

Introduced by

1           **VERSION I - COUNTY SUPERINTENDENT OF SCHOOLS OR EQUIVALENT**  
2                           **EMPLOYEES (Chapters 15-21 through 15-27.7)**

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

4           **SECTION 1. AMENDMENT.** Section 15-21-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **15-21-01. Superintendent of public instruction ~~Qualifications~~ ~~Term of office.~~**

7 ~~There must be elected by the~~ The qualified electors of the state, at the time of choosing  
8 ~~members of the legislative assembly, shall elect~~ a superintendent of public instruction ~~who must~~  
9 ~~have attained the age of~~ at the appropriate general election. The superintendent must be at  
10 least twenty-five years of age on the day of the election, who must have the qualifications of an  
11 elector for that office, and ~~who must be the holder of a~~ hold a valid North Dakota teacher's  
12 certificate ~~of the highest grade issued in this state. He shall have his office at the seat of~~  
13 ~~government, and his term of office is four years~~ on the day of the election and at all times  
14 during the superintendent's term of office.

**NOTE:** This section reiterates the requirements found in Article V of the Constitution of North Dakota. As directed by the committee, the language regarding the superintendent has been modernized. The section does not repeat the constitutional provisions regarding the location and term of the office.

15           **SECTION 2. AMENDMENT.** Section 15-21-01.1 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17           **15-21-01.1. ~~Establish office of department~~ **Department of public instruction.**** The  
18 ~~office of the superintendent of public instruction, a nonprofit education agency, must be known~~  
19 ~~as the department of public instruction. The~~ is the chief administrative officer ~~is the~~  
20 ~~superintendent of public instruction as provided by section 13 of article V of the Constitution of~~  
21 ~~North Dakota~~ of the department of public instruction.

**NOTE:** The committee determined that there was no purpose in referring to the office of the superintendent of public instruction as a "nonprofit education agency" otherwise "known as the department of public instruction". The committee's goal was to make clear that the superintendent of public instruction is the chief administrative officer of the department. The reference to Section 13 of Article V of the Constitution of North Dakota was removed because that section was repealed in June 1996.

1           **SECTION 3. AMENDMENT.** Section 15-21-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **15-21-03. Appointment of deputy - Assistant ~~Clerks~~.** The superintendent of public  
4 instruction may appoint a deputy ~~for whose official acts he is responsible,~~ superintendent and  
5 an assistant ~~whose duty it is to assist the superintendent of public instruction in visiting schools~~  
6 ~~and institutes, to attend school officers' meetings, and to perform such other duties as may be~~  
7 ~~required of him.~~ The superintendent ~~also may employ such clerks as are necessary in carrying~~  
8 ~~on~~ also hire personnel or contract with other persons to perform the work of the department.

**NOTE:** The committee considered it inappropriate to include specific job descriptions in statute and directed that they be eliminated, together with the outdated references to "clerks". The committee was also concerned about the technical differences between employing, hiring, and contracting with persons.

9           **SECTION 4. AMENDMENT.** Section 15-21-04 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **15-21-04. ~~Supervision of schools - Member of board of university and school~~**  
12 **~~lands~~ Superintendent of public instruction - Duties.** The superintendent of public  
13 instruction ~~has the general supervision of the common and secondary schools of the state and~~  
14 ~~is ex officio a member of the board of university and school lands~~ shall:

- 15           1. Supervise the provision of elementary and secondary education to the students of  
16           this state.
- 17           2. Supervise the establishment and maintenance of schools and provide advice and  
18           guidance regarding the welfare of the schools.
- 19           3. Supervise the development of course content standards.
- 20           4. Supervise the assessment of students.
- 21           5. Serve as an ex officio member of the board of university and school lands.
- 22           6. Determine, as appropriate, the outcome of appeals regarding education matters.

**NOTE:** The committee determined that the duties of the superintendent should be consolidated and that references should be updated. The committee specifically asked that the language reflect a responsibility for the education of all students (public and private).

1           **SECTION 5. AMENDMENT.** Section 15-21-05 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **15-21-05. Custodian Preservation of documents.** The superintendent of public  
4 instruction shall ~~preserve in his office all books, maps, charts, works on education, school~~  
5 ~~reports and school laws of other states and of cities, plans for school buildings, and other~~  
6 ~~articles of~~ provide for the preservation of all property that the superintendent acquires in an  
7 official capacity and which has educational interest and value ~~which may come into his~~  
8 ~~possession as such officer, and at~~ or which records official acts by the superintendent. At the  
9 ~~expiration of his~~ conclusion of the superintendent's term, ~~he~~ of office, the superintendent shall  
10 ~~deliver them, together with the reports, statements, records, and archives of his office, the~~  
11 property to his the superintendent's successor.

**NOTE:** The committee determined that the superintendent should provide for the preservation of items, rather than being required to actually preserve them himself.

12           **SECTION 6. AMENDMENT.** Section 15-21-07.1 of the 1997 Supplement to the North  
13 Dakota Century Code is amended and reenacted as follows:

14           **15-21-07.1. Agreements with federal agencies and school districts.** The  
15 superintendent of public instruction ~~in order to carry out the purposes of any federal statutes~~  
16 ~~pertaining to public education may enter into agreements~~ contract with any agency of the  
17 federal government ~~and with the school board of any school district in the state, may make~~  
18 ~~agreements with the federal government~~ for and on behalf of the ~~public~~ school districts of the  
19 state ~~and may adopt rules to ensure the proper and efficient operation of the agreements and to~~  
20 ~~obtain the full benefits of the federal statutes. Provided, however, that such contracts,~~  
21 ~~agreements, or arrangements shall in no way.~~ Any contract may not impair the rights, powers,  
22 duties, or authority of ~~local school districts and school boards in the management~~ to manage  
23 ~~and control of their local~~ schools.

**NOTE:** The committee determined that this section contained a non sequitur. It authorized the superintendent to enter contracts for and on behalf of the public school districts and then it provided that any contracts entered into by the superintendent may not impair the rights, powers, duties, or authority of local districts and boards. While ideally one concept or the other should be selected, the committee was not certain which direction should be taken. Therefore, this section, as drafted maintains the original concept. This rewording eliminates the reference to rulemaking because the superintendent otherwise has rulemaking authority.

24           **SECTION 7. AMENDMENT.** Section 15-21-13.1 of the 1997 Supplement to the North  
25 Dakota Century Code is amended and reenacted as follows:

1           **15-21-13.1. Uniform accounting and reporting system.** The superintendent of public  
2 instruction shall implement a uniform system for the accounting, budgeting, and reporting of  
3 ~~financial~~ data for all school districts in the state. The superintendent of public instruction shall  
4 ~~recommend accounting~~ designate the software programs to be used by school districts in their  
5 accounting, budgeting, and reporting functions.

**NOTE:** At the direction of the committee, this section was amended to include the  
concept of Section 15-21-13, which required the superintendent to furnish school  
districts with appropriate reporting forms.

6           **SECTION 8. AMENDMENT.** Section 15-21-14 of the 1997 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

8           **15-21-14. Biennial report - Contents.** The superintendent of public instruction shall  
9 submit a biennial report to the governor and the secretary of state in accordance with section  
10 54-06-04. The report must ~~show~~ include:

- 11           1. The number of school districts in the state ~~and the number of teachers employed,~~  
12           ~~and pupils taught therein, the attendance of pupils, and the studies pursued by~~  
13           ~~them.~~
- 14           2. The financial condition of ~~the various public schools, their~~ each school district,  
15           including its receipts and expenditures, ~~the value of schoolhouses and property,~~  
16           ~~the costs of tuition, and the salaries of teachers.~~
- 17           3. The ~~condition, educational and financial, as far as it can be ascertained, of the~~  
18           ~~private schools and academies of the state~~ value of all property owned or  
19           controlled by each school district.
- 20           4. ~~Such general matters, information, and recommendations relating to the~~  
21           ~~educational interests of the state deemed important~~ The cost of education in each  
22           school district.
- 23           5. The number of teachers employed by each school district and the teachers'  
24           salaries.
- 25           6. The number of students in average daily membership and average daily  
26           attendance in each school district, the grades in which they are enrolled and,  
27           where applicable, the courses in which they are enrolled.
- 28           7. Information regarding the educational and financial condition of the state's private  
29           schools.

**NOTE:** The committee directed that this section be modernized and clarified. The major change reflected in this draft is the removal of subsection 4, which states that "the report must show ... [s]uch general matters, information, and recommendations relating to the educational interests of the state deemed important." A statutory section that requires "general matter" is not particularly helpful. Neither is the addition of the phrase "deemed important", unless it is accompanied by parameters, including who is to do the deeming. The rewrite sets forth the information which must be included in the report. The list is not, however, exclusive.

1           **SECTION 9. AMENDMENT.** Section 15-21-15 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **15-21-15. ~~Report to be printed and distributed~~ Biennial report - Distribution.** ~~Such~~  
4 ~~number of copies of the report of the~~ The superintendent of public instruction ~~as may be~~  
5 ~~required by the superintendent must be printed biennially in the month of December preceding~~  
6 ~~the session of the legislative assembly. One copy must be furnished~~ shall distribute the  
7 biennial report to each member of the legislative assembly, ~~five copies to each state~~  
8 ~~educational institution, one copy to each county superintendent of schools, one to each state~~  
9 ~~officer, and one to the state superintendent of schools of~~ principal education official in each  
10 ~~state and territory. Twenty copies must be filed in the office of the~~ The superintendent of public  
11 ~~instruction, and shall provide ten copies in~~ of the report to the state library and five copies to  
12 each public institution of higher education in this state. Copies may be distributed among  
13 ~~colleges, universities, and libraries in the United States.~~

**NOTE:** As directed by the committee, this rewrite removes some of the verbiage already articulated in NDCC Section 54-06-04. It also removes references to printed copies, in recognition of other available communication tools (e-mail, Internet, diskettes, etc.).

The rewrite also removes the requirement that county superintendents be provided with copies, in large part because there is no mandate to share the report with school district superintendents. This does not preclude the superintendent from providing copies to any other person.

14           **SECTION 10.** A new chapter to title 15 of the North Dakota Century Code is created  
15 and enacted as follows:

16           **State board of public school education - Composition.**

17           1. The state board of public school education consists of the superintendent of public  
18 instruction and these members:

19           a. One individual representing Barnes, Cass, Grand Forks, Griggs, Nelson,  
20 Steele, and Traill counties.

- 1            b. One individual representing Benson, Bottineau, Cavalier, McHenry, Pembina,  
2            Pierce, Ramsey, Renville, Rolette, Towner, and Walsh counties.
- 3            c. One individual representing Dickey, Emmons, LaMoure, Logan, McIntosh,  
4            Ransom, Richland, and Sargent counties.
- 5            d. One individual representing Burleigh, Eddy, Foster, Kidder, McLean,  
6            Sheridan, Stutsman, and Wells counties.
- 7            e. One individual representing Burke, Divide, McKenzie, Mountrail, Ward, and  
8            Williams counties.
- 9            f. One individual representing Adams, Billings, Bowman, Dunn, Golden Valley,  
10           Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark counties.
- 11          2. An appointed board member must be a qualified elector and must reside in one of  
12          the counties that memeber represents.
- 13          3. A committee consisting of the president of the North Dakota education association,  
14          the president of the North Dakota council of educational leaders, and the president  
15          of the North Dakota school boards association shall select the board members  
16          from a list of three nominees offered by the governor for each open seat. Two of  
17          the state board members must also be members of the North Dakota school  
18          boards association. Appointees serve for six-year terms, staggered so that the  
19          terms of two members expire on June thirtieth of each even-numbered year. If a  
20          vacancy occurs, the governor shall appoint an individual to serve for the duration of  
21          the unexpired term.
- 22          4. Board members are entitled to receive compensation at the rate of fifty dollars per  
23          day and to reimbursement for expenses, as provided by law for state officers, from  
24          the biennial appropriation for the superintendent of public instruction for attending  
25          board meetings or performing duties directed by the board. No compensation may  
26          be paid under this section to any member who receives compensation or a salary  
27          as a state employee or official.
- 28          5. The superintendent of public instruction shall serve as the executive director and  
29          secretary of the board. The superintendent shall call meetings as necessary, carry  
30          out the policies of the board, and employ personnel necessary to perform the

1           board's duties. The board annually shall elect one member to serve as the  
2           chairman.

3           **Board of higher education and state board of public school education - Joint**  
4 **meetings.** The state board of higher education and the state board of public school education  
5 shall meet jointly at least once each year at the joint call of the commissioner of higher  
6 education, the superintendent of public instruction, and the director of vocational and technical  
7 education for the purposes of:

- 8           1. Coordinating elementary and secondary education programs, vocational and  
9           technical education programs, and higher education programs.
- 10          2. Cooperating in professional growth and development opportunities for elementary  
11          and secondary teachers and administrators.
- 12          3. Ensuring cooperation in any other jointly beneficial project or programs.

**NOTE:** As directed by the committee, a new section is created to pertain to the state board for public school education. The first part parallels Section 15-21-17 (which is to be repealed) and describes the membership of the state board of public school education and the process by which members are selected. As also directed by the committee, this new section recognizes that the state board is an entity that stands on its own and should not be combined with sections related to the superintendent of public instruction. It also recognizes the awkwardness in referring to the same board by two different names -- i.e., the state board for public school education and the state board for vocational and technical education -- especially when "both" boards are to participate in a meeting. Therefore, in this rewrite, reference is to one board. This section has eliminated the reference to the "members of the state board for vocational and technical education in their capacity as both the state board for vocational and technical education and the state board of public school education." The committee might want to consider this clarification in the vocational education sections as well.

13           **SECTION 11. AMENDMENT.** Section 15-21.1-03 of the 1997 Supplement to the North  
14 Dakota Century Code is amended and reenacted as follows:

15           **15-21.1-03. Grants—Design—Coordination** **Chemical abuse prevention programs**  
16 **- Implementation.**

- 17           1. The state superintendent or designated staff of public instruction shall adopt rules  
18           for school districts to implement a the implementation of chemical abuse  
19           prevention program programs in North Dakota schools. The rules may include the  
20           following shall require:
  - 21           4. a. Community involvement through a citizens' advisory committee already in  
22           place or appointed by the school board.

- 1       2-    ~~b.~~   b.   ~~Assessment of the current level~~ An assessment of services and resources  
2                    available ~~within a community~~ locally.
- 3       ~~3-~~   c.   ~~Assessment~~ An assessment of student and staff needs.
- 4       4-   d.   ~~Coordination~~ The coordination of activities with public and private agencies  
5                    ~~whenever possible~~ entities.
- 6       5-   e.   ~~Development~~ The development of an ~~appropriate~~ implementation plan for  
7                    ~~implementation based upon assessed needs~~.
- 8       6-   f.   ~~Evaluation of programs~~ An evaluation mechanism.
- 9       7-   g.   ~~The development of a budget to support implementation. Based upon the~~  
10                   ~~criteria developed by the department of public instruction and when the~~  
11                    ~~program.~~ program.
- 12       2.    ~~If funds have been~~ are appropriated or otherwise ~~made~~ become available ~~to~~  
13                    ~~implement the program~~, the superintendent shall request and review ~~proposals and~~  
14                    ~~grant school district applications for the funds to the school districts. The school~~  
15                    School districts may apply for funds independently or ~~form a consortium for a more~~  
16                    ~~cost effective program. The funding must be based upon the criteria and~~ jointly.  
17                    The superintendent shall award the funds according to the merit of each ~~program~~  
18                    ~~proposal application~~.
- 19       3.    ~~The department superintendent~~ shall develop a ~~comprehensive plan to address for~~  
20                    the coordination of services with ~~existing~~ other agencies. ~~These agencies may~~  
21                    ~~include, including~~ the department of human services, the state department of  
22                    health, the department of transportation, and law enforcement agencies. ~~The~~  
23                    ~~purpose of coordination is to develop rules and identify resources.~~

**NOTE:** As directed by the committee, this section underwent extensive cleanup. References to designated staff were removed because all of the superintendent's duties may be delegated. The reference to what "rules may include" was also removed because suggestions are not laws. Suggestions belong in testimony. For purposes of review, the suggestions were made mandatory. If this is not desired, the language should then be eliminated. The same goes for the language directing coordination with existing (as opposed to "nonexisting") agencies.

24       **SECTION 12. AMENDMENT.** Section 15-21.1-04 of the 1997 Supplement to the North  
25       Dakota Century Code is amended and reenacted as follows:

- 1           **15-21.1-04. Staff Program coordinator.** The superintendent ~~shall~~ of public instruction  
2 may employ one permanent professional staff person for the purpose of coordinating this  
3 ~~program. The project as a program coordinator. The coordinator shall:~~
- 4           1. ~~Develop~~ Assist in the development of rules, in consultation with other private and  
5           public ~~agencies~~ entities.
  - 6           2. Disseminate the rules to local communities adopted to implement this chapter.
  - 7           3. Provide to communities, through their schools, technical assistance ~~to communities~~  
8 ~~through schools~~ in the planning and implementation of a chemical abuse and  
9           prevention program.
  - 10          4. Collect ~~pertinent~~ data for reporting and program evaluation purposes.
  - 11          5. Facilitate coordination of this program with prevention and educational programs  
12          ~~presently being~~ conducted by other state agencies.
  - 13          6. Provide the superintendent with a written program evaluation to the superintendent  
14          ~~for a report to the legislative assembly.~~
  - 15          7. Serve as a resource specialist ~~to schools in the areas of policy,~~ regarding the  
16          development, ~~instructional~~ and implementation, by schools, of chemical abuse  
17          prevention programs, and identifying model program.

**NOTE:** The committee was not certain whether a full-time person should statutorily be required to perform these duties. Theoretically, the superintendent could perform these duties. An attempt was made to clarify the specific duties associated with the position.

18           **SECTION 13. AMENDMENT.** Section 15-21.1-05 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **15-21.1-05. Chemical abuse preassessment team - ~~Building level support~~**  
21 **Support team.** ~~Any~~ The principal of each school may establish shall appoint a chemical abuse  
22 preassessment team ~~composed~~ consisting of a school counselor, a social worker, and other  
23 appropriately trained ~~persons~~ individuals, or ~~utilize a building level~~ designate a support team ~~for~~  
24 ~~purposes of sections 15-21.1-05 through 15-21.1-09.~~ The team shall ~~address~~ review and act  
25 upon law enforcement reports of chemical abuse violations by students. Within fourteen days  
26 of receiving a ~~reported case report,~~ the team shall determine whether to provide to the student,  
27 ~~and in the case of~~ or if the student is a minor, to the student's parents, ~~with~~ information ~~about~~  
28 regarding chemical abuse and school and community services ~~in connection with~~ available to  
29 assist persons who engage in chemical abuse.

**NOTE:** The committee determined that there was an awkwardness in providing that a team may be established and then mandating the team's activities. Efforts were made to clarify this section.

1       **SECTION 14. AMENDMENT.** Section 15-21.1-06 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15-21.1-06. ~~Handling of Student records - Release.~~** Any record of a student's  
4 medical treatment ~~or~~, use of a ~~student~~ chemical abuse assistance program, or other individual  
5 student record generated under this chapter, is not ~~to become~~ part of the student's educational  
6 record. ~~Such~~ This information is confidential and may not be released without the written  
7 consent of the student, or if the student is ~~less than fourteen years of age~~ a minor, without the  
8 written consent of the student's parent or guardian.

**NOTE:** The committee found it curious that Section 15-21.1-05 references minor students while this section allows a child of 14 to give consent for the release of records. This version reflects an attempt at consistency.

9       **SECTION 15. AMENDMENT.** Section 15-21.1-07 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **15-21.1-07. ~~Law enforcement agencies - Duty to inform team~~ Notice of incident.**

12 ~~Notwithstanding any other provision of law, a~~

13       1. ~~A~~ A law enforcement agency shall ~~provide notice of any incident occurring within the~~  
14 ~~agency's jurisdiction in which~~ notify a school principal in writing if the agency has  
15 probable cause to believe that a student enrolled in the school has violated section  
16 5-01-08, 19-03.1-23, 39-08-01, or 39-08-18, ~~except when there is a prolonged~~  
17 ~~criminal investigation and revealing information would jeopardize a successful~~  
18 ~~conclusion to the case.~~ The law enforcement agency shall provide the notice ~~must~~  
19 ~~be in writing and must be provided~~ within two weeks after ~~of~~ an incident ~~occurs, to~~  
20 ~~the principal of the school where the student is enrolled.~~

21       2. The principal shall forward the ~~reports~~ notice to the school's chemical abuse  
22 preassessment team or ~~building-level~~ support team designated under section  
23 15-21.1-05.

24       3. Subsection 1 does not apply if, in the opinion of the law enforcement agency,  
25 providing the notice would jeopardize a criminal investigation.

**NOTE:** The committee directed that this section be clarified. The sections referenced in 15-21.1-07 are as follows:

**5-01-08.** Persons under twenty-one years of age prohibited from manufacturing, purchasing, consuming, or possessing alcoholic beverages or entering licensed premises - Penalty - Exceptions - Referrals to addiction facilities.

**19-03.1-23.** Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in Section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

**39-08-01.** Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle - Penalty.

**39-08-18.** Open bottle law - Penalty.

1       **SECTION 16. AMENDMENT.** Section 15-21.1-08 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15-21.1-08. Teacher - Duty to notify principal.** ~~Any A~~ teacher ~~who~~ shall notify the  
4 school principal if the teacher knows or has reason to believe that a student enrolled in the  
5 school is using, possessing, or transferring alcohol or a controlled substance while on the  
6 school premises or while involved in school-related activities ~~shall immediately notify the~~  
7 ~~school's principal.~~ Nothing in this section prevents a teacher or any other school employee  
8 from reporting to a law enforcement agency any violation of law occurring on school premises  
9 or at ~~school-sponsored events~~ a school-related activity.

**NOTE:** The committee directed that the phrases "school-related activity" and "school-sponsored event" be reconciled.

10       **SECTION 17. AMENDMENT.** Section 15-21.2-03 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **15-21.2-03. ~~Guidelines for implementing career~~ Career guidance and**  
13 **development programs.** The superintendent may adopt rules ~~under chapter 28-32 for the~~  
14 ~~implementation of~~ to assist schools in implementing career guidance and development  
15 programs by local educational agencies. ~~In adopting the rules, the superintendent shall review~~  
16 ~~and consider guidelines formulated by the North Dakota occupational information coordinating~~  
17 ~~committee established pursuant to the Carl D. Perkins Vocational Education Act [Pub. L.~~  
18 ~~98-524; 98 Stat. 2435; 20 U.S.C. 2301 et seq.].~~ The rules adopted by the superintendent shall  
19 ~~require the.~~ Rules to implement this section must:

- 20       1. ~~Involvement of the~~ Require a community through an advisory committee.  
21       2. ~~Assessment of the extent to which existing~~ Require an assessment of other career  
22       guidance and development programs and services available in the community  
23       ~~meet current anticipated needs.~~

- 1           3. ~~Coordination of career guidance and development programs, services, and related~~  
2           ~~activities provided by local educational institutions with local level and state level~~  
3           Require coordination with other public and nonpublic agencies and organizations  
4           private sector entities.
- 5           4. ~~Evaluation~~ Require the periodic evaluation of career guidance and development  
6           programs developed under this section.
- 7           5. ~~Formulation of monetary budgets for support of career guidance and development~~  
8           ~~programs.~~

**NOTE:** This section, as suggested by Department of Public Instruction staff, allows the superintendent to issue rules for the implementation of career guidance and development programs. The section does not restrict the implementation of programs falling within that generic title.

9           **SECTION 18. AMENDMENT.** Section 15-21.2-04 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **15-21.2-04. Program coordinator and support staff.** The superintendent may  
12 employ ~~one full-time professional staff person for the purpose of coordinating the~~ an individual  
13 to coordinate career guidance and development programs implemented ~~pursuant to~~ under this  
14 chapter. ~~The superintendent and~~ may employ support staff ~~as may be required~~ to assist the  
15 ~~program~~ coordinator. The ~~superintendent may~~ coordinator shall:

- 16           1. ~~Review and revise periodically the rules adopted pursuant to section 15-21.2-03.~~  
17           2. Provide technical assistance to ~~local educational agencies in preparing program~~  
18           ~~proposals, and~~ schools implementing career guidance and development programs.
- 19           3. ~~Collect and evaluate information to determine~~  
20           2. Evaluate the effectiveness of career guidance and development programs.
- 21           4. ~~Provide periodic written evaluations of career guidance and development~~  
22           ~~programs.~~
- 23           5. 3. Serve schools as a resource specialist ~~to local educational agencies~~ in the area of  
24           career guidance and development ~~policies and instruction.~~
- 25           6. ~~Identify career guidance and development programs implemented by local~~  
26           ~~educational agencies which may serve as model programs.~~

27           **SECTION 19. AMENDMENT.** Section 15-22-01 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1           **15-22-01. County superintendent of schools.** ~~The presidents of the school boards of~~  
2 ~~school districts whose headquarters are located within each organized county shall select a~~  
3 ~~candidate to serve as county superintendent of schools. The presidents shall submit the name~~  
4 ~~of the candidate selected to the board of county commissioners for approval. If the board of~~  
5 ~~county commissioners does not approve the candidate, the presidents shall submit the name of~~  
6 ~~another candidate. This process must continue until the board of county commissioners~~  
7 ~~approves a candidate. The candidate approved by the board of county commissioners shall~~  
8 ~~serve as the county superintendent of schools. The candidate selected shall serve as county~~  
9 ~~superintendent of schools until the candidate resigns or is discharged by the board of county~~  
10 ~~commissioners at the request of a majority of the presidents of the school boards within the~~  
11 ~~county in the manner provided for discharge of teachers pursuant to section 15-47-38.~~

12           1. Except as provided in section 15-22-01.1, each board of county commissioners  
13 shall employ a county superintendent of schools on a full-time or part-time basis.

14           An individual employed under this section:

15           a. Must hold a baccalaureate degree from a regional or nationally accredited  
16 institution of higher education approved for teacher education.

17           b. Must hold a valid North Dakota teacher's certificate.

18           c. Must have experience teaching at an approved elementary or secondary  
19 school.

20           d. Must be approved by a majority of the school board presidents representing  
21 school districts having their administrative headquarters in the county.

22           e. Shall serve until the individual resigns or is discharged by the board of county  
23 commissioners at the direction of a majority of the school board presidents  
24 described in subdivision d.

25           2. The presidents of the school boards in the county described in subsection 1 shall  
26 perform the same functions as the duties of school board boards, as set forth in  
27 sections 15-47-27 and 15-47-38, with regard to evaluations, renewals, or  
28 discharges of county superintendents of schools respect to the evaluation,  
29 renewal, and discharge of an individual employed under this section.

**NOTE:** As directed by the committee, this section clarifies the qualifications of a county superintendent.

1           **SECTION 20. AMENDMENT.** Section 15-22-01.1 of the 1997 Supplement to the North  
2 Dakota Century Code is amended and reenacted as follows:

3           **15-22-01.1. County superintendents of schools - Assignment of duties.**

4 Notwithstanding any other provision of law, a board of county commissioners ~~may~~ by majority  
5 vote may choose not to employ a county superintendent of schools ~~and may assign, to one or~~  
6 ~~more qualified persons, all statutory duties of county superintendents of schools. The~~  
7 ~~assignment of duties must be set forth in a written plan, and the plan must be approved by a~~  
8 ~~majority of the presidents of school boards whose districts include land in the county and must~~  
9 ~~be placed on file with the legislative council;~~ provided, the board of county commissioners:

- 10           1. Obtains, from the superintendent of public instruction a form that lists the statutory  
11           duties to be otherwise performed by a county superintendent and provides for the  
12           assignment of the duties to one or more individuals;
- 13           2. Obtains the written consent of a majority of the school board presidents  
14           representing school districts having their administrative headquarters in the county;  
15           and
- 16           3. Submits the completed form to the superintendent of public instruction and obtains  
17           written approval of the assignments from the superintendent of public instruction.

**NOTE:** As directed by the committee, this section ensures that those counties  
intending to reassign the duties do so appropriately. The superintendent of public  
instruction is directed to approve the assignments, in order to ensure that the statutory  
duties have been assigned to "someone".

18           **SECTION 21. AMENDMENT.** Section 15-22-04 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **15-22-04. Salary of county superintendent of schools.** The county superintendent  
21 of schools, for official services rendered, shall receive a salary determined as provided in  
22 section 11-10-10. ~~If a county superintendent of schools is employed by more than one county,~~  
23 ~~the combined population of the counties must be taken into consideration for determining the~~  
24 ~~county superintendent's salary under section 11-10-10.~~

**NOTE:** Because counties are given the option of hiring a county superintendent on a  
full-time or part-time basis, the verbiage regarding the joint determination of salary is no  
longer necessary.

25           **SECTION 22. AMENDMENT.** Section 15-22-07 of the North Dakota Century Code is  
26 amended and reenacted as follows:

1           **15-22-07. Clerks Administrative assistants - Office and supplies.** The board of  
2 county commissioners shall determine the number and salaries of ~~office~~ administrative  
3 ~~assistants and clerks~~ for the county superintendent of schools and shall furnish a suitable office  
4 for the transaction of ~~his~~ the county superintendent's official business, with all necessary books,  
5 stationery, and postage. ~~If he is not furnished with such office by the board, he of county~~  
6 ~~commissioners fails to furnish an office, the county superintendent may provide the same~~  
7 ~~furnish the office,~~ and the board of county commissioners shall audit and pay ~~his~~ the  
8 reasonable accounts for office rental ~~and for furniture for such office,~~ equipment, and furniture.

**NOTE:** The committee directed continuation of language allowing the county superintendent to purchase supplies, equipment, etc., in the event that the board of county commissioners refuses to do so.

9           **SECTION 23. AMENDMENT.** Section 15-22-09 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **15-22-09. Duties in general.** ~~The~~ In addition to any other powers and duties  
12 prescribed by law, a county superintendent of schools has shall:

- 13           1. ~~Serve as the general superintendence~~ superintendent of the all schools in ~~the a~~  
14 county except those in districts ~~which that~~ that employ a district superintendent of  
15 schools ~~and shall:~~
- 16           ~~4.~~ 2. ~~Receive and transmit to the superintendent of public instruction~~ Review, in a timely  
17 manner, all annual school district financial reports described in subsection 17 of  
18 ~~section 15-29-08~~ received from the superintendent of public instruction, annual  
19 school district personnel reports, annual school district enrollment and average  
20 daily membership reports described in section 15-40.1-09, biennial school census  
21 reports described in section 15-47-13, and any other reports required by submitted  
22 to the superintendent of public instruction by school districts having their  
23 administrative headquarters in the county.
- 24           ~~2.~~ 3. ~~Assist in the planning, coordinating, and providing of all education and related~~  
25 ~~services to each school district if requested by a school district.~~
- 26           ~~3.~~ 4. ~~Decide all~~ As appropriate, decide matters in controversy in the administration of  
27 school laws or appealed to the county superintendent of schools ~~as provided in~~  
28 ~~section 15-22-17.~~



1 ~~such statistics, items, and statements relative to the schools of the county as the~~  
2 ~~superintendent may require~~ compile and forward to the superintendent of public instruction a  
3 report containing statistics and any other information requested by the superintendent of public  
4 instruction. The report must be made ~~upon and must conform to the forms furnished in the~~  
5 manner directed by the superintendent of public instruction ~~for that purpose.~~ ~~He may not be~~  
6 ~~paid his salary.~~ The board of county commissioners may not compensate the county  
7 superintendent for the last month of his official the year until he presents to the county  
8 ~~commissioners the receipt of the superintendent of public instruction for such annual~~  
9 acknowledges receipt of the report.

**NOTE:** As directed by the committee, this section was modernized.

10 **SECTION 26. AMENDMENT.** Section 15-27.1-01 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **15-27.1-01. Definitions applicable to chapters ~~15-27.1 through 15-27.4, 15-27.6,~~**  
13 **~~and 15-27.7.~~** In this chapter and chapters 15-27.2, 15-27.3, and 15-27.4, ~~15-27.6, and 15-27.7~~  
14 unless the context or subject matter otherwise requires:

- 15 1. "Annexation" means ~~an~~ the alteration of ~~the~~ a school district's boundaries of school  
16 ~~districts through the attachment of territory from one existing school district to~~  
17 ~~another existing operating school district or removal of real property.~~
- 18 2. "Contiguous" means two or more ~~tracts of land which are in actual contact with~~  
19 ~~each other at~~ properties sharing a common point.
- 20 3. "County committee" means ~~the county committee for the reorganization of school~~  
21 ~~districts.~~
- 22 4. "County superintendent" means ~~the county superintendent of schools.~~
- 23 5. "Dissolution of school districts" means the process through which ~~an existing~~ a  
24 school district ceases ~~its active functions in its present organizational form to~~  
25 function and the ~~district's territory is attached to one or more adjoining existing~~  
26 ~~operating~~ subsequent attachment of its real property to other school districts.
- 27 6. "Elector" means ~~a person who possesses the qualifications of an elector as~~  
28 ~~provided in section 16.1-01-04.~~
- 29 ~~7.~~ 4. "Reorganization of school districts" means the formation of a new school district by  
30 either through the ~~unification~~ combination of two or more existing operating

1            ~~districts into one larger district or separation of territory, in whole or in part, or~~  
2            ~~through the removal of real property from one or more operating districts to create~~  
3            ~~one or more new operating districts~~ district.

4            8. ~~"State board" means the state board of public school education.~~

5            9. ~~"Territory" means all or any portion of an organized school district.~~

6            **SECTION 27. AMENDMENT.** Section 15-27.1-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8            **15-27.1-03. County committee - Appointment - Size and compensation.**

- 9            1. ~~Each~~ For purposes of school district annexations, dissolutions, and  
10            reorganizations, each county in this state shall have must be represented by a  
11            county committee formed by the selection consisting of one resident from each of  
12            the county commissioner districts within district in the county. ~~Each member is~~  
13            ~~entitled to receive the actual and necessary expenses incurred in the performance~~  
14            ~~of official duties in the amounts provided by law for state officers and employees.~~  
15            The county superintendent of schools shall appoint the members of a county  
16            committee, with the consent of the board of county commissioners, to three-year  
17            terms, staggered so that one term expires each year. Each member is entitled to  
18            receive compensation at the rate of twenty-five dollars ~~as compensation for each~~  
19            ~~meeting of the committee actually attended by the member.~~ ~~The office of~~  
20            ~~management and budget shall pay by warrant the compensation and expenses as~~  
21            ~~directed by~~ per day and to reimbursement for expenses, from the biennial  
22            appropriation for the superintendent of public instruction ~~from moneys appropriated~~  
23            ~~for that purpose.~~
- 24            2. ~~The term of each member is three years, staggered so that one term expires each~~  
25            ~~year.~~ ~~The~~ If a vacancy occurs, the county superintendent of schools with the  
26            approval of the board of county commissioners shall appoint the members of the  
27            county committee. ~~Vacancies must be filled in the same manner for~~ an individual  
28            to serve the unexpired portion of the term. If a county committee member fails,  
29            refuses, or is unable to perform the required duties, the county superintendent,  
30            upon ~~petition of~~ being petitioned by a majority of the school ~~boards~~ board  
31            presidents representing districts having territory wholly or partially within the district

1            from which the member was appointed ~~to represent~~, shall declare the position of  
2            the member vacant; and ~~shall immediately~~ appoint a new member to the  
3            committee from that district.

- 4            3.    a.    If ~~the county is redistricted and as a consequence~~ as a result of redistricting  
5            county committee members ~~of the county committee~~ are placed in the same  
6            county commissioner district, the county superintendent of schools shall  
7            appoint a new member ~~must be appointed~~ who is a resident of the new  
8            ~~unrepresented district or districts, and as between the~~.  
9            b.    If as a result of redistricting current committee members ~~currently serving on~~  
10           ~~the county committee who are~~ become residents ~~in~~ of the same district, the  
11           county superintendent of schools shall appoint the member whose term  
12           expires ~~at the latest in point of in time shall serve~~.  
13           c.    If as a result of redistricting all the committee member terms expire at the  
14           same time, the affected members shall decide who shall serve by lot.  
15           d.    If ~~the county, through~~ as a result of redistricting, ~~thereafter elects its~~ county  
16           commissioners are elected at large, ~~members of the~~ county committee  
17           members must continue to be selected from ~~those~~ the county commissioner  
18           districts ~~established by the districting plan~~ in effect at the time the county is  
19           districted at large.

**NOTE:** The committee found that this was a very difficult section to comprehend and directed that it be clarified and modernized.

20           **SECTION 28. AMENDMENT.** Section 15-27.1-04 of the North Dakota Century Code is  
21           amended and reenacted as follows:

22           **15-27.1-04. County committee - Meetings.** The members of the county committee  
23           shall ~~select~~ elect one member as chairman ~~who must be the presiding officer~~ for one year and  
24           until a successor is chosen. ~~The county superintendent is the secretary of the committee, but~~  
25           ~~has no vote.~~ Meetings of the committee must be held upon call of the chairman or a majority of  
26           the committee members. The county superintendent of schools shall serve as the secretary of  
27           the committee but may not vote. The county superintendent is entitled to compensation for  
28           actual and necessary expenses incurred while in the performance of required duties. Additional  
29           expenses are chargeable and payable as an expense of the county.

**NOTE:** As directed by the committee, this section was cleaned up. References to the chairman are grouped together, as are references to the county superintendent.

1       **SECTION 29. AMENDMENT.** Section 15-27.1-05 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15-27.1-05. State's attorney to represent committee.** The state's attorney of ~~any the~~  
4 county ~~within which a school district is located in whole or in part shall, upon request of the~~  
5 ~~county committee, act~~ shall serve as legal ~~advisor of and render written opinions~~ counsel to the  
6 county committee or its officers. The state's attorney shall ~~also~~ defend the committee or any of  
7 its officers in ~~any~~ legal proceedings ~~arising out of~~ relating to the conduct ~~of the~~ or business of  
8 the committee. If the defense in the proceedings would result in a conflict with ~~the~~ other duties  
9 of the state's attorney ~~in regard to other public officials or under any law~~, the board of county  
10 commissioners shall employ a special counsel to represent the committee ~~or defend against in~~  
11 the proceedings. ~~Compensation of the special counsel, in the amount as may be agreed to by~~  
12 ~~the~~ The county commissioners, ~~must be paid out of~~ shall provide for compensation of a special  
13 counsel from the county general fund.

**NOTE:** As directed by the committee, this section was cleaned up.

14       **SECTION 30. AMENDMENT.** Section 15-27.1-10 of the 1997 Supplement to the North  
15 Dakota Century Code is amended and reenacted as follows:

16       **15-27.1-10. Transfer of land real property upon annexation, reorganization, or**  
17 **dissolution.** The legal title to all ~~land owned by an original school district which~~ real property  
18 that has been annexed to another school district, included in a reorganized district, or ~~dissolved~~  
19 subject to dissolution, and which is not subject to a possibility of reverter or right of reentry if  
20 title is held by other than the original district, vests in the school board of the reorganized school  
21 district or the district to which the property is annexed or attached upon approval of the  
22 reorganization proposal by the electors or upon orders of the county superintendent of schools  
23 or the reorganization committee, ~~as the case may be~~. If the reorganized district or district to  
24 which the property is annexed or attached includes less than the whole of the former district,  
25 legal title to the ~~land~~ real property of the former district vests in the school board of the district in  
26 which the ~~land~~ property is situated after reorganization, ~~chapter 15-27.2~~ annexation, or ~~chapter~~  
27 ~~15-27.4~~ dissolution. A certificate prepared by the county superintendent of schools of the  
28 county wherein the ~~land~~ property in question is ~~located~~ situated, stating the legal description of  
29 the ~~land involved~~ property, and the fact that the school district formerly owning the ~~land~~

1 property has become either annexed, attached, or reorganized with another school district, may  
2 be recorded in the office of the register of deeds of the county in which the ~~land~~ property is  
3 ~~located~~ situated.

**NOTE:** As directed by the committee, this section was cleaned up.

4 **SECTION 31. AMENDMENT.** Section 15-27.1-11 of the 1997 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **15-27.1-11. Reorganization or dissolution of school district not operating a**  
7 **school –Transportation.** ~~Any~~ A school district that, ~~for a period of one year, does not~~ ceases  
8 to operate either an elementary or high school, must become ~~by the end of that,~~ within one  
9 year, through the process of reorganization or dissolution, part of a high school district  
10 ~~operating an approved elementary or high school. The students residing within a school district~~  
11 ~~that is reorganized with another district or districts pursuant to this section, or dissolved~~  
12 ~~pursuant to this section and section 15-27.4-01 must be provided transportation in the same~~  
13 ~~manner transportation is provided to students in the school district the nonoperating district is~~  
14 ~~attached to.~~ If a school district affected by this section has not ~~been reorganized or dissolved~~  
15 become part of a high school district within the prescribed time limit ~~prescribed in this section,~~  
16 the school district shall must be dissolved ~~and attached to an operating school district in~~  
17 accordance with chapter 15-27.4. This section does not apply to military installation school  
18 districts ~~established pursuant to chapter 15-27.5.~~

**NOTE:** The committee was not certain whether it should require all nonoperating  
school districts to be attached to "operating" districts or "high school" districts. Because  
this section provides for attachment to high school districts only, the verbiage needs to  
be reviewed carefully. The committee did believe that the section needed to be cleaned  
up.

19 **SECTION 32. AMENDMENT.** Section 15-27.1-12 of the 1997 Supplement to the North  
20 Dakota Century Code is amended and reenacted as follows:

21 **15-27.1-12. Payment of school district levies after annexation or dissolution.**  
22 ~~When~~ Upon approval of an annexation of territory under chapter 15-27.2 or an attachment of  
23 ~~territory by or a dissolution under chapter 15-27.4 has been approved by the state board of~~  
24 public school education:

25 1. The ~~territory~~ property annexed or attached to the receiving school district is subject  
26 to ~~all of~~ the receiving school district's levies, except those to retire bonded debt  
27 existing before the annexation or attachment, unless determined otherwise in the

- 1 state board's findings made when the board approved the annexation or  
2 dissolution; and
- 3 2. The ~~territory~~ property annexed to the receiving school district is not subject to ~~any~~  
4 ~~of the levies of the school district~~ from which it was detached from, except those to  
5 retire bonded debt existing before the annexation, unless determined otherwise in  
6 the state board's findings made when the board approved the annexation.

**NOTE:** The committee directed that this section be cleaned up and its references to "territory" made consistent with other references to "land".

7 **SECTION 33. AMENDMENT.** Section 15-27.2-01 of the 1997 Supplement to the North  
8 Dakota Century Code is amended and reenacted as follows:

9 **15-27.2-01. Annexation of ~~contiguous territory~~ property to school district -**  
10 **~~Petition—Exception~~ Eligibility.**

- 11 4. ~~Territory contiguous~~ Real property may be annexed to a public school district,  
12 ~~whether in the same county or in another, may be annexed to the school district by~~  
13 ~~the county committee after a public hearing upon written~~ provided:
- 14 1. The property to be annexed is contiguous to the school district;  
15 2. The property to be annexed does not include the entire school district;  
16 3. An annexation petition signed by two-thirds of the residents of the contiguous  
17 territory who are qualified electors. The county committee shall determine the  
18 sufficiency of the petition and the required number of electors necessary to  
19 constitute a two-thirds majority. is duly signed and filed with the county  
20 superintendent of the county in which a majority of the property to be annexed lies;
- 21 2. ~~The annexation petition must:~~
- 22 a. ~~Be obtained from the county superintendent;~~  
23 b. ~~Identify all of the territory to be annexed before it is circulated. The territory~~  
24 ~~must constitute one land area, with no territory identified in the petition~~  
25 ~~separate from other territory identified in the petition;~~  
26 c. ~~Identify one student who lives in the area to be annexed and who will attend a~~  
27 ~~public school in the receiving school district during the school year following~~  
28 ~~the effective date of the annexation if it is approved by the state board;~~  
29 d. ~~Be signed in the presence of the carrier of the petition; and~~

- 1 e. ~~Be submitted to the county superintendent of the county in which the majority~~  
2 ~~of land identified in the petition is located.~~
- 3 3. ~~After the annexation petition is submitted to the county superintendent, names may~~  
4 ~~be added to or removed from the petition until five p.m. on the day before the~~  
5 ~~hearing before the county committee. A person who requests that person's name~~  
6 ~~to be added to or removed from the petition must do so in person before the county~~  
7 ~~superintendent.~~
- 8 4. ~~This section does not apply to annexations involving an exchange of property~~  
9 ~~pursuant to section 15-27.2-02. A public hearing is held by the county committee~~  
10 ~~representing the county in which a majority of the land to be annexed lies;~~
- 11 5. The annexation is approved by the county committee; and
- 12 6. The annexation petition is approved by the state board.

13 **SECTION 34.** A new section to chapter 15-27.2 of the North Dakota Century Code is  
14 created and enacted as follows:

15 **Annexation of property to school district - Petition requirements.**

- 16 1. A petition to request the annexation of property by a school district must:
- 17 a. Be obtained from the county superintendent;
- 18 b. Identify all property to be annexed;
- 19 c. Identify one student who resides on the property to be annexed and who is  
20 eligible to attend a public school in the annexing school district during the  
21 school year following the proposed effective date of the annexation;
- 22 d. Be signed in the presence of the petition carrier; and
- 23 e. Be submitted to the county superintendent of the county in which all or most  
24 of the property to be annexed is located.
- 25 2. Any individual who wishes to add or remove that individual's name from the  
26 annexation petition may do so until five p.m. of the last business day before the  
27 public hearing by the county committee, provided the person meets the  
28 requirements of this section and appears before the county superintendent of  
29 schools to request the action.

**NOTE:** This section is substantively the same as that found in Section 15-27.2-01. In current law, that section addresses both general provisions regarding annexations and the requirements for the annexation petition itself. The committee directed that these concepts be separated in order to clarify the language.

1           **SECTION 35. AMENDMENT.** Section 15-27.2-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **15-27.2-02. ~~Restricted changes in boundaries~~ Exchange of property - Petition -**  
4 **Requirements - Appeal.**

- 5           1. ~~A resident or residents of a school district~~ An individual may ~~request annexation of~~  
6 ~~petition to have the property upon which his or their~~ the individual's residence is  
7 ~~situated to an adjacent~~ exchanged with property in a contiguous school district ~~by~~  
8 ~~a petition for an exchange of property between the district of residence and the~~  
9 ~~adjacent district under the following conditions.~~ In order to be approved:
- 10          4. a. ~~The signer of the petition~~ petitioner must reside upon the property ~~which is~~  
11 ~~requested to be annexed to the adjacent district. If there are other residences~~  
12 ~~in the area sought to be annexed, a resident representing each of those~~  
13 ~~residences must also approve the exchange of property and sign the petition.~~  
14 ~~to be exchanged;~~
- 15          2. b. ~~There is an agreement~~ The petitioner must obtain the written approval of one  
16 representative from each residence within the boundaries of the property to  
17 be exchanged;
- 18          c. The petitioner must obtain written authorization for the exchange of property  
19 ~~between the petitioners and from~~ the owner of the property to be exchanged  
20 ~~in the adjacent district which property is to be exchanged for the property~~  
21 ~~identified in the petition and the owner of the property in the adjoining district~~  
22 ~~need not reside on the property exchanged in order to enter into the~~  
23 ~~agreement.;~~
- 24          3. ~~The school boards of the districts involved approve the exchange of property.~~
- 25          4. d. The difference in the taxable valuation of the property involved in the  
26 ~~exchange does~~ may not exceed one thousand dollars.;
- 27          5. e. ~~The properties~~ Each property involved in the exchange must be contiguous to  
28 ~~the its annexing school district to which each is sought to be annexed.~~  
29 ~~Except as provided in this section, the proceedings in this section are subject~~  
30 ~~to the other provisions of this chapter applicable to annexation proceedings~~  
31 ~~generally. Approval of the annexation petition by the; and~~



- 1 adjustment of all property, assets, debts, and liabilities among the districts  
2 involved-;
- 3 c. The taxable valuation of ~~existing districts~~ each affected district and the  
4 ~~differences in such~~ projected valuation ~~which would accrue~~ under the  
5 proposed annexation-;
- 6 d. The size, geographical features, and boundaries of ~~the districts-~~ each affected  
7 district;
- 8 e. The number of ~~pupils attending~~ students in average daily membership in each  
9 affected school and the general population of the districts-;
- 10 f. The location ~~and~~, condition, and accessibility of the districts' ~~school buildings~~  
11 ~~and their accessibility to affected pupils-~~ schools;
- 12 g. The location and condition of roads, highways, and natural barriers within the  
13 ~~respective~~ affected districts-;
- 14 h. The ~~school centers where children~~ high schools attended by students residing  
15 in the districts ~~attend high school-~~;
- 16 i. Conditions affecting the welfare of the ~~pupils~~ students in the ~~land~~ area ~~that is~~  
17 ~~the subject of the annexation petition-~~ proposed to be annexed;
- 18 j. The boundaries of other governmental ~~units and the location of private~~  
19 ~~organizations in the territories of the respective districts-~~ entities;
- 20 k. The educational needs of ~~local~~ communities in the ~~involved~~ affected districts-;
- 21 l. ~~An objective in~~ The potential for economizing in the use of school district  
22 transportation and administrative services-;
- 23 m. ~~Projected~~ The anticipated future use of ~~existing satisfactory school~~ the  
24 districts' buildings, sites, and playfields ~~in the involved districts-~~;
- 25 n. ~~A~~ The potential for a reduction in ~~disparities in~~ per student valuation  
26 disparities between ~~school~~ the affected districts and the ~~objective of~~  
27 equalization of potential to equalize or increase the educational opportunities  
28 for ~~pupils-~~ students in each district; and
- 29 o. ~~Any~~ All other relevant factors ~~which, in the judgment of the committee, are of~~  
30 importance.

- 1           4. Following ~~the committee's~~ consideration of the testimony and documentary  
2           evidence ~~with respect to any of the factors listed in subsection 3~~ presented at the  
3           hearing, the committee shall make specific findings ~~with reference to every one of~~  
4           ~~these factors to which testimony or documentary evidence was directed~~ and  
5           approve or disapprove the petition for annexation. If the petition is approved, the  
6           county committee shall forward its decision to the state board of public school  
7           education.
- 8           5. a. Except as provided in this subsection, ~~all proposed annexations must be~~  
9           ~~given final approval by the state board following~~ shall conduct a hearing  
10           ~~conducted by the board at which,~~ accept and consider testimony and  
11           documentary evidence ~~shall be considered with respect to any of the factors~~  
12           ~~listed in subsection 3.~~ The state board shall regarding the proposed  
13           annexation, make specific findings ~~with reference to every one of these~~  
14           ~~factors to which testimony or documentary evidence was directed,~~ and concur  
15           or refuse to concur with the decision of the county committee.
- 16           b. If no opposition is presented to the county committee approves an annexation  
17           ~~after receiving no opposition~~ at the hearing and the county committee  
18           approves the petition for annexation, the state board may review the record of  
19           the county ~~hearing~~ committee and give final approval to the annexation  
20           without holding a its own hearing.
- 21           6. If the school districts involved in the proposed annexation are situated in more than  
22           one county, the county committee of the county encompassing the major portion of  
23           each school district shall consider ~~and jointly effect~~ the annexation if petition.  
24           Approval of the petition requires the assent of a majority of the members of each of  
25           such participating county committees approves the annexation committee. If the  
26           annexation petition is approved by a majority of the members of one of the two  
27           only one county committees committee, the county superintendent of schools of  
28           the county in which the annexing district is located shall submit the annexation  
29           petition and the record of the hearing to the state board of public school education  
30           for approval or disapproval, ~~and in such instance approval of.~~ If the state board

- 1 approves the annexation shall have the same petition, the effect is the same as if  
2 approval had been given by all county committees.
- 3 7. ~~Whenever~~ If a county committee denies a petition for annexation has failed to be  
4 approved by any county committee, a, another petition involving any of the same  
5 area property may not be submitted to the county committee for a period of three  
6 months ~~after~~ from the filing of the original petition ~~with the county. The.~~ A county  
7 committee may not consider a petition may not be considered by the county  
8 committee involving any of the same property cited in the original petition more  
9 than twice in ~~twelve consecutive months~~ a twelve-month period.
- 10 8. ~~Whenever~~ If the state board of public school education denies a petition for  
11 annexation has failed to be approved by the state board, a, another petition  
12 involving any of the same area may not be submitted to the county committee for a  
13 period of three months after the state board's ~~determination not to approve the~~  
14 annexation. The denial. The state board may not consider a petition may not be  
15 considered by the state board involving any of the same land cited in the original  
16 petition more than twice in twelve consecutive months a twelve-month period.
- 17 9. If the school districts ~~are situated~~ involved in an annexation petition include  
18 property in more than one county but the ~~major portions of both such school~~  
19 ~~districts are situated~~ greater portion of each district's property is in the same  
20 county, the county committee of such county shall consider the ~~matter~~ petition.
- 21 10. ~~Any determination made by a single~~ If a county committee with respect to an  
22 annexation proposed makes a decision under this section which affects property in  
23 another county, the decision may be appealed to the state board of public school  
24 education. A decision of the state board with respect to a ~~proposed an~~ annexation  
25 petition may in turn be appealed to the district court of the judicial district in which  
26 the ~~territory proposed~~ property to be annexed is located ~~in accordance with~~  
27 ~~chapter 28-32~~.

**NOTE:** The committee directed that this section be made orderly and comprehensible.

28 **SECTION 37. AMENDMENT.** Section 15-27.2-05 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **15-27.2-05. Annexation of property to school district - Effective date of**  
2 ~~**attachment or detachment—Equalization—Voting places.**~~ If territory is annexed to a school  
3 district or detached from it, An annexation under this chapter, the change in boundaries  
4 becomes effective the next July first after the immediately following final approval by the state  
5 board and all the assets and liabilities of the district involved must be equalized at the time the  
6 annexation petition is approved by the county reorganization committee. If territory is attached  
7 to an existing school district, the electors in the attached territory shall vote on school matters at  
8 the nearest polling place in the district to which it is attached. Prior to the completion of the  
9 annexation of any school district under this chapter, the existing school board of any school  
10 district may not contract or place the district under any obligation, except upon the  
11 recommendation of the county committee of public school education.

**NOTE:** The committee determined that this section contains an amalgamation of thoughts, most of which are either unnecessary or addressed elsewhere. The committee directed that the section be cleaned up to reflect its main purpose, i.e., the effective date of annexations.

12           **SECTION 38. AMENDMENT.** Section 15-27.3-01.1 of the 1997 Supplement to the  
13 North Dakota Century Code is amended and reenacted as follows:

14           **15-27.3-01.1. School district reorganization - ~~How to initiate~~ Initiation of a**  
15 ~~**reorganization plan.**~~ School districts or parts of In order for two or more school districts may  
16 ~~reorganize under this chapter. A school district may~~ or contiguous portions of two or more  
17 school districts to become involved in a reorganization proposal by a majority vote of its school  
18 ~~board members. A reorganization proposal must be prepared by the school districts that have~~  
19 ~~voted to become involved in the reorganization proposal~~ reorganized, the board of each  
20 participating school district must:

- 21           1. Vote to pursue the reorganization;
- 22           2. Arrange for the preparation of a reorganization plan;
- 23           3. Approve the reorganization plan; and
- 24           4. Arrange for the submission of the plan to the county committee or committees  
25           having jurisdiction over the greater portion of real property in each participating  
26           school district.

**NOTE:** As directed by the committee, the rewrite attempted to clarify the basic steps in a reorganization procedure.

1           **SECTION 39. AMENDMENT.** Section 15-27.3-05 of the 1997 Supplement to the North  
2 Dakota Century Code is amended and reenacted as follows:

3           **15-27.3-05. ~~Public hearing on proposals for reorganization—Hearing testimony for~~**  
4 **~~adjusting School district reorganization - Hearing - Testimony and evidence.~~** ~~The county~~  
5 ~~committee shall hold a public hearing on the advisability of any~~

6           1. ~~Upon receiving a reorganization proposal. Notice of hearings must be given by~~  
7 ~~publishing a plan, the county committee shall schedule and give notice of a public~~  
8 ~~hearing regarding the plan.~~

9           2. ~~The county committee shall publish the notice in the official county newspaper of~~  
10 ~~the county at least fourteen days prior to before the date of each the hearing. If~~  
11 ~~the county committee fails to call a hearing or to give the required public notice, a~~  
12 ~~petition signed by twenty five percent of the qualified electors in the area proposed~~  
13 ~~to be included in the new school district and presented to the committee makes it~~  
14 ~~mandatory for a hearing to be called. Notice of the hearing must be published~~  
15 ~~within ten days after the petition has been filed, and must set forth the date~~  
16 ~~selected for the hearing, which may not be more than twenty days after the date of~~  
17 ~~publication. The county committee shall also hear at such time as may be fixed by~~  
18 ~~it, testimony offered by any person or school district interested in the reorganization~~  
19 ~~proposal. The~~

20           3. ~~If no newspaper is published in the county, the county committee shall publish the~~  
21 ~~notice in a newspaper in an adjoining county in this state.~~

22           4. ~~At the hearing, the county committee shall accept testimony and documentary~~  
23 ~~evidence considered by the county committee must include any information~~  
24 ~~regarding the following factors:~~

25           4. a. ~~The value and amount of all school district property of whatever nature~~  
26 ~~involved in the proposed action: reorganization;~~

27           2. b. ~~The nature, amount, and value of all bonded, warrant, and other~~  
28 ~~indebtedness of each school district affected by participating in the proposed~~  
29 ~~action, including all unexecuted obligations with separate consideration given~~  
30 ~~to the amount of outstanding indebtedness incurred for current expenses, the~~  
31 ~~amount incurred for permanent improvements, and the location of such~~

- 1                    ~~improvements in order that an equitable adjustment of all property, debts, and~~  
2                    ~~liabilities among the districts involved be made.~~ reorganization;
- 3            3. c. ~~The taxable valuation of the existing districts~~ each participating school district  
4                    ~~and the differences in such~~ estimated taxable valuation which would accrue  
5                    ~~of each district under a~~ the proposed reorganization plan;
- 6            4. d. ~~The size, geographical features, and boundaries of the districts.~~ each  
7                    participating district;
- 8            5. e. ~~The number of pupils attending school~~ students in average daily membership  
9                    in each participating district and the general population of the districts;
- 10           6. f. ~~The location and, condition, and accessibility of the districts' school buildings~~  
11                    ~~and their accessibility to affected pupils.~~ schools;
- 12           7. g. ~~The location and condition of roads, highways, and natural barriers within the~~  
13                    ~~respective participating districts;~~
- 14           8. h. ~~The school centers where children~~ high schools attended by students residing  
15                    ~~in the districts attend high school;~~
- 16           9. i. ~~Conditions affecting the welfare of the teachers and pupils of~~ students in the  
17                    ~~involved participating districts;~~
- 18           10. j. ~~The boundaries of other governmental units and the location of private~~  
19                    ~~organizations in the territories of the respective districts.~~ entities;
- 20           11. k. ~~The educational needs of local communities in the~~ involved participating  
21                    ~~districts;~~
- 22           12. l. ~~An objective in~~ The potential for economizing in the use of school district  
23                    ~~transportation and administrative services;~~
- 24           13. m. ~~Projected~~ The anticipated future use of ~~existing satisfactory school~~ the  
25                    ~~districts' buildings, sites, and playfields in the involved districts;~~
- 26           14. n. ~~A~~ The potential for a reduction in disparities in per pupil per student valuation  
27                    ~~disparities between~~ the participating school districts and the objective of  
28                    ~~equalization of~~ potential to equalize or increase the educational opportunities  
29                    ~~for pupils.~~ students; and
- 30           15. o. ~~Any~~ All other relevant factors ~~which, in the judgment of the county committee,~~  
31                    ~~are of importance.~~

- 1           5. Following ~~the county committee's~~ consideration of the testimony and documentary  
2           evidence ~~with respect to the factors listed in subsections 1 through 15 presented at~~  
3           the hearing, the committee shall make specific findings ~~with reference to those~~  
4           ~~factors to which testimony or documentary evidence was directed in proceedings~~  
5           ~~before the committee. The county committee shall keep a record of the hearing on~~  
6           ~~the reorganization of school districts and of all findings and terms of adjustment of~~  
7           ~~property, debts, and liabilities among the districts involved; and approve or~~  
8           ~~disapprove the reorganization plan. If the plan is being reviewed by more than one~~  
9           ~~county committee, the plan must be approved by one committee.~~  
10          6. If a county committee approves the reorganization plan, the county committee shall  
11          propose an equitable adjustment of all property, assets, debts, and liabilities  
12          among the participating districts and shall submit the same proposed adjustment  
13          together with the reorganization plan to the state board at the time of submitting  
14          ~~the reorganization proposal~~ of public school education for state board approval.

**NOTE:** As directed by the committee, this section underwent extensive clean up and reorganization. One substantive change that was made came in the original first paragraph (subsection 2 of the rewrite). That verbiage originally provided that if a county committee fails to schedule a hearing on a plan for reorganization, a petition process should be instituted mandating that the county committee proceed. A county committee is by law required to proceed when it receives a reorganization plan. If it refuses to, it would be appropriate for a mandamus action to be instituted in the courts. The process set forth herein merely provides that if a county committee chooses to ignore the law, the county committee may be petitioned and asked to observe the law.

15           **SECTION 40. AMENDMENT.** Section 15-27.3-06 of the 1997 Supplement to the North  
16           Dakota Century Code is amended and reenacted as follows:

17           **15-27.3-06. Reorganized school districts - Determination of tax levy.** ~~Prior to the~~  
18           ~~submission of a reorganization proposal, the~~ Each county committee ~~or committees~~ hearing the  
19           ~~reorganization proposal shall determine the amount necessary~~ recommend a tax levy sufficient  
20           to meet the expenses of the proposed reorganized district and shall propose a tax levy  
21           ~~sufficient to meet those expenses. The proposed~~ submit the recommended tax levy must be  
22           submitted to the state board of public school education as a part of the reorganization proposal  
23           ~~and, if approved by the state board, must be included as a part of the proposal and submitted to~~  
24           ~~the electors of the proposed new district as provided in this chapter. Tax levies submitted to~~  
25           ~~and approved by the state board as a part of a reorganization proposal which is approved as~~  
26           ~~provided in this chapter plan~~ are not subject to mill levy limitations provided by law.

**NOTE:** As directed by the committee, this section was cleaned up.

1       **SECTION 41. AMENDMENT.** Section 15-27.3-07.1 of the 1997 Supplement to the  
2 North Dakota Century Code is amended and reenacted as follows:

3       **15-27.3-07.1. Vote on issuance of bonds when voting on reorganization ~~proposal~~**  
4 **plan.**

5       1. If the reorganization ~~proposal~~ ~~contemplates~~ plan proposes the issuance of bonds  
6 pursuant to chapter 21-03, the question of the bond issuance ~~of the bonds~~ may be  
7 voted on at the same election as that for which approval of the reorganization plan  
8 is sought, provided:

9       a. Each of the school boards involved in the reorganization adopts, by a majority  
10 vote, an identical initial resolution required by chapter 21-03; and

11       b. All of the terms of chapter 21-03 are complied with, except that if there is a  
12 conflict with section 15-27.3-08 regarding how the election will proceed, the  
13 terms of section 15-27.3-08 prevail.

14       2. If the reorganization is not approved, the result of the vote on the bond issuance of  
15 ~~bonds~~ is ~~ineffective~~ void.

**NOTE:** This section was addressed by the 1997 Legislative Assembly and as directed  
by the committee is revised very little.

16       **SECTION 42. AMENDMENT.** Section 15-27.3-08 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18       **15-27.3-08. Approved proposal received by county superintendent - Duty of**  
19 **superintendent to call special election - Formation of new district.**

20       1. a. ~~Upon receipt from~~ If the state board of an approved proposal for the public  
21 school education approves a reorganization of school districts, and approved  
22 terms of adjustment of plan, together with the proposed adjustments of  
23 property, debts, and liabilities among the participating districts involved, the  
24 state board shall notify the county superintendent shall call a special election  
25 of the voters residing within the territory of schools of each county having  
26 property in the proposed new district.

27       b. ~~The election must be held at the place or places in the territory which have~~  
28 ~~been determined by the county superintendent to be convenient for the~~  
29 ~~voters.~~

- 1 e. The county superintendent of schools shall call a special election in order that  
2 the electors residing within the boundaries of the proposed new district may  
3 approve or disapprove the reorganization plan. The ~~special~~ election must be  
4 held ~~after~~ between July first and ~~no later than~~ December thirty-first of the year  
5 in which the plan is approved ~~proposal is received unless there are not~~  
6 ~~sufficient business by the state board of public school education.~~ If there are  
7 insufficient days left in that the year to accomplish the required publication of  
8 meet the notice, in which event requirements of this section, the ~~special~~  
9 election must be held ~~the following year~~ as soon as practical after January  
10 first.
- 11 2. a. ~~Notice~~ The county superintendent of schools shall give notice of the election;  
12 stating by publishing the time, date, and place of holding the election, must be  
13 published by the county superintendent in the official county newspaper of the  
14 county, at least fourteen days before the date of the election.
- 15 b. 3. ~~The election notices shall clearly state~~ notice must:
- 16 a. State that the election has been called for the purpose of affording the voters  
17 an opportunity to approve or reject a proposal for the formation of approving  
18 or disapproving a plan to form a new school district and must also contain a  
19 description of;
- 20 b. Describe the boundaries of the proposed new district; and
- 21 c. Include a statement, if any, of the terms of describing the adjustment of  
22 property, debts, and liabilities applicable to the proposal, and proposed in the  
23 plan, together with the proposed tax levy.
- 24 3. 4. ~~The county superintendent of schools shall appoint judges and clerks of the~~  
25 ~~elections and the election shall be held and.~~ The election must be conducted in  
26 the same manner and the polls shall must open and close at the same time as  
27 specified for school district elections in public school districts.
- 28 4. 5. The result of the elections must be certified and delivered to the county  
29 superintendent of schools within three days after the closing of the polls.
- 30 5. 6. ~~If a majority of electors residing within each school district vote in favor of the~~  
31 ~~formation of the district to approve the reorganization plan,~~ the county

1 superintendent of schools shall make the ~~proper adjustment~~ necessary  
2 adjustments of the property, ~~assets,~~ debts, and liabilities ~~as provided in the~~  
3 ~~approved proposal and shall organize and establish such districts and in so doing~~  
4 ~~shall~~ and perform all ~~other necessary~~ duties that are required by law ~~to be~~  
5 performed by the county superintendent in connection with the organization and  
6 establishment of in order to establish and organize the new school districts of any  
7 ~~kind or type~~ district.

**NOTE:** The committee directed that the provisions of this section needed to be clarified. One question that still lingers deals with the content of the proposed subsection 5. It is unclear in the current statute who should certify the election of the new school board members. It would be advisable to assign this duty to a specific person.

8 **SECTION 43. AMENDMENT.** Section 15-27.3-11 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **15-27.3-11. Proposal rejection - Revision - New election.**

- 11 1. If a ~~proposal for the formation of a new school district is rejected by the voters at~~  
12 ~~the election provided for in section 15-27.3-08~~ the electors fail to approve the  
13 reorganization plan, the county committee ~~may at any time,~~ after a period of three  
14 months from the date of ~~such~~ the special election, ~~and after~~ may hold a public  
15 hearing ~~is held in the manner as provided in section 15-27.3-05,~~ make such  
16 revision as it deems advisable in the and revise the reorganization plan with  
17 respect to boundaries proposed for the new district, in the terms of and the  
18 adjustment of the property, debts, and liabilities of the district, and the proposed  
19 tax levy, as the case may be, and resubmit the same revised plan to the state  
20 board for public school education for approval.
- 21 2. a. If the ~~boundaries of the proposed new district, the terms of adjustment, or the~~  
22 ~~proposed mill levy, as the case may be, as revised, are approved by the state~~  
23 ~~board, notice thereof must be transmitted to~~ of public school education  
24 approves the revised plan, the state board shall notify the county  
25 superintendent of schools.
- 26 b. ~~Upon receipt of such notice the~~ The county superintendent of schools shall  
27 ~~call, in the manner and for the purpose specified in section 15-27.3-08,~~ a  
28 ~~special election of the voters residing within the revised boundaries of the~~

1                   ~~proposed new district~~ follow the procedures set forth in this chapter for  
2                   effectuating reorganization plans.

3           3. ~~If a majority of electors residing within each school district vote in favor of the~~  
4           ~~formation of the district, the county superintendent shall proceed to organize and~~  
5           ~~establish the district and to perform the necessary duties related thereto in the~~  
6           ~~same manner and to the same effect as is provided in section 15-27.3-08.~~

**NOTE:** As directed by the committee, this section has been cleaned up.

7           **SECTION 44. AMENDMENT.** Section 15-27.3-12 of the 1997 Supplement to the North  
8 Dakota Century Code is amended and reenacted as follows:

9           **15-27.3-12. School boards in reorganized and original districts.** ~~After the~~  
10 ~~establishment of any new school district, the~~

11           1. Upon approval of a reorganization plan by the electors, a school board for the new  
12 ~~school~~ reorganized district must be elected at the regular ~~annual~~ school district  
13 election or at a special election called by the county superintendent of schools for  
14 that purpose. The first school board election ~~to elect a school board~~ in a newly  
15 reorganized district is governed by chapter 15-28.

16           2. Members of newly formed school boards ~~elected in the newly~~ representing  
17 reorganized districts ~~may not~~ shall enter upon the duties of office ~~until the time as~~  
18 ~~specified in section 15-27.3-15 except as provided by sections 15-27.3-13 and,~~  
19 ~~15-27.3-13.1. School boards in original school districts included within a~~  
20 ~~reorganized district continue and remain in existence until the time specified in~~  
21 ~~section, and 15-27.3-15 at which time the new school board elected for the newly~~  
22 ~~reorganized district as provided in this section becomes the governing body of the~~  
23 ~~school districts. Prior to.~~ Before the completion of the reorganization ~~of any~~  
24 ~~school district under this chapter, the existing school board of any school~~ an  
25 existing district may not contract or ~~place~~ obligate the district ~~under any obligation,~~  
26 ~~except upon the recommendation~~ with the approval of the county committee.  
27 ~~Subsequent annual elections in the school district are governed by the laws~~  
28 ~~pertaining to such elections.~~

**NOTE:** As directed by the committee, this section was cleaned up.

1           **SECTION 45. AMENDMENT.** Section 15-27.3-13 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **15-27.3-13. Board may negotiate prior to assumption of duties—Termination of**  
4 **teachers of reorganized district - Duties.**

- 5           1. ~~Notwithstanding any provision of this chapter, the school~~ The board for a new of a  
6 reorganized school district established pursuant to ~~under~~ this chapter shall  
7 negotiate ~~in the manner~~ with the district's teachers, as provided by chapter 15-38.1  
8 ~~with the teachers of the district in lieu of the old board or boards prior to and may~~  
9 contract with the teachers' representative organizations before the effective date of  
10 ~~assumption of its other duties pursuant to section 15-27.3-15. The school board~~  
11 ~~may enter into agreements with representative organizations pursuant to chapter~~  
12 ~~15-38.4~~ the reorganization. If on July first of the year the ~~newly~~ reorganized school  
13 district begins operations; a negotiated agreement has not been entered ~~into~~  
14 between the board and the teachers pursuant to chapter 15-38.1, ~~until the end of~~  
15 ~~the negotiation process;~~ no teacher employed by the ~~newly~~ reorganized school  
16 ~~district~~ board may receive less in salary and benefits than that teacher received for  
17 the ~~previous~~ preceding school year. For purposes of this section, ~~salary and~~  
18 ~~benefits include~~ "salary and benefits" means salary, insurance benefits, teachers'  
19 fund for retirement contributions, personal leave, sick leave, accumulated sick  
20 leave, extracurricular salary, reduction-in-force policy, grievance procedures, and  
21 recall procedures.
- 22           2. ~~After the establishment of any new school district pursuant to this chapter, the~~  
23 ~~school board for the new~~ Before February second of the year in which the  
24 reorganization becomes effective, the board of the reorganized school district shall;  
25 ~~on or before February first of the year in which the reorganization takes effect;~~ hold  
26 a public hearing and to present at the hearing a detailed plan setting forth the  
27 curriculum, ~~class~~ course offerings, and ~~staffing~~ staff positions ~~which will be offered~~  
28 ~~by the new school district~~ to be available during the coming school year. The  
29 ~~school~~ board shall ~~give~~ publish notice of the hearing ~~by publication~~ in the official  
30 ~~county~~ newspaper ~~in~~ of each county affected by the proposed reorganization  
31 having real property in the reorganized district, at least fourteen days prior to

1            before the date of the hearing. ~~The school board for the new school district shall,~~  
2            ~~on or before~~  
3            3. Before April fifteenth sixteenth of the year in which the reorganization ~~takes effect,~~  
4            ~~notify these~~ becomes effective, the board of the reorganized school district shall  
5            inform the teachers of the districts ~~which are~~ being reorganized whether, ~~taking~~  
6            ~~into account reductions in staff positions due to the reorganization,~~ they will be  
7            offered contracts of employment with the ~~new~~ reorganized district.

**NOTE:** The committee directed that this section be cleaned up.

8            **SECTION 46. AMENDMENT.** Section 15-27.3-13.1 of the 1997 Supplement to the  
9            North Dakota Century Code is amended and reenacted as follows:

10           **15-27.3-13.1. Board may proceed in accordance with chapter 21-03.** ~~The school~~  
11           ~~board for a new~~ of a reorganized school district established ~~pursuant to~~ under this chapter may  
12           proceed, before the effective date of the reorganization, ~~proceed~~ in accordance with chapter  
13           21-03 for the issuance of bonds for purposes specified in that chapter if the issuance of the  
14           bonds is contemplated by the approved reorganization proposal.

**NOTE:** As directed by the committee, this section evidences nonsubstantive changes designed to ensure compatibility of references.

15           **SECTION 47. AMENDMENT.** Section 15-27.3-14 of the 1997 Supplement to the North  
16           Dakota Century Code is amended and reenacted as follows:

17           **15-27.3-14. Continuance of elementary schools in reorganized districts.** ~~Each~~ An  
18           elementary school ~~included in reorganized school districts must be kept in session as provided~~  
19           ~~by law, except that any school may be discontinued when the school~~ in existence at the time a  
20           reorganization proposal becomes effective may be closed upon motion of the board in the  
21           ~~district where the school is located, by a four-fifths vote, approves its closing. The school board~~  
22           ~~may reopen such school at any time upon its own motion. The school.~~ Unless otherwise  
23           directed by the superintendent of public instruction, a school closed under this section may be  
24           reopened only upon resolution of the school board and only at the beginning of ~~the next regular~~  
25           a school term which year that follows by at least ninety days the date of the school board's  
26           action closure vote.

**NOTE:** The committee suggested that this section needed to be reworked. It provides that a board may reopen a school at any time and then proceeds to limit the times when a board may reopen a school. The committee did not, however, address the current requirement for a four-fifths vote. That provision is not problematic if there is a

five-member school board. If a district is governed by either a larger or a smaller board, the percentages are not accurate. Because of uncertainty about the wishes of the committee, the current draft reflects the requirement for a majority vote only.

1           **SECTION 48. AMENDMENT.** Section 15-27.3-15 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **15-27.3-15. Effective date of approved reorganization proposals - Transfer of all**  
4 **property.** Except as provided by in section 15-27.3-13, ~~any a~~ reorganization ~~proposal voted~~  
5 ~~upon and approved becomes operative and effective~~ plan takes effect on the first day of July  
6 following its final approval. ~~Any officer of a~~ by the voters. Personnel from school ~~district~~  
7 districts incorporated in whole or in part into a reorganized ~~school~~ district ~~shall,~~ within thirty  
8 days from the date the reorganization is effective, shall turn over to the board of the  
9 reorganized ~~school~~ district all ~~of~~ the property and other assets as ~~finally adjusted and~~  
10 ~~determined~~ required by the ~~county committee~~ approved reorganization plan. Unless it is  
11 ~~otherwise agreed and provided by the reorganization proposal~~ otherwise, debts, obligations,  
12 and liabilities of the ~~several~~ districts or parts of districts incorporated into the reorganized district  
13 become the ~~general debt, obligation, and liability~~ debts, obligations, and liabilities of the  
14 reorganized district.

**NOTE:** The committee directed that the section be cleaned up.

15           **SECTION 49. AMENDMENT.** Section 15-27.3-17 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17           **15-27.3-17. Sale or removal of school buildings in reorganized districts.** ~~On~~  
18 ~~motion of the school~~ The board, or on petition of a majority of the qualified electors in an  
19 ~~original school district included in~~ of a reorganized district established in accordance with under  
20 ~~this chapter, for the sale or removal of a schoolhouse in such district, the school board of the~~  
21 ~~reorganized district may have the~~ may sell or move a school building ~~moved or sold~~ situated in  
22 the district. If a petition calling for the sale of a school building is signed by a majority of the  
23 qualified electors residing within the boundaries of a former school district now wholly situated  
24 within the boundaries of the reorganized district and is submitted to the board, the ~~school~~ board  
25 shall sell the building ~~must be moved to the place~~. If the petition calls for the board to move the  
26 building, the board shall move the building to the location designated in the petition, or sold if  
27 ~~the petition so provides~~. The board shall deposit proceeds of the sale ~~must be placed~~ in either  
28 the district's general fund or the building fund ~~of the reorganized district, in the discretion of the~~

1 ~~school board. If the sale or removal is to purchaser or recipient of the building is a political~~  
2 ~~subdivision of this state, # the board, upon a unanimous vote, may be made complete the~~  
3 ~~transaction for less than the fair market value of the school building upon motion unanimously~~  
4 ~~approved by the school board.~~

**NOTE:** The committee directed that this section be cleaned up and organized.

5 **SECTION 50. AMENDMENT.** Section 15-27.3-18 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15-27.3-18. Costs of reorganization elections.** ~~Each of the districts affected by the~~  
8 ~~proposal shall pay all~~ If the electors fail to approve a reorganization plan, each school district  
9 that had real property included in the proposed district shall bear the costs of any the election  
10 required in school district reorganization proceedings in the same proportion as the amount of  
11 each district's territory relates to the amount of territory of the newly proposed school district,  
12 should the reorganization proposal fail to be approved at the election. If the reorganization  
13 proposal is approved at the election, the newly reorganized school district shall pay all the  
14 costs. The percentage of the total cost for which each district is obligated is the same as the  
15 percentage that the district's real property included in the proposed reorganized district bears to  
16 the total amount of real property in the proposed reorganized district.

**NOTE:** The committee directed that this section be examined for inaccuracies in phraseology, including the requirement that "each" district pay "all" costs. It directed that these inaccuracies, together with any others, be cleaned up.

17 **SECTION 51. AMENDMENT.** Section 15-27.3-19 of the 1997 Supplement to the North  
18 Dakota Century Code is amended and reenacted as follows:

19 **15-27.3-19. Changes in reorganization proposal.** ~~At any time after the~~  
20 1. All provisions of an approved reorganization proposal has become effective, any  
21 provision of the reorganization proposal, including provisions affecting the  
22 adjustment of assets and liabilities but excepting provisions defining the  
23 boundaries of the district plan, except those relating to boundaries, may be  
24 changed by upon the concurrence of a majority vote of the qualified electors voting  
25 on the question without approval of the state board or the county committee. The  
26 question may be placed before the voters at a regular or special election upon a  
27 motion of the school board in the reorganized district may, upon its own motion, or

- 1           ~~shall, and must be placed before the voters upon the filing with it receipt by the~~  
2           ~~board of a petition signed by at least:~~
- 3           a.   Twenty-five percent of the qualified electors residing in the district, if the  
4           population of the district, as determined by the county superintendent of  
5           schools, is less than twenty-five qualified electors;
- 6           b.   Except as provided in subdivision a, twenty percent of the qualified electors  
7           equal in number to twenty percent or more of the persons enumerated in the  
8           most recent school district census, unless the census is residing in the district,  
9           if the population of the district is not more than four thousand; or
- 10          c.   Fifteen percent of the qualified electors residing in the district, if the population  
11          of the district is greater than four thousand, in which case only fifteen percent  
12          or more of the number of persons enumerated in the school census is  
13          required, submit the question of authorizing a change in the school district's  
14          adopted reorganization proposal at the next regular or special election.  
15          ~~However, not fewer than twenty five signatures of qualified electors is~~  
16          ~~required unless the district has fewer than twenty five qualified electors, in~~  
17          ~~which case the petition must be signed by not less than twenty five percent of~~  
18          ~~the qualified electors of the district. In districts with fewer than twenty five~~  
19          ~~qualified electors, the county superintendent for the county in which the~~  
20          ~~school is located shall determine the number of qualified electors in the~~  
21          ~~district. If a majority of all votes cast on the question by the electors residing~~  
22          ~~in the district is in favor of the proposed change, then the proposed change is~~  
23          ~~effected.~~
- 24          2.   ~~If a reorganization plan has been in effect school district has been reorganized for~~  
25          ~~at least ten years, any proposed change to the boundaries of geographic voting~~  
26          ~~areas is effective may be changed upon the concurrence of a majority vote in an~~  
27          ~~election~~  
28          ~~at large by the~~ of ~~qualified electors of the district voting on the question. A school~~
- 29          3.   The board in a reorganized school district may change, by resolution, to at large  
30          at-large voting for school board candidates members if there is a variance of more

1 than ten percent in the population between any of the district's established  
2 geographic areas with resident candidates.

**NOTE:** The committee determined that this section was incomprehensible in its present form. The committee directed that the section undergo extensive reorganization and clarification efforts. There is a question as to the meaning or intent of the last sentence (new subsection 3).

3 **SECTION 52. AMENDMENT.** Section 15-27.3-20 of the 1997 Supplement to the North  
4 Dakota Century Code is amended and reenacted as follows:

5 **15-27.3-20. Powers of school board in reorganized district - Exceptions.** ~~After~~

6 1. Beginning five years from after the effective date of the reorganization proposal,  
7 the ~~school~~ board of a reorganized district may exercise ~~the all~~ powers granted to a  
8 school board by ~~section 15-29-08 or any other provisions of law,~~ regardless of  
9 limitations contained in the district's reorganization proposal. ~~However, this section~~  
10 ~~does not authorize the school plan.~~

11 2. Notwithstanding subsection 1, the board of a reorganized district ~~to~~ may change  
12 geographic voting areas ~~except only~~ in accordance with section 15-27.3-19 ~~nor~~  
13 ~~does it authorize a change in transportation except in accordance with section~~  
14 ~~15-27.3-10.~~

**NOTE:** The reference to changes in transportation provisions is eliminated because this is already covered in the rewrite of section 15-27.3-19.

15 **SECTION 53. AMENDMENT.** Section 15-27.4-01 of the 1997 Supplement to the North  
16 Dakota Century Code is amended and reenacted as follows:

17 **15-27.4-01. Dissolution of public school districts - Responsibility of county**  
18 ~~committee - Duty of county superintendent~~ Grounds.

19 1. The A county committee shall ~~schedule and provide notice of a public hearing to~~  
20 ~~dissolve a school district~~ initiate proceedings to dissolve a school district and  
21 attach the territory real property to other school districts ~~upon receipt by the county~~  
22 ~~committee of notice from~~ when it is notified in writing by the county superintendent  
23 of schools that:

24 a. ~~A school district can no longer levy sufficient taxes to carry on normal school~~  
25 ~~operations~~ The district is financially unable to effectively and efficiently  
26 educate its students;

- 1           b. ~~A school~~ The district ~~within the county~~ has not operated a school as is  
2           required by section 15-27.1-11; or
- 3           e. ~~There exists territory not organized into a school district;~~
- 4           d. ~~Any portion of a school district within the county has been severed from the~~  
5           ~~district by the expansion and growth of a city and the severed portion is not~~  
6           ~~contiguous with the district; or~~
- 7           e. c. ~~The~~ A school ~~district~~ board has determined that ~~it~~ dissolution is in the best  
8           interests interest of its students ~~to dissolve and become attached to~~  
9           ~~surrounding school districts. The school district shall make this determination~~  
10          ~~whenever the objective is to liquidate the school district. The annexation~~  
11          ~~procedures under chapter 15-27.2 may not be used to annex, through one or~~  
12          ~~more annexation petitions, all of the territory in a school district to surrounding~~  
13          ~~school districts.~~
- 14          2. ~~When any portion of a school district has been left out of a school district~~  
15          ~~reorganization, the county committee shall, within forty five days after voter~~  
16          ~~approval of the school district reorganization proposal, order a hearing pursuant to~~  
17          ~~section 15-27.4-02 for the purpose of determining to which school district or~~  
18          ~~districts the remaining territory should be attached.~~
- 19          3. ~~The county committee shall provide for the attachment of the territory of the~~  
20          ~~dissolved district to one or more adjoining school districts effective July first next~~  
21          ~~following the approval unless another effective date is provided for by the county~~  
22          ~~committee. Qualified electors residing in the attached territory are entitled to vote~~  
23          ~~and hold office in the school district to the same extent as all other qualified~~  
24          ~~electors residing in the district, and the territory is part of the school district as fully~~  
25          ~~in every respect as if it had been included in the district when organized. This~~  
26          ~~section does not prevent the district from providing for the education of the children~~  
27          ~~to the extent that its current budget in the judgment of the school board will permit,~~  
28          ~~or relieve the district from any existing responsibility for the education of children~~  
29          ~~attending its schools before the effective date of the order. This section does not~~  
30          ~~change the effect of any election held within the school district pursuant to chapter~~  
31          ~~15-48 before the effective date of the order.~~

- 1           2. Except as provided in subsection 3, a county committee shall initiate proceedings  
2           under section 15-27.4-02 to attach property to an operating school district when it  
3           is notified in writing by the county superintendent of schools that:
- 4           a. Property has been severed from its school district by the expansion of a city  
5           and the severed portion is not contiguous with its district; or
- 6           b. There is property which is not part of a school district.
- 7           3. If a school district reorganization plan that does not include all property in a district  
8           is approved by the electors, the county committee, within forty-five days after the  
9           election, shall hold a hearing under section 15-27.4-02 to attach the remaining  
10          property to one or more operating districts.
- 11          4. Receipt of notice by ~~the~~ a county committee ~~from the county superintendent~~ under  
12          ~~subsection 1 renders ineffective~~ this section:
- 13          a. Renders all annexation petitions involving ~~any of the same territory~~ that  
14          property void, unless the petitions have not already been approved by the  
15          state board ~~as of the date the county committee received the notice. In~~  
16          ~~addition, no annexation petitions involving any of the same territory may be~~  
17          ~~filed with the county superintendent~~ of public school education.
- 18          b. Prohibits the acceptance of new annexation petitions involving such property  
19          until all proceedings under this chapter have been completed.

**NOTE:** The committee determined that this section was very long and difficult to comprehend. The committee directed that it be made more orderly, and perhaps distributed among several new or existing sections. A subsection is created to govern the circumstances under which dissolution proceedings are instituted; another subsection is created to govern circumstances under which attachment proceedings are instituted; and a third subsection is created to govern the unique instance when a reorganization proposal does not include all property in the district. The fourth subsection includes language requiring the voiding of annexation petitions once dissolution actions are filed. These provisions already existed and were organized and clarified. The provision in former subsection 3 which relates to effective dates was overstruck because it is already included in 15-27.4-02. The remaining sentences in former subsection 3 were overstruck because they are self-evident.

20           **SECTION 54. AMENDMENT.** Section 15-27.4-02 of the 1997 Supplement to the North  
21   Dakota Century Code is amended and reenacted as follows:

22           **15-27.4-02. Notice of hearing - Order of attachment - Joint county action.**

- 23           1. ~~The county superintendent of the county in which the administrative headquarters~~  
24           ~~of the dissolving school district is located, upon order of the county committee,~~

- 1           ~~shall notify the business manager of each school district adjoining any district~~  
2           ~~which is to be dissolved pursuant to section 15-27.4-01, and any unorganized~~  
3           ~~territory recommended for attachment as provided by that section, that a hearing~~  
4           ~~will be held and the time and the place of the hearing by the county committee, for~~  
5           ~~the purpose of determining to which school district or districts the dissolved or~~  
6           ~~unorganized territory will be attached~~ committee shall schedule and give notice of  
7           a public hearing regarding the dissolution of the district and the subsequent  
8           attachment of the property to other districts. The county committee shall publish  
9           the notice in the official newspaper of each county that encompasses property of  
10           the dissolving district or property of a district adjacent to the dissolving district at  
11           least fourteen days before the date of the hearing.
- 12           2. The county committee shall ~~receive~~ consider testimony ~~at the hearing for the~~  
13           ~~purpose of determining and considering the factors listed in subsection 3 of section~~  
14           ~~15-27.2-04 as they relate to the dissolution proceeding. At the hearing, the school~~  
15           ~~district to be dissolved may propose a particular manner of dissolution and~~  
16           ~~documentary evidence regarding:~~
- 17           a. The value and amount of property held by the dissolving school district and  
18           the amount of the district's bonded and other indebtedness;
- 19           b. An equitable distribution of property among adjacent districts;
- 20           c. The taxable valuation of the dissolving district and the projected valuation of  
21           adjacent districts;
- 22           d. The size, geographical features, and boundaries of the dissolving district and  
23           of adjacent districts;
- 24           e. The number of students in average daily membership in the dissolving district  
25           and in adjacent districts;
- 26           f. The location, condition, and accessibility of schools in the dissolving district  
27           and in adjacent districts;
- 28           g. The location and condition of roads, highways, and natural barriers in the  
29           dissolving district and in adjacent districts;
- 30           h. The high schools attended by students residing in the dissolving district and in  
31           adjacent districts;

- 1           i. Conditions affecting the welfare of the students in the dissolving district and in  
2           adjacent districts;
- 3           j. The boundaries of other governmental entities;
- 4           k. The educational needs of communities in the dissolving district and in  
5           adjacent districts;
- 6           l. The potential for economizing school district transportation and administrative  
7           services;
- 8           m. The anticipated future use of the dissolving districts' buildings, sites, and  
9           playfields;
- 10          n. The potential for a reduction in per student valuation disparities and the  
11          potential for the equalization of or an increase in the educational opportunities  
12          of students in the dissolving district and in adjacent districts; and
- 13          o. All other relevant factors.
- 14          3. After the hearing, the county committee ~~shall~~, by resolution, may order the district  
15          dissolved and its ~~territory attached, or the unorganized territory property~~ property attached;  
16          to one or more ~~adjoining~~ contiguous, operating school districts ~~in such manner as~~  
17          ~~will, in its judgment, provide the best educational opportunities for students of the~~  
18          ~~public schools and the wisest use of public funds for the support of the public~~  
19          ~~school system in the school districts and attached territory. The county committee~~  
20          ~~may not order the attachment of any territory unless a. Any property ordered~~  
21          attached under this section must have at least one minor resides residing within  
22          the its boundaries of the territory to be attached.
- 23          4. ~~The district to be dissolved must be attached to a contiguous operating school~~  
24          ~~district.~~
- 25          5. The county committee shall forward a copy of its order to the state board of public  
26          school education for final approval. Unless rejected by the state board or  
27          otherwise provided by the county committee, the order of dissolution and the  
28          subsequent attachment of property becomes effective July first following the date  
29          of the order or resolution and after approval by the state board, unless another  
30          effective date is provided for by the county committee, as provided in section  
31          15-27.4-01.

- 1           6. ~~If that portion of the order providing for attachment of the dissolved or unorganized~~  
2           ~~territory is rendered ineffective or suspended for any reason, the portion of the~~  
3           ~~order providing for the dissolution is suspended until such time as the attachment~~  
4           ~~becomes effective.~~
- 5           7. 5. If the boundaries of the dissolving school district ~~to be dissolved~~ is located in more  
6           ~~than one~~ cross county lines, the proceeding to dissolve the district must be  
7           conducted jointly by the county committees of the those counties in which  
8           twenty-five percent or more of the taxable valuation of the dissolving school district  
9           is located, ~~shall hear the dissolution. After.~~ If, after the hearing, if a majority of the  
10          county committees ~~hearing the dissolution cannot~~ is unable to agree upon an order  
11          ~~attaching the territory to adjoining districts~~ of dissolution and attachment, the  
12          county superintendent of schools of the county in which the administrative  
13          headquarters of the dissolving school district is located, shall ~~submit the dissolution~~  
14          ~~and attachment to~~ notify the state board, ~~and in such instance the~~ of public school  
15          education. The state board shall, ~~after holding a~~ conduct a public hearing ~~such as~~  
16          ~~the one described in subsections 1 and 2, dissolve and attach the district to be~~  
17          ~~dissolved, or the unorganized territory, in the manner as will, in its judgment,~~  
18          ~~provide the best educational opportunities for students of the public school system~~  
19          ~~in the school districts and attached territories~~ as required in this section and, if  
20          appropriate, order the dissolution of the district and the attachment of its property.

**NOTE:** The committee directed that this section be organized and clarified, again to be more easily comprehensible. Subsection 1 maintains the substantive concept within language similar to that used in the chapters regarding reorganization and annexation. The existing subsection 2 is unclear. It requires the county committee to consider factors listed in an annexation section and relate them to dissolution proceedings. It would be a better approach to list the factors here, just as they are listed in the reorganization and annexation chapters, and if the Legislative Assembly wishes to add or subtract from these factors, that can be easily and clearly accomplished.

21           **SECTION 55. AMENDMENT.** Section 15-27.4-02.1 of the 1997 Supplement to the  
22           North Dakota Century Code is amended and reenacted as follows:

23           **15-27.4-02.1. Unobligated cash balance up to ten thousand dollars.** Any  
24           unobligated cash balance ~~up to~~ not exceeding ten thousand dollars ~~which is not designated for~~  
25           ~~indebtedness~~ must be held in a separate fund by the ~~county~~ auditor of the county ~~in which the~~  
26           ~~majority of the territory~~ having the greatest share of the dissolved school ~~district is located~~

1 district's property. The county auditor shall hold the fund for one year after the effective date of  
2 the dissolution. During that year, the county auditor shall accept assets and pay debts  
3 attributable to the dissolved school district ~~which were not resolved before the effective date of~~  
4 ~~the dissolution. At the end of the.~~ After one year, unless ~~determined~~ directed otherwise by the  
5 ~~state board when the dissolution was approved~~ order of dissolution, the county auditor shall  
6 distribute the remaining cash balance ~~remaining in the fund must be divided and distributed to~~  
7 among the school districts in to which the property of the dissolved district was attached. The  
8 distribution to each must be in the same proportion as percentage as the taxable valuation  
9 ~~received by the school districts to which the territory of the dissolved school district was of the~~  
10 attached property bore to the total taxable valuation of the dissolved district at the time of the  
11 attachment order.

**NOTE:** As directed by the committee, the section is cleaned up.

12 **SECTION 56. AMENDMENT.** Section 15-27.4-03 of the 1997 Supplement to the North  
13 Dakota Century Code is amended and reenacted as follows:

14 **15-27.4-03. Unobligated cash balance in excess of ten thousand dollars - Tax**  
15 **credits or refunds.**

16 1. Any unobligated cash balance in excess of ten thousand dollars ~~which is not~~  
17 ~~designated for indebtedness of any school district dissolved after January 1, 1989,~~  
18 is a credit for ~~those who own~~ property owners within the boundaries of the  
19 dissolved school district against taxes levied by the school district the dissolved  
20 school district is attached to in the year or years following the dissolution based on  
21 the previous in which their property is now situated. The county auditor shall base  
22 the credit on the five-year average of the total mills levied for education by the  
23 dissolved district being dissolved, as calculated by the county auditor. ~~If a school~~  
24 ~~district is.~~ If property from the dissolved and district is attached to more than one  
25 school district, the credit that those who own eligible property within the attached  
26 school district receive from the receiving school district owners receive must be in  
27 the same proportion to percentage of the remaining unobligated cash balance as  
28 the taxable valuation of the individual's property bears to the total taxable valuation  
29 of the dissolved district's property in the school district that existed prior to  
30 dissolution at the time of the attachment order.

1           2.    Upon approval of the board of county commissioners, any school district required  
2                   to provide a tax credit under subsection 1 may provide a cash refund in lieu of the  
3                   tax credit. At the request of the county auditor, the school district holding the  
4                   unobligated cash balance shall pay to the county treasurer the amount to be paid  
5                   to those who own property within the dissolved district. The treasurer shall issue  
6                   the refund to the owner of the property as shown on the county's assessment list at  
7                   the time of payment. If there is a lien for unpaid taxes against any property, the  
8                   treasurer shall first apply the tax credit toward any outstanding balance. Any  
9                   amount remaining may then be paid to the property owner. The cash refunds must  
10                  be calculated proportionately to the total taxable value of the dissolved district  
11                  during the last year taxes were levied.

**NOTE:** As directed by the committee, the section is cleaned up.

12           **SECTION 57. AMENDMENT.** Section 15-27.5-02 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **15-27.5-02. School board members - Terms of office - Qualifications - Vacancies.**

15 The ~~school~~ board of a school district formed ~~pursuant to~~ under this chapter consists of five  
16 members. The superintendent of public instruction shall adopt rules ~~under chapter 28-32~~  
17 providing appointment procedures. The superintendent, after consultation with the base  
18 commander, and with the approval of the state board of public school education, shall appoint  
19 the board members in April of each year, ~~except that the initial appointments must be made~~  
20 ~~within fifteen days after March 28, 1989.~~ The board members must reside on the military  
21 installation. The school board members shall serve three-year terms except that the  
22 superintendent of public instruction shall designate two of the members initially appointed to  
23 serve two-year terms and two of the members initially appointed to serve one-year terms. If a  
24 vacancy occurs, the ~~superintendent of public instruction, after consultation with the base~~  
25 ~~commander, and with the approval of the state board of public school education,~~ board  
26 members shall appoint a ~~member~~ an individual to serve for the remainder of the term.

**NOTE:** The committee, at the request of the Grand Forks Superintendent of Schools,  
directed that this section be revised to allow remaining board members to fill a vacancy.

27           **SECTION 58. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the 1997  
28 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 1           1. Notwithstanding sections 2-05-01, 4-18.1-04, 4-27-04, 6-01-03, 6-09-02.1,  
2           12-55.1-02, and 12-59-01, ~~45-21-17~~, section 10 of this Act, sections 15-38-17,  
3           15-39.1-05.1, 15-65-02, 20.1-02-23, 23-01-02, 23-25-02, 36-01-01, 37-18.1-01,  
4           50-06-05.6, 50-06.1-16, 54-34.3-10, 54-54-02, 55-01-01, 55-06-01, 61-02-04, and  
5           61-28-03, all members of the following boards and commissions must, subject to  
6           the limitations of this section, be considered to have resigned from such boards  
7           and commissions effective January first of the first year of each four-year term of  
8           the governor:
- 9           a. The aeronautics commission.
  - 10          b. The milk marketing board.
  - 11          c. The dairy promotion commission.
  - 12          d. The state banking board.
  - 13          e. The state credit union board.
  - 14          f. The advisory board of directors to the Bank of North Dakota.
  - 15          g. The pardon advisory board.
  - 16          h. The state parole board.
  - 17          i. The state board of public school education.
  - 18          j. The education standards and practices board and the administrator's  
19             professional practices board.
  - 20          k. The board of trustees for the teachers' fund for retirement.
  - 21          l. The educational telecommunications council.
  - 22          m. The state game and fish advisory board.
  - 23          n. The health council.
  - 24          o. The air pollution control advisory council.
  - 25          p. The board of animal health.
  - 26          q. The administrative committee on veterans' affairs.
  - 27          r. The committee on aging.
  - 28          s. The committee on employment of people with disabilities.
  - 29          t. The commission on the status of women.
  - 30          u. The North Dakota council on the arts.
  - 31          v. The state historical board.

Fifty-sixth  
Legislative Assembly

- 1 w. The Yellowstone-Missouri-Fort Union commission.
- 2 x. The state water commission.
- 3 y. The state water pollution control board.

**NOTE:** This section deletes a reference to section 15-21-17, which is to be repealed and replaces it with a new section reference to the state board of public school education.

4 **SECTION 59. REPEAL.** Chapters 15-27.6 and 15-27.7, sections 15-21-04.2,  
5 15-21-04.3, 15-21-04.4, 15-21-04.5, 15-21-06, 15-21-08, 15-21-09.1, 15-21-13, 15-21-13.3,  
6 15-21-13.4, 15-21-17, 15-21-19, 15-21.1-01, 15-21.1-02, 15-21.2-01, 15-21.2-02, 15-22-17,  
7 15-22-25, 15-27.1-02, 15-27.1-06, 15-27.1-07, 15-27.1-08, 15-27.1-09, 15-27.3-04, and  
8 15-27.3-16 of the North Dakota Century Code, and sections 15-21-04.1, 15-21-07, 15-21-09,  
9 15-21-18, 15-27.3-02, and 15-27.3-10 of the 1997 Supplement to the North Dakota Century  
10 Code are repealed.