

2017 HOUSE POLITICAL SUBDIVISIONS

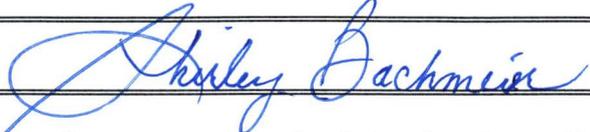
HB 1435

2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivision Committee
Prairie Room, State Capitol

HB 1435
2/9/2017
28132

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to school bond issue elections

Minutes:

Attachments 1 -5

Vice Chairman Hatlestad: Opened the meeting on HB 1435.

Rep. Kathy Skroch: (Attachments 1-2) to 5:00 Members of the committee on political subdivisions to introduce HB 1435. I ask for a DO PASS on HB 1435.

Rep. Johnson: You indicated that there has been as short as 20 days between bonding election. Did I hear you correctly?

Rep. Skroch: It is possible. There just has to be a 20-day notice between one bond issue and the next.

Rep. Johnson: Can you tell us what has been the shortest time between elections on the same bonding issue?

Rep. Skroch: I don't have all that data in part because it's not all recorded.

Rep. Johnson: You say that HB 1435 would save school district funds through the sharing of election poll because people are headed to the polls anyway. Couldn't we say that presidential elections have an even greater turnout that they shouldn't occur until every presidential election year or, in Fargo, we know that mayoral elections have a great turnout. So couldn't we all say that they should only be for the Fargo school district on mayoral election years? You could argue that point for many different reasons, not just for the general election. Can you respond to that please?

Rep. Skroch: Statistically the general election is when there is the greatest turnout. And when I was referring to the costs, when you combine a school bond election at the same time as a general election, you can share the costs of the poll workers that participate.

Rep. Johnson: What I'm getting at is that your statistics may not prove true for every school district. For instance, if the presidential election year turns out the greatest number of voters,

or if a mayoral election year turns out the greatest number of voters, not necessarily the general election, maybe we should have bonding issues for school district in statistically the election that does turn out the greatest number of voters. And that may not be the general election.

Rep. Skroch: (Attachment 3) Then I think what I can propose to you is that I actually do have a amendment that would address what you are talking about. I would prefer the general because statistically that tends to be the greatest voter turnout.

Rep K. Koppelman: In your experience what kind school bond election in our community the general election has the greatest turnout, assuming that you have had some experiences with bond issue elections during your time, what kind of turnout differences were there in general elections?

Rep. Skroch: I couldn't draw comparison between the school bond election that we had because it wasn't held on the general election day, so I cannot make the comparison. But, again, statistically even in our community, the greatest voter turnout is always the general election. Much smaller when we had a school bond election.

Rep K. Koppelman: If I understood you correctly, the Department of Public instruction told you that they do ask for these or is there a requirement to ask for these or is there a requirement that the school district report that they are not all doing it or do they need to report when there is a failed election of a successful one?

Rep. Skroch: There is a report that is recommended to be filled out by a school district when they have held school bond election. And there is a line on that form gives that information to whether the bond vote failed or passed and if this gentleman explained to me, he said many times they don't want to submit that information. This is not a complete collection of data.

Rep. Zubke: Was there a session had passed a cooling off period where the school district vote failed; they had to wait 12 months. Are you aware of that or can you provide any information on that?

Rep. Skroch: I dug extensively trying to find all of the information in central code that would apply to this and I did not find that. It may be out there but I was not able to locate it. I can't help you there.

Vice Chairman Hatlestad: Are there any questions and testimony on behalf of HB1435?

Rep. Ertelt: (Time 11:00 to 18:50) I am here in support of HB 1435. Rep. Skroch covered much of the points that I was prepared to give. I am going to give a brief statement of why I am support of this bill. I have been hearing the argument that this bill will diminish local control. I have always believed that the true local control resides with the voters and the tax payers, not the school board. I've even heard testimony on house floor that said if you don't like the way the school board votes, get rid of them. Board members are elected for a four-year term, so us tax payers can deal with bad decisions for four years and we vote them down three times, they go ahead with them anyway, and the school board goes ahead and

works with the building authority, builds a new building and guess what! The school didn't have enough students to keep the thing rolling. They're already in financial trouble. That was the vision of the school board. Because of the lack of students, state aid, they have a budget problem. I think that this is what HB 1435 will help alleviate. If we have a two-year interval between these votes. The main thing for that two years is to put space between the votes so that the issue can be discussed with the school board, the meetings, the preparation of the plan for the bond issue can be thoroughly discussed in that amount of time. If the bond issue is not given a timely vote, too short or too long, they are wearing down the voters. So they become discouraged and often votes are usually close. It used to require two thirds vote for bond issues. Now the legislators cut that down to 60% which they did. Now they can have these bond issues votes every 20 days. According to the statute, it is possible to do it that way. I believe that placing it on the two-year general election ballot, it will save tremendously on the cost of election. When a special election is held, you have the expense to go with it. In a general election, they can set up a table off to the side of the general election poll workers and poll the vote at that time. In my experience, the general election always produces the most voter turnout. Therefore, I think that a consideration to have a vote in anything less than two years is not reasonable. I do recommend a DO PASS on HB 1435. Open for questions.

Vice Chairman Hatlestad: I think on an initiated measure, seven years with a certain percentage the two thirds vote, the legislature can. I think that is what we are dealing with now with the marijuana issue. Are there any questions for Rep. Ertelt?

Rep K. Koppelman: You talked elections in your area, I know from experience there was a bond issue that failed and was repackaged. Was it the same thing over and over again?

Rep. Ertelt: Most of these bond issues are repackaged.

Vice Chairman Hatlestad: Are there any additional questions? Additional support for HB 1435? Is there testimony for opposition of HB 1435?

Mark Lemer, Business Manager, West Fargo School District: (Attachment 4)
21:38 - 27:00 I am here to offer testimony in opposition to HB 1435. I don't think we are averse to using the general elections. We had a November election in 2015; the people were used to going to the polls in June or November. If the timing works, take advantage of that opportunity. If we are in a special election cycle, we are working overtime to inform our public to get as many to the polls as possible so they can make an informed decision.

Rep. Ertelt: Prior to 2000, were you engaged specifically for construction needs or new capacity at work?

Mark Lemer, Business Manager, West Fargo School District: I have been with the district since 1995. However, I was gone for two years. During that time, I was not directly engaged in that process. However, the school district still did have a community engagement process. The issue that they were dealing with at that time was the enrollment impact on our middle and high schools was being felt but it hadn't boiled over yet. There was still a reluctance to split our high school which was a key component of both of those bond votes. Until it became apparent that there was no other solution that was going to present itself the issue began to go forward. There was reluctance to split schools, there was community engagement. We

sent out a community newspaper providing all the information for every one of our bond votes and that includes our demographic projections, our building capacity, the ages of our buildings, the costs of what we were proposing, the impact on the tax payers; all that information was made available to help the community make an informed decision. We had to get a 60% super majority so both of those failed bond issues actually had a majority of support. They did not have the super majority that was needed.

Rep. Johnson: If you had set the bond issue at the general election with this bill, do you not think that having planning now in place for future development, that you would be able to plan around those dates?

Mr. Lemer: If this bill in effect, we would have no choice. The issue that we will have and we are coming up another one, we are actually talking about engaging our community again. If you go too early, in November, the community hasn't felt the impact yet. If it fails, you have to wait two years. That can be very problematic. If people are noticing that impact today, what they are going to concentrate on not necessarily the long term thinking but the property tax impact. Nobody is anxious to tax themselves. But in tax season they may be more willing to tax themselves for unnecessary improvements. It didn't matter what the voting schedule was; when two years, and a thousand more kids to consider, it really has an impact.

Rep. Ertelt: Having a specific amount of time that is shorter than what it is today, in your case, without a structure there foreboding, there wasn't any real drive for planning. So at least having some base, wouldn't it encourage you to do better planning?

Mr. Lemer: We can live with something that is a little more restrictive than what is there today. But I do believe that two years in the general election is going to cause us some significant concerns. We send out information on the elections to help the community to make an informed decision. We have to have the super majority of 60%

Vice Chairman Hatlestad: Are there any additional questions?

Rep K. Koppelman: It is my belief that West Fargo has been willing to go back to the drawing board for answers to their failed bond issues when the voters have said no. I was looking at the statistics, the failed one had 1,528 voters total; the successful one had 7,420. And again, you did a great job in using the community and explaining the need. In that respect, greater turnout is an asset.

Mr. Lemer: I do think that an engaged public that is informed whatever the number of votes, you can have that good result. This HB 1435, as it is written, is every two years in November.

Rep K. Koppelman: Regarding a cooling off period that was mentioned, is that a part of bond?

Mr. Lemer: You can only ask that question within a 12-month period. If it has failed, you have to wait at least a year now before it can be asked again. If you have asked it twice and it failed, basically the wait is a year now.

Rep K. Koppelman: With that in mind, if we were to amend the bill to say, with the primary and general election, since you have to wait that year anyway, if it is a failed election, would that help?

Mr. Lemer: Yes, more reasonable than what is currently written. School districts and school boards have the flexibility to have establish special elections. Obviously, any eroding of that is going to be looked at with some concern. As the bill is currently written, the two-year time lag would be problematic.

Rep K. Koppelman: What if we have a trigger such as increased enrollment at a certain percent as an example, it provides a trigger that says you can ask more often.

Mr. Lemer: We are going to be looking for ways to mitigate the impact of this. If you are a growing district you are looked at differently. There are instances where that has happened.

Rep K. Koppelman: What about circumstances, like a fire or tornado?

Mr. Lemer: When there is a disaster that are special provisions that kick in the construction code that deal with disasters. If lack of insurance to cover disasters, there is no real source of revenue to make up that shortfall.

Rep. Johnson the purpose of the bill is to save costs for the tax payer, but can you tell us what the cost is of the election day activity is?

Mr. Lemer: We have Cass county conduct all of our elections. They hire the workers, train them, and we reimburse them. The cost of special election is about \$75,000.

Vice Chairman Hatlestad: Any additional questions? Is there additional opposition to HB 1435?

Tamara Uselman: Superintendent, Bismarck Public Schools: (Attachment 5)
45:09 to 51:00 I want to speak to you today in opposition to HB 1435.

Rep. Ertelt: I think you mentioned that advertising is often much more than the election. Is there an expense involved?

Ms. Uselman: Yes, the school does work to inform people; we would not advertise pro or con but the here is the issue in front of us. There is an expense in my time and the Business Managers time.

Rep. Ertelt: Do you have any idea what those costs would come to involving any expenses?

Ms. Uselman: The cost of paper for brochures and maps. In informing the people, we are granted that time on radio, newspaper advertising.

Rep K. Koppelman: The point you made about disasters, are there other options in terms of funding. Are there other options in these kinds of cases of catastrophes such as fires, tornadoes etc?

Ms. Uselman: Not that I am aware of. I think that at the end of the day, it would come from your operational budget which is where portables would come from or it would have to come through a bond alone. But it would be ours to pay for.

Rep K. Koppelman: With respect to property taxes which is prominent in the minds of the people, Obviously, school taxes are the biggest chunks in most property tax bills even though the state has subsidizing them for many years. And assessments become a big issue. How much does that color the willingness of the voter to buy into the idea of paying into more taxes because it is for the kids and it's to educate. That's important!

Ms. Uselman: I don't know scientifically but I can tell you that at the end of the day, that is what people weigh that out. They consider who they want to represent them on the school board and how they will vote; A wise school board who listens to its public carefully will be aware of that as well. We have bond issues but they can only replace retiring debt.

Vice Chairman Hatlestad: Any additional questions? Is there additional opposition to HB 1435?

Jon Martinson: School Boards Association: We do think that local school board members are in the best position to make these decisions. There are checks and balances; they can lose an election as you know or they can be recalled at any time. A point that hasn't been brought out is that the public's right to vote is the foundation of our democracy and voting should be made as easy as possible. And that means absentee ballots, identification of polling locations, the June primary, the general election, and special elections. Efforts to legislate people to the polls while taking away local control we think is counterproductive. And in conclusion, proponents of HB 1435 talked about the cost. Democracy is expensive. And freedom is expensive. And this bill attempts to curb that freedom and it is just wrong! I'd be happy to answer any questions.

Vice Chairman Hatlestad: Is there any additional testimony? Is there any neutral testimony? We will close the hearing on HB 1435.

2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Prairie Room, State Capitol

HB 1435
2/16/2017
Job # 28437

- Subcommittee
 Conference Committee

Cameron Hecht

Explanation or reason for introduction of bill/resolution:

Relating to school bond issue elections

Minutes:

1

Chairman Klemin: Opened HB 1435 for committee work.

Rep. Ertelt: (Proposed amendment #1). Proposed amendment 17.0799.03004 will replace the amendment distributed on February 9, 2017. Explained the amendment. The reason the amendment is being brought forward is to address some of the concerns. The initial bill only allowed for one school bond issue every 2 years, this would allow for 4 within 2 years. Take steps so there is better planning in each school district.

Rep K. Koppelman: Rep. Skroch and Rep. Ertelt discussed this with me. I called Mr. Lemer and the Superintendent of Fargo and they would be more comfortable with this. If you want to make a change something like this would be palatable.

Rep. Maragos: (Inaudible)

Chairman Klemin: Can't they do two in even number years?

Rep. Maragos: (Inaudible)

Chairman Klemin: You are interpreting it that they can only do it once in an even number year.

Rep. Ertelt: We covered this with Legislative Council their understanding of that language is that you could put it on both. If it has and, because we do say must be placed on the ballot at a statewide primary or general election. That if you add and in there even if it past you would have to place it on the general election.

Chairman Klemin: If it had the word, either, it would be clear that it's only at one of those.

Rep K. Koppelman: That was your intent that it could be either or, or both?

Rep. Ertelt: If there is hesitation or confusion because of that Legislative Council is right out the door.

Chairman Klemin: I didn't read it as limiting to one or the other.

Rep. Hanson: (Inaudible)

Chairman Klemin: I think we would get into a problem with maybe there is two different bond issues in the same school district because of some emergency that came up. Now we are talking about with that language if it didn't work at the first then they could do it at the second one.

Rep. Johnson: When you spoke to Mr. Lemer is that the way you presented it?

Rep K. Koppelman: Yes, two and two was the discussion that they were having. That is the intent.

Chairman Klemin: The intent would be they could have a school bond election at a primary and if that passes they could still have one at the general election if they needed it for some reason.

Rep K. Koppelman: I did ask about the fire and tornado fund; it is an insurance fund that schools can procure insurance through. It is a self-insurance that the state has. It's not an emergency fund.

Rep. Johnson: (Inaudible)

Rep K. Koppelman: In terms of the amount you can insure? I don't know. Mr. Lemer mentioned said you could really save us money if we didn't have to do the bond issue and spend all this money, it costs a lot of money to go through the legal process. He said if we could just borrow money from the Bank of North Dakota.

Chairman Klemin: In the Northwood situation we had to have a special legislation because we didn't have enough money and they would have lost the whole school.

Rep. Ertelt: Made a motion to move the amendment. (Proposed amendment #1. 17.0799.03004)

Rep K. Koppelman: Second the motion.

Voice vote carried amendments are adopted.

Rep. Maragos: Made a do pass as amended motion.

Rep. Ertelt: Second the motion.

Rep. Hanson: I have concern about the local school district losing some flexibility. I still trust the school to run an election as they see fit.

Chairman Klemin: They have to get 60% to pass them.

Rep K. Koppelman: I was struck by the bond issues that was passed out.

Chairman Klemin: It might result in more people going to the primary or general election.

Rep K. Koppelman: I believe in local control and electing local officials and letting them do their job, our job in the Legislature is to set up the frame work of how things work. If there is a concern, then we have to look at.

Rep. Johnson: I echo Rep. Hanson concerns, yesterday we passed HB 1361 and schools are exempt for two years but they will require special elections to raise their budget over the 3%. Are these counterintuitive?

Rep K. Koppelman: I believe there are exclusions in it.

Do pass as amended (17.0799.03004) passed 6 yes, 4 no, 5 absent.

Rep. Ertelt: Will carry the bill.

2/16/17 DK

17.0799.03004
Title.04000

Prepared by the Legislative Council staff for
Representative Skroch
February 13, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1435

Page 1, line 22, remove "If the matter to be placed before the electors involves a school bond issue, the"

Page 1, replace line 23 with "A school board may call a special election for a school bond issue no more than two times in an odd-numbered year, and a school bond issue placed on the ballot in an even-numbered year must be placed on the ballot at a statewide primary or general election."

Renumber accordingly

Date: 2-16-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1435

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: 17.0799.03004

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. Ertelt Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin			Rep. Guggisberg		
Vice Chairman Hatlestad			Rep. Hanson		
Rep. Beadle					
Rep. Becker					
Rep. Ertelt					
Rep. Johnson					
Rep. Koppelman					
Rep. Longmuir					
Rep. Maragos					
Rep. Pyle					
Rep. Simons					
Rep. Toman					
Rep. Zubke					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice Vote Carried

Date: 2-16-17
 Roll Call Vote: 2

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1435**

House Political Subdivisions 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. maragos Seconded By Rep. Ertelt

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin	/		Rep. Guggisberg	/	
Vice Chairman Hatlestad	/		Rep. Hanson		/
Rep. Beadle		/			
Rep. Becker	/				
Rep. Ertelt	/				
Rep. Johnson		/			
Rep. Koppelman	/				
Rep. Longmuir	/	/			
Rep. Maragos	/				
Rep. Pyle		/			
Rep. Simons		/			
Rep. Toman		/			
Rep. Zubke		/			

Total (Yes) 6 No 4

Absent 5

Floor Assignment Rep. Ertelt

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

REPORT OF STANDING COMMITTEE

HB 1435: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING). HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "If the matter to be placed before the electors involves a school bond issue, the"

Page 1, replace line 23 with "A school board may call a special election for a school bond issue no more than two times in an odd-numbered year, and a school bond issue placed on the ballot in an even-numbered year must be placed on the ballot at a statewide primary or general election."

Renumber accordingly

2017 SENATE EDUCATION

HB 1435

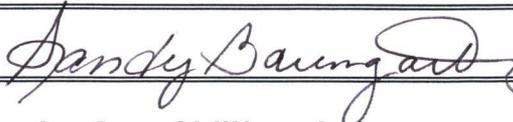
2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1435
3/14/2017
Job Number 29134

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to school bond issue elections

Minutes:

#1, #2, #3, #4, #5

Vice-Chair Rust: Call the Senate Education committee to order. Roll taken: All present except Senator Schaible will be coming late as he presenting at another bill. Open hearing for HB 1435.

Repr. Kathy Skroch; District 26. Testimony #1.

Vice-Chair Rust: Any questions?

Senator Davison: When you run for election do you put it in the best place for it to succeed? When you vote for school board do you probably want to put their schools in the best place?

Repr. Kathy Skroch: This bill is providing the best opportunity for voters to make their voices heard on a school election.

Senator Davison: Do you think that elected school board members of the public are trying to put their school district in the best position for them to succeed?

Repr. Skroch: I guess they are trying to.

Senator Davison: Do you think that at the local level we should have those elected board members have the tools necessary to put the district in the best possible position to succeed for our kids?

Repr. Skroch: I think it is important that the voters are engaged and that they are able to turn out in the greatest number and the voice of all the people and not just perhaps parents of the school. Because there are people throughout the district that perhaps do not have children in the school that will be paying for the costs for a building project or increases in the levees for funds to the school. I understand that boards want that flexibility. I don't believe that this piece of legislation limits them in anyway. During odd numbered years they are able to schedule at least 2, already in Century Code, anytime they want to. They would only be required to place a bond issue on the primary general election in even numbered years. It would give them plenty of time to prepare and present their ideas and put them on the ballot.

Senator Davison: How do you measure engaged voters? Do you know the percentage of your people in your district that vote in a primary in June? It is typically less than 60% and many times less than 50%. The 19% of the people who voted in the Fargo Public School elections, 75% voted yes and 85% in Bismarck. Do you really think the increase of the number of people would have changed that vote at all and did we make people not vote?

Repr. Skroch: I think you can strategically plan an election. If you plan it in September time frame you will eliminate farmers. In the winter you might eliminate snowbirds. People are going to the polls any way so it is not taking time out of their day to vote on a single issue.

Vice-chair Rust: Did the committee drawing this bill up give a thought the time between the elections in the odd number years? The even number years it is the primary and general. But in odd number years there is no time difference.

Repr. Skroch: They are in statue of 90 days between bond issue elections. There can only be 2 within a 12- month period. This doesn't due an incredible amount of limiting.

Vice-chair Rust: Is there anything considering school year versus calendar year?

Repr. Skroch: No, it is limited within that program calendar year. The general and primary elections are fixed so it is not relevant.

Vice-chair Rust: When you vote for a school bond I am assuming those polling places are different that the polling places for a general and primary election. Is that true?

Repr. Skroch: I believe the option is open. In my district they can set up in the same building.

Senator Vedaa: In my district we vote by mail in the general election. This would not go on the general election ballot?

Repr. Skroch: It could go on the state-wide ballot as a school district.

Senator Vedaa: In a 2-year period we would have 2 options to put it on, in June or November? If I anticipate how the election is going to turn out and I as a board member how I am going to get my school bond passed. I will look at those 2 dates and think I will use the primary because less people turn out for that than the general. Couldn't this be manipulated?

Repr. Skroch: You could have it on the primary and it fails and then have it in November at the general and it fails. You could in 90 days the following year put in on a vote. The Fargo and Bismarck bond issue were both March 7. I don't see that as a problem. You are not going to have that many bond issues per year.

Senator Oban: I think all of us would like to have a greater turnout for elections. Should we tie the hands of local elected people of the districts for the timing?

Repr. Skroch: I don't think this is restricting for the local boards. The primary purpose of this bill is to get more voter turnout. I do believe there is a voter fatigue.

Senator Oban: Don't you think that is our responsibility of citizens if we don't agree with something, and the school board decides to keep putting it on the ballot, we can get going back to the polls or eventually vote in other school board members.

Repr. Skroch: You could strategically advertise in a way a voting block that you want to show up at your elections to make a bond issue pass.

Discussion continued.

Repr. Mike Brandenburg: District 28: I do support this bill. 20% of the people are paying 80% of the bill. It is also about who is paying for the school. Explained the Strasburg school bond issue. Our state runs a third on ag, a third on energy and the rest is the other third. The school district might have to get mills to pay to run the school. Kulm had another bond for a school. Having 3 elections as fast as you can to get a bond passed is wrong. You have one building season in a year. If you vote in the November election and again in June, you could have a cool down period. I have worked hard these past 20 years to get all the funding for these rural schools and get as much education money as we can. I am for helping the schools to fix the roof or programs but to pass a bond for a school we really don't need is not right.

Chairman Schaible: What was the percentage of voters that turned out for these examples?

Repr. Brandenburg: Maybe 20-25%.

Chairman Schaible: That is exactly why we have a 60% protection for a bond issue.

Repr. Brandenburg: If I had my way, I would have one vote a year. It used to be 40% of the people paying the bill. The funding has changed. We are headed for running a bond to operate the school.

Chairman Schaible: If the majority of the people come to vote the right thing will happen. Do we have a problem of not getting out people engaged in the process?

Repr. Brandenburg: I think this bill would bring more people to the polls.

Senator Oban: Voter intimidation is illegal.

Repr. Brandenburg: I wanted an open records meeting and had a meeting and presented all the options to the members of the district they wouldn't let them ask any questions. Only the people presenting could talk. It was closed.

Senator Oban: When did Kulm have the election? Was it in primary or general?

Repr. Brandenburg: Three or four years ago. Kulm's school bond issue had a number of meetings with the people and the advisory committee. They brought in all the committees of the people and asked what they wanted to do. In the Strasburg election they did that at the beginning.

Senator Oban: The school board has to inform the people.

Chairman Schaible: Other testimony?

John Ertelt: Dist. 24, Oriska: I am here in support of 1435. Local control of the school board, if that was the case there wouldn't be a referral for what this legislature does. Sometimes decisions made by the school boards are not always what the voters want. The local control resides with the guy that is paying the bill. It used to be 2/3 vote to get bond passed. Now it is lowered to 60% and only 20% of the people show up. It is not a sufficient enough vote for these bond issues.

David Flowers: Superintendent of West Fargo Schools: In opposition of HB 1435 that places restriction on bond issue. Testimony #2.

Senator Rust: Do you hold your bond issue elections the same time as primary elections?

David Flowers: Yes, the polling places are at the same place but not at the same date. School board elections are held on the same date. The bond elections are not.

Anita Thomas: General Council with the School Boards Association: Testimony #3. We ask for a Do Not Pass on this bill.

Russ Ziegler: North Dakota Council of Educational Leaders Testimony #4. We ask for a Do Not Pass for HB 1435. We would support the amendment brought forward by David Flowers.

Chairman Schaible: Any other testimony in opposition? We will close the hearing on 1435.

Other testimony by e-mail

ElRoy Burke, Executive Director of North Dakota Small Organized Schools Testimony #5, asks a Do Not Pass for HB 1435.

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1435
3/21/2017
Job Number 29494

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to school bond issue elections

Minutes:

#1

Chairman Schaible: This is about school bond elections. Handout #1. The idea suggested is to waive that period between when you can have the second election to 150 days or 5 months. I am proposing this as a request from some of the sponsors. When you call the elections and do things, the voter turnout isn't high. This is to give more time for maybe different ideas and suggestions for a bond.

Senator Rust: Right now we have that you can propose a bond issue and if it fails you have to wait 3 months. If it fails again, you cannot have another one within 12 consecutive months. Example given. Would you in that process eliminate a building season in that process?

Chairman Schaible: Is the intent to miss the construction season? No, but what we have seen in some of our history in some of our constructions is also what we heard in testimony. The more elections you have, the more people get fatigued and then you have more resistance. It is usually the opposition to a bond that gets the fatigue. The board and teachers in the school probably want the improvements, but when you see in rural areas that most bond issues are 80% of the cost is on agriculture or property tax. That is why we have the 60% needed for a bond issue. Example given. History for construction is usually all the time. We had 80% turnout in our district. We had it during the primary.

Senator Davison: So section B is new? After the 3rd time you are required to put it back into the Department of Public Instruction your plans, or is that new?

Chairman Schaible: No, that is not new. I wouldn't even put the five months in there. I would just put in the 150 days.

Senator Davison: I don't see anything wrong with the amendment. The schools would have to plan a little bit more. Sometimes schools have a plan A and if that doesn't work they have a plan B. It may restrict a plan. I am opposed to the bill as it is. It is a little more palatable for me. We never had any other testimony other than the legislators. Everything was in opposition. The School Boards Association and NDCL both came out against the bill.

Senator Rust: I believe in local control. Government closest to the people is most responsible. School Board members are elected. Example of getting elected in on a school board. I think we should leave what we have. I would promote a building. I was a superintendent.

Senator Kannianen: Curious of the date for your 80% turnout.

Chairman Schaible: The board, teachers and parents were engaged in the turnout. This was a second vote during primary.

Senator Davison: I make a motion for a Do Pass on amendment 17.0799.04002.

Senator Kannianen: I second.

Chairman Schaible: We have a motion and second for a Do Pass on the 4002 amendment to HB1435. Other discussion?

Senator Rust: I am going to oppose the whole thing. I am going to go for local control. I think it works.

Senator Oban: I am not trying to change the process of elections even if I don't like it. I agree that the amendment is better. But I don't agree that there is where we should be meddling.

Chairman Schaible: Clerk take roll. Roll taken 4 Yeas, 2 Nays, 0 absent

Now we have a HB 1435 and wishes on the bill?

Senator Davison: I move that we have a Do Not Pass on amended bill HB 1435.

Senator Oban: I second.

Chairman Schaible: We have a motion and a second on amended version of 1435.

Senator Davison: The amendment makes it a better bill, but I think the way it is better and I will vote yes for a do not pass.

Chairman Schaible: Clerk take roll. 4 Yeas, 2 Nay, 0 Absent

Senator Davison will carry this bill.

March 21, 2017

CK
3/21/17

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1435

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-01-11 of the North Dakota Century Code, relating to school bond issue elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-11. Certain questions not to be voted upon for ~~three~~five months.

1. Whenever at any election a bond issue or mill levy question has failed to receive the required number of votes for approval by the electors, the matter may not again be submitted to a vote until a period of at least three~~five~~ months or one hundred fifty days has expired.
2. a. More than two elections on the same general matter may not be held within twelve consecutive calendar months.
b. If the matter to be placed before the electors for a third or subsequent time involves authorization for a school construction bond issuance in accordance with chapter 21-03, the board of the school district shall resubmit its school construction proposal to the superintendent of public instruction for the purpose of obtaining the superintendent's approval, in the same manner as required for an initial approval in accordance with section 15.1-36-01."

Renumber accordingly

Date: 3-21-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1435

Senate Education Committee

Subcommittee

Amendment LC# or Description: 17.0799 04002

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 Davison Seconded By Kannianen

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust		✓			
Senator Davison	✓				
Senator Kannianen	✓				
Senator Vedaa		✓			

Total (Yes) 4 No 2

Absent 0

Floor Assignment N/A

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

Date: 3-21-17
 Roll Call Vote #: 2

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1435**

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 Davison Seconded By Oban

Senators	Yes	No	Senators	Yes	No
Chairman Schaible		✓	Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	✓				
Senator Kannianen		✓			
Senator Vedaa	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Davison

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

REPORT OF STANDING COMMITTEE

HB 1435, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1435 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 section 16.1-01-11 of the North Dakota Century Code, relating to school bond issue elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-11 of the North Dakota Century Code is amended and reenacted as follows:

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2. a. More than two elections on the same general matter may not be held within twelve consecutive calendar months.
b. If the matter to be placed before the electors for a third or subsequent time involves authorization for a school construction bond issuance in accordance with chapter 21-03, the board of the school district shall resubmit its school construction proposal to the superintendent of public instruction for the purpose of obtaining the superintendent's approval, in the same manner as required for an initial approval in accordance with section 15.1-36-01."

Renumber accordingly

2017 TESTIMONY

HB 1435

Testimony for House bill 1435

Committee on Political Subdivisions

65th Legislative Session

Good morning Chairman Klemin, Vice Chair Hatlestad and members of the Committee on Political Subdivisions.

Thank you for allowing me to speak before you today to introduce House Bill 1435. For the record, I am Representative Kathy Skroch from District 26.

The bill before you today would require that school bond issues be placed on the general election ballot. Why is this a good idea?

This bill will save school district funds through the sharing of election worker costs. Requiring school bond issues to be placed on the general election ballot will allow for a voter turnout in which the largest electorate is represented.

Placing school bond issues on the general election ballot is more efficient. People are already heading to the polling place to vote.

District funds are saved for the local school district by avoiding repeated elections on the same or very similar building projects. In researching school election, the cost can range between several hundred to several thousand dollars. One district spent and I quote "\$80,000 to \$85,000" in preparing, promoting and finally voting on their \$30,000,000-million-dollar school bond project.

The general election historically generates the largest voter turnout. Many of these projects commit several millions of tax payer dollars. These funds are assessed through property taxes. The general election is the best opportunity for the people to have their voices heard.

Please notice the sheet on school bond elections. This is a sixteen (16) year report from the Department of Public Instruction. You can see there is a wide range of project costs and that there are projects that have failed to pass in multiple attempted election. What you cannot see are the many elections that were not reported. I say that because the gentleman who provided this data said that it was not a complete gathering of data. There is a form that each school district is recommended to return to the DPI a school bond election. He further stated that many times when the vote has failed it goes unreported. It is not uncommon for a school bond issue to come to a vote multiple times in one year and can repeat in as little as 20 days. Many people would rather not vote no on school projects. They especially do not want to vote no over and over. Repeated school bond votes wear the electorate down. Eventually they just stay home.

In a public message, shared after one of these repeated and failed bond issues, a patron wrote, "What part of NO does this (school) board not understand?" If a school bond issue is a good idea, it is up to the local school board and administrators to present the best plan, at the best price, and at the best opportunity for the tax payers of a school district to vote their wishes. I believe the changes proposed in HB 1435 will ensure that process.

Chairman Klemin and members of the Political Subdivisions I ask for a DO PASS on HB 1435.

Thank you,

Representative Kathy Skroch

HB 1435

#2

2-9-17

Record of School District Bond Elections

FN 9150

SchoolYear	StateIssuedID	EntityName	BEDate	BEAmount	BEYes	BENo	Column1
2001	39-044	Richland 44	19990712	2,300,000	469	131	
2001	13-016	Killdeer 16	20000802	240,000	138	191	Failed
2001	49-014	May-Port CG 14	20001306	3,250,000	402	761	Failed
2001	46-010	Hope 10	20001306	160,743	74	52	Failed
2003	13-016	Killdeer 16	20010611	395,000	247	232	Failed
2003	30-007	New Salem 7	20020804	570,000	248	161	
2003	32-001	Dakota Prairie 1	20021106	1,600,000	456	741	Failed
2003	49-009	Hillsboro 9	20022105	1,750,000	831	144	
2005	39-028	Lidgerwood 28	20040602	650,000	213	86	
2010	41-006	Sargent Central 6	20091404	3,800,000	512	269	
2012	39-044	Richland 44	20100211	1,100,000	501	80	
2011	35-005	Rugby 5	20100806	6,000,000	537	318	
2011	25-001	Velva 1	20101409	4,400,000	277	163	
2011	09-002	Kindred 2	20102005	14,700,000	1,057	471	
2011	09-006	West Fargo 6	20102303	40,000,000	3,066	2,275	Failed
2011	11-040	Ellendale 40	20102704	4,050,000	576	111	
2012	09-006	West Fargo 6	20112405	82,500,000	5,194	2,226	
2013	30-001	Mandan 1	20122509	12,500,000	2,027	560	
2015	50-003	Grafton 3	20130310	14,000,000	687	177	
2015	51-070	South Prairie 70	20130312	12,000,000	281	68	
2015	28-051	Garrison 51	20130810	5,000,000	250	247	Failed
2014	09-097	Northern Cass 97	20130904	2,500,000	338	74	
2015	05-017	Westhope 17	20130912	4,500,000	158	71	
2014	39-044	Richland 44	20131106	5,900,000	267	66	
2015	27-002	Alexander 2	20140710	17,100,000	72	11	
2015	08-033	Menoken 33	20140804	1,095,000	88	26	
2015	51-001	Minot 1	20140804	39,500,000	3,978	1,962	
2015	51-161	Lewis and Clark 161	20140804	15,000,000	524	238	
2015	53-001	Williston 1	20141006	34,000,000	2,838	919	
2015	27-001	McKenzie Co 1	20141103	27,000,000	748	83	
2016	45-001	Dickinson 1	20141107	65,000,000	1,716	620	
2015	05-001	Bottineau 1	20141208	12,960,000	374	270	Failed
2015	53-099	Grenora 99	20141507	9,950,000	182	99	
2015	53-015	Tioga 15	20141601	9,925,186	219	81	
2015	51-004	Nedrose 4	20142002	18,000,000	398	201	
2015	21-001	Mott-Regent 1	20142005	14,500,000	289	537	Failed
2015	50-020	Minto 20	20142309	5,800,000	253	139	
2015	23-007	Kulm 7	20142503	5,500,000	353	81	
2015	23-003	Edgeley 3	20143009	4,350,000	213	408	Failed
2016	28-051	Garrison 51	20150205	5,900,000	308	515	Failed
2016	28-050	Max 50	20150220	7,975,000	146	272	Failed
2016	53-008	New 8	20150609	48,498,240	57	200	Failed
2016	47-001	Jamestown 1	20150929	19,000,000	1,140	813	Failed
2016	15-015	Strasburg 15	20151006	3,900,000	286	155	

SchoolYear	StateIssuedID	EntityName	BEDate	BEAmount	BEYes	BENo	Column1
2017 09-007		Mapleton 7	20151007	7,200,000	160	157	Failed
2017 12-001		Divide County 1	20160209	9,900,000	287	183	
2017 53-008		New 8	20160209	38,915,000	153	259	Failed
2017 45-009		South Heart 9	201603/22	11,000,000	173	79	
2017 21-001		Mott-Regent 1	20160614	9,696,000	390	249	
2017 23-003		Edgeley 3	20160614	3,900,000	218	93	
2017 45-034		Richardton-Taylor 34	20160628	12,000,000	295	187	
2017 09-017		Central Cass 17	20161004	18,000,000	849	520	

17.0799.03003
Title.

Prepared by the Legislative Council staff for
Representative Skroch
February 9, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1435

Page 1, line 22, replace "matter to be placed before" with "question submitted to"

Page 1, line 22, after "issue" insert "and the question fails"

Page 1, line 23, replace "must" with "subsequently may"

Page 1, line 23, after "placed" insert "only"

Page 1, line 23, remove "general election"

Page 1, line 23, after "ballot" insert "at a statewide general election"

Renumber accordingly

**Testimony on HB 1435
Presented to the House Political Subdivisions Committee
By Mark Lemer, Business Manager, West Fargo Schools
February 9, 2017**

1 Chairman Klemin and members of the House Political Subdivisions Committee, I offer this
2 testimony in opposition to the provisions of HB 1435 that require school bond elections to be
3 held only during the general election every two years.

4 The West Fargo School District has seen continuous, ongoing growth in enrollment. We
5 have seen an average of over 500 students per year over the past 5 years. This has required us
6 to go from having a single middle school and a single high school to having 2 middle schools and
7 2 high schools. We have also had to add a number of elementary schools and have changed our
8 delivery model to move our kindergarten students from 2 centers into all of our elementary
9 schools.

10 Our history includes 2 failed bond referendum attempts in 2009 and 2010. These
11 represented the difficulty that our community was experiencing regarding the splitting of our
12 high school. There was not an easy solution and the requirement to achieve a 60% supermajority
13 vote made it even more challenging.

14 The school district hired Dr. David Flowers as the superintendent on July 1, 2010. He
15 immediately went to work to gain a level of understanding of the issues that existed in the
16 district. After much discussion with our School Board, it was determined that the district should
17 secure the services of an outside demographer to study our enrollment trends. We then engaged
18 the community in a long-range facilities planning process. The work of the community included
19 seven meetings over several months, beginning in October, 2010 and ending in February, 2011.
20 Their work culminated in a plan that was approved by the School Board in March, 2011.

21 Including the meetings with the community group, presentations to every faculty, and
22 numerous other community forums during and after the School Board's approval of the plan, Dr.
23 Flowers engaged stakeholders in over 80 meetings to lay the groundwork for the upcoming bond
24 vote that was scheduled for May 24, 2011.

25 Due to the impending need for elementary space, the School Board also commissioned
26 plans and specifications for an elementary school that could be bid if we received approval from
27 the public. Our enrollment projections showed the need for elementary space beginning in the
28 fall of 2012, and without a construction start in the spring of 2011, that would not be possible.

1 Ultimately, the bond referendum passed. There were 7,420 votes cast, of which 5,194
2 (or 70%) were in favor. The district immediately solicited bids for the construction of Freedom
3 Elementary School, which was completed in the Fall of 2012. The building was designed for 550
4 students and opened with 573.

5 HB 1435 places limitations on a school district's ability to conduct bond elections by
6 restricting them only to the general election. In the example that I just shared, this would have
7 been very problematic. The school district would have been faced with making the decision to
8 either conduct an election in November, 2010 without engaging the public in a thoughtful
9 planning process or delaying the vote until November, 2012.

10 We firmly believe that a November, 2010 election would have had no chance of success.
11 The ballot measure would need to be submitted 64 days in advance of the election, which was
12 August 30, 2010. There would have been no time to create a process that captured the needs
13 and wishes of the residents of the district, and then develop a process to inform the voters of
14 those results.

15 If we had been forced to wait until November, 2012, the construction of Freedom
16 Elementary would not have commenced until the spring of 2013, with completion in the fall of
17 2014. That is 2 full school years after it was actually needed to be completed. In that two years'
18 time, our enrollment grew by 1,018 students. Considering the fact that Freedom opened over its
19 capacity in 2012, you might be able to imagine the chaos that would have occurred in our school
20 district if we had to wait another 2 full years for that project to be completed.

21 The right to vote is a privilege of living in a democratic society. Our school district works
22 diligently to engage & inform our public regarding our facility needs. To that end, we continue
23 to have good turnout at our school bond elections. The flexibility in timing those elections is
24 essential for our ongoing ability to meet the challenges of increasing enrollment.

25 We ask for your consideration of making a Do Not Pass recommendation from the
26 committee.

27 I would answer any questions that you have at this time, or you can certainly contact me
28 later by email at lemer@west-fargo.k12.nd.us or by telephone at 701-499-1004.

HB 1435

2-9-17

#5

02/09/2017

Tamara Uselman, Superintendent, Bismarck Public Schools

HB 1435

I speak in opposition to HB 1435.

I offer testimony in opposition to HB 1435, specifically to language that states:

"If the matter to be placed before the electors involves a school bond issue, the question must be placed on the general election ballot."

Points to consider follow:

1. Public school board members are elected by the citizens of the school district. North Dakota public school boards know best the needs of their school district. It the responsibility of the ND school boards to determine the appropriate time for a school bond issue, given that a bond is a school district concern and not a statewide concern;
2. The citizens of a school district elect their school board members. If citizens are dissatisfied with their board's governance, they may choose to elect new representatives to the school board;
3. Student demographics do not follow general election timelines. The district may need to respond to growth quickly. HB 1435 makes a Board less nimble;
4. Storms, fires, and other casualties do not follow general election timelines. The district may need to respond to events quickly outside the election cycle. HB 1435 makes a Board less nimble;
5. It currently takes 60 percent plus one vote for a school bond issue to pass, a hurdle more difficult than being elected to this body or to the school board itself. The need to add additional limits is suspect;
6. In the case of BPS, our 2012 special election was intentionally well publicized. We made it easy for people to vote in person or via absentee. The turnout was exceptional.

17.0799.03004
Title.

Prepared by the Legislative Council staff for
Representative Skroch
February 13, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1435

Page 1, line 22, remove "If the matter to be placed before the electors involves a school bond issue, the"

Page 1, replace line 23 with "A school board may call a special election for a school bond issue no more than two times in an odd-numbered year, and a school bond issue placed on the ballot in an even-numbered year must be placed on the ballot at a statewide primary or general election."

Renumber accordingly

HB 1435
3-14-17
1 p. 1

Testimony for House bill 1435- Representative Kathy Skroch

Senate Committee on Education

65th Legislative Session

Good morning Chairman Schaible, Vice Chair David R. Rust and members of the Committee on Education.

Thank you for allowing me to speak before you today to introduce House Bill 1435. For the record, I am Representative Kathy Skroch from District 26.

The bill before you today would require that school bond issues be placed on the June Primary and the General Election ballots on even numbered years and limited to two elections on odd numbered years. Why is this a good idea?

Requiring school bond issues to be placed on the general election ballot will allow for a voter turnout in which the largest electorate is represented.

Placing school bond issues on the general election ballot is more efficient. People are already heading to the polling place to vote.

In researching one school bond project, the district spent "\$80,000 to \$85,000" in preparing, promoting and finally voting on their \$30,000,000-million-dollar school bond project. This district had a successful bond election. There are similar costs to many bond issues that fail and are subject to repeated election attempts at increased costs to the school district.

(see document 1) Record of School District Bond Elections

I want to draw your attention to the many school bond issues as to the number that have failed. This is a sixteen (16) year report from the Department of Public Instruction. You can see there is a wide range of

HB 1435
3-14-17
#1 p 2

project costs and that there are projects that have failed to pass in multiple attempted election. What you cannot see are the many elections that were not reported. I say that because the gentleman who provided this data said that it was not a complete representation of data. There is a form that each school district is recommended to return to the North Dakota Department of Public Instruction after a school bond election. He further stated that many times when the vote has failed it goes unreported. It is not uncommon for a school bond issue to come to a vote multiple times in one to two years.

(see document 2) Fargo General Election results

On November 8, 2016, state wide there were 349,945 voters of the possible 570,955 electors or 61.29% of eligible voters. Using these Fargo election results there were 49,772 votes cast in this example.

(see document 3) Total Voting Age Population (VAP) for the City of Fargo

This document indicates the calculated total potential of **89,892 people of Voting Age Population** in the city if Fargo.

(see document 4 A) Fargo School District VAP

(see document 4B) Breakdown of Fargo School District VAP

This document indicates the totals of eligible voters in the Fargo School District based on 2016 General Election results from each of the precincts located within the school district. There were 44,716 votes cast by the VAP of the Fargo School District.

(see maps doc. 5) Fargo precincts and (doc.6) Fargo Public Schools

These were the maps used in calculating Fargo Public Schools voter population based on district boundaries and the 2016 General Election.

3-14-17

HB 1435

1 p. 3

(see document 7) Fargo Public Schools mill levy election

Fargo Public Schools held an election on March 7, 2017, for the purpose of establishing a special school funding mill levy. The document shows the results of that election. Of a potential voter turnout of 44,716 persons from the district's Voting Age Population, **8,598** total voters decided the question. That is a 19% voter response.

(see document 8) Bismarck ND Population

The population of Bismarck North Dakota on 2013 is 67,034 people. If we use the similar method of calculating the total Voting Age Population we can estimate that there are approximately **50,275** potential voters in the city of Bismarck. The Bismarck School Districts held a school bond election on March 7, 2017. The total votes cast were **8,295**. The vote resulted in an 85.09% yes vote and the bond issue was successful.

(see document 9) Bismarck Schools, ND election results, March 7, 2017

The voter turnout for the Bismarck school bond election was 16% of the potential VAP. which committing millions of property tax dollars.

The evidence is clear. The Primary Election and General Election historically generate the largest voter turnout. Many of these projects commit several millions of tax payer dollars. Tax payers are frequently committed to paying increased property taxes over 5, 10, or more years. The Primary and General elections are the best opportunities for the people to have their voices heard.

Many people would rather not vote no on school projects. They especially do not want to vote no over and over. Repeated school bond votes wear the electorate down. Eventually they just stay home.

HB 1435
3-14-17
#124

In a public message, shared after a repeated and failed bond issues, a patron wrote, "What part of NO does this (school) board not understand?" If a school bond issue is a good idea, it is up to the local school board and administrators to present the best plan, at the best price, and at the best opportunity for the tax payers of a school district to vote their wishes. House Bill 1435 is needed legislation that will help protect property rights by providing for the best opportunity for a voter response. I believe the changes proposed in HB 1435 will ensure that process.

Chairman Schaible and members of the Committee on Education I ask for your DO PASS vote on HB 1435.

Thank you,

Representative Kathy Skroch

HB 1435
3-14-17
#1 p.5

Record of School District Bond Elections

SFN 9150

SchoolYear	StateIssuedID	EntityName	BEDate	BEAmount	BEYes	BENo	Column1
2001	39-044	Richland 44	19990712	2,300,000	469	131	
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2015	51-070	South Prairie 70	20130312	12,000,000	281	68	
2015	28-051	Garrison 51	20130810	5,000,000	250	247	Failed
2014	09-097	Northern Cass 97	20130904	2,500,000	338	74	
2015	05-017	Westhope 17	20130912	4,500,000	158	71	
2014	39-044	Richland 44	20131106	5,900,000	267	66	
2015	27-002	Alexander 2	20140710	17,100,000	72	11	
2015	08-033	Menoken 33	20140804	1,095,000	88	26	
2015	51-001	Minot 1	20140804	39,500,000	3,978	1,962	
2015	51-161	Lewis and Clark 161	20140804	15,000,000	524	238	
2015	53-001	Williston 1	20141006	34,000,000	2,838	919	
2015	27-001	McKenzie Co 1	20141103	27,000,000	748	83	
2016	45-001	Dickinson 1	20141107	65,000,000	1,716	620	
2015	05-001	Bottineau 1	20141208	12,960,000	374	270	Failed
2015	53-099	Grenora 99	20141507	9,950,000	182	99	
2015	53-015	Tioga 15	20141601	9,925,186	219	81	
2015	51-004	Nedrose 4	20142002	18,000,000	398	201	
2015	21-001	Mott-Regent 1	20142005	14,500,000	289	537	Failed
2015	50-020	Minto 20	20142309	5,800,000	253	139	
2015	23-007	Kulm 7	20142503	5,500,000	353	81	
2015	23-003	Edgeley 3	20143009	4,350,000	213	408	Failed
2016	28-051	Garrison 51	20150205	5,900,000	308	515	Failed
2016	28-050	Max 50	20150220	7,975,000	146	272	Failed
2016	53-008	New 8	20150609	48,498,240	57	200	Failed
2016	47-001	Jamestown 1	20150929	19,000,000	1,140	813	Failed
2016	15-015	Strasburg 15	20151006	3,900,000	286	155	

HB 1435
3-14-17

1 p. 6

SchoolYear	StateIssuedID	EntityName	BEDate	BEAmount	BEYes	BENo	Column1
2017	09-007	Mapleton 7	20151007	7,200,000	160	157	Failed
2017	12-001	Divide County 1	20160209	9,900,000	287	183	
2017	53-008	New 8	20160209	38,915,000	153	259	Failed
2017	45-009	South Heart 9	201603/22	11,000,000	173	79	
2017	21-001	Mott-Regent 1	20160614	9,696,000	390	249	
2017	23-003	Edgeley 3	20160614	3,900,000	218	93	
2017	45-034	Richardton-Taylor 34	20160628	12,000,000	295	187	
2017	09-017	Central Cass 17	20161004	18,000,000	849	520	

HB 1435

3-14-17

#1p.9



North Dakota Voting Information & Central Election Systems

North Dakota Election Officials, County Auditors and Secretary of State

Official Results General Election - November 8, 2016

Last Updated: 11/18/2016 10:32:46 AM Auto Update: 4:43

Precincts Reporting 432 100.00% 432

Ballots Cast 349,945 61.29% 570,955 Eligible Voters

ND Elections Home

Results Home

My Tracked Contests

CONTESTS

- Statewide
Legislative
Judicial
County
Soil Conservation
City

Export Results to Excel

Sort By Candidate

Sort By Votes

Fargo Election Results

Proposal to Extend Existing Sales, Use, and Gross Receipts Tax - Fargo - Vote For

1 Follow This Contest

Precincts Reporting: 22/22

County Results

Table with 4 columns: Accepted, Yes, No, Total Votes, Votes, Percent. Data: Yes 32,869 (66.04%), No 16,903 (33.96%), Total Votes 49,772.

MEASURES

- Statewide
County
City

BY DISTRICT

- Statewide
Legislative
Judicial
County

MAPS

- State House
State Senate
Precincts Reporting

RESOURCES

- Election Terminology
Voter Turnout
Possible Recounts
Media
County Websites
Archived Elections
Search By Contest
Search By Candidate

HB 1435 3
3-14-17
#1 p. 8

Skroch, Kathy

From: Silrum, Jim
Sent: Monday, March 13, 2017 6:17 PM
To: Skroch, Kathy
Cc: Boehning, Randy G.
Subject: Population Information

Rep. Skroch,

According to the information found through the links at <http://www.commerce.nd.gov/census/Population/>, in 2015, Fargo had a total population estimate of 118,523 and Cass County had a total population of 171,512.

To determine voter turnout, the number of people living in Cass County that of voting age is 130,081.

From these numbers you can determine an educated guess as to the number of Fargo residents that are of voting age.

Sincerely,

Jim Silrum
Deputy Secretary of State
600 E Blvd Ave Dept 108
Bismarck ND 58505-0500
701-328-3660 – Desk
sos.nd.gov

$$\frac{130,081}{171,512} \approx 75.8\%$$

$$118,523 \times 75.8\% \approx 89,892 \text{ Fargo VAP}$$

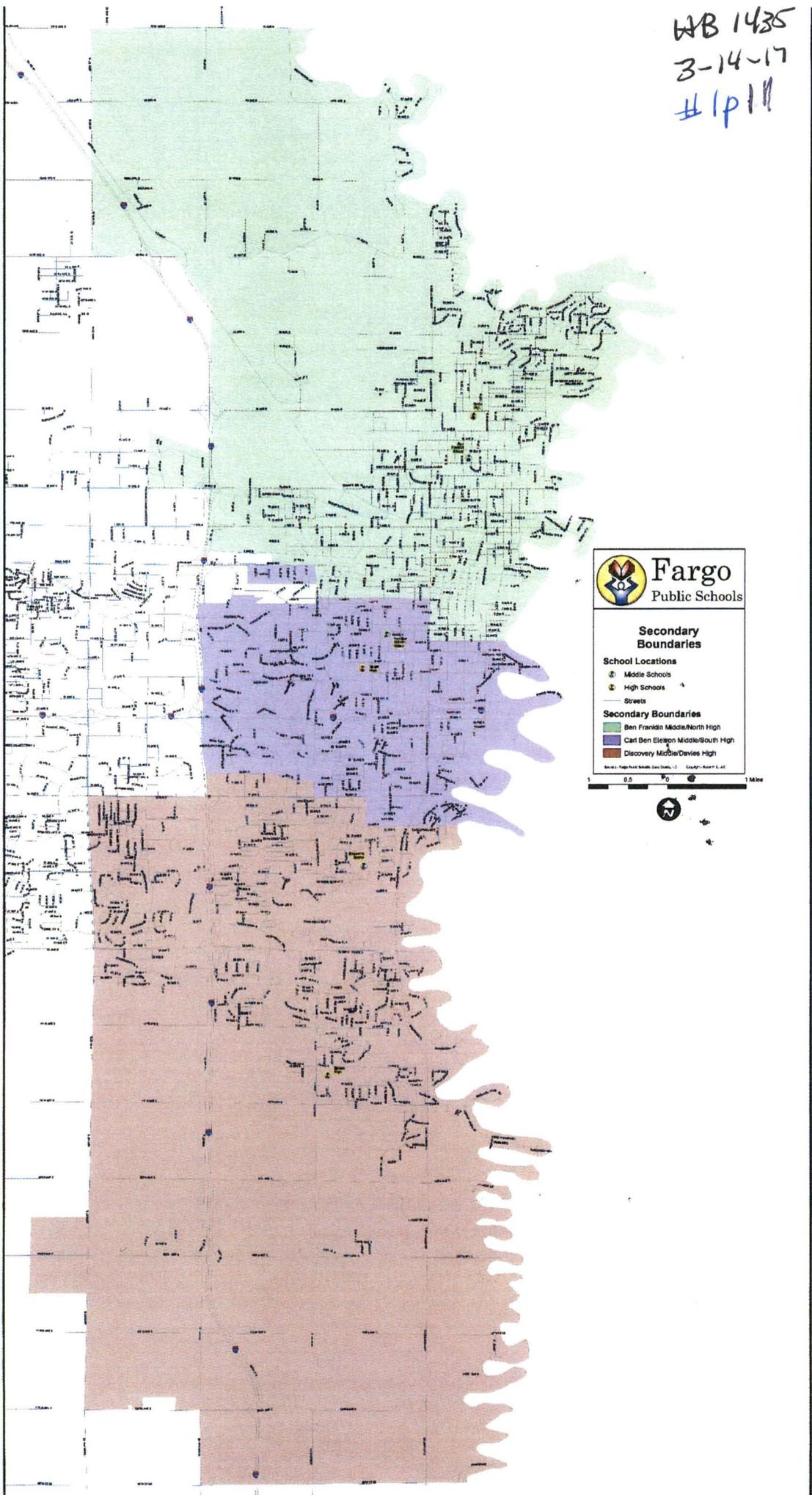


Official Results 2016 General Election November 8, 2016		Candidates																																																																																																	
TOTALS		101 Olivet Lutheran	1102 Baymont Inn	1301 Westside Elem School	1302 West Fargo City Hall	3003 Cambria Suites	1801 Meadowridge Chapel	1802 Lutheran Christ Cross	1803 Schells Arena	1604 Journey in Faith	2001 Northern Cass School	1101 Robert D. Johnson Cir	1102 Fargo Public Library	2001 Page Senior Center	2002 Arthur Comm. Hall	2003 Buffalo Comm. Center	2204 Day's Inn Casation	2205 Mapleton Comm. Cir	2206 Trumpa West	2207 Davenport Comm. Cntr	2208 Horizon Senior Center	2401 Tower City Comm. Cir	2402 NUTech Offices	2501 Hickson Comm. Center	2502 Knavead City Hall	2701 West Acres Shop Cntr	2702 Living Waters Church	2703 Calvary Methodist	1101 Bethel Evangelical	1102 First Assembly God	1401 El Zagal Shrine	1402 Knisbrook Covenant	1501 FairDome	1602 Rees Acres Comm	1603 Harwood Comm. Center	1603 Argonne Comm. Cir	1601 The Boxer	1602 Albrecht Lutheran	1603 Riverview Place																																																												
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HB 1435 4B
3-14-17 1p.10

2016 General Election	
Fargo School District Precincts	
Precinct	Ballots Cast
11-01	3,535
11-02	3,697
21-01	3,332
21-02	2,892
27-02	3,452
41-01	4,315
41-02	3,389
44-01	4,353
44-02	3,379
45-01	4,261
46-01	2,334
46-02	3,536
46-03	2,241
TOTAL	44,716

WB 1435
3-14-17
#1P11

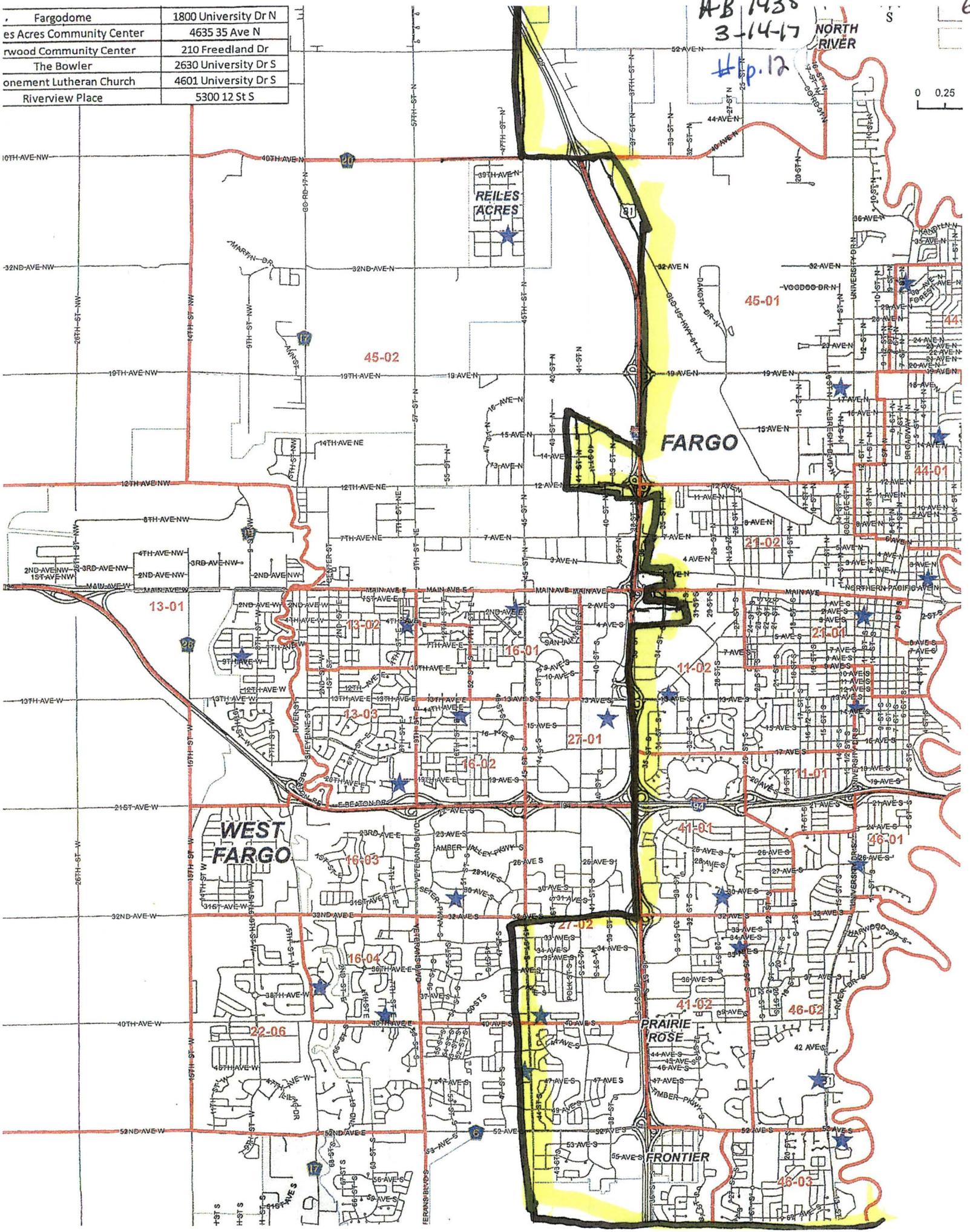


Fargodome	1800 University Dr N
es Acres Community Center	4635 35 Ave N
Wood Community Center	210 Freedland Dr
The Bowler	2630 University Dr S
onement Lutheran Church	4601 University Dr S
Riverview Place	5300 12 St S

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 3-14-17
 #p.12

6

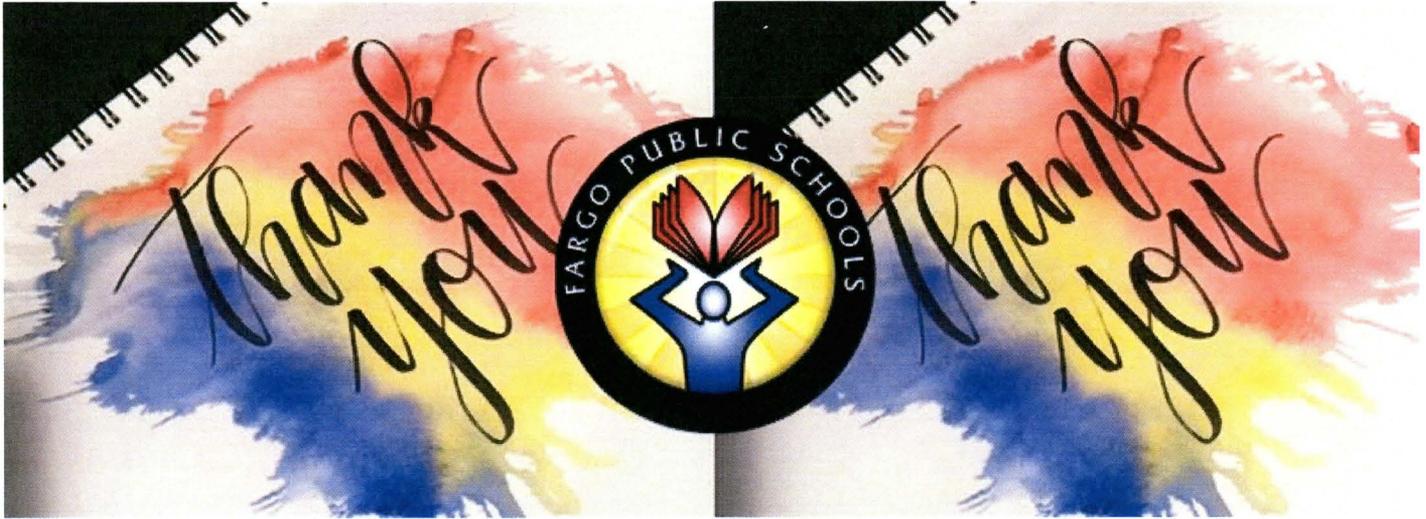
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3-14-17
#lp.13

FARGO PUBLIC SCHOOLS

Educating & Empowering All Students to Succeed



The results of the Fargo Public Schools specified mill levy election held on Tuesday, March 7 are as follows:

Yes: 6,324
No: 2,274

With 73% of the vote, the ballot measure passes and grants Fargo Public Schools the authority to maintain its current standard of effort at 127.00 mills for ten years.

“Fargo Public Schools is pleased to receive the support of our community. We want to thank the community for their support of our students, teachers and staff members,” says Dr. Jeff Schatz, superintendent of the Fargo Public Schools. “Fargo Public Schools will continue to work to fulfill our mission of *educating and empowering all students to succeed.*”

The results of the March 7, 2017 vote will be canvassed by the Board of Education of the City of Fargo in a special meeting on Monday, March 13 at 7:30 a.m. in the District Office Board Room.



VOTE 2017



population of bismarck nd



Sign in

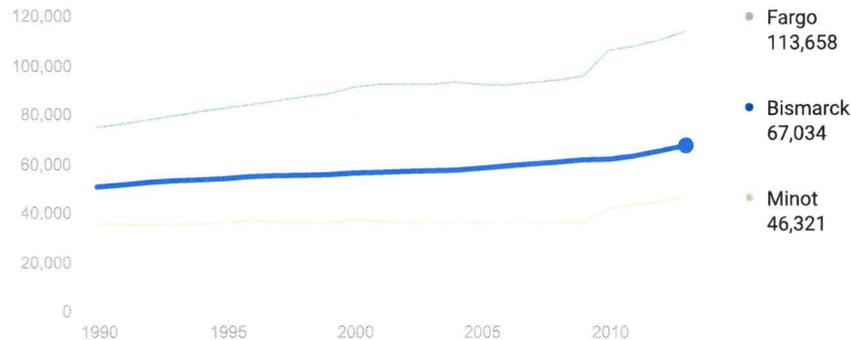
All Maps News Images Shopping More Settings Tools

About 269,000 results (0.69 seconds)

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#1 p. 14

Bismarck / Population

67,034 (2013)



Explore more

Sources include: United States Census Bureau

Feedback

People also ask

Why is the capital of North Dakota Bismarck?

Is Pierre the capital of South Dakota?

Where is Bismarck North Dakota?

What is the zip code for Bismarck ND?

Feedback

Bismarck, North Dakota - Wikipedia

https://en.wikipedia.org/wiki/Bismarck,_North_Dakota

Jump to **Demographics** - It is the second-most populous city in North Dakota after Fargo. The city's population was 61,272 at the 2010 census, while its metropolitan population was 129,517. In 2015,



Bismarck

City in North Dakota

Bismarck is the capital of the U.S. state of North Dakota and the county seat of Burleigh County. It is the second-most populous city in North Dakota after Fargo. [Wikipedia](#)

Population elsewhere

North Dakota	723,857 (2013)	
Mandan	19,887 (2013)	
Grand Forks	54,932 (2013)	

Sources include: United States Census Bureau

Feedback

VOTING RESULTS : March 7 2017

Voting Site	Total Voters	YES Total	NO Total	% Yes
ROOSEVELT	224	167	57	75%
BECEP	180	155	25	86%
MYHRE	199	157	42	79%
HIGHLAND ACRES	242	209	33	86%
PRAIRIE ROSE	170	148	22	87%
SUNRISE	356	312	44	88%
LEGACY HIGH	331	285	46	86%
GRIMSRUD	260	236	24	91%
SIMLE	374	318	56	85%
PIONEER	213	170	43	80%
WACHTER	324	273	51	84%
WILL MOORE	320	264	56	83%
BISMARCK HIGH	325	295	30	91%
NORTHRIDGE	484	405	79	84%
SOUTHCENTRAL HIGH	113	88	25	78%
SOLHEIM	463	395	68	85%
HORIZON	495	431	64	87%
LIBERTY	402	352	50	88%
MILLER	330	265	65	80%
LINCOLN	372	342	30	92%
MOSES* (Absentees were processed at Moses)	836	736	100	88%
CENTENNIAL	496	413	83	83%
CENTURY HIGH	427	363	64	85%
MURPHY	359	279	80	78%
TOTALS	8295	7058	1237	85.09%

**Total % YES
85.09%**

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3-14-17
#1p15

Testimony on HB 1435
Presented to the Senate Education Committee
By Dr. David Flowers, Superintendent, West Fargo Schools
March 14, 2017

HB1435
3-14-17
#2p.1

1 Chairman Schaible and members of the Senate Education Committee, I offer this
2 testimony in opposition to the provisions of HB 1435 that place restrictions on school district
3 bond elections.

4 The West Fargo School District has seen continuous, ongoing growth in enrollment. We
5 have seen an average of over 500 students per year over the past 5 years. This has required us
6 to go from having a single middle school and a single high school to having 2 middle schools and
7 2 high schools. We have also had to add a number of elementary schools and have changed our
8 delivery model to move our kindergarten students from 2 centers into all of our elementary
9 schools.

10 Our history includes 2 failed bond referendum attempts in 2009 and 2010. These
11 represented the difficulty that our community was experiencing regarding the splitting of our
12 high school. There was not an easy solution and the requirement to achieve a 60% supermajority
13 vote made it even more challenging.

14 After the 2 failed bond elections, we have had 2 successful ones. On May 24, 2011, we
15 passed an \$82,500,000 bond referendum by a 70.00% majority and on November 17, 2015, we
16 passed a \$98,100,000 bond referendum by a 79.64% majority.

17 HB 1435 places limitations on a school district's ability to conduct bond elections,
18 especially during the even-numbered years. We are on the verge of needing to conduct another
19 bond election. Our original assumption was that we would conduct the election in early 2018.
20 Assuming a positive outcome, we would be able to develop plans and specifications, solicit bids,
21 award contracts and begin construction in May, 2018. Under the provisions of this bill, we would
22 either need to conduct the election already this fall or wait until June, 2018. Waiting until June
23 foregoes the ability to take advantage of that construction season. The process of community
24 engagement that we use takes many months. It ensures that members of the community can
25 participate in the decisions about what our future looks like through our long-range facility
26 planning taskforce. It also allows for the dissemination of the results of their work to the
27 community through public meetings and publications. This is not something that should be
28 rushed due to an artificial deadline like the one included in this bill.

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H 2 p. 2

1 One of the key reasons that is used to support this bill is that it reduces the cost of the
2 election. In the case of our most recent bond votes, the election costs were \$9,201.69 and
3 \$15,328.81. While these are not inconsequential, they pale in comparison to other costs
4 associated with construction. For example, the cost of issuing our bonds will exceed \$1,000,000.
5 If the legislature is interested in cost savings, figuring out ways to reduce those costs would have
6 a much more substantial impact on property taxes than the cost of the election itself.

7 In order to provide flexibility to school districts, but to also encourage school districts to
8 take advantage of the "typical" election cycle, we would propose an amendment to the bill to
9 replace subsection 2, page 1, lines 22-23 and page 2, lines 1-2 as follows:

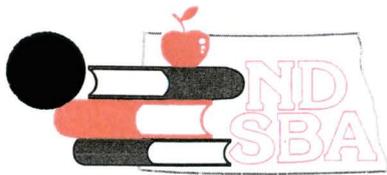
10 2. A school bond issue may not be placed on the ballot more than two times per year.
11 If a school bond issue is placed on the ballot a second time in a year, one of the
12 elections must be conducted on either the second Tuesday in June or the first
13 Tuesday after the first Monday in November.

14 By making this amendment, school districts would have the flexibility to pick an election
15 date that works for their community and specific needs. However, it also requires the use of the
16 dates that coincide with the Primary or General election if more than one election will be held in
17 a 12-month period.

18 The right to vote is a privilege of living in a democratic society. Our school district works
19 diligently to engage & inform our public regarding our facility needs. To that end, we continue
20 to have good turnout at our school bond elections. The flexibility in timing those elections is
21 essential for our ongoing ability to meet the challenges of increasing enrollment.

22 We ask for your consideration of making a Do Not Pass recommendation from the
23 committee, or at the very least, we ask for consideration of the proposed amendment to allow
24 greater flexibility for school districts.

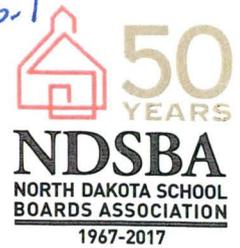
25 I would answer any questions that you have at this time, or you can certainly contact me
26 later by email at flowers@west-fargo.k12.nd.us or by telephone at 701-356-2000.



Excellence in North Dakota public education through local school board governance

NORTH DAKOTA
SCHOOL BOARDS
ASSOCIATION
I N C O R P O R A T E D

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3-14-17
#3 p.1



ENGROSSED HB 1435 – TESTIMONY

L. Anita Thomas, J.D., LL.M.
General Counsel
North Dakota School Boards Association
March 14, 2017

Engrossed House Bill No. 1435 provides that if the board of a school district wants to hold a bond election in an odd numbered year, it can only hold two of those elections during that year. That concept is already in the law. NDCC section 16.1-01-11 states:

1. Whenever at any election a bond issue or mill levy question has failed to receive the required number of votes for approval by the electors, the matter may not again be submitted to a vote until a period of at least three months has expired.

2. More than two elections on the same general matter may not be held within twelve consecutive calendar months

That appears in the state's general election law. So, there would be no need to reiterate that here.

Engrossed House Bill No. 1435 then goes on to provide that if the board of a school district wants to hold a bond election in an even numbered year, it must do so at the time of the primary or the general election.

Right now, the board of any school district can decide to hold a bond election in conjunction with a primary or a general election. Nothing precludes them from doing that. However, the law recognizes that there might be circumstances under which another date is deemed preferable and so section 15.1-09-23 provides that in "addition to the annual election, a special election may be held at any time and for any lawful purpose, if approved by the school board." That section is not addressed in this bill.

If the local patrons disagree with the decision-making of their school board, be that the selected date of an election or even the reason for the election, the patrons have the ability to work for the defeat of a measure, to unseat incumbent board members, or even to recall board members.

Voters go to the polls when they have an issue about which they feel strongly. They can go to the polls on the day of an election or if that is not convenient, they can vote absentee. If voters are not inclined to participate in a special election, that is truly their choice. We see no need to reconfigure the parameters for voting in order to accommodate individuals for whom voting is not a priority.

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This bill appears to be addressing an issue that can easily be accommodated at the local level if that is the desire of the patrons. At this point, however, there appears to be no justification for the state to limit when local elections can take place.

The NDSBA therefore respectfully requests a **DO NOT PASS** on Engrossed House Bill 1435.

#3 p. 2



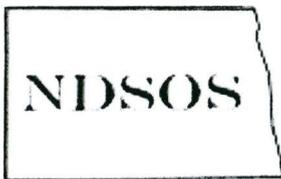
House Bill 1435
Testimony in Opposition
North Dakota Council of Educational Leaders, Russ Ziegler

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#4 p.1

Good Morning Chairman Schaible, Vice Chairman Rust, and members of the Senate Education Committee. For the record, I am Russ Ziegler, the assistant director for the North Dakota Council of Educational Leaders. Thank you for the opportunity to testify in opposition of HB 1435.

NDCEL feels that House Bill 1435 puts too strict of limits on school bond votes. At the present time School Boards do a good job of running school board business. Rather than a state law, local citizens can ask their Boards if they wish to adopt a policy that elections will follow only general election timelines. We feel that this is a local decision. This way local residents can weigh in on policy adoption, and the Boards can be left to do their board work.

As you will hear Dr. David Flowers will address this in more detail and will be able to answer the questions that you may have. That concludes my testimony and will try to answer any questions that you may have.



North Dakota Small Organized Schools

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#5p.1

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March 11, 2017,

Senator Schaible and members Senate Education Committee Members,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools (NDSOS), representing 141 North Dakota Public School Districts. We request consideration for a "Do Not Pass" on HB 1435 – school bond issue elections.

We believe current laws do meet the needs of local school districts. This is reaffirmed with the recent trends in both construction costs and interest rates. Delaying this vote could cost districts additional funds and this is a concern.

Thank you for your time and please feel free to contact me with any questions.

Respectfully,

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Mr. Tom Retting, Supt. Enderlin

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1435

Page 1, line 1, after "A BILL" replace the remainder of the bill with " for an Act to amend and reenact section 16.1-01-11 of the North Dakota Century Code, relating to school bond issue elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-11. Certain questions not to be voted upon for threefive months.

1. Whenever at any election a bond issue or mill levy question has failed to receive the required number of votes for approval by the electors, the matter may not again be submitted to a vote until a period of at least threefive months or one hundred fifty days has expired.
2. a. More than two elections on the same general matter may not be held within twelve consecutive calendar months.
b. If the matter to be placed before the electors for a third or subsequent time involves authorization for a school construction bond issuance in accordance with chapter 21-03, the board of the school district shall resubmit its school construction proposal to the superintendent of public instruction for the purpose of obtaining the superintendent's approval, in the same manner as required for an initial approval in accordance with section 15.1-36-01."

Renumber accordingly