

**2025 SENATE EDUCATION**

**SB 2351**

# 2025 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

SB 2351  
2/11/2025

Relating to providing notice to affected property owners of a petition for the annexation of property to a school district.
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10:07 a.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

## **Discussion Topics:**

- Property owner rights
- Notice of hearing
- Petition of annexation
- Property law

10:07 a.m. Senator Beard, District 23, introduced the bill and submitted testimony #36993.

10:13 a.m. Travis Zabloutney, Unpaid citizen advocate, Minot District 5, testified in favor and submitted testimony #36967.

10:45 a.m. Brandt Dick, Chief Financial officer Central Region Educational Association and Burleigh County Superintendent of Schools, testified in opposition.

10:52 a.m. Vice Chairman Lemm closed the hearing.

*Susan Helbling, Committee Clerk*

**Senate Education Committee**  
**Testimony of Travis R Zabloutney SB 2351**

**February 11, 2025**

Chairman Beard and members of the Education Committee:

I ask you to recommend a do pass on SB2351. I am Travis Zabloutney resident of Minot and farmer and a real property owner in the Minot area.

I am asking you to consider and pass changes to the North Dakota Century Code Section 15.1-12 related to the annexation of property to a school district. There are two very specific changes that I am proposing to this section of code and they involve the following:

In the original Bill 2351:

A requirement in Century Code relating to the requirement that notice of a hearing be given to all real property owners of property in a proposed school annexation.

In proposed amendments to 2351:

A requirement in Century Code that requires 2/3<sup>rd</sup>s of the owners of property involved in the annexation are required for the petition of annexation to be considered by the county school board committee and then subsequently by the state school board.

Notice included in the original 2351 bill:

My interest in this bill comes as I have for the first time had real property involved in a school annexation petition. It is also the first time that I have been involved in an annexation hearing conducted separately by both the Ward County Reorganization Committee the State Board of Public-School Education. On September 11<sup>th</sup> 2024 my wife Kerri and I were mailed and emailed a notice of hearing of a petition of annexation of property to a school district to be held on October 23<sup>rd</sup>, 2024. The notice included a description of how our tax obligations would change if the annexation petition was approved by the state school board. This notice was done out of courtesy by Jodi Johnson, Ward County Superintendent of Schools. Jodi testified in both the county committee hearing and the state school board hearing that notice is not required by law. Honestly if she would not have done that, I would have never known that the approximately roughly 128 acres that my wife and I own were under consideration to be annexed from the Surrey School District to the Nedrose School District. The only other notice was a small 1 column legal ad in the Minot Daily News that only included the legal description of the property under consideration. I do not however subscribe to the Minot Daily News. Even had I noticed the ad it would still not have recognizable as pertaining to me as the petition described the territory to be annexed as the following: Section 30: Prairie View Addition: Lot 1 of Surrey Township 156 North -81 West of Ward County, North Dakota and (my property) Section 30: East ½ of the Northwest ¼ and lots 1 and 2 less the Out Lot 15, 16, 17 in the Prairie View Addition of Surrey Township 155 North 81 of Ward County North Dakota. I do not know about you but I do not recognize many of the properties that I own by legal description. In addition, I would like to make note that under the current law, a renter of a house, apartment or any other living quarter can petition to have the property of the owner annexed into a different school district without the knowledge of the property owner and of course that creates all sorts of property rights concerns. I am requesting out of respect for property owners' that notification of a hearing of annexation to a school district be required by Century Code in subsection 1 of 15.1-12-05. The importance of notice will be supported by the reasons I propose in part two of the requested change in Century Code.

NOTE: There is precedence currently in NDCC for the requirement of notice to property owners when property rights are contemplated to be impacted. It is in NDCC 15.1-12 regarding the Annexation, Reorganization, and Dissolution of school districts, specifically 7.1 Subsection 2c regarding the voluntary transfer of property to a school district. It says "Give notice of public hearing regarding the proposed transfer of property to the affected property owners by registered mail



and publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school districts real property is situated, at least fourteen days before the date of the hearing.”

Additional Proposed Amendments to 2351 of NDCC 15.1-12 Version 1 and 2:

I am also requesting that you consider additional changes to NDCC as it relates to annexation petition rights and who specifically has those rights. The change that I would like to see is that owners of real property have rights to sign (or conversely not sign) the petition for annexation. This contrasts with the current language of qualified electors residing on property to be annexed only being eligible to sign the annexation petition.

There are several issues with allowing only qualified electors to sign an annexation petition in contrast to all real property owners owning contiguous property to the new school district. The issues can all be combined into one primary reason justifying the change to this section of Century Code

That reason, it is an egregious violation of the property rights to be enjoyed by all individuals in our state. These rights are enshrined and protected in our North Dakota Constitution Article 1 Declaration of Rights and specifically in Section 1, 9 and 16.

This is also in contrast to good law: We want good law in North Dakota:

NDCC 1-01-02. Origin of law – States:

Law is a rule of property and of conduct prescribed by the sovereign power.

What is the definition of the rule of property?

The rule of property is a set of rules and regulations that govern the ownership and transfer of property. These rules are part of property law, which is a broader area of law that governs how people interact with their possessions and those of others.

Explanation

Property law governs the use, transfer, and allocation of wealth and the objects of wealth.

Property law reflects the economy, family structure, and politics of a society.

Property law governs both real property (land) and personal property, including intellectual property.

Property can be exchanged through contract law.

If property is violated, one could sue under tort law to protect it. A tort is a civil wrong that causes harm to a person or their property.

Property owners are viewed as holding a “bundle of sticks,” each one representing a distinct type of right to their property.

The rule of law is a principle that states that all people, institutions, and entities are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and consistent with international human rights principles.



If a property owner is not able to make the choice to sign or not sign a petition for school annexation the following are potential negative impacts to the "bundle of sticks" representing a distinct type of right to one's property.

1. Loss of right to enjoy the benefits of the property that would include an unobstructed ability to attend the school district that was attached to the property when it was purchased. One of the main factors in purchasing a lot or property may specifically be the ability for children to attend a specific school.
2. The value of the property may be negatively impacted by the change of school district being proposed by an annexation petition. It is commonly known that there are many factors that make a school district more desirable than others: Quality of education, quality of facilities, amenities, available class opportunities and location just to name a few. School districts have a direct impact on property values. Highly desirable districts increase property value and desirability and conversely undesirable Consider it impacts the value of lots to be developed in the future and the value of all homes including rental properties.
3. The amount of tax levied varies by school district and could have a real impact on a property owners tax obligation.
4. Renters of real property under rental can petition for annexation to a new school district without the knowledge of the property owner and then all the forementioned property rights of the owner may be violated.
5. Real property rights are ceded to the State Board of Education when a property owner is not granted the right to sign or not sign an annexation petition. That property owner is then left only with the right to plead for their property rights during the annexation hearing with the state board.

There is precedence currently in NDCC for the involvement of property owners to be noticed and or sign a petition when property rights or contemplated to be impacted.

The first is in NDCC 15.1-12 regarding the Annexation, Reorganization, and Dissolution of school districts. 15.1-12-07.1 Subsection 2c regarding the voluntary transfer of property to a school district mentioned earlier.

Secondly in NDCC 40-22-08 regarding City Improvements by Special Assessment a city may declare the necessity of the improvements when "a petition signed by owners of a majority of the area of property included within the district has been received". Further it states that if the governing body was solely responsible for the declaration of the necessity of improvements and there are protests then, "If protests received contain names of the owners of a majority of the area of property within the improvement district, the protest is a bar against proceeding further with the improvement project." NDCC 40-22-18

In terms of property owner rights and there is a real similarity of issues when considering both a petition for annexation to a school district and a petition for or against a special assessment.

Please contact me for further questions or clarification.

I STRONGLY URGE A DO PASS ON SB2351

Respectfully,

Travis Zabloutney

Minot, ND

quadtracmagic@gmail.com

701-721-2188

January 24, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

*PROPOSED  
VERSION 2*

**SENATE BILL NO. 2351**

Introduced by

Senator Beard

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 15.1-12-05 of the North Dakota~~  
2 ~~Century Code, relating to providing notice to affected property owners of a petition for the~~  
3 ~~annexation of property to a school district.~~ for an act to amend and reenact sections 15.1-12-03  
4 and 15.1-12-05 of the North Dakota Century Code, relating to providing notice and petition rights  
5 to affected property owners of an annexation of property to a school district.

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

7 ~~SECTION 1. AMENDMENT. Subsection 1 of section 15.1-12-05 of the North Dakota~~  
8 ~~Century Code is amended and reenacted as follows:~~  
9 ~~1. Upon receiving a petition for the annexation of property to a school district, the county~~  
10 ~~superintendent shall schedule:~~  
11 ~~a. Schedule and give notice of a public hearing regarding the annexation; and~~  
12 ~~b. Provide by certified mail notice regarding the annexation to each owner of~~  
13 ~~real property affected by the petition.~~

14 **SECTION 1. AMENDMENT.** Section 15.1-12-03 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **15.1-12-03. Annexation of property to school district - Eligibility.**

17 Real property may be annexed to a school district provided:

- 18 1. The property to be annexed constitutes a single area that is contiguous to the school  
19 district;  
20 2. The property to be annexed does not constitute an entire school district;



1        3. The annexation petition is signed by two-thirds of the ~~qualified electors residing on~~  
2 ~~the~~ owners of the parcels of real property to be annexed;

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

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

7        6. The annexation petition is approved by the state board.

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

10        **15.1-12-05. Annexation of property to school district - Hearing.**

11        1. Upon receiving a petition for the annexation of property to a school district, the county  
12 superintendent shall ~~schedule~~:

13        a. Schedule and give notice of a public hearing regarding the annexation; and

14        b. Provide by first class mail notice at least 21 days prior to the public hearing  
15 regarding the annexation to each owner of real property affected by the petition.

16        2. The county superintendent shall publish notice of the public hearing in the official  
17 newspaper of the county in which the major portion of each affected school district's  
18 real property is situated, at least fourteen days before the date of the hearing. If no  
19 newspaper is published in the county, the county superintendent shall publish the  
20 notice in a newspaper in an adjoining county in this state.

21        3. Before the hearing, the county committee shall:

22        a. Determine the number of ~~qualified electors residing~~ owners of the parcels of real  
23 property ~~on the property~~ to be annexed;

24        b. Ensure that two-thirds of ~~such qualified electors~~ the owners of the parcels of real  
25 property have signed the petition;

26        and

27        c. Ensure that all other statutory requirements regarding the petition have been met.

28        4. At the hearing, the county committee shall accept testimony and documentary  
29 evidence regarding:

30        a. The value and amount of property held by each affected school district;  
31



- 1           b.    The amount of all outstanding bonded and other indebtedness of each affected
- 2                district;
- 3           c.    The levies for bonded indebtedness to which the property will be subjected or
- 4                from which the property will be exempted, as provided for in section 15.1-12-08;
- 5           d.    The taxable valuation of each affected district and the taxable valuation under the
- 6                proposed annexation;
- 7           e.    The size, geographical features, and boundaries of each affected district;
- 8           f.    The number of students enrolled in each affected district;
- 9           g.    Each school in the district, including its name, location, condition, the grade
- 10               levels it offers, and the distance that students living in the petitioned area would
- 11               have to travel to attend school;
- 12           h.    The location and condition of roads, highways, and natural barriers in each
- 13               affected district;
- 14           i.    Conditions affecting the welfare of students residing on the property to be
- 15               annexed;
- 16           j.    The boundaries of other governmental entities;
- 17           k.    The educational needs of communities in each affected district;
- 18           l.    Potential savings in school district transportation and administrative services;
- 19           m.    The potential for a reduction in per student valuation disparity between the
- 20               affected districts;
- 21           n.    The potential to equalize or increase the educational opportunities for students in
- 22               each affected district; and
- 23           o.    All other relevant factors.
- 24       5.    Following consideration of the testimony and documentary evidence presented at the
- 25               hearing, the committee shall make specific findings of fact and approve or deny the
- 26               annexation. If the annexation is approved, the county superintendent shall forward all
- 27               minutes, records, documentary evidence, and other information regarding the
- 28               proceeding and the county committee's decision to the state board for final approval of
- 29               the annexation.
- 30       6.    a.    Except as provided in this subsection, the state board shall conduct a hearing
- 31               after publication of a notice in the manner required in subsection 2, accept and

1 consider testimony and documentary evidence regarding the proposed  
2 annexation, make specific findings, and approve or deny the annexation.

3 b. If no opposition is presented to the county committee at the hearing and the  
4 county committee approves the annexation, the state board may review the  
5 record of the county committee and give final approval to the annexation without  
6 holding its own hearing.

7 7. If the school districts involved in a proposed annexation include property in more than  
8 one county, but the major portion of each district's property is in the same county, the  
9 county committee of that county shall consider the annexation petition.

10 8. If the school districts involved in a proposed annexation are situated in more than one  
11 county and the major portion of each district's property is not in the same county, the  
12 county committees of those counties encompassing the major portion of each school  
13 district shall jointly consider the annexation petition. The county committees shall vote  
14 separately on whether to approve the annexation.

15 9. If the state board denies the annexation, another petition involving any of the same  
16 property may not be submitted to the county committee for a period of three months  
17 after the state board's denial. A petition involving any of the same property cited in the  
18 original petition may not be considered by the state board more than twice in a  
19 twelve-month period.

20 10. Regardless of how many county committees consider the annexation, the decision  
21 may be appealed to the state board.

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

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

27 13. A decision of the state board with respect to an annexation petition may be appealed  
28 to the district court of the judicial district in which the property to be annexed is  
29 located.

**Tyranny thru ignorance** <quadtracmagic@gmail.com>

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**SB2351**

1 message

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**Tyranny thru ignorance** <quadtracmagic@gmail.com>

Fri, Feb 7, 2025 at 11:02 AM

To: "Beard, Todd" &lt;tbeard@ndlegis.gov&gt;

Todd,

Erika White is the SOS office just called me and her comments were this:

"HB2351 Will not affect the SOS Office in any way."

"The amendment (to include property owners in the petition for school annexation) doesn't affect elections only annexation. These are distinctly different."

In essence she told me the SOS office does not have any interest or concern in this bill.

Travis





Tyranny thru ignorance &lt;quadtracmagic@gmail.com&gt;

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**RE: SB2351**

1 message

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**Hicks, Allyson M.** <ahicks@nd.gov>  
To: Tyranny thru ignorance <quadtracmagic@gmail.com>

Mon, Feb 10, 2025 at 9:13 AM

Good morning,

I forwarded the amendments to my board and have not received any input. I do not have any additional questions besides those I relayed to you. Again, I don't take a position on policy, but rather just seek to ensure that the statute works in the context of 15.1-12 as a whole.

Thanks,

Allyson M. Hicks  
Assistant Attorney General  
General Counsel Division  
Office of Attorney General  
[600 E Boulevard Ave.](#)  
[Bismarck, ND 58505-0040](#)  
[ahicks@nd.gov](mailto:ahicks@nd.gov)  
(701) 328-2210  
ND ID # 07293

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**From:** Tyranny thru ignorance <[quadtracmagic@gmail.com](mailto:quadtracmagic@gmail.com)>  
**Sent:** Friday, February 7, 2025 3:26 PM  
**To:** Hicks, Allyson M. <[ahicks@nd.gov](mailto:ahicks@nd.gov)>  
**Subject:** Re: SB2351

25.1342.01001  
Title.

Prepared by the Legislative Council  
staff for Senator Beard  
January 24, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2351

Introduced by

Senator Beard

A BILL ~~for an Act to amend and reenact subsection 1 of section 15.1-12-05 of the North Dakota Century Code, relating to providing notice to affected property owners of a petition for the annexation of property to a school district.~~ for an act to amend and reenact sections 15.1-12-03 and 15.1-12-05 of the North Dakota Century Code, relating to providing notice and voting rights to affected property owners of an annexation of property to a school district.

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

~~SECTION 1. AMENDMENT. Subsection 1 of section 15.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:~~

~~1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule:~~

~~a. Schedule and give notice of a public hearing regarding the annexation; and~~

~~b. Provide by certified mail notice regarding the annexation to each owner of real property affected by the petition.~~

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

#### **15.1-12-03. Annexation of property to school district - Eligibility.**

Real property may be annexed to a school district provided:

1. The property to be annexed constitutes a single area that is contiguous to the school district;
2. The property to be annexed does not constitute an entire school district;

3. The annexation petition is signed by two-thirds of the ~~qualified electors residing on-~~  
~~the~~owners of the parcels of real property to be annexed;
4. The annexation petition is filed with the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district;
5. A public hearing is held by the county committee or the county committees, as required in section 15.1-12-05; and
6. The annexation petition is approved by the state board.

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

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

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall ~~schedule~~:
  - a. Schedule and give notice of a public hearing regarding the annexation; and
  - b. Provide by certified mail notice regarding the annexation to each owner of real property affected by the petition.
2. The county superintendent shall publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
  - a. Determine the number of ~~qualified electors residing~~parcels of real property on the property to be annexed;
  - b. Ensure that two-thirds of ~~such qualified electors~~the owners of the parcels of real property have signed the petition; one owner's signature may be counted for as many parcels of real property as the owner owns on the property to be annexed; and
  - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
  - a. The value and amount of property held by each affected school district;



- 1           b.   The amount of all outstanding bonded and other indebtedness of each affected
- 2           district;
- 3           c.   The levies for bonded indebtedness to which the property will be subjected or
- 4           from which the property will be exempted, as provided for in section 15.1-12-08;
- 5           d.   The taxable valuation of each affected district and the taxable valuation under the
- 6           proposed annexation;
- 7           e.   The size, geographical features, and boundaries of each affected district;
- 8           f.   The number of students enrolled in each affected district;
- 9           g.   Each school in the district, including its name, location, condition, the grade
- 10          levels it offers, and the distance that students living in the petitioned area would
- 11          have to travel to attend school;
- 12          h.   The location and condition of roads, highways, and natural barriers in each
- 13          affected district;
- 14          i.   Conditions affecting the welfare of students residing on the property to be
- 15          annexed;
- 16          j.   The boundaries of other governmental entities;
- 17          k.   The educational needs of communities in each affected district;
- 18          l.   Potential savings in school district transportation and administrative services;
- 19          m.   The potential for a reduction in per student valuation disparity between the
- 20          affected districts;
- 21          n.   The potential to equalize or increase the educational opportunities for students in
- 22          each affected district; and
- 23          o.   All other relevant factors.
- 24        5.   Following consideration of the testimony and documentary evidence presented at the
- 25        hearing, the committee shall make specific findings of fact and approve or deny the
- 26        annexation. If the annexation is approved, the county superintendent shall forward all
- 27        minutes, records, documentary evidence, and other information regarding the
- 28        proceeding and the county committee's decision to the state board for final approval of
- 29        the annexation.
- 30        6.   a.   Except as provided in this subsection, the state board shall conduct a hearing
- 31        after publication of a notice in the manner required in subsection 2, accept and

consider testimony and documentary evidence regarding the proposed annexation, make specific findings, and approve or deny the annexation.

b. If no opposition is presented to the county committee at the hearing and the county committee approves the annexation, the state board may review the record of the county committee and give final approval to the annexation without holding its own hearing.

7. If the school districts involved in a proposed annexation include property in more than one county, but the major portion of each district's property is in the same county, the county committee of that county shall consider the annexation petition.

8. If the school districts involved in a proposed annexation are situated in more than one county and the major portion of each district's property is not in the same county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the annexation petition. The county committees shall vote separately on whether to approve the annexation.

9. If the state board denies the annexation, another petition involving any of the same property may not be submitted to the county committee for a period of three months after the state board's denial. A petition involving any of the same property cited in the original petition may not be considered by the state board more than twice in a twelve-month period.

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

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

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

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

# 2025 SENATE STANDING COMMITTEE MINUTES

## Education Committee Room JW216, State Capitol

SB 2351  
2/17/2025

Relating to providing notice to affected property owners of a petition for the annexation of property to a school district.

9:07 a.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt.

Members Absent: Senator Wobbema

### Discussion Topics:

- 14 days before hearing
- Testimony and documentation

9:07 a.m. Chairman Beard submitted testimony #37847.

9:13 a.m. Senator Lemm moved Amendment LC #23.1342.01003.

9:13 a.m. Senator Axtman seconded the motion.

Senators	Vote
Senator Todd Beard	Y
Senator Randy D. Lemm	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Justin Gerhardt	Y
Senator Mike Wobbema	AB

Motion Passed 5-0-1

9:14 a.m. Senator Axtman moved Do Pass as amended.

9:14 a.m. Senator Lemm seconded the motion.

Senators	Vote
Senator Todd Beard	Y
Senator Randy D. Lemm	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Justin Gerhardt	Y
Senator Mike Wobbema	AB

Motion Passed 5-0-1



Senator Beard will carry the bill.

9:17 a.m. Chairman Beard closed the hearing.

*Susan Helbling, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**SENATE BILL NO. 2351**

Introduced by

Senator Beard

2-17-25

JB 1004

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 15.1-12-05 of the North Dakota~~  
2 ~~Century Code, relating to providing notice to affected property owners of a petition for the~~  
3 ~~annexation of property to a school district.~~ for an Act to amend and reenact section 15.1-12-05 of  
4 the North Dakota Century Code, relating to annexation of property to a school district.

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

6 ~~SECTION 1. AMENDMENT. Subsection 1 of section 15.1-12-05 of the North Dakota~~  
7 ~~Century Code is amended and reenacted as follows:~~

8 ~~1. Upon receiving a petition for the annexation of property to a school district, the~~  
9 ~~county superintendent shall schedule:~~

10 ~~a. Schedule and give notice of a public hearing regarding the annexation; and~~

11 ~~b. Provide by certified mail notice regarding the annexation to each owner of~~  
12 ~~real property affected by the petition.~~

13 **SECTION 1. AMENDMENT.** Section 15.1-12-05 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **15.1-12-05. Annexation of property to school district - Hearing.**

16 1. Upon receiving a petition for the annexation of property to a school district, the county  
17 superintendent shall schedule and give notice of a public hearing regarding the  
18 annexation.

19 2. ~~The~~ At least fourteen days before the date of the public hearing, the county  
20 superintendent shall provide by certified mail notice regarding the annexation to each



2014

owner of real property to be annexed and publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, ~~at least fourteen days before the date of the hearing.~~

If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.

3. Before the hearing, the county committee shall:

- a. Determine the number of qualified electors residing on the property to be annexed;
- b. Ensure that two-thirds of such qualified electors have signed the petition; and
- c. Ensure that all other statutory requirements regarding the petition have been met.

4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:

- a. The value and amount of property held by each affected school district;
- b. The amount of all outstanding bonded and other indebtedness of each affected district;
- c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
- d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
- e. The size, geographical features, and boundaries of each affected district;
- f. The number of students enrolled in each affected district;
- g. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;
- h. The location and condition of roads, highways, and natural barriers in each affected district;
- i. Conditions affecting the welfare of students residing on the property to be annexed;
- j. The boundaries of other governmental entities;
- k. The educational needs of communities in each affected district;
- l. Potential savings in school district transportation and administrative services;



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



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- 1        9. If the state board denies the annexation, another petition involving any of the same
- 2        property may not be submitted to the county committee for a period of three months
- 3        after the state board's denial. A petition involving any of the same property cited in the
- 4        original petition may not be considered by the state board more than twice in a
- 5        twelve-month period.
- 6        10. Regardless of how many county committees consider the annexation, the decision
- 7        may be appealed to the state board.
- 8        11. Each annexation must receive final approval from the state board.
- 9        12. The county superintendent with whom the petition has been filed shall forward all
- 10       minutes, records, documentary evidence, and other information regarding the
- 11       annexation, and the county committee's decision to the state board for final approval
- 12       or for consideration of an appeal.
- 13       13. A decision of the state board with respect to an annexation petition may be appealed
- 14       to the district court of the judicial district in which the property to be annexed is
- 15       located.



**REPORT OF STANDING COMMITTEE  
SB 2351**

**Education Committee (Sen. Beard, Chairman)** recommends **AMENDMENTS** ([25.1342.01003](#)) and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2351 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1342.01003  
Title.

Prepared by the Legislative Council  
staff for Senator Beard  
February 14, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2351

Introduced by

Senator Beard

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 15.1-12-05 of the North Dakota~~  
2 ~~Century Code, relating to providing notice to affected property owners of a petition for the~~  
3 ~~annexation of property to a school district.~~for an Act to amend and reenact section 15.1-12-05 of  
4 the North Dakota Century Code, relating to annexation of property to a school district.

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

6 ~~— SECTION 1. AMENDMENT. Subsection 1 of section 15.1-12-05 of the North Dakota~~  
7 ~~Century Code is amended and reenacted as follows:~~  
8 ~~— 1. Upon receiving a petition for the annexation of property to a school district, the~~  
9 ~~county superintendent shall schedule:~~  
10 ~~— a. Schedule and give notice of a public hearing regarding the annexation; and~~  
11 ~~— b. Provide by certified mail notice regarding the annexation to each owner of~~  
12 ~~real property affected by the petition.~~

13 **SECTION 1. AMENDMENT.** Section 15.1-12-05 of the North Dakota Century Code is  
14 amended and reenacted as follows:  
15 **15.1-12-05. Annexation of property to school district - Hearing.**  
16 1. Upon receiving a petition for the annexation of property to a school district, the county  
17 superintendent shall schedule and give notice of a public hearing regarding the  
18 annexation.  
19 2. ~~The~~At least fourteen days before the date of the public hearing, the county  
20 superintendent shall provide by certified mail notice regarding the annexation to each

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



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

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- 1       9. If the state board denies the annexation, another petition involving any of the same
- 2       property may not be submitted to the county committee for a period of three months
- 3       after the state board's denial. A petition involving any of the same property cited in the
- 4       original petition may not be considered by the state board more than twice in a
- 5       twelve-month period.
- 6       10. Regardless of how many county committees consider the annexation, the decision
- 7       may be appealed to the state board.
- 8       11. Each annexation must receive final approval from the state board.
- 9       12. The county superintendent with whom the petition has been filed shall forward all
- 10      minutes, records, documentary evidence, and other information regarding the
- 11      annexation, and the county committee's decision to the state board for final approval
- 12      or for consideration of an appeal.
- 13      13. A decision of the state board with respect to an annexation petition may be appealed
- 14      to the district court of the judicial district in which the property to be annexed is
- 15      located.



**2025 HOUSE EDUCATION**

**SB 2351**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau AB Room, State Capitol

SB 2351  
3/12/2025

Relating to annexation of property to a school district.
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3:35 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

**Discussion Topics:**

- Taxation on school districts
- Extending boundaries

3:35. p.m. Senator Beard introduced the bill.

3:46 p.m. Blane Anderson, ND Resident, testified in favor and submitted testimony. #40789

**Additional written testimony:**

Levi Bachmeier, Manager, West Fargo Public Schools, submitted testimony in favor. #40934

Brandy Madrigga, Finance Director, Cass County, submitted testimony in favor. #40968

3:48 p.m. Chairman Heinert closed the hearing.

*Leah Kuball, Committee Clerk*

Wednesday, March 12, 2025

Blaine and Whitney Anderson 4030 165<sup>th</sup> Ave SE Mapleton, ND 58059

Support and Amendment Request for SB 2351

Good afternoon, Chairman Heinert and members of the House Education Committee. My name is Blaine Anderson; I am a private ND resident in Rural Cass County. I support Senate Bill 2351 and request an additional amendment to further improve the annexation process in North Dakota.

The proposed language as written seems to be a commonsense solution to ensure property owners are notified of any potential changes to the jurisdictions governing their property. Additionally, I would request the committee consider an amendment and add an emergency clause that expands the potential for voluntary land swaps between school districts, addressing a crucial limitation currently hindering collaboration between public school districts.

My family's story: My wife and I have two children Hayden (6<sup>th</sup> grade) and Briggs (3<sup>rd</sup> grade). We moved from West Fargo to Rural Cass County over 10 years ago in hopes of raising a family in a rural setting like we grew up in. (Both me and my wife graduated in 2000 from Litchville-Marion High School in Marion, ND) It came as a surprise that we were not in the Mapleton School district when our children were of school age. Mapleton accepted our children through open enrollment, and both have been there from kindergarten until present time.

Our family is very active in the Mapleton community and School. We are committed to making the fast-growing community better through volunteering on boards and offering assistance when needed.

I have been working for the past 18 months on getting my kids in the Mapleton School District from West Fargo. (Mapleton School only goes through 6<sup>th</sup> grade then kids go Central Cass for the remainder of their middle/High School years) Open Enrollment was shut down at Central Cass, so that option was closed. Then I looked at a land swap, but found that is it **impossible to get within the \$1000 existing Statutory cap.** I pulled every property tax along the two school districts and could not come close and then is when I even tried to combine parcels to get within range. Keep in mind that our home is a very average home for the area too.

The last option I have is annexation, and that has been on the county commission meeting twice now. **All sides have been gracious and want what is best for the children, but the \$1000 cap is a dated figure that must be changed for the next family going through this process.**

As a private citizen in Cass County, I have seen firsthand the challenges faced by neighboring school districts eager to engage in mutually beneficial land swaps but constrained by the existing statutory cap of \$1,000. Despite the willingness of both districts (West Fargo and Mapleton) to engage with my family hoping to permanently be moved into a different school district, suitable parcels to comply with the law to enable a voluntary land swap within the statutory value limit has proven elusive, thus stalling initiatives aimed at promoting school choice for families without adversely impacting the financial base of one district to the benefit of another.



Such an amendment enables school districts to better navigate their unique realities while fostering collaborative solutions that benefit all stakeholders. I respectfully urge your support for Bill 2351 with an additional amendment and emergency clause, helping willing parties work better together.

Thank you for your time. I am happy to answer any questions you may have. I am also willing to speak via video conference or in person or later if needed.

1 Wednesday, March 12, 2025

2 Levi Bachmeier, Business Manager, West Fargo Public Schools

3 Support and Amendment Request for SB 2351

4 Good afternoon, Chairman Heinert and members of the House Education  
5 Committee. My name is Levi Bachmeier; I am the Business Manager at West  
6 Fargo Public Schools. West Fargo Public Schools supports Senate Bill 2351 and  
7 requests an additional amendment to further improve the annexation process in  
8 North Dakota.

9 The proposed language as written seems to be a commonsense solution to ensure  
10 property owners are notified of any potential changes to the jurisdictions  
11 governing their property in some form. While I cannot speak for the entire State  
12 Board of Public Education, when this issue arose during a recent meeting, I was  
13 surprised to discover that landowner notification was a courtesy extended by  
14 many counties but not a statutory requirement. Additionally, I would request the  
15 committee consider an amendment and add an emergency clause that expands the  
16 potential for voluntary land swaps between school districts, addressing a crucial  
17 limitation currently hindering collaboration between public school districts.

18

19 In Cass County, we have seen firsthand the challenges faced by neighboring  
20 school districts eager to engage in mutually beneficial land swaps but constrained  
21 by the existing statutory cap of \$1,000. Despite the willingness of both districts to  
22 engage with a family hoping to permanently be moved into a different school  
23 district, suitable parcels to comply with the law to enable a voluntary land swap  
24 within the statutory value limit has proven elusive, thus stalling initiatives aimed

1 at promoting school choice for families without adversely impacting the financial  
2 base of one district to the benefit of another.

3  
4 By amending Century Code to allow for land swaps of any amount mutually  
5 agreeable between two school districts, this legislature can empower local  
6 educational leaders to forge partnerships with property owners and solve  
7 boundary issues more collaboratively. This ensures that families have expanded  
8 access to diverse educational options without compromising the financial stability  
9 of district tax bases.

10  
11 Such an amendment enables school districts to better navigate their unique  
12 realities while fostering collaborative solutions that benefit all stakeholders. I  
13 respectfully urge your support for Bill 2351 with an additional amendment and  
14 emergency clause, helping willing parties work better together.

15  
16 Thank you for your time. I am happy to answer any questions you may have.

**Finance Office**

Telephone: 701-241-5600

Fax: 701-241-5728

SMB-FIN@casscountynd.gov

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**TESTIMONY ON SENATE BILL NO. 2351**

House Education Committee

March 12, 2025

Chairman Heinert and members of the House Education Committee:

My name is Brandy Madrigga, Finance Director for Cass County, a role which also includes the duties of the County Superintendent of Schools. Thank you for the opportunity to provide testimony and express my support for SB 2351 to include a proposed amendment to better enable voluntary land swaps for property owners.

Over the past several years, Cass County communities have experienced significant growth in both population and property values. As a result, the county's public school districts have seen a rise in student enrollment, prompting some districts to close their open enrollment options. Cass County is home to a mix of urban and rural school districts, each impacted by the increasing student populations. However, the rural districts face a unique challenge, as they operate with a much smaller taxable valuation (differences can exceed \$600 million) which severely limits their ability to accommodate the growing number of students. In response to the closure of open enrollment, property owners who meet the criteria for annexation are choosing to annex their land to ensure their children can attend schools in the communities they now call home.

The Cass County Committee responsible for hearing annexation requests has observed a noticeable increase in the number of petitions for the annexation of property to school districts. The impact of annexing a parcel of land from one school district to another is significant, as it shifts the taxable value, affecting the financial stability of the district from which the land is removed. Both the committee and the school districts involved are acutely aware of this disparity. A more balanced and collaborative solution would be to pursue a property exchange, as outlined in NDCC 15.1-12-02, which sets the requirements for annexation and exchange petitions. However, Section 4 of this statute stipulates that "the difference in taxable valuation of the properties involved in the exchange may not exceed one thousand dollars." This limit on the taxable valuation difference for contiguous land has become increasingly difficult to meet, especially for property owners located along the boundary between rural and urban districts.

Therefore, I respectfully request that the House Education Committee amend this bill by modifying NDCC 15.1-12-02(4) to replace the \$1,000 limit with "an amount mutually agreed upon by both affected school districts." Additionally, I request that the Committee consider adding an Emergency Clause to address the pending annexation petition of a Cass County property owner for the 2025 school year, with an effective date of July 1, 2025.

Mr. Chairman, members of the committee, it is for these reasons noted above that I urge a **DO PASS** on SB 2351 with the above noted amendment and emergency clause.



# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

SB 2351  
3/18/2025

Relating to annexation of property to a school district.
--

2:30 p.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

### Discussion Topics:

- Certified mail
- First class mail

2:36 p.m. Representative Jonas moved to adopt amendment 25.1342.02001, #42880.

2:37 p.m. Representative Novak seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 14-0-0

2:46 p.m. Representative Hager moved to change 14 to a 21 day notice.

2:47 p.m. Representative Marschall seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 14-0-0

2:48 p.m. Vice Chairwoman Schreiber- Beck moved a Do Pass as Amended.

2:48 p.m. Representative Jonas seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 14-0-0

Bill carrier: Representative Jonas

2:49 p.m. Chairman Heinert closed the hearing.

*Leah Kuball, Committee Clerk*

CO  
3/18/25  
1044

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2351**

Introduced by

Senator Beard

1 A BILL for an Act to amend and reenact ~~section~~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;

5. Each property involved in the exchange is contiguous with the school district to which it is being annexed; and
6. Except as otherwise provided in this section, the annexation by an exchange of property under this section is subject to, and meets, all other statutory requirements regarding annexations.

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

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

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.
2. ~~The~~ At least fourteen ~~fourteen~~ twenty-one days before the date of the public hearing, the county superintendent shall provide by certified mail notice regarding the annexation to each owner of real property to be annexed and publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, ~~at least fourteen days before the date of the hearing.~~ If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
  - a. Determine the number of qualified electors residing on the property to be annexed;
  - b. Ensure that two-thirds of such qualified electors have signed the petition; and
  - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
  - a. The value and amount of property held by each affected school district;
  - b. The amount of all outstanding bonded and other indebtedness of each affected district;
  - c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;



Sixty-ninth  
Legislative Assembly

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

1 consider testimony and documentary evidence regarding the proposed  
2 annexation, make specific findings, and approve or deny the annexation.

3 b. If no opposition is presented to the county committee at the hearing and the  
4 county committee approves the annexation, the state board may review the  
5 record of the county committee and give final approval to the annexation without  
6 holding its own hearing.

7 7. If the school districts involved in a proposed annexation include property in more than  
8 one county, but the major portion of each district's property is in the same county, the  
9 county committee of that county shall consider the annexation petition.

10 8. If the school districts involved in a proposed annexation are situated in more than one  
11 county and the major portion of each district's property is not in the same county, the  
12 county committees of those counties encompassing the major portion of each school  
13 district shall jointly consider the annexation petition. The county committees shall vote  
14 separately on whether to approve the annexation.

15 9. If the state board denies the annexation, another petition involving any of the same  
16 property may not be submitted to the county committee for a period of three months  
17 after the state board's denial. A petition involving any of the same property cited in the  
18 original petition may not be considered by the state board more than twice in a  
19 twelve-month period.

20 10. Regardless of how many county committees consider the annexation, the decision  
21 may be appealed to the state board.

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

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

27 13. A decision of the state board with respect to an annexation petition may be appealed  
28 to the district court of the judicial district in which the property to be annexed is  
29 located.

30 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2351**

**Education Committee (Rep. Heinert, Chairman)** recommends **AMENDMENTS** ([25.1342.02002](#)) and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2351 was placed on the Sixth order on the calendar.



25.1342.02001  
Title.

Prepared by the Legislative Council  
staff for Representative Jonas  
March 13, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED SENATE BILL NO. 2351

Introduced by

Senator Beard

- 1 A BILL for an Act to amend and reenact ~~section~~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;



- 1       5. Each property involved in the exchange is contiguous with the school district to which
- 2       it is being annexed; and
- 3       6. Except as otherwise provided in this section, the annexation by an exchange of
- 4       property under this section is subject to, and meets, all other statutory requirements
- 5       regarding annexations.

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

8       **15.1-12-05. Annexation of property to school district - Hearing.**

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

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

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

30 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

SB 2351  
3/26/2025

Relating to annexation of property to a school district.
--

10:40 a.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Longmuir, Maki, Marchall, Morton, Novak, Osowski. Members absent: Representative Jonas

### Discussion Topics:

- Certified Mail/ Return receipts

10:40 a.m. Representative Marchall moved to reconsider actions on SB 2351.

10:40 a.m. Vice Chairwoman Schreiber- Beck seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	N
Representative Jim Jonas	AB
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 12-1-1

10:42 a.m. Mark Openshaw, ND Attorney, testified in favor and submitted testimony. #44160

10:50 a.m. Allyson Hicks, Assistant Attorney General, testified in favor.

10:59 a.m. Chairman Heinert adjourned the meeting.

*Leah Kuball, Committee Clerk*



Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
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

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

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

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

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.
2. ~~The~~At least fourteen days before the date of the public hearing, the county superintendent shall provide by certified mail notice regarding the annexation to each owner of real property to be annexed and publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, ~~at least fourteen days before the date of the hearing.~~ If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
  - a. Determine the number of qualified electors residing on the property to be annexed;
  - b. Ensure that two-thirds of such qualified electors have signed the petition; and
  - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
  - a. The value and amount of property held by each affected school district;
  - b. The amount of all outstanding bonded and other indebtedness of each affected district;
  - c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
  - d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
  - e. The size, geographical features, and boundaries of each affected district;

- 1 f. The number of students enrolled in each affected district;
- 2 g. Each school in the district, including its name, location, condition, the grade
- 3 levels it offers, and the distance that students living in the petitioned area would
- 4 have to travel to attend school;
- 5 h. The location and condition of roads, highways, and natural barriers in each
- 6 affected district;
- 7 i. Conditions affecting the welfare of students residing on the property to be
- 8 annexed;
- 9 j. The boundaries of other governmental entities;
- 10 k. The educational needs of communities in each affected district;
- 11 l. Potential savings in school district transportation and administrative services;
- 12 m. The potential for a reduction in per student valuation disparity between the
- 13 affected districts;
- 14 n. The potential to equalize or increase the educational opportunities for students in
- 15 each affected district; and
- 16 o. The potential modification to the property tax obligation of the owners of the
- 17 property to be annexed and the concerns of the owners of the property to be
- 18 annexed; and
- 19 p. All other relevant factors.
- 20 5. Following consideration of the testimony and documentary evidence presented at the
- 21 hearing, the committee shall make specific findings of fact and approve or deny the
- 22 annexation. If the annexation is approved, the county superintendent shall forward all
- 23 minutes, records, documentary evidence, and other information regarding the
- 24 proceeding and the county committee's decision to the state board for final approval of
- 25 the annexation.
- 26 6. a. Except as provided in this subsection, the state board shall conduct a hearing
- 27 after publication of a notice in the manner required in subsection 2, accept and
- 28 consider testimony and documentary evidence regarding the proposed
- 29 annexation, make specific findings, and approve or deny the annexation.
- 30 b. If no opposition is presented to the county committee at the hearing and the
- 31 county committee approves the annexation, the state board may review the



1 record of the county committee and give final approval to the annexation without  
2 holding its own hearing.

3 7. If the school districts involved in a proposed annexation include property in more than  
4 one county, but the major portion of each district's property is in the same county, the  
5 county committee of that county shall consider the annexation petition.

6 8. If the school districts involved in a proposed annexation are situated in more than one  
7 county and the major portion of each district's property is not in the same county, the  
8 county committees of those counties encompassing the major portion of each school  
9 district shall jointly consider the annexation petition. The county committees shall vote  
10 separately on whether to approve the annexation.

11 9. If the state board denies the annexation, another petition involving any of the same  
12 property may not be submitted to the county committee for a period of three months  
13 after the state board's denial. A petition involving any of the same property cited in the  
14 original petition may not be considered by the state board more than twice in a  
15 twelve-month period.

16 10. Regardless of how many county committees consider the annexation, the decision  
17 may be appealed to the state board.

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

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

23 13. A decision of the state board with respect to an annexation petition may be appealed  
24 to the district court of the judicial district in which the property to be annexed is  
25 located.

26 **SECTION 3. EMERGENCY.** ~~This~~ Section 1 of this Act is declared to be an emergency  
27 measure.



# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

SB 2351  
3/26/2025

Relating to annexation of property to a school district.
--

2:57 p.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Members absent: Representative Jonas

### Discussion Topics:

- Committee action

2:59 p.m. Representative Hauck moved a Do Not Accept proposed amendments.

2:59 p.m. Representative Morton seconded my representative Morton.

Roll call wasn't applicable due to incorrect motion made.

3:04 p.m. Representative Hauck rescinded her motion.

3:05 p.m. Vice Chair Schriber- Beck moved to adopt proposed amendments along with changing 21 days back to 14 days for certified mail.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	N
Representative Dori Hauck	N
Representative Matthew Heilman	N
Representative Jim Jonas	AB
Representative Donald W. Longmuir	N
Representative Roger A. Maki	N
Representative Andrew Marschall	N
Representative Desiree Morton	N
Representative Anna S. Novak	Y
Representative Doug Osowski	N

Motion failed: 4-9-1

3:10 p.m. Vice Chair Schreiber- Beck proposed limiting the emergency clause.

3:10 p.m. Representative Hauck seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	AB
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 13-0-1

3:11 p.m. Representative Heilman moved a Do Pass as Amended.

3:11 p.m. Representative Heilman rescinded his motion.

3:16 p.m. Representative Morton proposed on page 2 line 11, adding the words 'with return receipt'

3:17 p.m. Representative Maki seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	AB
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 13-0-1

3:18 p.m. Representative Hauck moved a Do Pass as Amended.

3:18 p.m. Representative Morton seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	AB
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 13-0-1

3:19 p.m. Representative Novak moved to place SB 2351 On the Consent Calendar.

3:20 p.m. Representative Osowski seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	AB
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 13-0-1

Bill carrier: Representative Jonas

House Education Committee

SB 2351

03-26-25

Page 4

3:20 p.m. Chairman Heinert closed the hearing.

*Leah Kuball, Committee Clerk*



March 26, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

VG 3/26/25  
1 of 4

**ENGROSSED SENATE BILL NO. 2351**

Introduced by

Senator Beard

*In place of the amendments (25.1342.02002) proposed in the journal by the House, Engrossed Senate Bill No. 2351 is amended by amendment (25.1342.02003) as follows:*

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

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

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

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

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

1. The petitioner must reside within the boundary of the property to be exchanged;
2. The petitioner must obtain the written approval of one qualified elector from each residence within the boundary of the property referenced in subsection 1;
3. The petitioner must obtain written authorization for the exchange of property from the owner of the property to be exchanged in the adjacent district, provided that the owner need not reside on the property to be exchanged;
4. The difference in the taxable valuation of the property involved in the exchange ~~may not exceed one thousand dollars~~ must be agreed upon by both affected school districts;

5. Each property involved in the exchange is contiguous with the school district to which it is being annexed; and
6. Except as otherwise provided in this section, the annexation by an exchange of property under this section is subject to, and meets, all other statutory requirements regarding annexations.

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

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

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



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

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

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



**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2351**

**Education Committee (Rep. Heinert, Chairman)** recommends **AMENDMENTS** ([25.1342.02003](#)) and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2351 was placed on the Sixth order on the calendar.