

**FIRST ENGROSSMENT  
with House Amendments**

**ENGROSSED SENATE BILL NO. 2351**

Introduced by

Senator Beard

1 A BILL for an Act to amend and reenact sections 15.1-12-02 and 15.1-12-05 of the North  
2 Dakota Century Code, relating to annexation of property to a school district; and to declare an  
3 emergency.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-12-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15.1-12-02. Annexation of property to school district - Exchange - Petition -**  
8 **Requirements.**

9 An individual may petition to have property in one school district annexed to another school  
10 district by an exchange of property with property in a contiguous school district. In order to be  
11 approved:

- 12 1. The petitioner must reside within the boundary of the property to be exchanged;
- 13 2. The petitioner must obtain the written approval of one qualified elector from each  
14 residence within the boundary of the property referenced in subsection 1;
- 15 3. The petitioner must obtain written authorization for the exchange of property from the  
16 owner of the property to be exchanged in the adjacent district, provided that the owner  
17 need not reside on the property to be exchanged;
- 18 4. The difference in the taxable valuation of the property involved in the exchange ~~may~~  
19 ~~not exceed one thousand dollars~~ must be agreed upon by both affected school  
20 districts;
- 21 5. Each property involved in the exchange is contiguous with the school district to which  
22 it is being annexed; and

- 1           6. Except as otherwise provided in this section, the annexation by an exchange of  
2           property under this section is subject to, and meets, all other statutory requirements  
3           regarding annexations.

4           **SECTION 2. AMENDMENT.** Section 15.1-12-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **15.1-12-05. Annexation of property to school district - Hearing.**

- 7           1. Upon receiving a petition for the annexation of property to a school district, the county  
8           superintendent shall schedule and give notice of a public hearing regarding the  
9           annexation.
- 10          2. ~~The~~At least twenty-one days before the date of the public hearing, the county  
11          superintendent shall provide notice by certified mail with return receipt regarding the  
12          annexation to each owner of real property to be annexed and publish notice of the  
13          public hearing in the official newspaper of the county in which the major portion of  
14          each affected school district's real property is situated, ~~at least fourteen days before~~  
15          ~~the date of the hearing~~. If no newspaper is published in the county, the county  
16          superintendent shall publish the notice in a newspaper in an adjoining county in this  
17          state.
- 18          3. Before the hearing, the county committee shall:
- 19              a. Determine the number of qualified electors residing on the property to be  
20              annexed;
- 21              b. Ensure that two-thirds of such qualified electors have signed the petition; and
- 22              c. Ensure that all other statutory requirements regarding the petition have been met.
- 23          4. At the hearing, the county committee shall accept testimony and documentary  
24          evidence regarding:
- 25              a. The value and amount of property held by each affected school district;
- 26              b. The amount of all outstanding bonded and other indebtedness of each affected  
27              district;
- 28              c. The levies for bonded indebtedness to which the property will be subjected or  
29              from which the property will be exempted, as provided for in section 15.1-12-08;
- 30              d. The taxable valuation of each affected district and the taxable valuation under the  
31              proposed annexation;

- 1 e. The size, geographical features, and boundaries of each affected district;
- 2 f. The number of students enrolled in each affected district;
- 3 g. Each school in the district, including its name, location, condition, the grade  
4 levels it offers, and the distance that students living in the petitioned area would  
5 have to travel to attend school;
- 6 h. The location and condition of roads, highways, and natural barriers in each  
7 affected district;
- 8 i. Conditions affecting the welfare of students residing on the property to be  
9 annexed;
- 10 j. The boundaries of other governmental entities;
- 11 k. The educational needs of communities in each affected district;
- 12 l. Potential savings in school district transportation and administrative services;
- 13 m. The potential for a reduction in per student valuation disparity between the  
14 affected districts;
- 15 n. The potential to equalize or increase the educational opportunities for students in  
16 each affected district; ~~and~~
- 17 o. The potential modification to the property tax obligation of the owners of the  
18 property to be annexed and the concerns of the owners of the property to be  
19 annexed; and
- 20 p. All other relevant factors.
- 21 5. Following consideration of the testimony and documentary evidence presented at the  
22 hearing, the committee shall make specific findings of fact and approve or deny the  
23 annexation. If the annexation is approved, the county superintendent shall forward all  
24 minutes, records, documentary evidence, and other information regarding the  
25 proceeding and the county committee's decision to the state board for final approval of  
26 the annexation.
- 27 6. a. Except as provided in this subsection, the state board shall conduct a hearing  
28 after publication of a notice in the manner required in subsection 2, accept and  
29 consider testimony and documentary evidence regarding the proposed  
30 annexation, make specific findings, and approve or deny the annexation.

- 1           b. If no opposition is presented to the county committee at the hearing and the  
2           county committee approves the annexation, the state board may review the  
3           record of the county committee and give final approval to the annexation without  
4           holding its own hearing.
- 5           7. If the school districts involved in a proposed annexation include property in more than  
6           one county, but the major portion of each district's property is in the same county, the  
7           county committee of that county shall consider the annexation petition.
- 8           8. If the school districts involved in a proposed annexation are situated in more than one  
9           county and the major portion of each district's property is not in the same county, the  
10          county committees of those counties encompassing the major portion of each school  
11          district shall jointly consider the annexation petition. The county committees shall vote  
12          separately on whether to approve the annexation.
- 13          9. If the state board denies the annexation, another petition involving any of the same  
14          property may not be submitted to the county committee for a period of three months  
15          after the state board's denial. A petition involving any of the same property cited in the  
16          original petition may not be considered by the state board more than twice in a  
17          twelve-month period.
- 18          10. Regardless of how many county committees consider the annexation, the decision  
19          may be appealed to the state board.
- 20          11. Each annexation must receive final approval from the state board.
- 21          12. The county superintendent with whom the petition has been filed shall forward all  
22          minutes, records, documentary evidence, and other information regarding the  
23          annexation, and the county committee's decision to the state board for final approval  
24          or for consideration of an appeal.
- 25          13. A decision of the state board with respect to an annexation petition may be appealed  
26          to the district court of the judicial district in which the property to be annexed is  
27          located.

28          **SECTION 3. EMERGENCY.** Section 1 of this Act is declared to be an emergency measure.