

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1384

2001 HOUSE EDUCATION

HB 1384


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1384

House Education Committee

☐ Conference Committee

Hearing Date 02/07/01

Tape Number	Side A	Side B	Meter #
#1	X		4423 to 6129
Committee Clerk Signature 			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will open the hearing on HB1384.

Rep. Thoreson: (District 13) *Introduced the bill*

Rep. Mueller: Are we basically saying that two school districts that didn't have 225 students or didn't have the mileage requirements would not be allowed to present a reorganization plan to a state board?

Rep. Thoreson: They would still be able to do that, but then they would have to get approval through the things listed in the amendment.

Rep. Bellew: Would you explain Section 1, #2?

Rep. Thoreson: Those are just the perimeters that these districts would have to fall under.

Rep. Haas: *Co-sponsor of bill spoke in support*

Rep. Hanson: Do you have any idea how many school districts have been reorganized in ND?

Rep. Haas: Mr. Decker can answer those better than I can, but refer to the handout.

Rep. Hanson: How many are left to reorganize?

Rep. Haas: I could give you that number if you want me to draw the map of districts, but if we leave that to the local school boards and the people to decide, it's an ungiven number.

Rep. Hanson: What I'm getting at is, they've been doing it on their own over the years, and I'm just wondering how many are complete and how many we have left.

Rep. Haas: I'm deferring to Mr. Decker.

Rep. Nelson: On the handout, of the six that are listed, as I read the bill, only one of those would have qualified under your proposed bill, and we're trying to move this process along for schools to reorganize on their own, and if we make it so rigid that there's got to be a school district that's large enough to have the critical population mass to fit, we really get out in distance. Don't you think there's a danger that there's gonna be hardships?

Rep. Haas: If they meet the first requirement, they only have to meet one of the other three requirements. The amendment is a waiver provision. With the provision, we've covered those situations.

Tom Decker: (DPI) *Walked through the handout with the legislators*

Rep. Nelson: You talked about this map, I don't know how on point that is, because in the bill, they wouldn't be moving, because many of these districts wouldn't qualify. I think we need to move more schools into this category, but we're talking 225 in the green category in the map, and

we're talking a minimum of 450 in the bill, unless the superintendent grants a waiver, and I don't like that to be my only option.

Decker: 450 is a number that's the number in this bill that's subject to negotiation. We do need some flexibility. I think the amendment provides for some considerable flexibility.

Rep. Solberg: In view of the fact that we're facing a problem with busing already, and this bill appears to be encouraging more land mass. What are the solutions to the busing problems?

Decker: If we do nothing, we will have more busing problems. As declining enrollment continues to occur, what is happening is that we go from 7 bus routes to 6 and they get longer.

Rep. Mueller: My concern about this has to do with, it seems to me that we're sending conflicting messages out to our people. We have a number of things that are happenings in smaller districts, those cooperative arrangements being considered. What we've really said to those folks, it's a tough job, now we kind of said to them, you can't do this anyway until you're this big, so it's going to be a pretty easy thing to sit back and say well now the state has determined that we can't do this anyway. What's your reaction?

Decker: I travel around the state, and I think that the public is further along than we think. Secondly, we passed the bonus bill last time which already says some pretty clear standards for size of units that we're thinking about. There was almost no adverse reaction to that.

Rep. Nottestad: When I signed on, I was concerned about what was happening, but beyond that, has your department, based upon school census and current enrollment, ever generated a map of this type showing what it would look like ten years from now?

Decker: We've sliced and diced that issue every conceivable way. We can bring you maps, we can bring you a printout, we can bring you whatever you want to deal with that. Dr. Nygaard had

two maps. We have put off dealing with this issue for quite awhile already, and all we're doing is setting standards within which future decisions about organization can be made.

Chairman Kelsch: Isn't the real issue behind this bill and behind what we've been talking about for the past couple of sessions, the fact that, it's one thing to reorganize for the sake of reorganization, because you can maybe cut costs and maybe combine students, but ultimately what this bill does is to put together a package that puts into place a viable school districts, because in my mind, there's a difference between two schools getting together because its convenient now, but are they going to be viable six years from now, or do we, as a legislature say, we encourage you to put together a school district that's going to be viable ten or twenty years from now.

Decker: Your observations are correct.

Chairman Kelsch: We will now close the hearing on HB1384.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1384b

House Education Committee

☐ Conference Committee

Hearing Date 02-14-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		01 to 79
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman Kelsch: sub committee where are we.

Rep Brusegaard: The sub committee, Rep Haus, Rep Mueller and myself, went through HB 1384.

As you can see on the amendments, page one line 16, we added a new category to a sub section so that schools that have an enrollment in excess of 520 and cover a geographical area in excess of 600 square miles would be included. Then on line 18, we cut that down to 1000 square miles. What we did in section two of the amendments was set up a process for boards to apply for a waiver from the superintendent with a hearing by the state board of public school education whose decision is final. The intent of the bill, is to reorganize into schools that will be viable ten years down the road. I would move the amendments.

Rep Nottestad: Second.

Chairman Kelsch: Discussion on the amendments.

Rep Brusegaard: I also want to mention that reorganization is something that we need to focus on, if schools don't meet these criteria there are still options available to them.

Page 2
House Education Committee
Bill/Resolution Number HB 1384
Hearing Date 02-14-01

Chairman Kelsch: Discussion on the amendments, hearing none, we will have a voice vote on the amendments. Voice vote is uncertain, we will take a roll call vote. The motion passes with 10 YES and 5 NO. What are the wishes of the committee.

Rep Brusegaard: Moved a DO PASS as amended.

Rep Thoreson: Second.

Chairman Kelsch: We have a DO PASS as amend motion on the floor. COMMITTEE DISCUSSION. The clerk will call the roll on a DO PASS as amended motion on HB 1384. The motion passes with 11 YES, 4 NO and 0 ABSENT. Carrier Rep Haas.

FISCAL NOTE

Requested by Legislative Council
01/23/2001

Bill/Resolution No.: HB 1384

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill establishes minimum standards for reorganizations which can be approved by the county committee or state board.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

There is no identifiable fiscal impact.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Jerry Coleman	Agency:	Public Instruction
Phone Number:	328-4051	Date Prepared:	01/25/2001

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1384

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, after line 19, insert:

"SECTION 2. A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

Isolation - Waiver of reorganization criteria.

1. If the boards of two or more school districts vote to pursue a reorganization, but fail because of isolation to meet the criteria of section 1 of this Act, the boards may jointly petition the superintendent of public instruction for a waiver of those requirements. The superintendent may waive the requirements only if:
 - a. The proposed reorganized district will offer within its boundaries all grade levels from one through twelve;
 - b. The geographic location of the proposed reorganized district negates other practical reorganization alternatives;
 - c. The proposed reorganized district covers a geographical area of at least eight hundred square miles [207198.4 hectares];
 - d. The proposed reorganized district will offer students academic opportunities and other educational opportunities not otherwise available; and
 - e. The proposed reorganized district appears able to sustain a viable financial base into the foreseeable future.
2. Any board aggrieved by a decision of the superintendent of public instruction under this section may appeal the decision to the state board of public school education. A decision by the state board is final."

Renumber accordingly

Date: 2/14/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1384

House House Education

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment

Motion Made By Rep. Brusegaard Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo		✓
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson		✓
Rep. Larry Bellew	✓		Rep. Bob Hunsakor		✓
Rep. C.B. Haas	✓		Rep. Phillip Mueller		✓
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg		✓
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 10 No 5

Absent _____

Floor Assignment _____

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

Date: 2/14/01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1384

House House Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Brusegaard Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo		✓
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson	✓	
Rep. Larry Bellew	✓		Rep. Bob Hunsakor		✓
Rep. C.B. Haas	✓		Rep. Phillip Mueller		✓
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg		✓
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 11 No 4

Absent 0

Floor Assignment Rep. Haas

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

REPORT OF STANDING COMMITTEE

HB 1384: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1384 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 16, after the underscored period insert "Have a student enrollment that is in excess of five hundred twenty and cover a geographical area that is in excess of six hundred square miles [155398.8 hectares];

c."

Page 1, line 17, after "miles" insert "[207198.4 hectares]"

Page 1, line 18, replace "c" with "d" and remove "two hundred"

Page 1, line 19, after "miles" insert "[258998 hectares]"

Page 1, after line 19, Insert:

"SECTION 2. A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

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 - d. The proposed reorganized district will offer students academic opportunities and other educational opportunities not otherwise available; and
 - e. The proposed reorganized district appears able to sustain a viable financial base into the foreseeable future.
2. Any board aggrieved by a decision of the superintendent of public instruction under this section may appeal the decision to the state board of public school education. A decision by the state board is final."

Renumber accordingly

2001 TESTIMONY

HB 1384

Tom Decker
#B1384

ND Public School Districts by Type and Size

■ K-12 enr=225+ □ K-12 enr<225 ■ K-8 □ Non-operating

