways to attend District 1. Some parents are renting, some are working for District 1 and some are grandfathered in.

Rep Meier: How old is District one school?

Deb Kemp: I don't know, in the 50's District 8 did not exist.

Rep Zubke: District 8 stopped releasing the students. So why did they do that?

Deb Kemp: There are parents here that will be able to answer that better.

Rep Kelsh: The bill said the high school district would be the one to initiate this, is it possible that the students or parents in District 8 could initiate it?

Deb Kemp: This is not the purpose of the school board to just say let's just annex this all in. It is to give the parents another process, the annexation process is very hard to go through. The parents could go to the school board and say I live in this subdivision and we would like to be annexed in. Then they would go to the state board for that subdivision and annex in.

Nicky Moss: Williston, ND, Mother of students. In support of HB 1188. (34:00)-(40:41)
(See Attachment #2).

Rep Kelsh: Did District 1 make your children leave in April to go to District 8?

Nicky Moss: No they let the children stay for April and May , but they said they would have to be enrolled in District 8. They would make us move them the next year. I did rent a place to live to be able to stay in District 1.

Rep Kelsh: Your daughter is now going to District 1 and did she ever go to District *?

Nicky Moss: She is going to District 1 and never has attended District 8 because I rented a place to live in District 1.

Rep Meier: Did you visit with your school board about this in District 1?

Nicky Moss: District 1 is very supportive of us but the way the state law is set, unless District 8 will release us District 1 cannot educate us.

Rep Meier: Did you visit with District 8 also?

Nicky Moss: They denied releasing us.

Chairman Nathe: What was District 8 reason for denying it?

Nicky Moss: they said if they let us go to District 1 then others will want to go to District 1. The superintendent is new now who promised us today that they will work with the rest of the children in our neighborhood, except he doesn't have 100% of the say.

Chairman Nathe: It is possibly about money that they don't want to see the students leave.

Nicky Moss: I do understand it is about economics and they need money to run their school but they have plenty of money, they could release these people. It doesn't make logical sense.(45:43)

Tara Carvey: A Mother of students in Williston ND in support of HB 1188. (46:00)
The boundaries of Williston grew so fast, we are in survival mode in Williston, I got a letter stating that we were in the wrong School District from District 1. District 8 stated they would let them finish April and May then my daughter would have to attend a school 18 miles away. The new District 1 has all schools within 3 miles. All the District 8 schools are over 3 miles away. The roads are dangerous with semi- truck traffic, then add the weather,

it doesn't make sense, when we could be going within 3 miles. Continued describe the problem of having her children attend the District 8 schools.(52:25- In District 1 policies that if you have a child, then your other children would be able to attend District 1,(See Attachment #3) but District 8 would have to release her child so they would I did come up with a century code 15.1.29-06 see section C. (See Attachment # 4 Code). This did not help. I felt I had no other option I had to seek employment in District 1 in order for District 8 board to let my daughter attend District 1. I felt District 8 board did not work with me at all. The petition to annex our area just went through today but it is a long grueling process. (1:01:27)

Rep Olson: Did district 8 every render a decision to your petition you had made to them.

Tara Carvey: They only verbally denied it.

Rep Hunskor: From the other speakers if you live closer to District 8 you would have no problem, it is a closeness issue?

Tara Carvey: It is a closeness and safety issue and it is also for the extracurricular activities. District 1 curriculum is much more inclusive.

Melissa Moulton: Home owner and parent of Williston ND. (1:03:00) - (1:07:27) (See Attachment # 5). In support of HB 1188.

Rep Kelsh: South Prairie school is that out in the country?

Melissa Moulton: It is out in the country.

Rep Kelsh: Are all the other schools in the country?

Melissa Moulton: Some are at the edge of Williston.

Kimberly Semenko: Realtor and Williston School Board Member. (1:09:25)- (1:15:49) (See Attachment #6) Letter from Halliburton (See Attachment #7) Possible amendments to District 8. (Attachment #8).

Rep Hunskor: District 8 is grade 1-8 school ? Students in Grades 9-12 do they have to go to Williston or can they open enroll to other places?

Melissa Moulton: Typically it depends on where they live.

Viola LaFontaine: Superintendent for Williston District 1. In support of HB 1188. (1:16:59). In 2011 Williston decided to close enrollment and take care of the students in the District. They did grandfather students that were attending. Currently we have 307 students that are residents of District 8. 160 are high school student and 147 are K-8 students many of which have been grandfathered in. When parents came in we used google search to determine what district they were in. Williston grew so fast some of the addresses weren't in google. Where they decide where the school district comes from is

where they sleep, since it is true there is a different school district right across the street. Some of the parents of kids grandfathered in ask me about their 5 year old. It is not in our policy. We checked with ND School Board Association and with legal counsel, it was best to make exceptions, We didn't want to break up families. We would go with tuition agreement. Parents that are employed and Special Education students are another exception. Williston has an autistic classroom so it is more cost effective to have the special Education child to come to our school. We currently have 3408 students in our schools. We have 52 modular classrooms in our school. We are building a new high school. We did get a large increase in middle school student. We added 4 modular schools and reopened an elementary school we are making adjustments for the growing enrollment. We are a 50 sq. mile school district that is the bond district that I am asking for help for building.

Rep Zubke: If we pass this, doesn't this just circumvent your closed enrollment?

Viola LaFontaine: We are looking at opening enrollment this will benefit the property tax, it will expand our property tax.

Chairman Nathe: Was there any discussion with consolidating the districts 1 & 8.

Viola LaFontaine: There has been discussions but it doesn't go anywhere, there is a long history of the districts not getting along.

Chairman Nathe: In regards to the bill do you for see the high school not taking up a petition up?

Viola La Fontaine: No there should not be a reason to deny that.

Rep Zubke: Typically schools merge, my question is in the bill it says high school district does that roll all the way down to the first grade then? If a boundary of a high school district does not include? We are talking about grades 1-8 so when we are talking about annexation does that include those?

Viola LaFontaine: Yes it does.

Rep Meier: Your membership is currently 3408 student how do you see this in the future?

Viola LaFontaine: I wish I knew, it is very hard to project. Pretty much every year we have doubled. Last we added 3 kindergarten classrooms and this year we took away the 3 kindergarten classrooms.

Rep Meier: You are seeing an in and out migration?

Viola LaFontaine: Correct, we lost 19 students at Christmas but we gained 25. Families are bringing their older children.

Rep Olson: We heard from Melissa they filed a petition with District 8 due to extreme distance they would have to travel. Have you ever heard from District 8 in regards to any of these parental petitions?

Viola LaFontaine: We have not.

Rep Hunsakor: The board had discussions on going back to open enrollment. Why is that?

Viola Fontaine: Part of the reason is the population at the time. I also if the population can support the school with the tax base we have.

Rep Ben Koppelman: You are saying your decisions are based on money not on what is best for kids when it comes to kids just lying outside your district. Is that correct?

Viola LaFontaine: No, that is why we closed the enrollment initially, to serve the children within the Williston Public School Districts. This bill would benefit the Williston School district in increasing property acreage.

Chairman Nathe : The reason you closed it was to keep the growth down and still provide a quality education?

Viola LaFontaine: Yes.

Chairman Nathe: Any more Support? Seeing None Any opposition to HB 1188?

Wayne Stanley: Superintendent of South Prairie School (1:33:10) In opposition to HB 1188. The basis for why I would be against this bill because it takes any responsibility from the patrons. It's the board that petitions the state, not the parents. What is the definition of rural school districts, if it only grade elementaries have at it. There is a lot to be changed about it, I have dealt with annexations in Minot. The tool is in place but it takes away the ability for the patrons to decide where there children should go. The realtors should have a part in this too, letting the buyer know what district the land lies in. How this bill reads to me is that it is the board that does it not anyone else. (See Attachment #9, 10)

Rep Ben Koppelman: What they are saying is that the current process of house by house is difficult and it doesn't give any votes to people without kids. What if we just simply took the vote of the neighborhood children or not. Would you be more for that?

Wayne Stanley: It is a case where if you don't have kids in the system you don't have a say. The process itself annexation has been used I don't know how many years, it is there for all.

Rep Kelsh: In your reading of the bill if Nedrose were to become a K-12 Minot could petition the state board if subsection was they have no choice but to grant this petition?

Wayne Stanley: Correct. I would loose one board member because of Minot's board petitioning.

Chairman Nathe: I would like Bob Marthaller from DPI come up and explain.

Bob Marthaller: Assistant Superintendent with the Department of Public Instruction, please restate the question?

Rep Kelsh: If Nedrose wasn't becoming a high school district, could Minot petition the State Board of Education and if they determined it fell under subsection of this bill they would have no choice but to grant that petition?

Bob Marthaller: Yes. Section one lays out what the State Board would have to verify and if it meets those conditions then the Board would be in a position that they would have to approve that petition.

Chairman Nathe : Is this a very common problem around the state?

Bob Marthaller: Mostly in the Williston area right now.

Chairman Nathe: Any opposition to HB 1188? Seeing none. Closed the hearing on HB 1188.

2015 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Pioneer Room, State Capitol

HB 1188
1/26/2015
22565

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Donna Whelan

Explanation or reason for introduction of bill/resolution:

Relating to annexation petitions.

Attachment #1.

Minutes:

Chairman Nathe: reopened HB 1188. The bill has to do with the annexation process, the school board could petition what they would like to have annexed.

Rep. Meier: I personally like this bill, we have had a lot of people testifying in support, in Williston they do have a unique situation

Moved Do Pass for HB 1188

Vice Chairman Schatz:
Seconded

Rep Ben Koppelman: I do have a concern with this bill, the better idea might be of having a neighborhood that could get a majority of people to vote for it and getting then have that neighborhood annexed in would make more sense. Having the developer make that decision isn't appropriate.

Rep. Zubke: I concur with Rep Ben Koppelman , I think the annexation laws are there for a reason and this could have some consequences for the school district.

Rep. Meier: We could put a sunset on this bill and allow it to work for two years.

Rep. Kelsh: Like in Williston they closed enrollment because they didn't want the students. You think they would want to petition the state board? I am not sure this is the way to solve that?

Chairman Nathe: I know in Willistons case they closed enrollment to slow down the number of kids and they will reopen it when the new school is open and running.

Rep. Hunskor: We don't know if there are problems out there, we are acting way too quickly. Is it possible to find out if there are problems out there? I think it would be wrong to ram it through.

Chairman Nathe: Should we have DPI come here to answer questions.

Rep. Olson: The language in the bill says if the boundary of the High School does not lie within the boundary of the city. Could you have two high school districts within a city, you could have them competing for elementary school land?

Rep. Schreiber Beck: When you see the annexation process it needs to be reviewed and talk to DPI for more information.

Rep. Meier: I withdraw my motion for a do pass.

Rep Ben Koppelman: I did speak with legislators from this area and they may have an amendment for this bill. I will follow up with Representative Sutkut.(10:26)

Chairman Nathe: We have DPI here to answer questions.

Bob Marthaller: Department of Public Instruction, Explained map. (See attachment #1) K-8 districts.

Chairman Nathe: When it comes to annexation how much of a problem is that statewide and if we pass this bill would you see it having a negative effect statewide?

Bob Marthaller: Since 2005 there was 77 total annual annexation proceedings and the amount of land can be from acres to lots. In the most recent history they have mostly occurred in the Williston area.

Chairman Nathe: If we pass this bill do you see this function becoming more common, since this is a quicker way of doing it?

Bob Marthaller: It is a much quicker way but the way the bill is written, it will possibly be only in the Williston area and Minot. Be aware that South Prairie is moving to a K-12 district and the new Eight District is trying to be a K-12 district. The major effects may happen in Williston and Minot and possibly West Fargo or Bismarck, but remember these have to be elementary districts.

Rep Rohr: Is this issue in these areas initiated by parents or the school board?

Bob Marthaller: Essentially it is parents, and I have had a number calls from parents. If the legislation passes there may be a handful of parents that don't want to be annexed into Williston and they prefer District 8.

Rep. Zubke: That is my concern the other side of that, taken away some of those other school districts that want to go to K-12 or parents that want to stay in that district.

Bob Marthaller: Yes, you do have to consider the other side of it, the school district could lose some property tax value.

Rep. Kelsh: Does district 8 get any payment from the state at all?

Bob Marthaller: I would have to check but I could get that information to you.

Rep. Hunskor: The handful of students that wouldn't want to be in District 1 could open enroll back to District Eight.

Bob Marthaller: Yes they could if they met all the requirements.

Rep. Hunskor: That particular issue is mute then.

Chairman Nathe: if we pass this bill one district may really suffer wouldn't that help to consolidate these schools?

Bob Marthaller: Yes probably so. There is really only three ways changes school district boundaries and that reorganization, dissolution and annexation.

Rep. Kelsh: When open enrollment was passed the receiving school wouldn't have to provide transportation?

Bob Marthaller: The receiving district may provide transportation but not required.

Rep. Zubke: There is a process to accomplish the annexation it is very difficult, they want a fast way to do that but keep in mind there is a process there to accomplish annexation already.

Rep. Hunskor: From what I hear for a year or two there shouldn't be any repercussions to the rest of our state but it would benefit those in District 1.

Bob Marthaller: Yes, that is a fair assessment.

Rep Ben Koppelman: I have been working on amendments. Explained the bill itself. I don't think Williston realizes they might have to give up some land. In 15.1-12-3 the state law that sets up the process for doing this. If we wanted a less difficult process we should have it where a neighborhood that was contiguous to the district that they were hoping to get into would get a majority vote then could they could petition to be annexed. One of the main problems is they have to have 2/3 of the vote, the amendment will be

drafted as a simple majority. Then they have to petition District 1 and ask will you accept us. Williston can say yes or no. Also a public hearing needs to be held and the result sent to the State Board. We would use state law, use a simple majority and there has to be at least one student that resides in the section, so you couldn't get the industrial park to opt out for tax purposes.

Chairman Nathe: Closed the hearing on HB 1188.

2015 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Pioneer Room, State Capitol

HB 1188
1/27/2015
22675

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Donna Whetham

Explanation or reason for introduction of bill/resolution:

Attachment # 1.

Minutes:

Chairman Nathe: reopened the hearing on HB 1188.

Rep. Ben Koppelman: explained amendments on HB 1188. This is a Hog House Bill.
(See Attachment #1). (00:50-3:20)

Chairman Nathe: We are only changing two areas, section 1 subsection 3 , ' two thirds to majority' and then section 2 subsection B the same thing, the rest is all current law.

Rep. Mock: Moved to Pass amendment 15.0358.01001.

Rep Rohr: Seconded

Voice vote, all ayes. Motion carried.

Chairman Nathe: we have amended HB 1188 before us.

Rep. Alex Looyen: Do Pass as Amended.

Rep. Meier: Seconded.

A Roll Call vote was taken. Yes: 12 No: 1 Absent : 0

Rep. Ben Koppelman: will carry the bill.

[Handwritten signature]
1/3

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1188

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-12-03 and 15.1-12-05 of the North Dakota Century Code, relating to school district annexations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-12-03 of the North Dakota Century Code is 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:

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

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

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

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.
2. The county superintendent shall publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:

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- a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that ~~two-thirds~~ a majority of such qualified electors have signed the petition; and
 - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
- a. The value and amount of property held by each affected school district;
 - b. The amount of all outstanding bonded and other indebtedness of each affected district;
 - c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
 - d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
 - e. The size, geographical features, and boundaries of each affected district;
 - f. The number of students enrolled in each affected district;
 - g. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;
 - h. The location and condition of roads, highways, and natural barriers in each affected district;
 - i. Conditions affecting the welfare of students residing on the property to be annexed;
 - j. The boundaries of other governmental entities;
 - k. The educational needs of communities in each affected district;
 - l. Potential savings in school district transportation and administrative services;
 - m. The potential for a reduction in per student valuation disparity between the affected districts;
 - n. The potential to equalize or increase the educational opportunities for students in each affected district; and
 - o. All other relevant factors.
5. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall make specific findings of fact and approve or deny the annexation. If the annexation is approved, the county superintendent shall forward all minutes, records, documentary

evidence, and other information regarding the proceeding and the county committee's decision to the state board for final approval of the annexation.

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6. a. Except as provided in this subsection, the state board shall conduct a hearing after publication of a notice in the manner required in subsection 2, accept and consider testimony and documentary evidence regarding the proposed annexation, make specific findings, and approve or deny the annexation.
- b. If no opposition is presented to the county committee at the hearing and the county committee approves the annexation, the state board may review the record of the county committee and give final approval to the annexation without holding its own hearing.
7. If the school districts involved in a proposed annexation include property in more than one county, but the major portion of each district's property is in the same county, the county committee of that county shall consider the annexation petition.
8. If the school districts involved in a proposed annexation are situated in more than one county and the major portion of each district's property is not in the same county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the annexation petition. The county committees shall vote separately on whether to approve the annexation.
9. If the state board denies the annexation, another petition involving any of the same property may not be submitted to the county committee for a period of three months after the state board's denial. A petition involving any of the same property cited in the original petition may not be considered by the state board more than twice in a twelve-month period.
10. Regardless of how many county committees consider the annexation, the decision may be appealed to the state board.
11. Each annexation must receive final approval from the state board.
12. The county superintendent with whom the petition has been filed shall forward all minutes, records, documentary evidence, and other information regarding the annexation, and the county committee's decision to the state board for final approval or for consideration of an appeal.
13. A decision of the state board with respect to an annexation petition may be appealed to the district court of the judicial district in which the property to be annexed is located."

Renumber accordingly

Date: 1-27-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1188

House	Education	Committee
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☐ Subcommittee

Amendment LC# or Description: 15.0358.01001

Recommendation: ☒ Adopt Amendment

☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation

☐ As Amended ☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Rep Mock Seconded By Rep. Rohr

[illegible]

Total (Yes) _____ No _____

Absent

Floor Assignment

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

Motion Carried

Date: 1-27-15
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1188

House Education Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Looyen Seconded By Rep Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Nathe	✓		Rep. Hunskor	✓	
Vice Chairman Schatz	✓		Rep. Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Mock	✓	
Rep. B. Koppelman	✓				
Rep. Looyen	✓				
Rep. Meier	✓				
Rep. Olson	✓				
Rep. Rohr	✓				
Rep. Schreiber Beck	✓				
Rep. Zubke		✓			

Total (Yes) 12 No 1

Absent 0

Floor Assignment Rep Koppelman

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

REPORT OF STANDING COMMITTEE

HB 1188: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1188 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-12-03 and 15.1-12-05 of the North Dakota Century Code, relating to school district annexations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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Real property may be annexed to a school district provided:

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

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

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

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.
2. The county superintendent shall publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
 - a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that ~~two-thirds~~ a majority of such qualified electors have signed the petition; and
 - c. Ensure that all other statutory requirements regarding the petition have been met.

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

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

Renumber accordingly

2015 SENATE EDUCATION

HB 1188

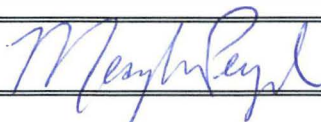
2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

HB 1188 (Engrossed)
3/9/2015
Job # 24485 (31:21)

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

INITIAL HEARING

Relating to school district annexations

Minutes:

2 Attachments

Chairman Flakoll called the committee to order at 11:00am with all committee members present.

Gary Sukut, District 1 Representative (*see attachment #1-2*)

Representative Sukut: The original bill was simple. It allowed the local school districts to petition the state board of public education to make the school district boundaries the same as the city boundaries in which that school district resides. and it is outside the school district limits.

The House Education committee had an issue with the bill as it stood. They felt it was risk of abuse from the bigger cities or any cities that were growing. They viewed that as the possibility of a land grab for the cities- being able to grab the new land when annexed. They felt compelled to keep this bill alive because they know it is an issue, so they took the existing annexation process that requires 2/3 of the property owners in the annexed area to sign that petition. They reduced it to a simple majority, the only change they made. It helps but does not address the issue.

We had two things to consider. The interim study would not accomplish anything. The senate passed SB 2300 which transforms the advisory commission of intergovernmental relations to legislative management appointed task force. This will enable legislative management to put people on a task force that have a sincere interest in approaching and finding solutions for the problem. The problem is not simply the annexation. If you look at the cost for people, there is a tremendous amount of dollars being spent to educate students and there are definitely ways to better address this without eliminating rural schools. The amendment simply requests legislative management to create a task force to study school district boundaries, the parameters governing annexation and other related issues. It utilizes what has already been set up in SB 2300 which says that on every task force, the majority has to be legislatures. The balance of that committee should be made up of professionals that have expertise in the area of reorganizing school districts and working in the annexation process.

(10:44) **Vice Chairman Rust:** Does Williston Public School District #1 have open enrollment?

Representative Sukut: Not at this point in time.

Vice Chairman Rust: Is it because of the growing enrollment?

Representative Sukut: With over 30 portable units, that is a problem. They are booked trying to handle just what they have.

Vice Chairman Rust: If those students from the rural districts would have gone to Williston, it would have exacerbated the problem further, correct?

Representative Sukut: Sure. A lot of the growth is coming in the lower grades.

Vice Chairman Rust: Do you know if that rural district is contemplating building a high school like the Minot area?

Representative Sukut: They are looking at leaving it up to the voting public for that decision. I cannot imagine they wouldn't want to do that with 300 kids in a whole district from grades 1-8. It's an issue and something that they are considering at this point.

Senator Schaible: Can't they go together as a block and annex at one time?

Representative Sukut: Yes, they can. We had no specialist in annexation. We have one young woman who took on the task of running through the annexation process. As she started to do the petitions, she checked with the county and the state to see where the school district boundaries were, and they do not match. The public hearings were emotional. The argument comes down to the money and the turf protection in which common sense goes out the window. She has been doing it but it is piece by piece. It is a burdensome and time consuming process. It is not a process that works and it is not set up well in a lot of counties.

Senator Schaible: I am assuming this is two school districts in one county, so you are not dealing with two commissions.

Representative Sukut: True.

Senator Schaible: Then to get it to the state level, you just have to get one of the county commissioners to agree with the petition for the annexations.

Representative Sukut: The County establishes an annexation committee with 4 or 5 people. This petition ends up in front of that committee and they go through and hold all of the public hearings. After that it moves forward to the state.

Senator Schaible: What is burdensome? You have the established boundaries of what you are trying to annex into a plan and bring it to a hearing. They are emotional, but that is why you appeal to the state. The annexation hearing is set up to protect both sides of the issue. Are we looking to streamline the process and make it go quicker or looking to change it to make it more beneficial for one side?

Representative Sukut: The process is time consuming and trying to put this area together to petition has a lot of different property owners involved. Many people give up in the process because it is so lengthy. It does work if you want to go through the whole process, but when you look at 4800 acres of land, trying to put that together in one big lump is almost impossible. It's not just Williston; we are all growing and facing similar problems, trying to work with the surrounding communities and making it financially feasible. We think SB 2300 opens up a new avenue to put together a task force and make a serious study on not only the annexation process but the boundary situation. It may take two interims to really study that whole issue and pull all the data together to refine what we have.

(22:10) **Vice Chairman Rust:** There is an explosion of businesses and housing in Williston. There's also taxable valuation. With the oil development, has the rural school taxable valuation rose more than Williston?

Representative Sukut: Williston School district is bound. Whatever growth we are having in the Williston school district is within the current boundaries. That is growing, but school district 8 encompasses a tremendous area. There is a lot of the service industries that have located outside of the city limits. Their evaluation has increased tremendously and they have become a fairly wealthy district.

Chairman Flakoll: from a funding formula standpoint, that doesn't matter.

Representative Sukut: Correct.

Chairman Flakoll: Right now with the new funding mechanism, Williston could build a new building to accommodate them, knowing they would have those students who wish to petition in. Then they could take open enrollment, correct?

Representative Sukut: That is true. We have passed a bond issue to build a new high school. The existing high school will be converted into grades 5-6, which will open up a lot of room in the existing elementary schools. The community is working to address that issue. If we can find the room, open enrollment would be a possibility.

Chairman Flakoll: A recent bill we had dealt with rapid enrollment, which was an issue because one of the school districts in the state is taking from within city boundaries of another school district. It's the relationship between Fargo and West Fargo school districts and the city. There are complaints about growth in the one district and if they would have followed city boundaries, they wouldn't have this issue. It is the decisions that were made that they would fight for yet could have gotten by without having.

Chairman Flakoll: Was there anything like your proposed amendments offered in the House?

Representative Sukut: No. The House Education committee couldn't support the original bill, but did something to keep the bill alive. They made it a little bit easier to get the petition signed, but does not address the overall issues. It's more than just annexation.

Chairman Flakoll: We had a bill a number of sessions ago that would have just studied that, and the people that were to be studied were opposed because they like status quo.

Representative Sukut: I was not interested in doing a study because it would be a waste of time. SB 2300 was called to my attention and fits with this bill. A task force would be beneficial. These are old things that have been around for years. There has to be solutions out there and doing a study through a task force has merit.

Chairman Flakoll: I serve in the committee where SB 2300 was introduced. It was a bit of a roller coaster for a while although it passed 44-1 on the floor. What happens if we adopt your amendment and SB 2300 dies?

Representative Sukut: I am suspecting it will pass in the House. If SB 2300 fails, passing the bill the way it sits would not hurt anything. These are complicated issues and solutions will not be easy.

Chairman Flakoll: Have you talked to the people who will be hearing SB 2300 to see if they are interested in putting your amendments on that bill?

Representative Sukut: I have not.

Vice Chairman Rust: How close is your amendment to SB 2300?

Representative Sukut: It is close. It is using the authority that is given to legislative management to establish a task force. The authority is given to legislative management through SB 2300. It is attached.

Chairman Flakoll: SB 2300 has the mechanism. You are just asking that they specifically study this?

Representative Sukut: Correct, asking legislative management to create a task force that will indeed study the issues surrounding annexation and boundaries for school districts.

Chairman Flakoll closes the hearing on HB 1188.

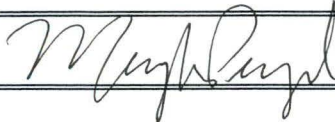
2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

HB 1188
3/11/2015
Job # 24674 (12:16)

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

COMMITTEE DISCUSSION

Minutes:

1 Attachment

Vice Chairman Rust: I couldn't vote for the bill as is, but I could vote for the task force.

Senator Davison: I thought the task force was a good idea as well. I would like that amendment to be considered by the committee before we vote.

Vice Chairman Rust: I would like to hear discussion as well.

Senator Schaible: You are looking at a hog house to both do a study or a task force and not attach it to this bill. I can't support the bill, but I could support the task force or study.

Senator Davison: We hadn't discussed it that far, so I wasn't sure how others were feeling about the bill. There seems to be some challenges between rural and urban schools, and that task force concept was for problem solving. However the bill comes out of committee, that doesn't matter to me. I just want the study.

Senator Schaible: Even the sponsor mentioned that these changes on the bill from its original version really doesn't do that much. It is not addressing the issue. If we were to address the issue, let's do it in a study rather than picking at this because it probably won't help the process.

Vice Chairman Rust: We had a bill that basically said as a city grew; the school district grew with it. That has great implications for that school that gets pieces taken from it. At the same time, you have large schools that have rural districts around them. When those school districts decide to build their own high school, not only do they lose thousands of dollars in tuition, they lose in foundation aid as well. I don't think a study is the answer because I don't think a study can do much. We need a task force if we want to tackle this.

Senator Davison: It works both ways. I think the open enrollment process may help that but because of the growth of the Williston Public Schools and not enough space, they cannot go with open enrollment.

Vice Chairman Rust: I agree with the open enrollment help. However you have those people within the district who see kids who are open enrolled that feel their tax base is not supporting those open enrolled kids. I did not want to infer it is one-sided because I know it

affects both sides. If you have ever been involved in school annexation hearings, it is froth with emotion.

Chairman Flakoll: There doesn't seem to be much support for the bill as originally presented. Let's consider the amendments (*see attachment #1*). My worry is the reference to SB 2300 which is in House GVA, and we are uncertain what will happen to it. It is always a challenge when you have two different committees and you are at the mercy of a bill that is in another committee and/or chamber. It is difficult to reconcile.

Senator Schaible: That is the point I was getting at. We do not have the task force option because that bill has not passed. So we can put on the study and if it gets that far, then that option is available.

Senator Schaible makes a motion to adopt the 15.0358.02001 amendment.

Senator Davison seconds the motion.

Vice Chairman Rust: If that task force is not available to us, do we want that to say task force or study?

Chairman Flakoll: If they kill or greatly change SB 2300, we could pull that language that is in there and use it specifically for this bill.

A vote was taken: 5 yays, 0 nays, 1 absent

The motion carries.

Senator Schaible: I will probably vote against the bill. With the amendments it is better, but is the study worth passing? Right now I do not want the bill to pass as it is.

Chairman Flakoll: We have hog housed the bill and we will take this up later today.

Chairman Flakoll closes the discussion on HB 1188.

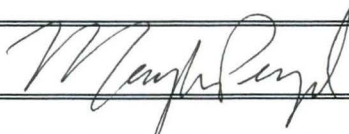
2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

HB 1188 (Engrossed)
3/11/2015
Job # 24677 (5:27)

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

COMMITTEE ACTION

Minutes:

No Attachments

Chairman Flakoll called the committee to order at 2pm with all committee members present.

Chairman Flakoll: Earlier today we applied the 2001 hog house amendments, and it appears that there are no other pending amendments.

Senator Davison motions for a DO PASS as amended.

Senator Schaible seconds the motion.

Senator Davison: From the testimony and discussions, I think it is important that we continue moving down the road of at least trying to solve the problem. Although this may not solve the problem, it will continue these discussions and may tell us how we may continue to get close to a solution.

Vice Chairman Rust: I will probably vote no. I realize that there are issues with some things but unfortunately, trying to solving some of these problems may impact somebody's tax bill tremendously.

A vote was taken: 3 yays, 3 nays, 0 absent. The motion fails 3-3.

Senator Marcellais motions for a DO NOT PASS as amended.

Senator Oban seconds the motion.

A vote was taken: 3 yays, 3 nays, 0 absent. The motion fails 3-3.

Senator Schaible motions for without committee recommendation as amended.

Vice Chairman Rust seconds the motion.

A vote was taken: 6 yays, 0 nays, 0 absent. The motion passes 6-0.

Senator Schaible will carry the bill.

ND
3/11/15

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1188

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create a task force for the purpose of studying school district boundaries."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. TASK FORCE - SCHOOL DISTRICT BOUNDARIES.

1. The legislative management shall consider creating a task force to study issues related to school district boundaries, including the feasibility and desirability of maintaining existing boundaries; the parameters currently governing annexation, reorganization, and dissolution processes; and options for instituting boundary changes in the case of significant educational or financial impacts.
2. A task force created under this section is governed by Senate Bill No. 2300, as approved by the sixty-fourth legislative assembly."

Renumber accordingly

2015 SENATE EDUCATION COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1188

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 15.0358.02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Schaible Seconded By Senator Davison

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	X		Senator Marcellais	X	
Vice Chairman Rust	X		Senator Oban	AB	
Senator Davison	X				
Senator Schaible	X				

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

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

To create a task force for the purpose of studying school district boundaries

**2015 SENATE EDUCATION COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1188**

Senate	Education	Committee
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☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Senator Davison Seconded By Senator Schaible

[illegible]

Total	(Yes) 3	No 3
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Absent	0
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Floor Assignment

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

**2015 SENATE EDUCATION COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1188**

Senate	Education	Committee
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☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Senator Marcellais Seconded By Senator Oban

[illegible]

Total	(Yes)	3	No	3
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Absent	0
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Floor Assignment

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

**2015 SENATE EDUCATION COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1188**

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☒ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Schaible Seconded By Vice Chairman Rust

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	X		Senator Marcellais	X	
Vice Chairman Rust	X		Senator Oban	X	
Senator Davison	X				
Senator Schaible	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Schaible

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

REPORT OF STANDING COMMITTEE

HB 1188, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1188 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create a task force for the purpose of studying school district boundaries.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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2. A task force created under this section is governed by Senate Bill No. 2300, as approved by the sixty-fourth legislative assembly."

Renumber accordingly

2015 TESTIMONY

HB 1188

Testimony to the
House Education Committee

January 21, 2015

By Deb Kemp, Williams County Annexation Technician

#1 HB 1188
1/21/15

RE: HB1188 – Petition for Annexation-Coterminous

Mr. Chairman and members of the committee, I am Deb Kemp and I work as an annexation technician for Williams County. I am here today to explain what is happening to children and their families in the city limits of Williston and why House Bill 1188 needs to pass.

I need to first show you some maps so you understand the reason for this bill.

A. ND state map of school districts

B. Smaller map of all county school districts

1. Divide County has 1,026 square miles of property.
2. Eight Mile District #6 (Trenton) has 85 square miles of property.
3. Grenora school District has 821 square miles of property.
4. Nesson Public school district #2 (Ray) has 479 square miles of property.
5. **New Public School District # 8 has 1,161 square miles of property.**
6. Tioga Public School district #15 has 451 square miles of property.
7. **Williston Public School district #1 has 15 square miles of property.**

Students Attending: Statistics from 2013-2014 DPI site

1. Williston Public Schools District 1 had **3,183** students this school year (DPI-Fall 2013-2014).
2. District 8 Schools had **318** students this school year (DPI-Fall 2013-2014).
3. Williston Public Schools District 1 has the **7th largest** population of students versus all other districts in the state. (DPI – Fall 2013-2014) but has the smallest land base in the state but MAFB & GFAFB for collecting property taxes.

I'm going to tell you a little about why annexation started in Williston and it will explain why this bill came to be. First, when the city annexes land into the city the school boundaries do not change. Currently the city has grown into New Public School District #8.

C. City boundaries: Show city map with school boundaries & schools.

Also, another factor came into play as on Nov. 30, 2011 District #1 went from open enrollment to closed enrollment. District #1 did grandfather all district #8 students that were attending up

until Nov. 2011 to keep attending but would not accept any new district #8 students after that unless they were attending high school. District #1 will also accept siblings of a high school student or siblings of a special needs student, but District #8 has to release them to district #1. Families did not start utilizing the annexation process into Williston School District #1 until New Public School District #8 stopped releasing siblings of a high school student or special needs student. If the parents wanted their children to attend District #1 they had to go to work for District #1, had to move to District #1 or had to go through the annexation process. As a last option some parents opted to enroll their children in a private school instead of sending them to New Public District #8.

The main reasons that parents do not want their children to attend New Public School District #8 are:

1. They live in the city limits and New Public School District #8 is a rural school district.
2. Some of the people live across the street from a District #1 school and do not understand why their children have to ride a bus 17 miles west of their home.
3. They are concerned for the safety of their children on the bus especially with the increase of traffic and a lot of it is work truck and semi-truck traffic.
4. More educational classes and extracurricular activities are available at the Williston School District #1 middle school then at the New Public School District #8.
5. Some parents have a high school student attending in Williston Public School District #1 and would like the siblings to be in the same school district so they are not dealing with 2 different school schedules.

I want to show you 2 maps so you can see how the current annexations are making the school boundaries complicated.

D. Show map: Douglas and Granite Peaks

(D1) (D2)

As you can see from the maps it is dividing subdivisions and making school boundaries very confusing.

I have told you the facts now I want to tell you how I got involved with this. I want to first tell you that I grew up attending 1st through 8th grade in New Public School District #8 – my family lived across the road from Round Prairie School (which is a district #8 school) and my brother still does. He has a son that will start Kindergarten in District #8 next fall. As you can see, I still have connections with New Public School District #8.

Why did I start doing this? I had a friend with a child attending St. Joseph school, which is a private school in Williston with grades up to 6th grade. Her other children attended 7th grade in District #1 and now was told her 3rd child was not going to be released by district #8 to attend 7th grade in District #1. I decided to help her with this process. I found that we did not have a Williams County School Superintendent and the duties were divided among 2 staff, one the auditor and the other works in the recorder's office of Williams County. Neither one of them knew about the process of annexation. I decided to learn this process by talking to Department of Public Instruction and Jodi, Ward County

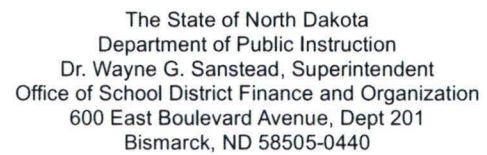
School Superintendent. Jodi eventually was hired as the acting Williams County Superintendent for annexations because of her experience of knowing the annexation process. I volunteered for 7 months and then I was so busy that Williams County hired me as an annexation technician because Jodi lived in Minot and was only going to be a consultant.

When I first read what annexation meant was this "Annexation" means the alteration of a school district's boundaries through the removal of real property from one school district and its attachment to another contiguous school district. It sounded easy but instead I found it is a really long process which takes a lot of time collecting names of all children, their ages and what school they are attending. The petitioners also needed to gather all the information of all adults in the homes being annexed. Then a petition is put together so research goes into the legal description with addresses to make sure that is correct. A lot more information is put into this and some packets are 50 to 80 pages long. Plus the time of finding people home to sign the petitions. Even though this is a long process people are very determined to find the time to get this done so their children can attend Williston School District #1.

This bill is about kids and where is the best place for them to be educated!!! I feel parents know best and some of these parents are so overwhelmed from just moving to Williston that when they have to deal with the current annexation process it just adds a lot of extra stress in their life. Through the process of annexation, I often hear that children bring money into the school district. What I have learned is each child has a face, with a name and a story, they are not a dollar amount for a school. They are little people that do not have a voice, so they need adults to make decisions that are best for them. This is why I'm doing this as I feel that children need a voice and should be able to attend a school that is closest to where they live. It is important to have rural schools to educate the children in the rural area and for children in city limits to be educated in the schools closest to them.

By passing this bill, this would take the stress off these parents and allow children in the city limits to attend a school that is closest to where they live.

3/21/2012

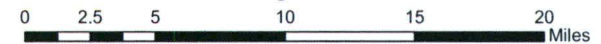




Legend

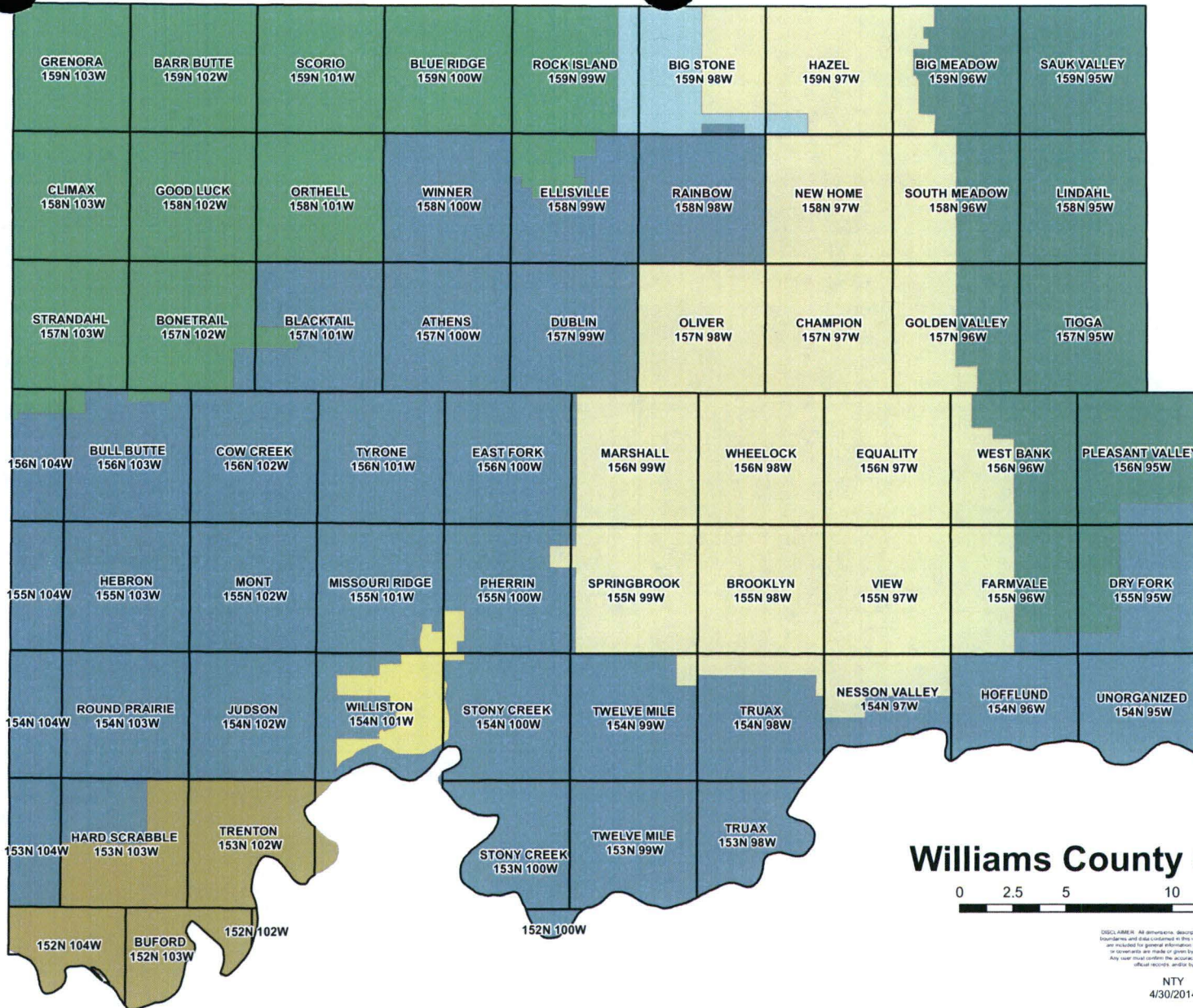
- Divide County School District 1
- Eight Mile Public School District 6
- Grenora Public School District 99
- Nesson Public School District 2
- New Public School District 8
- Tioga Public School District 15
- Williston Public School District 1

Williams County School Districts

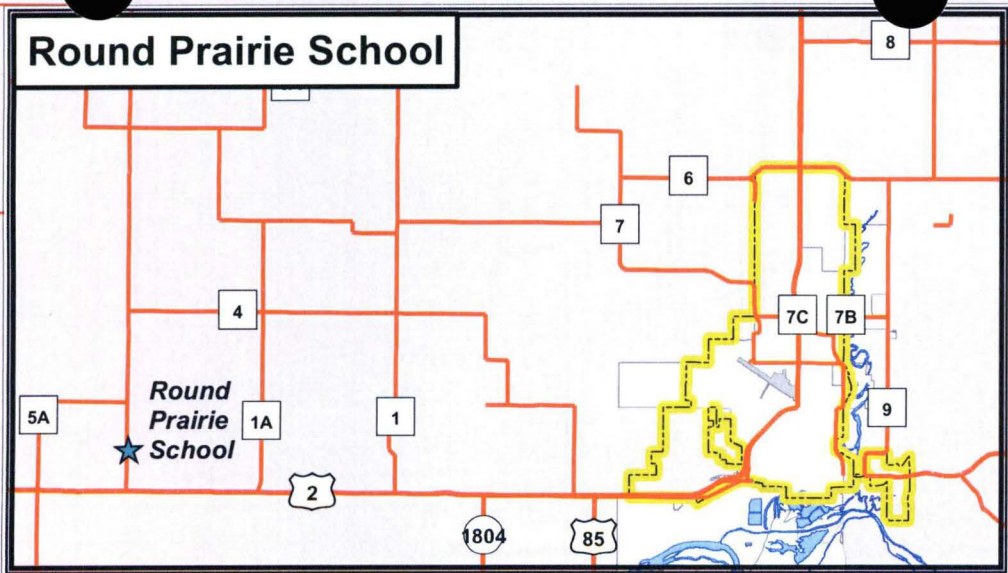


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NTY
4/30/2014



Round Prairie School

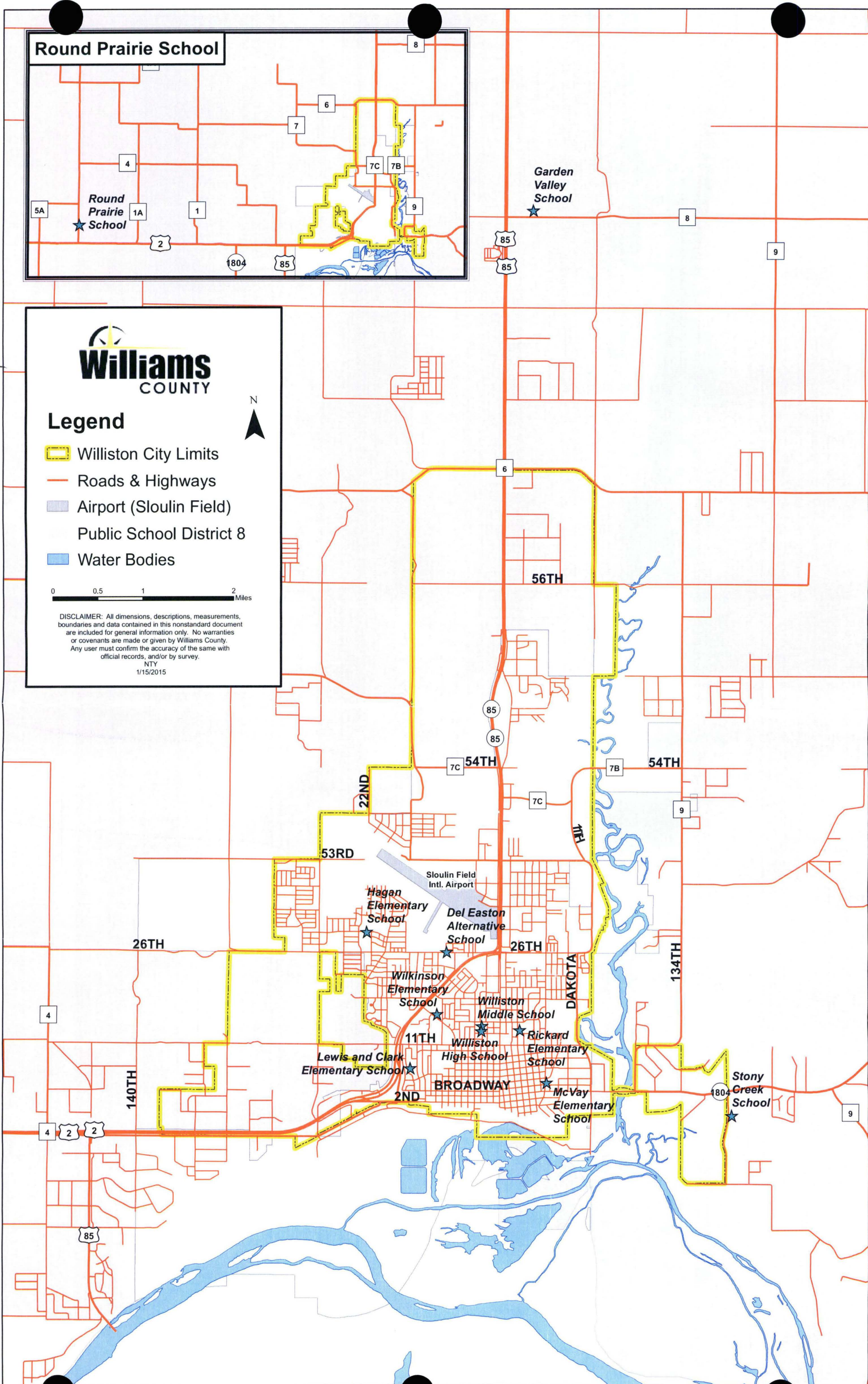


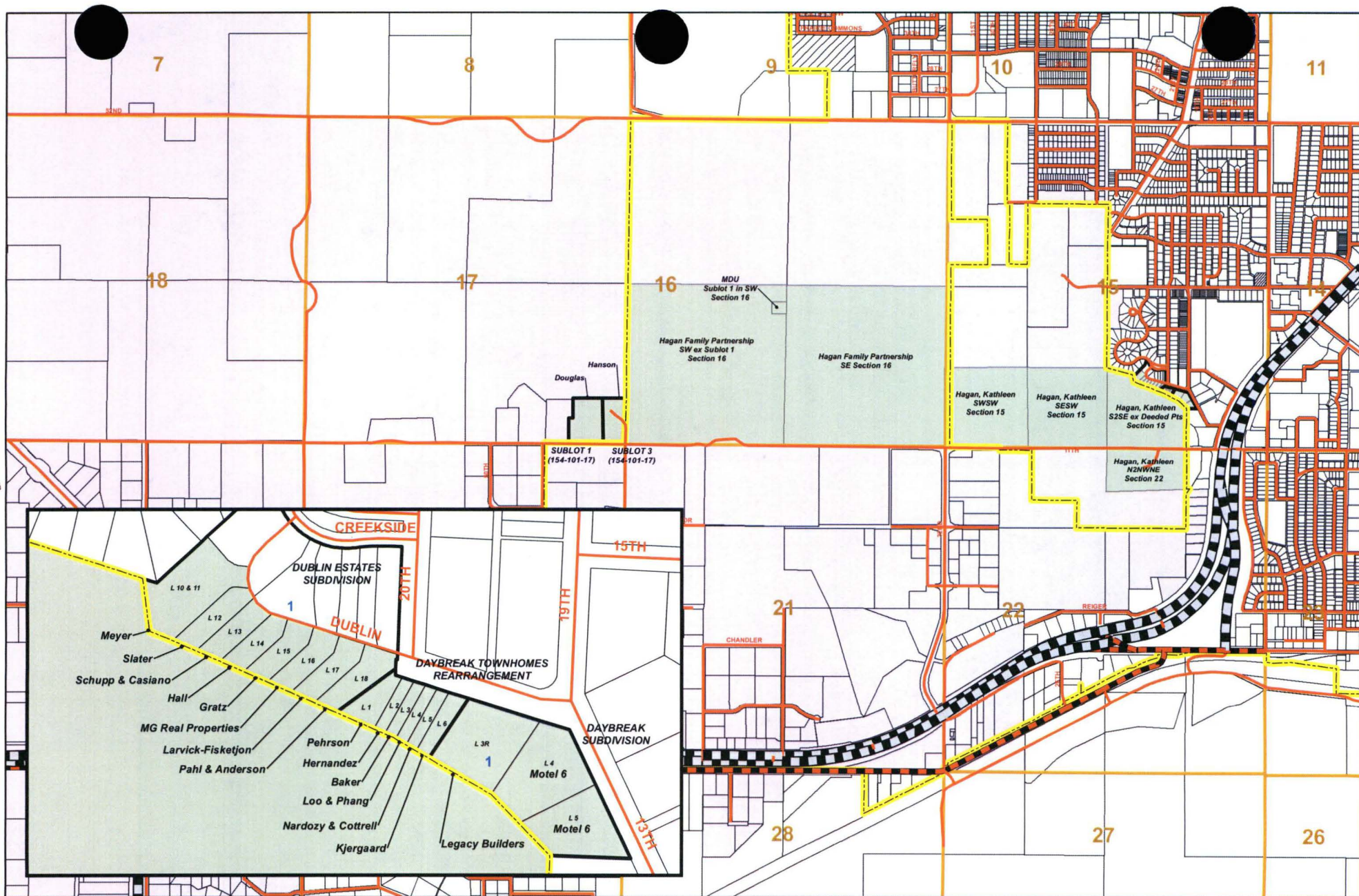
Legend

- Williston City Limits
- Roads & Highways
- Airport (Sloulin Field)
- Public School District 8
- Water Bodies

0 0.5 1 2 Miles

DISCLAIMER: All dimensions, descriptions, measurements, boundaries and data contained in this nonstandard document are included for general information only. No warranties or covenants are made or given by Williams County. Any user must confirm the accuracy of the same with official records, and/or by survey.
NTY
1/15/2015





Legend

- | | | |
|---------------------------|--------------|----------------------|
| City Street | City Limits | New District 8 |
| State Highway | Sections | Williston District 1 |
| County Road | Parcels | |
| Properties for Annexation | Subdivisions | |

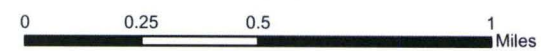
DOUGLAS PETITION

Williston Township
T154N R101W
Sections 15, 16, 17, 22



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NTY
1/15/2015



D7

Testimony to the
House Education Committee
January 21, 2015
By Nicky Moss

#2
HB1188
1/21/15

Bill HB1188-Petition for Annexation-Coterminous Boundary

Members of the committee, my name is Nicky Moss and I would like to explain to you a little about what is going on with education in our communities why it is so important to pass this bill.

I would like to start by telling you my personal story. My children and I moved here 1 ½ years ago to join my husband who had been working here for 2 years prior to our coming. We would have come much sooner had it not been so difficult to find adequate housing for our then family of 5. We decided to build a home in the Granite Peaks subdivision and were excited to be together as a family again. When my husband went to register our children for the upcoming school year of 2013 our struggles began. First it was District 1 telling him that we were in District 8 and then District 8 saying that we were in District 1. This went on for a week and was very frustrating to my husband. Williston was growing rapidly and know one truly knew where we were really supposed to go. Our home ended up not being finished when it was supposed to and so we ended up renting an apartment in District 1 until our home was completed. My children went to McVay Elementary (District 1) and a few months later we moved into our home. In March I received a letter stating that my kids would be pulled from their school and sent to District 8. The school they would have to attend was 18 miles from our home.

Me second oldest daughter had just started to get acclimated to her new school and change is very hard for her. Keep in mind, she had been living without her father for 2 years, we had just moved away from all of our family and all of her friends, this was a new place and she didn't know a soul. She spent weeks crying before, during and after school and she met with the school counselor on many occasions. Just as she was doing better we received the letter and she became terrified of moving schools again. I have nothing against District 8. If we lived close to Round Prairie, I would have no problem sending my children there but we do not. We live 18 miles from Round Prairie and we live within 3 miles of 5 District 1 schools.

As you all know, North Dakota has brutal winters and ice covered roads from November-March. As a parent, my childrens SAFETY is my #1 priority. Let me share with you a few statistics that I pulled from the 2013 North Dakota Crash Summary:

- Williston continues to have the highest crash rate per 1,000 population
- Williams county has the 4th highest crashes in the State
- Williams county is 1 of 3 counties with 10+ fatal crashes per year
- 3:00-6:59 PM has the highest % of ALL crashes

I will summarize this by saying we live in one of the most accident prone counties in the state, and we are going to put our children on an unnecessary 18 mile bus ride before and after school everyday, when their trip home after school is the most dangerous time to travel? It

just doesn't make sense, when they could literally walk across the street to a District 1 school. We spent months trying to get District 8 to release our children so they could attend school much closer to our home. Even though District 8 promised us that they had our best interest at heart, and they would take each situation on a case by case scenario, they refused to release all of our children 2 weeks before school started. I feel as a parent that I know what is best for my child, I don't need their fate laying in someone else's hands.

Not only is safety a concern but extracurricular activities. My oldest daughters passion is Dance and she is on a competition dance team, my other daughter is in gymnastics. I would have to go pick them up from school 3 times a week in order for them to make it to their 3:30 classes. The bus ride takes at least 45 min. on a good day. When we were making a decision on where to live we chose to live close to our church, my husbands work, and a school so we would not have to be driving lengthy distances on a daily basis.

With all of the stress, concern and struggles that came with sending our children 18 miles outside of town, a few of us started the process of annexing our property into District 1. I have spent 10 months and countless hours going door to door getting signatures, explaining the situation, collecting data and researching the state laws and codes. There are many people in my same boat and it is quite frankly, ridiculous. If you will pass this bill it will eliminate the stress and anxiety put on many parents and more importantly on our children. Moving to a new place comes with enough change and puts enough stress on everyone. We need to make our children's school experience a seamless and positive transition. All that we are trying to do with this bill is make some logical changes in regards to District boundaries.

The state of North Dakota is growing and it's time to make some adjustments!!! There are many new developments coming in on the outskirts of Williston in District 8 boundaries and they will be just fine. Let me show you some of the data I have collected in reference to this. (Hand out Comparison Report)

Taxable Valuation Comparison Report

Information pulled from the ND Department of Public Instruction Website dpi.state.nd.us

District #1

Year	Taxable Valuation	# Students	Per Student Valuation	Difference between District #1 and District #8 Per Student Valuation
NEW	111,888,788	3,412	\$32,793	230,325
2013-2014	78,194,898	3,356	\$23,300	179,883
2012-2013	54,147,695		\$19,053	98,349
2011-2012	38,666,008		\$14,542	68,045

District #8

Year	Taxable Valuation	# Students	Per Student Valuation
NEW	95,248,626	362	\$263,118
2013-2014	64,612,115	318	\$203,183
2012-2013	30,994,038		\$117,402
2011-2012	17,095,463		\$82,587

District #1 Per Student Valuation Average Increase per year is \$6,184

District #8 Per Student Valuation Average Increase per year is \$60,177

That is a difference of \$53,993

The state average Taxable Valuation Per student is \$31,592

There are only 4 Districts in the State with Higher Per Student Valuations. (Bakkar 10, Robinson 14, Horse Creek, Central Elem 32)

3

Return to Index

HB 1188 #3
1/22/15

SUPPLEMENTARY

Descriptor Code: FAAD

TUITION AGREEMENTS

As authorized by law, the Williston School District may enter into tuition agreements with neighboring school districts for the purposes of educating non-resident students or to allow resident students to receive education outside the District. When the District receives notice that a non-resident student has requested admission to the District through a tuition agreement, the Board shall not consider or act upon this request until the following conditions are met:

1. The Superintendent receives sufficient documentation to determine the non-resident student's educational placement. Sufficient documentation shall be determined by the Williston Public Schools Superintendent and may include, but not be limited to, educational records sent from the district of residence or placement testing.
2. The Superintendent is able to determine if admission of the student would create overcrowding.
3. The Superintendent has made such other determinations as may be deemed necessary in submitting a recommendation to the Board about the advisability of approving the tuition agreement.
4. The Board has received and considered the superintendent's recommendation.

Criterion one through three may be waived when the student seeking admission is:

1. The son, daughter, or ward of an employee of the Williston Public School District.
2. The brother, sister, step sibling, foster child or minor living in the same home under blended family arrangement as a student currently enrolled in Williston Public Schools. This exception does not apply to a student temporarily residing in the residence of a Williston Public Schools student due to lack of housing.
3. The brother, sister, step sibling, foster child, or a minor living in the same home under a blended family arrangement as a student who currently is or previously has attended Williston Public Schools through an open enrollment agreement. This exception does not apply to a student temporarily residing in the residence of a current or former Williston Public Schools student due to lack of housing.

illegal

To aid in employee recruitment and retention, the Board shall give priority consideration to these students based on the superintendent's recommendation.

If the Williston Public Schools enters into a tuition agreement to educate a special education student from a neighboring school district, Williston Public Schools shall require the sending school to pay the cost of special education services. This requirement shall be stipulated in the tuition agreement. This requirement does not apply to tuition agreements approved prior to enactment of this policy.

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REQUIRED

Descriptor Code: FAAA

OPEN ENROLLMENT

The Williston Public School Board will not accept students from other districts under the provisions of the North Dakota open enrollment law.]

The District will not be responsible for transportation of resident students who have enrolled in other districts through the open enrollment process.

End of Williston School District #1 Policy FAAAAdopted: 11/30/11

HB
1188 #4
11/21/15

ment is a rate of six percent. If payment is not received by the admitting district within sixty days after the date on which payment is due, the admitting district shall notify the superintendent of public instruction.

Source: S.L. 2001, ch. 181, § 13; 2005, ch. 167, § 23; 2007, ch. 179, § 1.

Effective Date.

The 2007 amendment of this section by section 1 of chapter 179, S.L. 2007 became effective August 1, 2007.

The 2005 amendment of this section by section 23 of chapter 167, S.L. 2005 became effective July 1, 2005.

15.1-29-05. Payment of tuition — Petition by parent. A student's parent may file a written petition with the board of the student's school district of residence for the payment of tuition in order that the student can attend another school district. Within sixty days after receiving the petition, the board shall meet with the student's parent and render a decision regarding the payment of tuition. If the board does not render a contrary decision within the sixty-day period, the petition is deemed approved. If the petition is approved, the board shall pay the tuition charges. If the petition is denied, the student's parent may file an appeal with the county superintendent of schools.

Source: S.L. 2001, ch. 181, § 13.

15.1-29-06. Payment of tuition for grades one through twelve — Appeal — Withholding of state payments.

1. a. Within fifteen days after receipt of an appeal filed under section 15.1-29-05, the county superintendent of schools shall convene a three-member committee consisting of the county superintendent, the state's attorney, and one member appointed by the board of county commissioners for a term of three years. The committee shall consult with the boards of the affected districts and with the student's parent. The committee shall schedule a hearing, giving due notice to each affected board and to the student's parent. The committee shall conduct the hearing in a manner that allows all parties to present arguments and responses. The committee

shall base its decision regarding the payment of tuition on the grade in which the student is enrolled.

- b. If the student is or during the following school year will be enrolled in any grade from nine through twelve and the committee finds that the attendance of the student is necessitated by shorter distances, previous attendance in another high school, inadequacy of curriculum considering the student's educational needs, or extreme hardship for the student or the student's family, the committee shall approve the application and the payment of tuition by the student's school district of residence, thereby obligating the district of residence to pay the tuition. The committee's directive regarding the payment of tuition may be for any fixed number of school years, up to the completion of the student's high school education, unless open enrollment is an available option. The decision of the committee may be appealed to the state board of public school education. A decision by the state board is final.

- c. If the student is or during the following school year will be enrolled in any grade from kindergarten through eight and the committee finds that the attendance of the student is necessitated by shorter distances or extreme hardship for the student or the student's family, the committee shall approve the application and the payment of tuition by the student's district of residence, thereby obligating the district of residence to pay the tuition. The committee's directive regarding the payment of tuition is limited to one school year. The student's parent may make subsequent applications for the payment of tuition. The decision of the committee may be appealed to the state board of public school education and the decision of the board is final.

2. If a student's school district of residence consists of land situated in

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more than one county, the three-member committee established under subsection 1 must consist of the county superintendent of schools and the state's attorney from the county in which the greatest portion of the school district's land is situated, and an individual appointed for a term of three years by the board of county commissioners representing the county in which the greatest portion of the school district's land is situated.

3. If the student's school district of residence does not comply with the decision requiring that tuition charges be paid, the board of the admitting district shall notify the superintendent of public instruction. Upon verifying that tuition payments are due the admitting district and are unpaid, the superintendent of public instruction shall withhold all state payments to the student's school district of residence until any tuition due has been fully paid.

4. A school district of residence may provide transportation to a student for whom tuition is paid under this section. If a school district of residence does not provide transportation to the student, it may be provided by the admitting district.

Source: S.L. 2001, ch. 181, § 13; 2001, ch. 193, § 4; 2003 Sp., ch. 667, § 22.

Effective Date.

The 2003 amendment of this section by section 22 of chapter 667, S.L. 2003, Sp. became effective July 1, 2003, pursuant to section 42 of chapter 667, S.L. 2003, Sp.

15.1-29-07. Payment of tuition by parent — Content of tuition contract.

1. If the board of a student's school district of residence refuses to pay the tuition for the student to attend school in another district and if the committee established under section 15.1-29-06 denies the petition on appeal, the student's parent may pay the tuition.
2. If the parent chooses to pay the tuition, the parent shall:
 - a. Submit at least fifty percent of the total amount due on the day of enrollment; and
 - b. Provide the board of the admitting district with a written contract agreeing to pay any remaining balance on or before December thirty-first.

Source: S.L. 2001, ch. 181, § 13.

15.1-29-08. Payment of tuition — Kindergarten student. Repealed by S.L. 2001, ch. 193, § 5.

15.1-29-09. Payment of tuition by federal government. An admitting district may accept payments under title 1 of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] as tuition for a nonresident student if:

1. The student's parent is employed on an installation owned by the federal government;
2. The student's parent resides on an installation owned by the federal government; and
3. The boards of the student's school district of residence and the admitting district agree to accept the payments in lieu of other tuition for the nonresident student.

Source: S.L. 2001, ch. 181, § 13.

15.1-29-10. Tuition contracts — Agreement with federal officials. A school board may contract with federal officials for the education of students in a federal school.

Source: S.L. 2001, ch. 181, § 13.

15.1-29-11. Admission of students — Conditions. The board of a school district shall admit students from other districts to its schools if:

1. The admission does not create overcrowding; and
2. a. The board of the sending district has entered into a contract with the board of the admitting district regarding the students' attendance;
- b. Tuition will be paid by the parents of the students from the sending district; or
- c. The grade level required by the students is not offered by the sending district.

Source: S.L. 2001, ch. 181, § 13.

15.1-29-12. Tuition payments — Determination.

1. Except as provided in section 15.1-29-13, a school district sending a student to another district for purposes of education shall pay the full cost of education per student incurred by the admitting district.

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HB

1188

#45

1/21/15

Rec'd

HB 1188
1-21-15
#5

Testimony to the
House Education Committee

January 21, 2015

By Melissa Moulton, concerned parent and property owner in the city limits of Williston, but property tax base is still a part of District #8

RE: HB 1188-Petition for Annexation-Coterminous Boundary

Mr. Chairman and members of the committee, I am Melissa Moulton, and I own my personal residence that is in the city limits of Williston; however, my daughter is not allowed to attend school in Williston.

My daughter Marissa is 12 years old, a 7th grader at Trinity Christian School. I brought my daughter to Williston on a vacation for a week in the summer of 2013. (I had been travelling to Williston for 2 years from Sioux Falls, SD for work, and she wanted to see what it was all about.) At the end of our vacation, she said, "I could see us living here mom." We had an offer on a house within 4 weeks, which she helped to pick out. It was right across the street from an Elementary School, and the realtor said, "that will sure be nice, as Marissa will be able to walk to school." Two weeks later, I enrolled her in school. At that time, I was informed that our new house was not in the Williston school district. I drove to the District 8 office and enrolled her in that school. That evening, I drove out to Round Prairie, 13 miles west of town, where she would have attended 6th grade. I moved to Williston, so I could quit driving these highways full of trucks, I most certainly would not put my child on these same highways two times a day on a bus. I went to my motel room that night and cried, "what am I going to do?" The next day, I told my client of my dilemma, and he told me about the private schools in town. This became my temporary solution. This morning our annexation was approved and that was my permanent solution. My daughter hasn't been able to concentrate on her studies all week, as she is so adamant about going to District 1 next year. She says, "We live in the city mom, I don't get why I can't go to the city school." Unfortunately, I don't have a good response. She wants to play on the volleyball and softball teams, along with being in an Advanced Math course, as she is bored in school.

The annexation process was time consuming, confusing, and nearly impossible. First, I started with an information sheet going door to door to obtain all of the information about the kids that lived in our neighborhood. The individuals in our neighborhood work many hours, so they were hard to catch at home. Next, we had to take a petition back to all of these homes and catch the husbands and wives at home to sign them. Deb Kemp was working as a volunteer with some other neighborhoods when I contacted her, and she told me if I did the legwork, she would help me. She helped with the petition, all the legal descriptions, and many other facts and paperwork. Without her help, I honestly don't know how someone could do it.

The Williston High School is being built less than a mile from my house. The proposed District 8 high school will be at least 10 miles away. I can't imagine my daughter driving those highways twice a day, as a beginner driver.

As a parent, I want my child to go to the city schools. As a property owner, I feel the property value of my house will increase, so I am fine paying higher taxes. As a registered voter, I want to vote in school board elections and bond issues pertaining to the Williston School District. I was not able to vote in the bond issue for the Williston High School, even though it is being built less than a mile from my house and my daughter will be attending there. That should be my right.

HB 1188

1-21-15

#6

Testimony to the

House Education Committee

January 21, 2015

By Kimberly Semenko, Realtor - Fredricksen Real Estate & Williston Public School Board Member

RE: HB1188 - Petition for Annexation - Coterminous

Mr. Chairman and members of the committee, My name is Kimberly Semenko and I am a Realtor at Fredricksen Real Estate in Williston, North Dakota. I am here today as a Realtor to give you an idea of what a potential family faces when looking for a home to take roots in our very diverse community. I am also a member of the Williston Public School Board.

First of all, I wish to personally invite you to Williston. I would be happy to give you a tour! If you have not been there in a while, you won't recognize it. I say that honestly as a resident because I sometimes don't recognize it and I live there each and every day! Our community is ever changing and we as a community are trying our best to keep up with it. Life is good in western North Dakota!

Please take a look at the Williston City limits (see map C). You will notice that Williston Public School District has five elementary schools, one middle school, and one high school within its school district boundaries. Our community is also home to two private schools. Our school district has worked hard to provide a smooth transition for new students and their families as they re-locate to western North Dakota. Williston city limits were extended almost two years ago. Expanding city boundaries has been wonderful for our city, but not so wonderful for families and our school district. At this time, I'll like to help you understand why it hasn't been so wonderful.

Please refer to the Granite Peak Overview Map (see map D2). This map is a new subdivision within the city limits of Williston. Now, please refer back to the Williston City limits map (see map C) and locate Hagan Elementary School. By referring between these two maps, I would like to show you where Granite Peak Overview is in relation to the school. This subdivision can be found just south of Hagan Elementary School; or approximately 4 city blocks.

In this subdivision are many new family friendly homes (see map D2). They are very nice homes that when they become available and on the market, they do not last long for a few reasons; (a), because they are new and (b) the location. I would like to introduce a letter that was received from Halliburton's Senior District Manager North Dakota Operations, Mr. Brent Eslinger. Mr. Eslinger wrote a letter in support of annexation into Williston Public School District from New Public School District #8. On the attached page of Mr. Eslinger's letter is a list of properties that are owned by Halliburton. Halliburton invested dollars into our community to encourage their employees to make Williston their home, take roots and to take ownership in our community.

Imagine for a moment that you and your family have purchased a home on Chokecherry Street and are getting settled into your new home, meeting your neighbors, becoming friends, getting your children involved within the programs that are offered through the local public offerings and meeting more people. The school year begins to come upon you, you begin asking questions of your newfound friends about the schools and where their children attend. Your children's best friends attend Hagan Elementary School and you and the parents begin working out the many parental options like carpool, after school activities, etc.

You have now heard the advertisements that the school is taking registrations for the upcoming school year. You gather your documentation and head to the school to register your child. Upon completion of forms and presenting them to the district employee, you are told that your home is not in Williston Public School District #1; but in New Public School District #8. The district employee gives you directions to get to their office. "What?", you ask. "Are you kidding me? Our home is only 4 blocks from an elementary school and they cannot attend that school?" The district employee apologizes to you but tells you that you that you will need to go to the office of that school district to register your child.

Imagine the frustration that is felt by those parents. They try to not alarm or concern their child, but children are smart and can pick up on stress. When they tell their parents how excited they are about school because their friend, Tammy or Timmy will be there and how much fun they will have! How do you respond to that?

As the parent you go to New Public School District #8 to inquire about their school. You will probably learn that a bus will take your child to the school, but you will now need to meet the bus at the pickup location where your child will be bused nine miles north of Williston to the elementary school. You and your spouse will be working within the city limits, but your child will need to ride a bus, nine miles away.

Nine miles away. North of the city limits. In the traffic. A school is literally blocks away from your home, yet your child cannot attend that school or any public school within the city limits because of a boundary.

This affects middle school students as well as elementary students because New Public School District #8 also offers a middle school or junior high. Those middle school or junior high students are attending a different school within that district. Currently, that location is just east of Williston. If you as a parent have a elementary student and a middle/junior high student they are traveling in two different directions.

Please refer to my final page (see page C1), Douglas, James-Jones, Nelson, MOSS-CARVEY & Krom Llewellyn Petition. The statistics on this page clearly show how important this is for parents and students. Currently, there are thirty-three (33) students that are attending the Williston Public School District #1. They are able to attend because they may have older siblings and were grandfathered in, have special needs, or a parent(s) work for Williston Public School District #1. Twenty-one (21) students either attend one of the private schools, have moved, or will be of school age to attend Williston Public School District #1 in the fall of 2015. Thirty-one (31) children are not of school age, yet; but five (5) of them will be attending Kindergarten in the fall. Eighty-five children want to attend Williston Public School and cannot because their home is within the city limits of Williston, but are not in Williston Public School District #1.

As I mentioned earlier, I am a real estate agent. When I am working with families and showing them homes, they ask about schools. We have wonderful products to tell them about because Williston Public School District #1 and New Public School District #8 are wonderful school districts and have provided a good education to their students. However, it is a bit crazy to think that students that live within the city limits of Williston could potentially attend a country school nine miles north of the city when there is an elementary school just down the street. Finding a home to fit the needs of that family may be found within the city limits of Williston, yet those children may not be able to attend because of the school district they are in. It is very overwhelming for parents to make a decision to buy a home, yet the home they want that will work for their family is in a school district that they do not want to belong

to or send their children to. Please pass this bill to allow parents and students that are within Williston City limits and to attend Williston Public School District #1.

HB1188

HALLIBURTON

Po Box 2266
Williston, ND 58802

1-21-15

#7

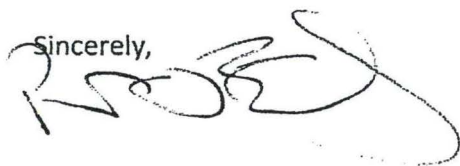
4/30/2014

To Whom It May Concern:

Halliburton invested capital funds to build 50 homes in the Granite Peaks Development in Williston. The addresses are listed on the subsequent page. These homes were built to encourage our employees to relocate their families to Williston.

Halliburton is in support of annexing the homes we own in the Granite Peaks subdivision from New Public School District #8 to Williston Public School District #1. It is important to our employees who are currently living in Granite Peaks or considering relocating to know that their children can attend these schools. Currently both Districts have closed enrollment and it makes no sense to put their children on a bus and travel 16 miles when a school is right across the street from this subdivision. We would ask that you consider the annexation for the Granite Peaks residents the ability to choose District #1.

Sincerely,



Brent O. Eslinger
Sr. District Manager / ND Operations
Brent.Eslinger@Halliburton.com

HALLIBURTON

Po Box 2266
Williston, ND 58802

Halliburton owned Granite Peaks Addresses

2511 29th Avenue West	2813 25th Street West
2507 29th Avenue West	2801 25th Street West
2407 29th Avenue West	2719 25th Street West
2403 29th Avenue West	2711 25th Street West
2311 29th Avenue West	2701 25th Street West
2307 29th Avenue West	2702 24th Street West
2818 Chokecherry Street	2710 24th Street West
2810 Chokecherry Street	2718 24th Street West
2802 Chokecherry Street	2802 24th Street West
2718 Chokecherry Street	2814 24th Street West
2710 Chokecherry Street	2822 24th Street West
2702 Chokecherry Street	2821 24th Street West
2821 Chokecherry Street	2813 24th Street West
2813 Chokecherry Street	2805 24th Street West
2805 Chokecherry Street	2723 24th Street West
2723 Chokecherry Street	2319 27th Avenue West
2711 Chokecherry Street	2315 27th Avenue West
2701 Chokecherry Street	2702 23rd Street West
2702 25th Street West	2512 27th Avenue West
2710 25th Street West	2508 27th Avenue West
2722 25th Street West	2416 27th Avenue West
2806 25th Street West	2408 27th Avenue West
2814 25th Street West	2312 27th Avenue West
2822 25th Street West	2308 27th Avenue West
2821 25th Street West	2304 27th Avenue West

8
HB 1188
1/21/15

Douglas, James-Jones, Nelson, MOSS-CARVEY & Krom Llewellyn Petition

Children School Statistics

This information is how many children are living in the areas that are trying to be annexed in from New Public District #8 into Williston School District #1. It shows where they were attending during the school year of 2013-2014 except Nelson & Krom-Llewellyn are 2014-2015 or those that are not school age.

Not School Age- 31 (5 attending Kindergarten in the fall)

Already in District #1- 33

St. Joseph School- 8 (2 want to attend 7th grade in the 2014 fall in District #1)

Trinity Lutheran School- 8

District #8- 4 (1 has moved, 2 want to be District #1 and 1 will attend District #1 when attending 7th grade as parent is a teacher for district #1)

Williston head Start- 1 (will be kindergarten in the fall)

TOTAL: 85 CHILDREN

7th Grade: Curriculum Comparisons Between District 1 & District 8

HB 11/88
1/21/18 #9

<i>Required Curriculum</i>	District 1	District 8
	Multi-level Language Arts	Language Arts
	Life Science	Life Science
	Multi-level Math	Math (Basic Math & Pre-Algebra)
	Global Studies	World Geography
	World Music	
	Physical Education (Semester)	
	Health (Semester)	
	Personal Finance (9 Weeks)	
	Art (9 Weeks)	
	Computer Apps (9 Weeks)	

<i>Elective Curriculum</i>	District 1	District 8
	North Dakota Outdoors	Physical Education
	Historical Places	Library
	Film Fiction	Media
	Jazz Section	Music
	Introduction to Guitar	Electronics
	Experimenting with Science	Home Economics
	Keyboarding	Band
	Band	Choir
	Choir	Opportunity Class (Reading or Math)
	Media Center (Library) - Available to Students	

Extracurricular Activities Comparison For 7th & 8th

8th Grade: Curriculum Comparison Between District 1 & District 8

<i>Required Curriculum</i>	District 1	District 8
	Multi-level Language Arts	Language Arts
	Science	Earth Science
	Multi-level Math (Algebra 1 - optional)	Pre-Algebra or Algebra 1 (for HS Credit)
	Global Studies	World History
	Physical Education (Semester)	
	Health (Semester)	

<i>Elective Curriculum</i>	District 1	District 8
	Advanced Guitar	Physical Education
	Studio Art	Library
	World Music	Media
	History of Rock & Roll	Music
	Annual	Electronics
	Drawing	Home Economics
	Business Ownership	Band
	Introduction to Guitar	Choir
	Jazz Section	Spanish (For HS Credit)
	Introduction to Business	Opportunity Class (Math or Reading)
	3D Art	
	Robotics	
	Music Tech	
	Current Events	
	Computer Apps 2	
	Ecology	

	Music Appreciation	
	Band	
	Choir	
	Media Center (Library) Available to Students	

Summary of Opportunities for Middle School and High School Students Between District 1 and District 8

7th Grade	District 1	District 8
Required Classes	10 (4 in 9 week Courses)	4
Elective Classes	10	9
Extra Curricular Activities	18	2

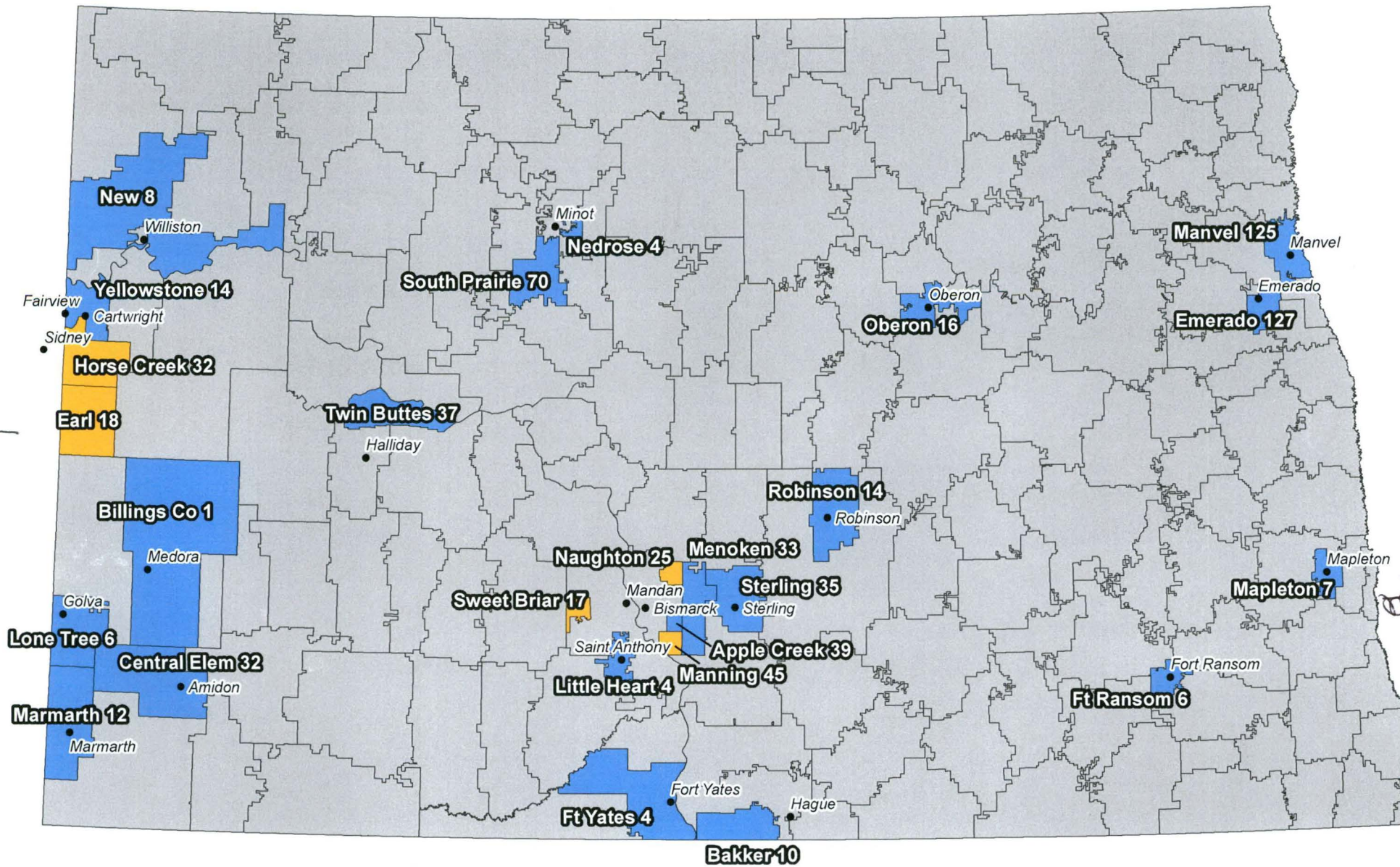
8th Grade	District 1	District 8
Required Classes	6 (2 as Semester Courses)	4
Elective Classes	20	10
Extra Curricular Activities	18	2

High School	District 1	District 8
9th Grade	32 Course Choices	N/A
10th Grade	69 Course Choices	N/A
11th Grade	106 Course Choices	N/A
12th Grade	112 Course Choices	N/A

Grades Between District 1 and District 8

<i>Extra Curricular Activities</i>	District 1	District 8
	Basketball	Basketball
	Football	Band
	Volleyball	
	Track	
	Wrestling	
	Cheerleading	
	Drill Team	
	Tennis	
	Golf	
	Swimming	
	Cross Country	
<i>In-School Activities</i>		
	SADD	
	Student Council	
	National Junior Honor Society	
	Geography Bee	
	Spelling Bee	
	Role Play Group	
	Math Counts	

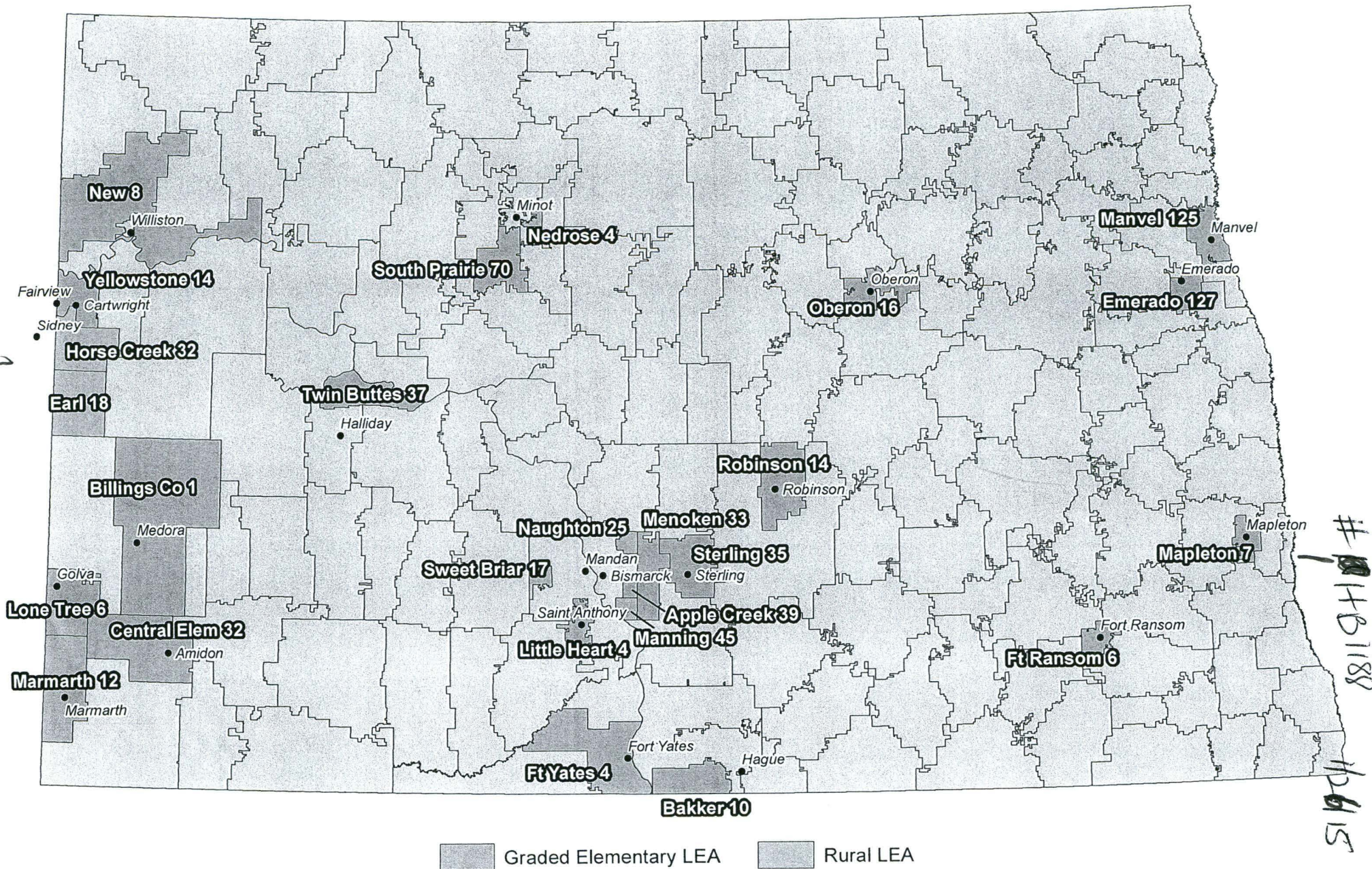
Elementary Only LEAs



Graded Elementary LEA
 Rural LEA

#10 HB 1188 12/15

Elementary Only LEAs



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1188

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-12-03 and 15.1-12-05 of the North Dakota Century Code, relating to school district annexations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-12-03 of the North Dakota Century Code is 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:

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

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

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

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.
2. The county superintendent shall publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:

- a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that ~~two-thirds~~ a majority of such qualified electors have signed the petition; and
 - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
 - a. The value and amount of property held by each affected school district;
 - b. The amount of all outstanding bonded and other indebtedness of each affected district;
 - c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
 - d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
 - e. The size, geographical features, and boundaries of each affected district;
 - f. The number of students enrolled in each affected district;
 - g. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;
 - h. The location and condition of roads, highways, and natural barriers in each affected district;
 - i. Conditions affecting the welfare of students residing on the property to be annexed;
 - j. The boundaries of other governmental entities;
 - k. The educational needs of communities in each affected district;
 - l. Potential savings in school district transportation and administrative services;
 - m. The potential for a reduction in per student valuation disparity between the affected districts;
 - n. The potential to equalize or increase the educational opportunities for students in each affected district; and
 - o. All other relevant factors.
5. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall make specific findings of fact and approve or deny the annexation. If the annexation is approved, the county superintendent shall forward all minutes, records, documentary

evidence, and other information regarding the proceeding and the county committee's decision to the state board for final approval of the annexation.

6. a. Except as provided in this subsection, the state board shall conduct a hearing after publication of a notice in the manner required in subsection 2, accept and consider testimony and documentary evidence regarding the proposed annexation, make specific findings, and approve or deny the annexation.
- b. If no opposition is presented to the county committee at the hearing and the county committee approves the annexation, the state board may review the record of the county committee and give final approval to the annexation without holding its own hearing.
7. If the school districts involved in a proposed annexation include property in more than one county, but the major portion of each district's property is in the same county, the county committee of that county shall consider the annexation petition.
8. If the school districts involved in a proposed annexation are situated in more than one county and the major portion of each district's property is not in the same county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the annexation petition. The county committees shall vote separately on whether to approve the annexation.
9. If the state board denies the annexation, another petition involving any of the same property may not be submitted to the county committee for a period of three months after the state board's denial. A petition involving any of the same property cited in the original petition may not be considered by the state board more than twice in a twelve-month period.
10. Regardless of how many county committees consider the annexation, the decision may be appealed to the state board.
11. Each annexation must receive final approval from the state board.
12. The county superintendent with whom the petition has been filed shall forward all minutes, records, documentary evidence, and other information regarding the annexation, and the county committee's decision to the state board for final approval or for consideration of an appeal.
13. A decision of the state board with respect to an annexation petition may be appealed to the district court of the judicial district in which the property to be annexed is located."

Renumber accordingly

#1
3/9/15

HB1188

SENATE EDUCATION COMMITTEE

I INTRODUCED THIS BILL ON BEHALF OF A YOUNG LADY WHO HAS TACKLED THE ANNEXATION PROCESS SEEING THAT THERE WERE MANY FAMILIES WITH CHILDREN UNABLE TO GET THEIR CHILDREN ENROLLED IN THE LOCAL SCHOOL DISTRICT. WILLISTON HAS ANNEXED OVER 5000 ACRES OVER THE PAST FEW YEARS. WE HAD NO COUNTY SUPT OF SCHOOLS, NO LOCAL ANNEXATION BOARD, NO ANNEXATION SPECIALIST - AND ALL KINDS OF PEOPLE WANTING THEIR KIDS IN THE LOCAL SCHOOL DISTRICT. LAND THAT WAS RURAL IS NOW PROPERTY WITHIN THE CITY - ONE CHILD LIVES ACROSS THE STREET FROM A GRADE SCHOOL BUT THE NEW CITY PROPERTY IS STILL IN THE RURAL SCHOOL DISTRICT SO HE RIDES A BUS EVERYDAY TO A RURAL SCHOOL 17 MILES WEST OF WILLISTON.

THE CURRENT ANNEXATION PROCESS IS COMBERSOME, TIME CONSUMING AND FRUSTRATING. ANNEXING ONE OR TWO FAMILIES AT A TIME USING THE CURRENT ANNEXATION PROCESS WILL TAKE YEARS ALL AT THE EXPENSE OF THE KIDS.

THE HOUSE EDUCATION COMMITTEE RECOGNIZED THE NEED TO DO SOMETHING BUT VIEWED THE ORIGINAL BILL AS A POTENTIAL LAND GRAB FOR SCHOOL DISTRICTS - IN ORDER TO KEEP THE BILL ALIVE THE BILL HAS BEEN HOG HOUSED TO WHAT YOU HAVE IN FRONT OF YOU TODAY.

I APPRECIATE THE HOUSE EDUCATION COMMITTEE'S EFFORTS BUT THE AMENDED BILL MAKES ONE SMALL CHANGE TO THE EXISTING ANNEXATION PROCESS WHICH DOES NOT MAKE THE PROCESS ANY EASIER OR QUICKER.

I WISH I HAD A SOLUTION BUT THE SOLUTION IS NOT AN EASY ONE. THAT'S WHY THIS ISSUE COMES UP EVERY SESSION AND NOTHING HAPPENS. NO ONE WANTS TO ADDRESS THE ISSUE WHICH PROBABLY INVOLVES A MAKEOVER OF THE ENTIRE SCHOOL DISTRICT SYSTEM IN THE STATE.

I AM SUBMITTING FOR YOUR CONSIDERATION AN AMENDMENT TO DIRECT LEGISLATIVE MANAGEMENT TO CONSIDER CREATING A TASK FORCE TO STUDY ISSUES RELATED TO SCHOOL DISTRICT BOUNDARIES , PARAMETERS CURRENTLY GOVERNING ANNEXATION AND OTHER RELATED ISSUES USING THE GUIDELINES FROM SB2300.

YOUR POSITIVE CONSIDERATION WILL BE APPRECIATED.

THANK YOU FOR YOUR TIME.

REPRESENTATIVE GARY R. SUKUT

DISTRICT 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1188

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create a task force for the purpose of studying school district boundaries.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. TASK FORCE - SCHOOL DISTRICT BOUNDARIES.

1. The legislative management shall consider creating a task force to study issues related to school district boundaries, including the desirability and feasibility of maintaining existing boundaries; the parameters currently governing annexation, reorganization, and dissolution processes; and options for instituting boundary changes in the case of significant educational or financial impacts.
2. A task force created under this section is governed by Senate Bill No. 2300, as approved by the sixty-fourth legislative assembly."

Renumber accordingly

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