

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1188

Introduced by

Representatives Sukut, Hatlestad, Schatz

Senator Krebsbach

1 A BILL ~~for an Act to amend and reenact sections 15.1-12-03 and 15.1-12-05 of the North-~~
2 ~~Dakota Century Code, relating to school district annexations.~~ for an Act to create a task force for
3 the purpose of studying school district boundaries.

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

5 ~~— **SECTION 1. AMENDMENT.** Section 15.1-12-03 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~— **15.1-12-03. Annexation of property to school district – Eligibility.**~~

8 ~~— Real property may be annexed to a school district provided:~~

9 ~~— 1. The property to be annexed constitutes a single area that is contiguous to the school~~
10 ~~district;~~

11 ~~— 2. The property to be annexed does not constitute an entire school district;~~

12 ~~— 3. The annexation petition is signed by two-thirds a majority of the qualified electors~~
13 ~~residing on the property to be annexed;~~

14 ~~— 4. The annexation petition is filed with the county superintendent of schools whose~~
15 ~~jurisdiction includes the administrative headquarters of the district;~~

16 ~~— 5. A public hearing is held by the county committee or the county committees, as~~
17 ~~required in section 15.1-12-05; and~~

18 ~~— 6. The annexation petition is approved by the state board.~~

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

21 ~~— **15.1-12-05. Annexation of property to school district – Hearing.**~~

22 ~~— 1. Upon receiving a petition for the annexation of property to a school district, the county~~
23 ~~superintendent shall schedule and give notice of a public hearing regarding the~~
24 ~~annexation.~~

- 1 ~~2. The county superintendent shall publish notice of the public hearing in the official~~
- 2 ~~newspaper of the county in which the major portion of each affected school district's~~
- 3 ~~real property is situated, at least fourteen days before the date of the hearing. If no~~
- 4 ~~newspaper is published in the county, the county superintendent shall publish the~~
- 5 ~~notice in a newspaper in an adjoining county in this state.~~
- 6 ~~3. Before the hearing, the county committee shall:~~
- 7 ~~a. Determine the number of qualified electors residing on the property to be~~
- 8 ~~annexed;~~
- 9 ~~b. Ensure that two-thirds a majority of such qualified electors have signed the~~
- 10 ~~petition; and~~
- 11 ~~c. Ensure that all other statutory requirements regarding the petition have been met.~~
- 12 ~~4. At the hearing, the county committee shall accept testimony and documentary~~
- 13 ~~evidence regarding:~~
- 14 ~~a. The value and amount of property held by each affected school district;~~
- 15 ~~b. The amount of all outstanding bonded and other indebtedness of each affected~~
- 16 ~~district;~~
- 17 ~~c. The levies for bonded indebtedness to which the property will be subjected or~~
- 18 ~~from which the property will be exempted, as provided for in section 15.1-12-08;~~
- 19 ~~d. The taxable valuation of each affected district and the taxable valuation under the~~
- 20 ~~proposed annexation;~~
- 21 ~~e. The size, geographical features, and boundaries of each affected district;~~
- 22 ~~f. The number of students enrolled in each affected district;~~
- 23 ~~g. Each school in the district, including its name, location, condition, the grade~~
- 24 ~~levels it offers, and the distance that students living in the petitioned area would~~
- 25 ~~have to travel to attend school;~~
- 26 ~~h. The location and condition of roads, highways, and natural barriers in each~~
- 27 ~~affected district;~~
- 28 ~~i. Conditions affecting the welfare of students residing on the property to be~~
- 29 ~~annexed;~~
- 30 ~~j. The boundaries of other governmental entities;~~
- 31 ~~k. The educational needs of communities in each affected district;~~

- 1 ~~l. Potential savings in school district transportation and administrative services;~~
2 ~~m. The potential for a reduction in per student valuation disparity between the~~
3 ~~affected districts;~~
4 ~~n. The potential to equalize or increase the educational opportunities for students in~~
5 ~~each affected district; and~~
6 ~~o. All other relevant factors.~~
7 ~~5. Following consideration of the testimony and documentary evidence presented at the~~
8 ~~hearing, the committee shall make specific findings of fact and approve or deny the~~
9 ~~annexation. If the annexation is approved, the county superintendent shall forward all~~
10 ~~minutes, records, documentary evidence, and other information regarding the~~
11 ~~proceeding and the county committee's decision to the state board for final approval of~~
12 ~~the annexation.~~
13 ~~6. a. Except as provided in this subsection, the state board shall conduct a hearing~~
14 ~~after publication of a notice in the manner required in subsection 2, accept and~~
15 ~~consider testimony and documentary evidence regarding the proposed~~
16 ~~annexation, make specific findings, and approve or deny the annexation.~~
17 ~~b. If no opposition is presented to the county committee at the hearing and the~~
18 ~~county committee approves the annexation, the state board may review the~~
19 ~~record of the county committee and give final approval to the annexation without~~
20 ~~holding its own hearing.~~
21 ~~7. If the school districts involved in a proposed annexation include property in more than~~
22 ~~one county, but the major portion of each district's property is in the same county, the~~
23 ~~county committee of that county shall consider the annexation petition.~~
24 ~~8. If the school districts involved in a proposed annexation are situated in more than one~~
25 ~~county and the major portion of each district's property is not in the same county, the~~
26 ~~county committees of those counties encompassing the major portion of each school~~
27 ~~district shall jointly consider the annexation petition. The county committees shall vote~~
28 ~~separately on whether to approve the annexation.~~
29 ~~9. If the state board denies the annexation, another petition involving any of the same~~
30 ~~property may not be submitted to the county committee for a period of three months~~
31 ~~after the state board's denial. A petition involving any of the same property cited in the~~

1 original petition may not be considered by the state board more than twice in a
2 twelve-month period.

3 ~~10. Regardless of how many county committees consider the annexation, the decision-~~
4 ~~may be appealed to the state board.~~

5 ~~11. Each annexation must receive final approval from the state board.~~

6 ~~12. The county superintendent with whom the petition has been filed shall forward all-~~
7 ~~minutes, records, documentary evidence, and other information regarding the~~
8 ~~annexation, and the county committee's decision to the state board for final approval~~
9 ~~or for consideration of an appeal.~~

10 ~~13. A decision of the state board with respect to an annexation petition may be~~
11 ~~appealed to the district court of the judicial district in which the property to be annexed~~
12 ~~is located.~~

SECTION 1. TASK FORCE - SCHOOL DISTRICT BOUNDARIES.

14 1. The legislative management shall consider creating a task force to study issues
15 related to school district boundaries, including the feasibility and desirability of
16 maintaining existing boundaries; the parameters currently governing annexation,
17 reorganization, and dissolution processes; and options for instituting boundary
18 changes in the case of significant educational or financial impacts.

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