

# MICROFILM DIVIDER

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DESCRIPTION

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2003 HOUSE POLITICAL SUBDIVISIONS

HB 1428

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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1428**

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 7, 2003

Tape Number	Side A	Side B	Meter #
1	X		0.8
Committee Clerk Signature			

Minutes:

**REP. FROSETH** Called the hearing to order.

**REP. BYRON CLARK, FARGO** Introduced the bill. He submitted a copy of the state law.

See attached copy. He stated they want to change the state law back to what it was originally.

According to some of the research he did, the law relates back to 1973, Clayton Ladone, a Fargo legislator introduced the changes at that time. He amended a bill which basically, froze the school district from growing. The bill passed, and the city of Fargo continued to grow, and at that time, the West Fargo school district was a lot poorer than what it is today. The taxable evaluation per student was about \$2900, and in Fargo it was about \$4300. There was discussion if they should consolidate the two districts, at the time, it was an option that Fargo was considering. The law passed and the resulting effect was that school district boundaries of Fargo were frozen. Today, Fargo schools and West Fargo schools have been taxed at an evaluation per student of about \$14,500, essentially, now they are on equal footing. I suggest the law change

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back to allow each school district to benefit from the fruits of their own growth. Currently, the West Fargo school district taxable evaluations are growing at two times the rate of the Fargo school district. It is time that we consider changing the law back again. I do not wish to harm my good friends and neighbors from West Fargo. I want to find a compromise that works for all involved. He stated he tried to find a concept that would work for everyone. One option was to reclaim the property from the left side of the school district that currently lies within the Fargo city boundaries. Another option was to consolidate the two school districts. The other option was to change the law back. I chose option three, because this option is the best way to achieve the growth and equity, so that each school district can benefit from the fruits of their growth in those evaluations. Both Fargo and West Fargo are growing, both would achieve an increase in evaluations, both cities can benefit from this proposal. It is only fair to allow the school districts to change with the city boundaries.

**REP. AL CARLSON, FARGO** Testified in support of the bill. See attached written testimony.

**REP. SEVERSON** Asked what percentage of reserves does the school district of Fargo have?

**REP. CARLSON** Deferred the question to the school board representatives.

**REP. SEVERSON** What have both cities done as far as public input, in regard to this problem.

**REP. CARLSON** Stated he could only relate to public input he received since the bill came out. Everyone in Fargo thinks it is great, and those in West Fargo don't like it. This is a policy decision that was made in 1973, our only solution was to come back to you and ask what should we do with it. Its a problem that will not get better, it will continue to grow together.

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**REP. SEVERSON** Asked if the public had opportunities to deal with this locally, before it was brought to the legislature.

**REP. CARLSON** Stated he couldn't answer that for a fact, he was not aware of public meetings, dealing with consolidation or boundary changes. The issue is centered in the valley on the annexation of land, and has not centered on the school district. This takes it to another level, because one would accompany the other. To go back to the old law, there is no question, that the school goes with.

**REP. FROSETH** You mentioned consolidation, has there been any serious conversation about consolidating the districts?

**REP. CARLSON** I wouldn't call it serious. It was an issue thirty years ago, and it is still an issue that should be looked at today.

**ROB LYNCH, FARGO CITY COMMISSIONER, FARGO, ND** Testified in support of the bill. Stated he had comments from the Fargo City Mayor plus his own comments. He stated, this is not only an effect on the Fargo school districts, but also on the city of Fargo. Since the law was changed the district taxable valuation has increased by 931%, while Fargo's school districts only increased by 317%. A lot of the future development will be in the West Fargo school district. The city of Fargo has spent large sums of money on infrastructure needs and on economic development efforts, much of which will benefit the West Fargo school district. The Fargo school district is not sharing proportionately in this expanding commercial tax base. Both school districts rely heavily on property taxes, which is about sixty percent. If property tax requirements were cut in half, this issue would not be critical. Submitted a map which showed the 2002 taxable valuations. See attached copy. He stated they believe this issue needs a

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resolution. Suggested an amendment to the bill so that both school districts are allowed to continue to grow. Perhaps, consolidation is the ultimate solution. He stated he wanted to speak as a Dad, and taxpayer, who lives in the city of Fargo. He stated that property taxes he pays on his property in the Fargo school district, are for infrastructure and improvements in another school district. He stated Fargo is continuing to grow, and growing pains are continuing to happen, and we really need to put together a plan that addresses the situation.

**REP. WEILAND** You mentioned you are paying taxes in the Fargo area, for infrastructure in the West Fargo school district, I am aware that schools don't pay real estate taxes, but they do pay special assessments. Are they not paying their fair share of special assessments to the individual properties?

**ROB LYNCH** That is not the point I am trying to make that they are not paying through special assessments. The point I am trying to relay here, as far as a taxpayer and Dad I am speaking to, is paying a portion of city property tax to fund many of the services and infrastructure improvements in an area that benefits a different school district. That is a concern of many of my constituents.

**REP. SEVERSON** Asked if there was any public input which he knew about?

**ROB LYNCH** Personally, being on the City Commission for three years, to be very honest with you, apart from being on the City Commission, all I did was gripe and complain about the situation. Now, as a City Commissioner, when we have any type of meetings where different groups are getting together, such as quarterly meetings, we have between our City Commission, our Park Board and our school district and most recently, with the representatives through the West Fargo school district, I don't think the topic has been jumped right into. I think it has

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always been an underlying discussion, but, I know from folks I represent, their concern has always been, the legislation set the situation in place, the only way this will change is to go out there and get it changed. I don't think there was formal discussion, should we consolidate or not.

**REP. SEVERSON** Stated he grew up in a rural area. How do you feel about consolidation?

**ROB LYNCH** I have children in the Fargo school district, when I look at the situation as a whole, and look at the situation as an elected official and as a taxpayer and as a Dad, I think you are right, it would set an example to bring two situations together. I will preface that with, I personally did not go through a Fargo public school and did not graduate from West Fargo public school. I also grew up in a rural area. I grew up in an area where schools were consolidated. It is a tough thing to go through.

**REP. HERBEL** Stated there is a similar situation happening in the Minneapolis area right now, did you look at what they are doing in terms of consolidating or sharing.

**ROB LYNCH** I did not personally look at that, I can't speak for the school boards if they have looked at that. Even at the local level, when we looked at making changes with whatever difficult situation we are going through, I am a firm believer in not reinventing the wheel. I am a believer in taking a look at what others are doing.

**DAN HUFFMAN, ASSISTANT SUPERINTENDENT OF THE FARGO SCHOOL**

**DISTRICT** Testified in support of the bill. See attached testimony.

**REP. IVERSON** Referred to the map, asked if it was split down the middle.

**DAN HUFFMAN** Anything that is already annexed by the city of Fargo, would not be a part of this bill. This only talks about property that will be newly annexed.

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**REP. IVERSON** How much does it cost for the Fargo school district to educate a child right now?

(Could not hear the answer.)

**DAN HUFFMAN** Gave examples of costs for programs in the Fargo school district.

**REP. IVERSON** Asked if there were any formal discussions regarding consolidation.

**DAN HUFFMAN** About three years ago, both superintendents were retiring, there was some discussion about the possibility of sharing superintendents. There have been discussions about those kinds of things.

**REP. HERBEL** Referred to a chart, school district #6, and how they were related.

**DAN HUFFMAN** Stated, it was the first time he saw this information. He thought it was the part the city of Fargo is proposing to annex. The area in the blue, is one section of property, west of the Interstate, that at the present time, is in the Fargo school district, the rest of that would be in the West Fargo school.

**REP. HERBEL** Asked what kind of reserves are available in the Fargo school district and what percent of the budget that is

**DAN HUFFMAN** Stated about fourteen million, total general fund expenditures are going to be somewhere around 85 million next year.

**REP. HERBEL** Have you looked at what is happening outside the state of North Dakota?

**DAN HUFFMAN** If we were in the state of Minnesota where one tenth of our revenue came from property taxes, etc., this would be a completely different issue.

**BEV NEILSON, REPRESENTING THE NORTH DAKOTA SCHOOL BOARD**

**ASSOCIATION** Testified in opposition of the bill. Should never make a statewide policy to

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take care of an isolated incident. This type of action doesn't take anything away that someone already has. When you think, statewide, every piece of land in the state has property tax assigned to it for a school district. That school district depends on the evaluation of those taxes for their operating budget. All the conversation you will hear today, is about Fargo and West Fargo, this bill is not specific to Fargo and West Fargo. This would be statewide. It was a political decision made in Fargo, years ago, and I hesitate a statewide law made now to solve it. What the legislature did in 1973 may have been a mistake, but if the legislature intervened now, it would be another mistake. All the testimony you will hear today, is unfortunate, consolidation would probably be the answer, but our association does not support mandatory consolidation.

**REP. KIM KOPPELMAN, DIST. 13** Testified in opposition of the bill. There are some frequent misconceptions which come up when this issue is discussed. He stated he lived in Fargo in 1973, and has heard a lot about this debate and this whole issue. One of the things he has continued to hear from the people from Fargo, is getting the land back to the Fargo school district. The land in question was never part of the Fargo school district, it was rural land. Fargo didn't want to bus students from the rural area, as I understand it, and West Fargo did do that. That was the way it worked. The legislation in 1973, simply said, I want change. School districts and cities are different animals, just like counties and townships are different creatures. They live together, they interact, they overlap, but you can't put them in a box and say they are the same thing. I heard a lot of discussion today about our schools, the city and our Fargo school district. There is no such creature. School boards and cities don't match. He stated there are three reasons this bill should not pass is it would create school districts to be non contiguous, secondly, school boards, not city commissioners, should decide school district boundaries, and

*Yolanda Richardson*  
Operator's Signature

*10/16/03*  
Date

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third, this should be about kids, not money. Submitted two e-mails he received, see attached copies.

**REP. SEVERSON** Asked whether he knew of any public input regarding this situation.

**REP. KOPPELMAN** Stated he didn't hear any public discussion about this bill, prior to the session. There was a lot of public discussion over the years, in both communities.

**REP. IVERSON** You mentioned about getting this land back, would the land go back to Fargo?

**REP. KOPPELMAN** My understanding the way the bill is drafted, is that it wouldn't do anything in the current city limits of the city of Fargo, but that territory which would become part of the city of Fargo, which is now part of the West Fargo school district, would change and be part of Fargo.

**REP. IVERSON** Doesn't it make sense, that the city expands, and in educating their children, that the land they annex to the city, would educate their children?

**REP. KOPPELMAN** Most of the students in West Fargo, do not live in West Fargo proper. Some in the city of Fargo, some in the city of Horace, some in the city of Mapleton, some are on farms, etc. Referred to a map, showing what if children lived in those areas.

**SEN. JUDY LEE, DIST. 13** Testified in opposition of the bill. See attached written testimony. Also, submitted an amendment to the bill. See attached copy.

**REP. FROSETH** Asked her reaction to Fargo people saying they are paying for the West Fargo infrastructure.

**SEN. JUDY LEE** The owners of property and businesses are paying for that infrastructure in West Fargo.

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**CHUCK CHENEY, SUPERINTENDENT OF SCHOOLS, WEST FARGO,** Testified in

opposition of the bill. See attached written testimony. Also submitted a map of the West Fargo School District and testimony from Florenz Bjornson, former West Fargo Board of Education President.

**REP. SEVERSON** Asked how much was in their reserves?

**CHUCK CHENEY** Right at two million dollars, the mill levy is thirty one, we are about 7 1/2%.

**REP. IVERSON** Why doesn't consolidation work

**CHUCK CHENEY** I think as a superintendent of the schools, and representing the board of education and the citizens of West Fargo, we need to be open to ideas of how we can improve the education system in West Fargo. We don't necessarily see that consolidation with Fargo, would automatically bring that on. We have about 5200 kids, the way our district operates, we like the control we have, we like the administrative arrangement we have, we believe our board is in a position to serve our public, our constituents, that is one of the reason we are strong, because we have that kind of involvement.

**REP. IVERSON** forty seven percent of your funding, comes from the city of Fargo. If I had a business that was receiving forty seven percent, I think I could do pretty well. With that in mind, do you understand why Fargo is saying, we want to share some of what is happening in that area?

**CHUCK CHENEY** The issue is, that somehow the city of Fargo equates us as serving a neighborhood that we also serve, as being a disadvantage. They have grown into our district, and we welcome them to our district. I don't see any particular significance to that.

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**REP. IVERSON** What happened prior to 1973?

**CHUCK CHENEY** Stated he should ask Mr. Lemer that question.

**REP. FROSETH** Asked if there was open enrollment in the district.

**CHUCK CHENEY** Stated they do not have open enrollment because they don't have the room.

**MARK LEMER, BUSINESS MANAGER, WEST FARGO SCHOOLS** Testified in opposition of the bill. See attached written testimony.

**REP. IVERSON** What happened prior to 1973?

**MARK LEMER** There were four processes in place, as the city of Fargo was growing, they were annexing property which was in the West Fargo school district. When that first property transferred over, the alarms went off, the realization was - referred to the map of West Fargo - he stated, they could not have survived in that environment, not unless the state significantly changed the funding mechanisms.

**BRITINI LE CLAIR, STUDENT OF WEST FARGO HIGH SCHOOL,** Testified in opposition of the bill. Stated she was very upset when they pulled out of West Fargo, because that is where they always went to school.

**LORI JOHNSON, WEST FARGO SCHOOL** Testified in opposition of the bill. Stating she is a parent of two children in the West Fargo School. Does not want to be annexed to the Fargo school district. Part of parenting is having a say in where your children go to school. How can we ask them to give up their friends, and send them somewhere else. She stated they have never been asked for input regarding the situation.

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**MARVIN LEIDAL, FORMER WEST FARGO SCHOOL SUPERINTENDENT** Testified

in opposition of the bill. He stated there is a real strong feeling in their district about staying there. They do not want to be placed in another district.

**LAUREL THORSON, REPRESENTING HIMSELF, WEST FARGO** Testified in

opposition of the bill, Stated it is not in the best interest of the students of West Fargo. He stated West Fargo has done an outstanding job of dealing with the growth. The administration has really put a lot of effort in in dealing with this. They are one of the top school districts in the state and want it to stay that way.

Several e-mails were submitted as testimony. See attached copies.

With no further testimony, the hearing was closed.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1428

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date: February 13, 2003

Tape Number	Side A	Side B	Meter #
2		X	4.6-13.2
Committee Clerk Signature <i>Micki Schmidt</i>			3-3-03

Minutes:

**TAPE 2: SIDE B:**

**(4.6) CHAIRMAN GLEN FROSETH:** We will open the hearing on HB 1428. We do have a couple of amendments proposed by Sen J. Lee & Rep. Carlson. (read the amendment) (See attachment #1 & #2. Any committee discussion?

**(6.0) REP. DALE SEVERSON:** I don't think this amendment is going to help this Bill. I  
**WOULD RECOMMEND A DO NOT PASS.**

**(6.3) REP. MARY EKSTROM:** I SECOND IT.

**(6.5) CHAIRMAN GLEN FROSETH:** Any committee discussion?

**(6.5) REP. RON IVERSON:** I resist this Bill because I'm not willing to cut the West Fargo School District. I believe the answer is in consolidation.

**(6.9) REP. MIKE GROSZ:** I believe West Fargo and Fargo, to have the great opportunity to show the rest of the state the way.

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**(7.1) CHAIRMAN GLEN FROSETH:** There is some merit to that. In area, our school board is talking with the Stanley school board about consolidating. It's over 1400 square miles, so we're talking area.

**(7.6) REP. ALON WIELAND:** I will resist this. The prime reasons are the effects on the kids, the cost, I don't understand it. The Fargo school district costs are \$680.00 per student, to educate where as \$540.00 in West Fargo school district.

**(9.7) REP. MARY EKSTROM:** I support a do not pass.

**(10.8) REP. WILLIAM KRETSCHMAR:** I would suggest a study resolution for this Bill. There is going to be an increase in consolidation. I support the do not pass.

**(11.6) REP. BRUCE ECKRE:** I agree with Rep. Kretschmar.

**(12.2) CHAIRMAN GLEN FROSETH:** Any more discussion? Hearing none, I will have the clerk take the Roll Call Vote: 13-y; 1-n; 0-absent; Carrier: Rep. Severson.

**(13.2)**

Date: 2-13-03

Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1428

House \_\_\_\_\_ "POLITICAL SUBDIVISION" \_\_\_\_\_ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO NOT PASS

Motion Made By Rep. Severson Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz		✓			
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	✓				
Alon Wieland	✓				
Bruce Eckre	✓				
Mary Ekstrom	✓				
Carol A. Niemeier	✓				
Sally M. Sandvig	✓				
Vonnie Pietsch	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. Severson

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

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10/16/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 14, 2003 8:30 a.m.

Module No: HR-29-2697  
Carrier: Severson  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
HB 1428: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, ABSENT AND NOT VOTING). HB 1428 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

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HR-29-2697

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10/16/03  
Date

2003 TESTIMONY

HB 1428

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10/6/03  
Date

#1 24-03 HB 1428 Rp. Clark  
15-27.1-02

#### EDUCATION

Public School Dist. No. 35 in Barnes Township, Cass County v. Cass County Board of County Comrs. (1963) 123 NW 2d 37.

##### Contiguous Tract.

Where the tract sought to be annexed was in actual contact with the existing boundary, not only to the extent of touching at a common corner, which is all that the legislature required in former section 15-53.1-05, but for a distance of one-quarter of a mile as well, the property sought to be annexed was clearly contiguous. In re Annexation of Part of Donnybrook Pub. School Dist. No. 24 (1985) 365 NW 2d 514.

##### Land in More Than One District.

Law providing that territory contiguous to special school district could be attached to such district and detached from district of which it was a part upon application by electors of the "contiguous territory" did not authorize the inclusion in one application of ter-

ritory located in more than one school district, and filing of such application signed by electors of one district did not invoke jurisdiction of county commissioners to detach territory included in the application but situated in another district. Cathay Special School Dist. No. 3, Wells County v. Wells County (1962) 118 NW 2d 720.

##### Parts of City.

When a city not organized into a special school district was divided by a civil township line, the county commissioners when petitioned by a majority of the voters of each part of the city so divided, might annex to a common school district which includes a part of said city that part or those parts not included therein. Wehrung v. Ideal School Dist. No. 10 (1956) 78 NW 2d 68.

##### Law Reviews.

School District Reorganization in North Dakota: Some Statutory Problems, 43 N.D.L. Rev. 775.

*Adeline*  
15-27.1-02. Reorganization not to include annexation or dissolution — Boundary changes application of chapters 15-27.1 through 15-27.4. Chapter 15-27.3 does not apply to chapter 15-27.2 or to chapter 15-27.4 except where specifically referenced in chapters 15-27.2 and 15-27.4. Chapters 15-27.2 and 15-27.4 are separate and additional methods for changing school district boundaries. Except as provided in chapters 15-27.5 and 15-27.6, the boundaries of school districts may be changed or altered only by annexation, reorganization, or dissolution as provided for in chapters 15-27.2, 15-27.3, and 15-27.4. Except as provided in chapters 15-27.5 and 15-27.6, this chapter and chapters 15-27.2, 15-27.3, and 15-27.4 apply to all school districts in the state including the board of education of the city of Fargo and the district under its jurisdiction for school purposes.

Source: S.L. 1985, ch. 209, § 1, 1989, ch. 204, § 1; 1991, ch. 170, § 2.

##### 15-27.1-03. County committee — Appointment — Size and compensation.

- 15-1-10-01*
1. Each county in this state shall have a county committee formed by the selection of one resident from each of the county commissioner districts within the county. Each member is entitled to receive the actual and necessary expenses incurred in the performance of official duties in the amounts provided by law for state officers and employees. Each member is entitled to receive twenty-five dollars as compensation for each meeting of the committee actually attended by the member. The office of management and budget shall pay by warrant the compensation and expenses as directed by the superin-

#1  
30640.0100

Fifty-eighth  
Legislative Assembly  
of North Dakota

*wasn't  
adopted*  
**HOUSE BILL NO.**

Introduced by

Representative Carlson

- 1 A BILL for an Act relating to the reorganization of school districts; to repeal sections 15.1-09-47,  
2 15.09-48, 15.1-09-49, 15.1-09-50, 15.1-09-51, and 15.1-09-52 of the North Dakota Century  
3 Code, relating to the board of education of the city of Fargo; and to provide an effective date.

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

5 **SECTION 1. School district boundaries - Creation.** Notwithstanding any other  
6 provisions of law, no later than July 1, 2004, the school districts known on the effective date of  
7 this Act as Fargo public school district number one and West Fargo public school district  
8 number six shall become through a process of reorganization a single school district.

9 **SECTION 2. Preparation of reorganization plan - Approval.**

- 10 1. The board members representing Fargo public school district number one and  
11 West Fargo public school district number six shall meet to prepare a reorganization  
12 plan and shall hold public hearings in each school district to obtain public  
13 comments regarding the provisions of a reorganization plan.  
14 2. A majority of board members from each school district must by vote approve the  
15 reorganization plan.  
16 3. Upon approving the reorganization plan as required by this section, the board  
17 members shall submit the plan to the superintendent of public instruction.

18 **SECTION 3. Reorganization plan - Contents - Public hearing - Approval**  
19 **procedure.**

- 20 1. The reorganization plan required by section 2 of this Act must:  
21 a. Include the demographic characteristics of each participating school district,  
22 including the population by age group;  
23 b. Include the number of students enrolled in each participating school district  
24 during the current school year and during the ten preceding school years;

Page No. 1

30640.0100

Fifty-eighth  
Legislative Assembly

- 1 c. Include projected student enrollments for the ensuing ten years;
- 2 d. Include the location and condition of all school buildings and facilities in each
- 3 participating school district and intended uses for the buildings and facilities;
- 4 e. Address planned construction, modification, or improvement of school
- 5 buildings and facilities located within the boundaries of the new school district;
- 6 f. Address planned course offerings by the new school district;
- 7 g. Include the planned administrative structure of the new school district and the
- 8 number of full-time equivalent personnel projected to be employed by the new
- 9 school district;
- 10 h. Include the planned number of members who will constitute the board of the
- 11 new school district and the manner in which the board members are to be
- 12 elected;
- 13 i. Address plans regarding student transportation;
- 14 j. Identify other governmental entities, including multidistrict special education
- 15 units and area vocational and technology centers, which may provide services
- 16 to the new school district;
- 17 k. Include the taxable valuation and per student valuation of each participating
- 18 school district and the taxable valuation and per student valuation of the new
- 19 school district;
- 20 l. Include the amount of all bonded and other indebtedness incurred by each
- 21 participating school district;
- 22 m. Address the planned disposition of all property, assets, debts, and liabilities of
- 23 each participating school district;
- 24 n. Include a proposed budget for the new school district and a proposed general
- 25 fund levy and any other levies, provided that tax levies submitted to and
- 26 approved by the state board of public school education as part of a
- 27 reorganization plan are not subject to mill levy limitations otherwise provided
- 28 by law; and
- 29 o. Include any other information that the participating school districts wish to
- 30 have considered by the superintendent of public instruction or the state board
- 31 of public school education.

Fifty-eighth  
Legislative Assembly

- 1           2. Upon receiving a reorganization plan under this Act, the superintendent of public
- 2           instruction shall schedule and give notice of a public hearing regarding the plan.
- 3           3. The superintendent of public instruction shall publish the notice in the official
- 4           newspaper of each school district at least fourteen days before the date of the
- 5           hearing.
- 6           4. The hearing must be held at a site within the boundaries of the proposed new
- 7           school district.
- 8           5. Before the hearing, the attorney general shall review the reorganization plan and
- 9           ensure that all statutory requirements have been met.
- 10          6. The superintendent of public instruction shall appoint an administrative hearing
- 11          officer to conduct the hearing.
- 12          7. At the hearing, the administrative hearing officer shall accept testimony and
- 13          documentary evidence regarding the reorganization plan.
- 14          8. Following consideration of the testimony and documentary evidence presented at
- 15          the hearing, the superintendent of public instruction shall approve or deny the
- 16          reorganization plan.
- 17          9. If the plan is approved by the superintendent of public instruction, the
- 18          superintendent of public instruction shall forward all minutes, records, documentary
- 19          evidence, and other information regarding the proceeding, and a record of the
- 20          superintendent's decision, to the state board of public school education for final
- 21          approval.
- 22          10. The state board of public school education shall publish notice of its meeting at
- 23          which it will consider the reorganization plan in the official newspaper of each
- 24          school district at least fourteen days before the date of the meeting.
- 25          11. To become effective, a reorganization plan must meet all statutory requirements
- 26          and must receive approval by the superintendent of public instruction and by the
- 27          state board of public school education.

28           **SECTION 4. Reorganization plan - Rejection - Revised plan.** If either the  
29 superintendent of public instruction or the state board of public school education denies  
30 approval of the reorganization plan, the board members of the participating school districts shall  
31 develop a revised plan, resubmit the plan to the superintendent of public instruction for

Fifty-eighth  
Legislative Assembly

- 1 approval, and upon receiving approval, submit the plan to the state board of public school  
2 education for approval as provided in section 3 of this Act.

3 **SECTION 5. Reorganization plan - Approval - Adjustments.** Upon receiving  
4 approval by the state board of public school education, the participating school districts shall  
5 provide for the necessary adjustments of property, debts, and liabilities and for the performance  
6 of all duties required by law in order to establish and organize the new school district.

7 **SECTION 6. Election of school board.**

- 8 1. Upon approval of the reorganization plan by the state board of public school  
9 education, a school board for the reorganized district must be elected.  
10 2. The reorganization plan must direct whether the election of the board members for  
11 the newly reorganized school district will take place at the next general election or  
12 whether a special election will be called for the purpose. The reorganization plan  
13 must also name the individual who will be charged with calling the election and with  
14 performing all other duties required by law to carry forth the election process. The  
15 first school board election in a newly reorganized district is governed by chapter  
16 15.1-09.

17 **SECTION 7. Applicability.** Sections 2 through 6 of this Act apply only to  
18 reorganizations required by section 1 of this Act. All other matters not specifically covered by  
19 this Act are governed by the provisions of chapter 15.1-12 and by other applicable sections of  
20 laws.

21 **SECTION 8. Failure to comply - Duty of superintendent of public instruction.**

- 22 1. If the school districts directed to become a single district under section 1 of this Act  
23 fail to become reorganized by July 1, 2004, in the manner provided for by this Act,  
24 the superintendent of public instruction shall:  
25 a. Provide the school districts with a reorganization plan;  
26 b. Appoint individuals to serve as the board of the newly reorganized school  
27 district;  
28 c. Perform any other duties necessary to provide for the creation of a newly  
29 reorganized school district; and  
30 d. Declare the school districts to be reorganized as of July 1, 2005.

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Legislative Assembly

- 1           2. Decisions made by the superintendent of public instruction under this section are  
2           final.

- 3           **SECTION 9. REPEAL.** Sections 15.1-09-47, 15.1-09-48, 15.1-09-49, 15.1-09-50,  
4           15.1-09-51, and 15.1-09-52 of the North Dakota Century Code are repealed.

- 5           **SECTION 10. EFFECTIVE DATE.** Section 9 of this Act becomes effective on the date  
6           that Fargo public school district number one and West Fargo public school district number six  
7           become reorganized as provided in this Act.

#2

2-1303

30244.0101  
Title.

Not  
Adopted

Prepared by the Legislative Council staff for  
Senator J. Lee

January 29, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1428

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for and Act to require an alteration to the boundary of the city of Fargo.

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

**SECTION 1. City of Fargo - Boundary alteration.** Notwithstanding any state law or municipal ordinance to the contrary, on July 1, 2005, the boundary of the city of Fargo must be altered so that the city of Fargo includes no property which on June 30, 2005, was situated within the boundary of the West Fargo public school district No. 6. All appropriate city and county officials, whether elected or appointed, shall cooperate to transfer all assets, liabilities, records, equipment, and property of whatever nature and kind and to do all things proper and necessary to effectuate this Act."

Renumber accordingly

2-7-03  
#2 -  
Rep. Carlson

Mr. Chairman and members of the Political Subs committee:

I am here today to talk a little bit about HB 1428, how it came about, and to tell you why I feel that we need to have a discussion about changing the current law with regards to school district boundaries.

It's probably no news to the members of this committee that Fargo and West Fargo have been having growing pains. Don't get me wrong, growth is good and it's ironic that two of the fastest growing cities that we have are growing right at each other.

It's a problem that we are fortunate to have and the reason that we are here today. I want to discuss the possibility with the members of the committee about UN-changing the states laws that are on the books.

Simply put, I wish to change current state law back to the way it was originally - a way which allows school district boundaries to change with the cities boundaries.

I want to give you a bit of history on this debate, and it occurred when I was only two, so you'll have to forgive me if I don't remember it. According to information I have located, the law changed originally back in 1973. Back then Clayton Ledone, the West Fargo legislator stuck an amendment on a bill which essentially froze the Fargo School District boundaries from growing. The bill passed, and the city of Fargo continued to grow. At the time, the West Fargo school district was a lot poorer than it was today. The average taxable valuation per student was just about 2,900 dollars and Fargo's was about 4,300 dollars. There was a move afoot to stabilize the West Fargo schools tax base and even suggestions that we consolidate the two back then - an option that Fargo was willing to consider. The resulting effect was that the school district boundaries for Fargo were frozen, allowing West Fargo to benefit from Fargo's growth, in an attempt to help stabilize the district. It proved a good solution at the time and should have had a sunset provision.

Today Fargo schools and West Fargo Schools have taxable valuations per student of about 14,500 per student. Essentially they are now on equal footing and I suggest that the law be changed back to allow each school district to benefit from the fruits of their own growth. Currently the West Fargo school district taxable valuations are growing about 2X the rate of Fargo's School district, and its time we considered changing the law back again.

I do not wish to harm my good neighbors in the West Fargo school district, indeed many of their representatives are my friends, and I want to find a compromise that works for all involved. I tossed around three options that I felt could achieve the best results for everyone.

Option 1) Two reclaim the property in the city of Fargo for the Fargo public school district

Option 2) To consolidate the two school districts

Richard Costa  
Operator's Signature

10/16/03  
Date

Option 3) To change the law back to allow the school districts to change with the cities changing boundaries.

I dismissed option one since I know that this is the most unlikely solution. I do not feel that it is fair to remove existing properties in the Fargo city limits --- from the city of West Fargo --- those properties - with high taxable valuations that they have come to rely upon for revenues to support their schools. I suggest that what is past is past and to let them keep those properties in the city of Fargo that they already have.

Option 2 or consolidation would most likely prove an attractive option for both involved and I am sure that the citizens of Fargo would welcome it, but even if consolidated, as the cities grow out into other school districts, the root problem would still exist.... That the boundaries are not changing with the growth.

Which is why I choose option three. I feel that this option is the best way to achieve equity - so that each school district can benefit from the fruits of their growth, and increasing taxable valuations. Both Fargo and West Fargo are growing, both would achieve increased valuations, and both cities can benefit from this proposal. The citizens of Fargo already pay to support city services in those areas in the West Fargo School District, they pay to fund those new developments through their taxes, and they are paying to create that new wealth in the West Fargo school district. I believe that it is only fair that we allow the citizens of Fargo the opportunity to allow their school district to benefit from it, and return the states laws to their original intent - to allow city boundaries to change with city boundaries.

I would urge the committee to take a long look at this proposal, to debate the various benefits and drawbacks of it, and to work to find a solution that benefits all parties involved.

I believe that in this proposal, that I have put forth my best foot and would hope that the committee finds an equitable solution to our problems.

Mr. chairman and member of the committee I thank for you time and I will stand for questions.

Richard Costa  
Operator's Signature

10/16/03  
Date

#3

Rob Lynch - Fargo

## 2002 Taxable Valuations

Total City of Fargo  
\$194,773,430

City of Fargo in School Dist #1  
\$159,214,995 (96%)

School Dist #1 Outside Fargo  
\$6,445,304 (4%)







Total School Dist #1  
\$165,660,299

Fargo in School Dist #6  
\$35,558,435 (47%)

West Fargo in School Dist #6  
\$28,459,135 (38%)

Harwood, Horace, Relles Acres,  
& 8 Townships in School Dist #6  
\$11,484,455 (15%)

Total School Dist #6  
\$75,502,025

-  School Dist #6
-  School Dist #1
-  Fargo in School #6
-  New Fargo Annex (#6)
-  Fargo City Limit
-  West Fargo City Limit

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*Valosta Richardson*  
Operator's Signature

10/16/03  
Date

**58<sup>th</sup> North Dakota Legislative Assembly**  
**House Political Subdivisions Committee**  
**HB 1428**

HB 1428 would place back in statute the ability for a school district's boundaries to change as the city it serves changes. This ability existed for school districts prior to 1973. HB 1180 in the 1973 legislative session changed that process. Senators, representatives, school personnel, and attorneys supporting the change all presented language and information supporting their position that was based on the need to address the differences in taxable value per pupil that existed and that would increase if the law was not changed. Those differences no longer exist. The chart below indicates that the difference between Fargo and West Fargo is \$431 per student based on fall enrollment, and the West Fargo School District now has a taxable valuation per pupil that is \$1,667 higher than Fargo based on census data. This difference, based on enrollment, is decreasing each year as commercial growth in the city of Fargo is occurring almost exclusively in the West Fargo School District. 47% of the taxable value in the West Fargo School District is now in the city of Fargo. The arguments of 1973 will again be relevant, but for the Fargo District.

In addition, there are neighborhoods developing west of I-29 that will cross school district boundaries. Discussions should occur that decide how those neighborhoods should be served, and how they can be allowed to development a sense of community. Not only could these children be in different buildings, they could be in different districts.

This bill in its present form may not be the answer. The issues raised do and will need to be addressed, for children and for taxpayers.

Fargo/West Fargo Data-  
Based on Fall Enrollment

Description	West Fargo School Dist		Fargo School Dist	
	1971-72	2002-03	1971-72	2002-03
Total District Valuation	\$ 7,321,001	\$75,502,025	\$39,681,531	\$165,660,229
Students (fall enrollment)	2,455	5,233	9,189	11,149
(kindergarten as 1.0 FTE in 02-03)				
Valuation per Pupil	\$2,982	\$14,428	\$4,318	\$14,859

Fargo/West Fargo Data-  
Based on Census Data-  
State Measurement

Description	West Fargo School Dist		Fargo School Dist	
	1971-72	2002-03	1971-72	2002-03
Total District Valuation	\$ 7,321,001	\$75,502,025	\$39,681,531	\$165,660,229
Students (Census)	2,455	4,771	11,441	11,700
Valuation per Pupil	\$2,982	\$15,825	\$3,468	\$14,158

Fargo School District does provide educational services to students included in the census but not included in fall enrollment. (Example special education students at private schools and residential facilities, etc.)

Dan Huffman, Asst. Supt.-Business Services  
Fargo Public School District #1  
[huffmda@fargo.k12.nd.us](mailto:huffmda@fargo.k12.nd.us)

*Sal Costa*  
Operator's Signature

10/16/03  
Date

#4 1428 2703

submitted  
by Rep. Koppelman



"Mitzel Glenn D"  
<gmitzel@phoeintl.co  
m>

02/06/2003 04:27 PM

To: "glee@state.nd.us" <glee@state.nd.us>,  
"wbelter@state.nd.us" <wbelter@state.nd.us>,  
"vpletsch@state.nd.us" <vpletsch@state.nd.us>  
cc: "jlee@state.nd.us" <jlee@state.nd.us>,  
"kkoppelm@state.nd.us" <kkoppelm@state.nd.us>,  
"awleland@state.nd.us" <awleland@state.nd.us>,  
"elindaas@state.nd.us" <elindaas@state.nd.us>,  
"oarsvol@state.nd.us" <oarsvol@state.nd.us>,  
"onlemele@state.nd.us" <onlemele@state.nd.us>,  
"lrobinso@state.nd.us" <lrobinso@state.nd.us>,  
"rmetoalf@state.nd.us" <rmetoalf@state.nd.us>,  
"pmueller@state.nd.us" <pmueller@state.nd.us>  
Subject: HB 1428 and HB 1490

Ladies and Gentlemen,

I am unable to attend the meetings on these bills on Friday, 07 February, 2003. Please consider the comments I present in this forum.

Regarding 1490:

I experienced first-hand the ill-written nature of the current law "annexation by resolution" law.

The City of Fargo attempted to use three quarter-sections of undeveloped land to annex one developed quarter section of land. The law as written allowed for this because it is "one acre, one vote" regarding counting protestations of the action. However, in terms of real property value, the value of the homes on the developed quarter far exceeded the value of the empty land.

This ploy was a pure and simple attempt to add tax base. It was "ballot stuffing" because the city knew they had the undeveloped land owner desiring annexation and they drew the annexation map so that the high value owners could not stop the process.

The "annexation by petition" law (where owners ask to be annexed) says 75% of VALUE must request. The law where cities try to take (by resolution) says 75% of the AREA must not protest. There is the impropriety. Valuation must supercede else the people most affected do not have a voice. One large acreage land owner "decides for them." This was the crux recent Fargo/West Fargo/McMahon mediated land dispute.

If it's valuation based protests when you want to be annexed, it should be valuation based protests when they (a city) try to take you.

Additionally, allowing city officials, that I never voted for (because I'm not in their city), to annex my home without having to even inform me of their intent is tyranny. It could be coined "(forthcoming) taxation without representation" because once they finish the process, your taxes go to city rates without you having had recourse along the way. Officials you never elected governing you is unAmerican. (That is the process that the City of Fargo attempted.)

Regarding 1428:

Would this mean that at some point in the future, as a hypothetical, the City of Fargo could quite literally annex the (currently unincorporated) section of land that Northern Cass High School sits on and children in that section would go to Fargo North HS, and yet children a mile further away, unannexed, would still be in Northern Cass district but attend a "Northern Cass" building sitting within the city limits of Fargo?

*Richard Costa*  
Operator's Signature

10/6/03  
Date

Sound absurd? Look at the proposed bill. It would force annexed land into the new city's school district even if it makes no sense (logistically) at all.

Actually, such "forced alignment" actions may harm your legislative ability to cause district consolidations in future dates. How could "two cities" ever exist in "one school district"?

School districts are separate taxing entities. There is absolutely no need to force "alignment" between "city limits" and "school district" limits. I've lived in other states and it is not done there.

Thank you for your time.

Glenn Mitzel  
McMahon Estates  
Barnes Township, Cass County, ND  
(701) 281-0147 Home  
(701) 451-3619 Work  
(701) 371-4674 Cell

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La Costa Rickford  
Operator's Signature

10/16/03  
Date



"Jonathan and Jill  
Garaas"  
<jtgaraas@cableone.net>

To: "Kim Koppelman" <kkoppelm@state.nd.us>, "Alon Wieland"  
<awieland@state.nd.us>, <jlee@state.nd.us>  
cc: <edwin.elsenbelsz@cnh.com>  
Subject: House Bill No. 1428/House Bill No. 1490

02/06/2003 09:04 PM

Dear Senator Lee, Representative Wieland, and Representative Koppelman:

I am writing as an attorney, a property owner in Fargo's targeted area of annexation, and as a citizen of Fargo, North Dakota.

In all three capacities I write **in opposition to House Bill No. 1428** which will lead to economic waste, and inappropriate jurisdictional fighting between competing school districts. It also will not promote appropriate development of land surrounding existing cities. If given sufficient time, I believe that I could present many arguments in favor of cities only being allowed to annex land, and exercise its jurisdiction within areas previously determined to be within the existing school district's boundaries when the school district is identified as being the congruent with the city.

In all three capacities I write **in support of House Bill No. 1490**. Recent attempts at annexation by Fargo have disclosed the inequitable treatment it provides to the advantaged class of developers -- all in violation of existing State statutes and a Constitutional provision requiring uniform application of the laws. I have personally examined an agreement on file with the Fargo City Auditor which provides for inappropriate tax advantages to a favored few -- which costs every other non-favored citizen of Fargo. I believe the amendments proposed will help establish a larger voice for affected citizens and adjacent cities such as Horace and West Fargo. The area that I own property in is oriented toward Horace and West Fargo -- annexation by Fargo is not only unwelcome, but imposes costs upon the citizens of Fargo which are hidden from immediate view. Please pass the proposed amendments as a beginning of a more even-handed methodology for orderly annexation when it is welcomed by the affected landowners -- not shoved down their throats. I am more than eager to expand upon my comments should such be necessary, or appropriate.

Very truly yours, Jonathan T. Garaas, President of Horseshoe Bend, Inc., 1314 23rd Street South, Fargo, North Dakota 58103, and a Fargo resident living at 62 Prairiewood Drive, Fargo, North Dakota 58103.

(For Sen. J. Lee)

Scratch Pad for Bill: HB 1428

HB 1428

House Political Subdivisions Committee

February 7, 2003

Senator Judy Lee

HB 1428 has been introduced to permit Fargo's School District to take over parts of the West Fargo School District. I stand before you today to oppose their aggressive move.

The West Fargo School District boundaries have not changed. The area currently in question has always been part of the West Fargo School District. It was originally in an unincorporated area between the 2 school districts. Before the area was developed, West Fargo schools bused the students from the farms and mobile home parks in the area. As homes were built, more children rode the buses.

But you won't hear much discussion about children from the proponents of this bill. It's about the money. They enviously eye the tax dollars generated by residential and commercial development in that area which is part of the territory being annexed by Fargo, but is in the West Fargo school district. As long as Fargo's enrollment grew, just like in the baseball movie, they could "build it and (the money) would come". But as their enrollment stabilized, their spending habits did not adjust to their new circumstances.

I compare the situation to my own family. I am 11 years older than my youngest sister. My parents were at a different point in their lives, when my sister was 16 years old, than they were when I was 16. As a result, her perception of basic needs and her spending choices have been different from mine. I started out with more modest expectations and a smaller budget than she did. We both have been blessed in life, but our choices have often been different. Fargo, with its unlimited levy for many years, developed different spending habits, too. It now expects its sister district to help with the bills. My sister and I and our families have continued to take care of ourselves and not ask each other for money. Fargo and West Fargo School Districts should do the same thing.

You'll hear other people speak today about the tax dollars and

<http://auth.intranetapps.nd.gov/lr/legislature/laws?request=LRLawsPrintScratchPad&membe...> 2/7/2003

*Yolanda Richardson*  
Operator's Signature

10/16/03  
Date

enrollments and other important facts. But I want you to keep in mind the fact that this bill would require children currently in the West Fargo schools to switch to the Fargo schools. Families that feel a part of our community, because of their school involvement, would be forced to break that connection.

The state of North Dakota has created incentives for school districts to consolidate, if the voters in the districts approve. We have NOT forced families in any other districts to do what my neighbors would have to do, if 1428 passes.

I urge you to reject this bill.

<http://auth.intranetapps.nd.gov/lr/legislature/laws?request=LRLawsPrintScratchPad&membe...> 2/7/2003

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Operator's Signature

*Salvatore Riccardi*

10/6/03  
Date

Dr. Chuck Chamey -

# 1 2-7-03

### TESTIMONY

To: North Dakota House of Representatives  
Fifty-Eighth Legislative Assembly  
Political Subdivisions Committee

From: West Fargo Public School District #6

Issue: House Bill 1428

The West Fargo School District opposes House Bill 1428. This is a bill about money that does not allow the citizens of our school district to exercise their democratic rights of self-determination.

The purpose of House Bill 1428 is to take away property from the West Fargo School District and give it to the Fargo School District.

What is the West Fargo School District?

- We educate 5,200 students.
- We employ 694 people.
- We operate ten school buildings.
- Geographically the district is made up of 124.75 sections of land with the greatest dimensions of 20 miles long and 7.5 miles wide. The West Fargo School District includes property located in Harwood, Horace, Fargo, Reiles Acres, West Fargo, and rural Cass County.
- We levy 254 mills annually.
- We will spend 31.5 million general fund dollars this year.

- Our per pupil cost for 2001-02 was \$5,074.96 which is 91.4% of the state average.
- Based on enrollment we are the fifth largest school district in the state.

If property annexed by the city of Fargo is removed from the West Fargo School District, the district will be financially compromised to the extent that it may no longer be able to serve our students and parents. Virtually all land to the north, south, and west of Fargo that would be part of the city of Fargo's annexation plan is and always has been in the West Fargo School District. Each future annexation by the city of Fargo will only exacerbate the financial calamity of House Bill 1428 upon the West Fargo School District.

In circumstances where large cities and developing cities (suburbs) have common boundaries, school district and city boundaries are most often different. The city of Fargo argues that their boundaries should be the same as the Fargo School District. By their very nature, political subdivisions have boundaries that are defined and revised based upon their responsibility to serve the public. School districts and cities are separate governmental agencies with public responsibilities that are different. Their boundaries need not coincide. School district boundaries are not drawn with city government or county government in mind.

Throughout the nation and the state of North Dakota we believe that school, student, and parent issues must be kept separate from city and county politics for the benefit of the students involved. The number one objective of school boards is

to provide the very best education for students. The same cannot or should not be true of a city commission or a county commission. They are elected to serve other important purposes.

The Fargo School District is a high-quality, well-respected school district with whom we share a common commitment to students, families, and the community at large. We are surprised and concerned that we are considered to be such an important part of their short and long term problem solving efforts.

Many in Fargo are promoting the fiction that the Fargo School District is property poor while the West Fargo School District is wildly wealthy. The real comparison of our relative wealth is best shown by taxable value per student as indicated below:

Comparisons Of West Fargo / Fargo Taxable Valuation And Yearly Cost To Educate A Student

	2000-01		2001-02	
	West Fargo	Fargo	West Fargo	Fargo
Taxable Valuation	\$67,991,328	\$157,400,274	\$75,502,025	\$165,660,299
Enrollment	5,159	11,269	5,262	11,159
Taxable Valuation Per Student Enrolled	\$13,179	\$13,968	\$14,349	\$14,845
Mill Levy	249.02	331.88	254.02	323.84
Cost To Educate A Student	\$4,689	\$6,003	\$5,075	\$6,045

Contrary to the message being promoted, the two school districts are equally positioned relative to local resources as measured by taxable valuation behind each student educated. We are not continually struggling financially as we did for most

of our existence. Apparently, to some Fargo School District supporters this is not an appropriate turn of events.

What does the West Fargo School District have that the Fargo School District wants?

1. Money
2. Enrollment Growth
3. The Fargo School District wants to spread their high cost over our district resulting in lower taxes for them and higher taxes for the current patrons of the West Fargo School District.

What does the Fargo School District have that the West Fargo School District does not want?

1. A combined size that would challenge "span of control"
2. High education costs per student
3. High taxes
4. A spending culture/appetite that does not match ours

The West Fargo School District simply asks that all interested parties clearly hear that we like who and what we are.

A "YES" vote on House Bill 1428 supports:

1. Legislatively extracting students from one school district and putting them in another.
2. Extracting land from one school district and putting it in another
3. Removing decision-making and local control from local citizens ... a major democratic principal betrayed
4. Bailing out a high spending school district
5. The likely demise of the West Fargo School District
6. Questions from all corners of the state, "Has the state legislature taken on the job of redrawing school district boundaries?" "Is our district next?"

*IN CONCLUSION...*

The state of North Dakota could solve this problem by developing statewide funding mechanisms that drastically reduce our reliance on local property taxes.

It is wrong to take this important local business out of the hands of people. The people of North Dakota have enjoyed and should continue to have the opportunity to make good decisions on important issues like this at home.

The students and citizens of the West Fargo School District urge you to send House Bill 1428 to your distinguished colleagues with a resounding **DO NOT PASS** recommendation.

#8 2-7-03

Testimony on House Bill 1428  
Presented by Mark Lemer, Business Manager, West Fargo Schools  
February 7, 2003

Representative Froseth and members of the House Political Subdivisions Committee. I am here today to oppose the provisions contained in HB 1428.

Currently, there are three processes outlined in the ND Century Code that provide for the transfer of property from one school district to another. The processes are reorganization, annexation, and dissolution. All of these processes involve the residents of the school district, who are the stakeholders affected by a change in district boundaries. The provisions of HB 1428 take the process of district boundary changes out of the hands of the residents of the school district and place them with city governments. This transfer of authority takes away the right of individual residents to make decisions based upon the educational needs of students and places it with a body that is disinterested in those educational needs.

The provisions of HB 1428 also create problems with regard to the boundaries of school districts. If a pending annexation of property by the City of Fargo would take place after the passage of this bill, two sections of property would transfer from the West Fargo School District to the Fargo School District. These two sections of property would not be contiguous to any other property in the Fargo School District and would be completely surrounded by the West Fargo School District. This would be the first instance in the history of the State of North

Page 1

Richard Costa  
Operator's Signature

10/16/03  
Date

Dakota where a school district (or any other political subdivision) had an island of property that was not contiguous with all other property.

In a recent article in the Fargo Forum, Fargo School officials indicated that school funding in the community needs to be more equitable. I agree that there are equity issues that need addressing across the entire state and that some school districts are disadvantaged by the current funding formulas. However, I don't agree that the Fargo School District falls into the category of the disadvantaged. Here are a few measures that compare resources between the Fargo School District and the West Fargo School District during the 2001-2002 school year:

- 1) Fargo's "educational" cost was \$6,044.60 per student while West Fargo's was \$5,074.96.
- 2) Fargo received \$7,455.25 in revenue per student while West Fargo received \$5,647.86.
- 3) Fargo had \$13,967.55 of taxable valuation for every student educated while West Fargo had \$13,179.17.
- 4) Fargo's ending fund balance grew from \$8,387,494.85 to \$13,586,881.12 while West Fargo's went from \$1,779,946.62 to \$2,356,561.78.

Page 2

The Fargo School District has done a good job convincing their public that they don't have access to as many resources as the West Fargo School District, but a review of the facts doesn't support that argument.

The driving factor in the need to expand the tax base of the Fargo School District has to do with the fact that for the first time in the history of the school district, there is a limitation on the amount of revenue the district can raise locally. It is no coincidence that HB 1428 was introduced shortly after the residents of the Fargo School District voted to eliminate the unlimited levy. The Fargo School District should be focusing its efforts on controlling their spending, rather than attempting to expand their revenue budget at the expense of the West Fargo School District.

The City of Fargo has been very aggressive providing Tax Exemptions for New and Expanding Business, Payment in Lieu of Tax incentives, and tax credits for property in their Renaissance Zone. They have also established many Tax Increment Finance (TIF) districts within the city that have reduced the amount of taxable value available to be taxed for school purposes. Some of these TIF districts have been in existence for over 20 years. While these measures have been employed as a means of spurring economic development, they have had a substantial impact on the tax base of the Fargo School District. As a matter of tax policy, the City of Fargo should be considering the impact of these incentives on

Page 3

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Operator's Signature

*Salvatore Riccardi*

Date

10/16/03

the Fargo School District. The West Fargo School District is not granting tax exemptions within the Fargo School District, so it seems ironic that we are looked at as the solution to expanding the tax base of the Fargo Public Schools.

I urge you to give HB 1428 a "Do Not Pass" recommendation. If you have any questions, I will be happy to answer them.

Page 4

Yolanda Rickford  
Operator's Signature

10/16/03  
Date

243-03 #1428

#1



"Kris Sandau"  
<klsandau@msn.com>  
>

To: "Judy E. Lee" <jlee@state.nd.us>  
cc:  
Subject: Re: School District proposed law concern

02/06/2003 08:08 PM

Absolutely read and make copies of my email! I know that I am not the only parent out here thinking of this. The sad thing is some of them are considering selling their houses and moving in further to West Fargo so they can avoid this mess. If I do that then I will lose out on recouping my closing costs, and as a single Mom I just can't do that. I need to live in this house for at least another four years to recoup the costs. Besides that my son and I love our house, our neighborhood and we love being a part of West Fargo School District! To be honest I feel more a part of West Fargo than I ever have in the 13 years that I have lived in Fargo. Part of that obviously is that I have a child now involved in school which really helps to make individuals feel a part of the community. We love going to the activities both sporting and other that West Fargo offers. It makes me feel as if I am raising my son in the community like I was raised in Rugby, ND. A nice small town feeling that makes you feel a part of the community.

Kris Sandau

>  
> I am writing to you over my concern on the proposal that the senator from  
> Fargo has introduced. I am an individual who's child has been in the  
West  
> Fargo School district now for 3 years. In May of 2002, I finally moved  
> from an apartment to a house. That house is in the Fargo city limits but  
> still in the same school where my school has gone so I did not disrupt  
that  
> stability for him. I now find out that "the bid bad bully (aka Fargo)"  
> has decided they want to take back the students in this area with no  
> thought to the emotional disruption this would have on the children. Yet  
> again for Fargo it is all about money. I would like to know what I can  
do  
> to try to stop this from happening.  
>  
> As a single mother I have done everything that I possibly can to ensure  
my  
> son has a stable environment. I stayed in an apartment until I knew that  
> we could move to a house that we would be in for a long time. That  
> happened finally and eight months later Fargo wants to ruin that all by  
> giving me the option of my son changing schools or moving to a new house  
so  
> my son can stay in Eastwood. My child's friends go to Eastwood and we  
> attend the basket ball games so he has established a strong bond with the  
> West Fargo Packers. It seems completely unfair to me that Fargo wants to  
> take that bond away from the children in this area. Maybe it is just me  
> but having a bond with the school where you attend is very important and  
> everything that I have read on children indicates those bonds are formed  
in  
> their early years. On Tuesday evening my son and I attended a West Fargo  
> Packer boys basketball game. It was so much fun to see the passion that  
he  
> and his friends had for cheering and yelling for their team. I want that  
> to continue. I chose to stay in the West Fargo School district when I  
was  
> looking to buy a house. I looked at houses out by where I worked,  
> Microsoft, and found that the option that Fargo was offering was terrible.  
> They are busing those children to a school in North Fargo. That is  
> unacceptable, not to mention my daycare would not take care of  
transporting  
> him to and from school, so I would have to make arrangements to take him  
to  
> school in the morning and leave early afternoon to pick him up and bring  
> him back to the daycare. Have they even thought of what they would do  
> with the influx of children? Based on everything the Fargo school  
> district has demonstrated and the city of Fargo I would venture to say the  
> answer to that question is NO. Both the city of Fargo and the Fargo  
> School District do a terrible job of planning. What they need to do is  
> figure out how to plan and how to budget better so they are not in this  
> position. Maybe the Fargo School District should spend their time and  
> energy into improving their ability to stay on budget. Coincidental how  
> this and the McMahon estates fiasco happen only about a year after the new  
> media here reported that Fargo School District was going to have a  
> significant shortfall on their budget. Interesting isn't it.  
>  
> Additionally this law as I understand it would not just apply to the  
> Fargo/West Fargo district but have far reaching effects. I sincerely hope  
> that other smaller school districts throughout the state are carefully  
> considering this, and will say no.  
>  
> Personally I think there are a multitude of other things that our  
> government could be focusing in today's times than settling this type of  
> issue for the Fargo School District.  
>  
> Please, please let me know what I can do to help on this.  
>  
> Kris Sandau

> 1807 50th St SW  
> Fargo, ND 58103

10/16/03

# West Fargo Public School District

District Office - 207 West Main - West Fargo ND 58078

Web Site: [www.west-fargo.k12.nd.us](http://www.west-fargo.k12.nd.us)

Fax: (701) 356-2009

## Board of Directors

Jeff Shirley ..... President  
Duane Hanson ..... Vice-President  
Troy Aswege ..... Director  
Thomas Gentzkow ..... Director  
Angela Korsmo ..... Director  
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Robin Hill, Human Resources Director ..... (701) 356-2001  
Mark Lemer, Business Manager ..... (701) 356-2002  
Jan Sliker, Food Service Director ..... (701) 356-2050

Mr. Chairman and Members of the Committee:

I regret I am not here in person to oppose to House Bill 1428.

West Fargo School District has lived peacefully with its neighboring cities Harwood and Horace, who by agreement in the late 1960's, and later Reiles Acres, became part of the West Fargo School District.

West Fargo has educated young people from Fargo for over 30 years since Representative Clayton Lodoen's bill House Bill 1180 was approved by the North Dakota legislature.

In the intervening years the acres between Fargo and West Fargo have filled with thriving businesses that pay city property taxes to Fargo and school property taxes to the West Fargo School District.

That is why we are here today. House Bill 1428, in its 11 lines, embodies the ability of one city to increase its extraterritorial rights. Fargo has four miles and could potentially extend itself and capture all school and city taxes on property no matter where the students are educated.

This potential to harvest all property taxes is a threat to any school district near a city.

*Florenz Bjornson*  
Florenz Bjornson  
Former West Fargo Board of Education President  
Former District 13 House of Representative Member  
February 7, 2003

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*Salvatore Riccio*  
Operator's Signature

10/16/03  
Date

February 6, 2003

Glen Froseth  
Chair, Political Subdivisions Committee  
North Dakota House of Representatives

Mr. Froseth,

On behalf of the West Fargo Education Association I'd like to ask that your committee give consideration to opposing House Bill 1428. As we understand the bill, certain lands currently lying within a school district could essentially be "taken away" in conjunction with city annexation. We feel this is a dangerous precedent and could devastate districts like ours.

If this bill were to become law, students currently attending school in our district could conceivably be uprooted, their parents' property taxes could rise dramatically, and our school district budget could be very negatively affected. This very much seems like a law that could create extremely hard feelings and take deliberative and democratic power away from those affected—property owners and students. There must be a better way to deal with school boundary issues than this.

Thank you and your committee for your time and consideration, and for all you do for the people of North Dakota.

Sincerely,

*Mark Berntson*

Mark Berntson

President

West Fargo Education Association

West Fargo High School

801 9th Street East

West Fargo, ND 58078

berntson@west-fargo.k12.nd.us

701-356-2050

# Comparison of the 16 Study County School Districts in North Dakota Presented February 10, 2003

## General Fund Revenue 2001-2002 \*

County/ District Number	School District Name	Local Revenue	County Revenue	State Revenue	Federal Revenue	Other Revenue	Total Revenue
9001	Fargo 1	49,375,986	0	29,457,828	4,916,900	262,454	84,013,169
8001	Bismarck 1	30,056,599	0	28,304,998	5,716,169	144,480	64,222,246
18001	Grand Forks 1	29,014,728	0	22,193,314	4,094,174	31,000	55,333,216
51001	Minot 1	24,674,955	9,918	19,028,707	3,106,621	51,424	46,871,625
9006	West Fargo 6	13,921,746	0	13,270,476	1,805,604	139,503	29,137,329
30001	Mandan 1	6,366,549	44,031	9,513,233	1,409,987	-5,896	17,327,904
45001	Dickinson 1	5,254,459	443,372	8,349,222	2,106,886	145,251	16,299,189
47001	Jamestown 1	5,470,483	194,850	7,455,822	935,744	20,734	14,077,633
53001	Williston 1	4,295,385	462,342	7,065,289	1,735,365	0	13,558,382
36001	Devils Lake 1	3,633,128	0	6,001,147	1,318,245	3,898	10,956,417
39037	Walhpton 37	3,408,488	2,554	4,062,676	675,543	18,276	8,167,536
2002	Valley City 2	2,799,757	0	3,467,680	509,176	0	6,776,613
29027	Beulah 27	1,917,719	975,885	2,620,166	151,299	0	5,665,069
50003	Grafton 3	2,321,466	0	2,766,216	560,910	0	5,648,593
5001	Bottineau 1	1,694,254	308,528	2,248,673	252,320	21,743	4,525,518
35005	Rugby 5	1,937,595	0	1,866,310	195,844	1,681	4,001,430

## General Fund Expenditures 2001-2002 \*

County/ District Number	School District Name	Salary & Benefits Teachers	Salary & Benefits Support	Other Instructional Expenditures	School Admin.	General Admin.	Operation & Maintenance of Plant	Student Transport.	All Other Expenditures	Total Expenditures
9001	Fargo 1	46,044,826	4,951,855	5,408,771	3,850,233	3,177,341	6,672,532	2,030,963	6,677,261	78,813,782
8001	Bismarck 1	37,507,914	3,709,938	3,355,647	3,512,988	3,844,818	6,372,480	1,210,566	5,052,879	64,567,228
18001	Grand Forks 1	32,107,357	4,780,912	3,566,051	3,418,569	2,340,106	3,954,242	485,059	4,618,372	55,270,668
51001	Minot 1	27,437,288	1,847,800	2,772,667	2,563,731	2,054,236	4,474,516	580,614	5,306,436	47,037,288
9006	West Fargo 6	17,324,626	2,325,592	2,224,127	1,509,361	1,024,537	2,031,528	713,913	1,407,031	28,560,714
30001	Mandan 1	10,544,935	1,107,089	927,008	924,430	928,498	1,532,937	629,908	707,825	17,302,630
45001	Dickinson 1	9,485,006	729,847	1,030,807	829,717	963,480	1,142,755	401,070	1,522,594	16,105,274
47001	Jamestown 1	8,122,008	669,447	964,997	907,902	622,260	1,147,810	472,940	1,096,094	14,003,458
53001	Williston 1	7,506,443	570,719	891,631	785,428	314,099	1,229,400	223,196	1,576,884	13,097,800
36001	Devils Lake 1	5,929,070	876,230	1,027,437	377,861	516,861	1,065,517	526,427	735,247	11,054,651
39037	Walhpton 37	4,852,615	408,974	360,836	414,192	480,268	639,629	338,722	657,625	8,152,861
2002	Valley City 2	3,451,476	512,187	595,850	303,526	320,187	438,561	199,542	798,392	6,619,722
29027	Beulah 27	2,745,996	358,043	387,635	227,121	410,025	503,852	246,816	833,114	5,712,602
50003	Grafton 3	2,547,333	154,638	401,933	266,948	298,787	495,956	173,937	991,088	5,330,618
5001	Bottineau 1	2,711,596	178,658	281,937	142,413	354,159	398,931	358,969	202,340	4,629,003
35005	Rugby 5	2,161,036	223,817	235,443	170,657	198,054	404,812	298,796	275,397	3,968,012

\* Information obtained from School Finance Facts on Disk, prepared by the Department of Public Instruction, February, 2003.

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Operator's Signature *Jo Costa* *Richard*

Date *10/16/03*

# Comparison of the 16 Study Co. School Districts in North Dakota Presented February 10, 2003

## Student Counts, Taxable Valuations, Fund Balances, and Average Cost \*

County/ District Number	School District Name	Total Enrollment 2002-2003	Total Avg Daily Membership 2001-2002	Census Ages 6 - 17 May, 2001	Taxable Valuation 2002-2003	Taxable Value Per Pupil (Census)	Taxable Value Per Pupil (Enrollment)	Ending Balance Fund Group 1 2001-2002	Average Cost Per Pupil 2001-2002	Rank
9001	Fargo 1	11,159	11,598.05	11,700	165,660,299	14,159.00	14,845.44	13,586,881	6,044.60	1
8001	Bismarck 1	10,489	11,051.34	10,494	126,181,449	12,024.15	12,029.88	8,639,417	5,275.72	5
18001	Grand Forks 1	8,041	8,600.46	7,361	90,991,880	12,361.35	11,315.99	12,919,701	5,833.09	2
51001	Minot 1	7,015	7,180.08	5,933	65,839,076	11,097.10	9,385.47	9,712,612	5,731.17	3
9006	West Fargo 6	5,262	5,209.85	4,771	75,502,025	15,825.20	14,348.54	2,356,562	5,074.96	6
30001	Mandan 1	3,401	3,519.25	3,704	34,925,429	9,429.11	10,269.16	1,574,803	4,536.45	11
45001	Dickinson 1	2,758	2,838.57	3,349	27,273,398	8,143.74	9,888.83	2,025,502	4,996.04	8
47001	Jamestown 1	2,570	2,750.32	2,736	27,355,961	10,137.41	10,792.20	4,070,612	4,521.08	13
53001	Williston 1	2,345	2,490.74	2,480	15,499,576	6,249.83	6,609.63	2,122,639	4,535.89	12
36001	Devils Lake 1	1,912	1,985.29	2,342	16,240,206	6,934.33	8,493.83	1,323,070	4,932.77	9
39037	Wahpeton 37	1,543	1,627.75	1,560	17,750,889	11,378.78	11,504.14	1,099,801	4,396.57	15
2002	Valley City 2	1,221	1,271.81	1,123	13,714,871	12,212.71	11,232.49	933,382	4,420.30	14
29027	Beulah 27	915	971.95	948	9,497,146	10,018.09	10,379.39	2,113,902	4,766.37	10
50003	Grafton 3	911	976.82	968	9,572,538	9,888.99	10,507.73	328,606	4,264.44	16
5001	Bottineau 1	806	813.78	705	8,066,484	11,441.82	10,008.04	1,201,881	4,998.52	7
35005	Rugby 5	606	632.59	720	9,993,864	13,880.37	16,491.52	1,065,411	5,364.96	4
Statewide Averages						13,110.27	13,699.69		5,549.90	

## Mill Levies 2002-2003 \*

County/ District Number	School District Name	General Fund Levy	H.S. Tuition Levy	H.L.S. Trans. Levy	Building Fund Levy	Sinking & Interest Levy	Other Mill Levies	Total Mill Levy	Rank
9001	Fargo 1	291.80	0.00	0.00	26.10	0.00	5.94	323.84	1
8001	Bismarck 1	236.64	0.00	0.00	10.00	27.45	0.00	274.09	2
18001	Grand Forks 1	225.51	0.00	0.00	11.32	0.00	4.20	241.03	6
51001	Minot 1	185.00	8.68	0.00	0.00	0.00	15.31	208.99	13
9006	West Fargo 6	185.00	3.82	0.00	10.00	37.84	17.36	254.02	4
30001	Mandan 1	167.48	0.00	0.00	15.50	14.44	14.68	212.10	12
45001	Dickinson 1	176.51	0.00	0.00	10.00	7.05	5.43	198.99	14
47001	Jamestown 1	185.00	4.00	0.00	10.00	21.40	6.00	226.40	9
53001	Williston 1	238.72	0.00	0.00	10.00	0.00	0.00	248.72	5
36001	Devils Lake 1	187.41	0.00	0.00	10.00	10.16	11.59	219.16	10
39037	Wahpeton 37	185.00	1.34	0.00	9.94	28.38	3.46	228.12	8
2002	Valley City 2	185.00	4.01	0.00	10.00	16.04	16.02	231.07	7
29027	Beulah 27	185.00	0.00	0.00	20.00	10.42	0.00	215.42	11
50003	Grafton 3	197.13	4.13	0.00	20.00	38.54	9.40	269.20	3
5001	Bottineau 1	178.02	0.00	0.00	11.16	0.00	4.71	193.89	15
35005	Rugby 5	183.86	0.00	0.00	5.00	0.00	1.00	189.86	16
Statewide Averages		190.84	3.34	0.13	10.17	8.79	4.74	218.01	

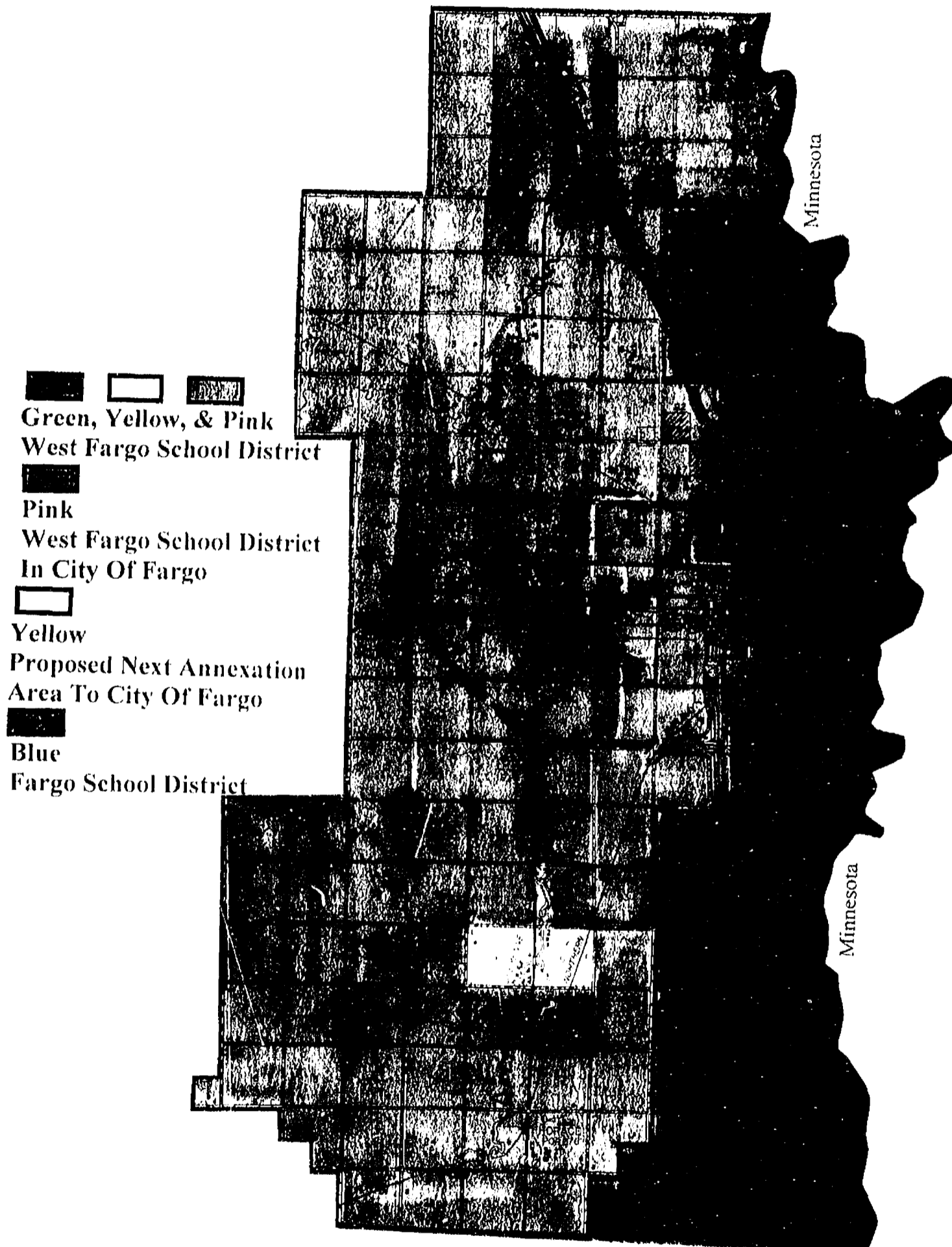
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Operator's Signature John Costa Rickford

Date 10/16/03

# WEST FARGO SCHOOL DISTRICT

February 7, 2003



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*Val Costa Richard*  
Operator's Signature

*10/16/03*  
Date

## Comments On The West Fargo/Fargo School District Boundary Controversy

From Dr. Charles D. Cheney, Superintendent

West Fargo School District #6

February 22, 2001

*Lately there have been several stories in the media dealing with West Fargo and Fargo School District boundaries. This information attempts to clarify the issue for our school district patrons.*

**Q#1:** *What is the history of the boundary issues between the Fargo Public Schools and the West Fargo Public Schools?*

**A#1:** All property in the state of North Dakota is part of a school district. Early in the state's history there were many rural school districts that operated small "country" schools. Through the process of reorganization, prior to and during the 1960's, the Fargo and West Fargo School District came to share a common boundary.

Some of the larger schools, like Fargo, were organized to serve cities. The early laws called for land that was annexed to the city of Fargo to automatically become part of the Fargo School District. As the city of Fargo annexed land along its western boundary into the city, this land left the West Fargo School District and became part of the Fargo School District.

In 1973, the West Fargo School District and our legislative delegation successfully introduced and passed legislation that no longer allowed school district boundaries to change as a result of a city annexing unincorporated adjoining property. Therefore, since 1973 the common boundary of the West Fargo School District and the Fargo School District has remained unchanged as the city of Fargo continued to move westward. This has allowed land that is in the West Fargo School District to remain in the district, regardless of changes to city boundaries.

**Q#2:** *Was the disputed area, west of I-29 in the city of Fargo, ever a part of the Fargo School District?*

**A#2:** No

**Q#3:** *In metropolitan areas like ours, is it common for school districts and city boundaries to be different?*

**A#3:** Yes. The closest example of this would be in metropolitan Minneapolis where several suburban cities have two or more school districts serving students within their city.

**Q#4:** *Why do some people in Fargo believe that the part of our school district that is in the city of Fargo is rightfully theirs?*

**A#4:** Prior to 1973, as the city of Fargo annexed adjoining unincorporated land into their city limits, that property became part of the Fargo School District; however, had the law not changed, the disputed property would be part of the Fargo Public Schools.

**Q#5:** *What has happened since 1973 to intensify Fargo's interest in the disputed property?*

**A#5:** This property has developed into the state's most successful retail and commercial business center. The West Fargo School District has realized the benefit of this tax base.

**Q#6:** *How much of our local tax revenue comes from school district property that is in the city of Fargo?*

**A#6:**

45.9%	From the city of Fargo (disputed area)
38.4%	From the city of West Fargo
15.7%	From the remainder of the West Fargo School District
100.0%	Total

**Q#7:** *Are there ways to compare the two districts ability to generate local taxes and their relative yearly spending per student.*

**A#7:**

	West Fargo	Fargo
Taxable Valuation	\$60,359,430	\$147,675,723
Enrollment	5,065	11,441
Taxable Valuation Per Student Enrolled	\$11,917	\$12,908
Mill Levy	249.02	327.40
1999-00 Cost To Educate A Student	\$4,454.39	\$5,546.16

*We have placed a map on the reverse side of this page that shows the city and school district boundaries. If you have further questions or comments, I invite you to call me at 356-2000 or e-mail me at [cheney@west-fargo.k12.nd.us](mailto:cheney@west-fargo.k12.nd.us)*

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Operator's Signature

*Val Costa Richardson*

10/16/03  
Date