

2013 HOUSE EDUCATION

HB 1146

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1146
January 21, 2013
17451

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will open the hearing on HB 1146.

Rep. David Rust: I sponsored this bill on behalf of the State Board of Public School Education. The bill requires no appropriation. This bill is to clean up some obsolete and unnecessary language. There are a couple of minor changes such as striking the word "three", it changes the raising of mill levies from over a period of five years, to "over a period not to exceed five years", and it requires DPI to assign a number to a duly created school district. Bob Marthaller, the Asst. Superintendent of Public Instruction will present and explain the bill, the resulting changes and additions, and the rationale of the State Board of Public School Education.

Rep. Nathe: Thank you. Testimony in support.

Bob Marthaller, Asst. Superintendent for DPI: Support, explained the bill (see attached testimony).

Rep. Meier: How many school districts currently, if any, are going through reorganization.

Bob Marthaller: We have had one reorganization that was recently completed. I am not aware of any right now that are going through the reorganization process. By and large, most of the activity with the State Board of Public School Education has been more, recently, having to do with annexation rather than reorganization.

Rep. Meier: On page 5, line 24, are there any school district plans for reorganization that typically exceed five years.

Bob Marthaller: I don't believe so. We would have to analyze that just to be sure, but I don't believe so.

Rep. Nathe: Thank you. Further testimony in support.

John Martinson, ND School Board Association: We support this bill. One of the changes is really important to us. The section I am referring to is the section where it refers to the Governor shall appoint members from the list of three people. To give you a little background to that, there are two school board members that serve on this committee. So I make phone calls to school board members and try to talk them into volunteering to serve on this committee. Consider my position, school board members already volunteer to be on their local school board, through their election. It's time consuming, etc. and now I'm on the

phone saying would you be interested in this board. They ask for information and I tell them what is involved. I finally talk them into it; then I have to tell them that they are one of three names being submitted to the Governor. It's disheartening to have to call people back and say you weren't selected. I really recommend that the change to just "names submitted to the Governor", so when I go through the process of talking a person into serving on this important committee, that I don't have to say to them, well you're one of three names. In the past, the Governor has fortunately selected the person that I've recommended to the NDEA and NDCEO because it has to go through that process. To streamline this to make it a little bit easier, I really support that particular change.

Rep. Nathe: Thank you. Further testimony in support.

Doug Rep. D. Johnson, Executive Director of the ND Council of Education Leaders: I am here to testify in support of HB 1146. I think it's a good bill at this point.

Rep. Nathe: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. Let's take up HB 1146 for action. What are the committee's wishes.

Rep. Schatz: On this annexation, I am assuming is one smaller district wants to become part of another district and there is no takeover or anything, it's all voluntary.

Rep. Rust: Yes. There are different kinds of annexations. There are those that are initiated from individuals who live within a school district. For instance you might have people who lived within the Regent school district that wanted to go to New England. Those people might sign for annexation and want to join that school district. In fact, if the Regent were still to exist, would probably have fought that. There are annexations that deal with individuals from one school that want to get out of the school district they are in and get into another one. There are also annexations where a school district as a whole, wants to combine with another one, and will just annex into it. Most school districts in ND, are reorganized school districts. However, there are some, for instance the Tioga Public School District, of which I was a part, was never a reorganized school district. It was an annexed school district, in that the land that they got, when McGregor closed, part of it came to Tioga, when White Earth closed, it came to Tioga. It can be by both individuals and by schools.

Rep. Schatz: When Regent comes over to New England, part of the district wants to go to Mott because it is closer. What happens there, can they split the district.

Rep. Rust: If it's a case of a school district that will cease to exist after this is all done. That's exactly what happens. It is most logical for that to happen. If it is a significantly large district you will have part of it closer to one town than another, so it makes sense to go to the closest school to where you live. That's exactly what happens. It might split into two, three or four different school districts.

Rep. B. Koppelman: I move a Do Pass.

Rep. Rust: Second the motion.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Heilman

Date: 1/21/2013
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1146**

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Koppelman Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz	✓		Rep. Jerry Kelsh	✓	
Rep. John Wall			Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. David Rust	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. Dennis Johnson					
Rep. Joe Heilman	✓				
Rep. Ben Koppelman	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Heilman

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

REPORT OF STANDING COMMITTEE

HB 1146: Education Committee (Rep. Nathe, Chairman) recommends **DO PASS**
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1146 was placed on the
Eleventh order on the calendar.

2013 SENATE EDUCATION

HB 1146

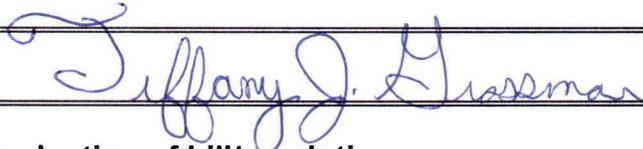
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1146
2-19-13
19204

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the state board of public school education and school district annexation, reorganization, and dissolution proceedings

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll opened the hearing on HB 1146

Representative David Rust, District 2: I am sponsoring HB 1146 on behalf of the State Board of Public School Education. The bill requires no appropriation and is necessary to clean up obsolete language. There are a couple minor changes such as the striking of the word three. There is a change when it refers to the mill levies. It changes it to "over a period not to exceed five years" Another change requires the DPI to assign a number to a newly created school district so that we know exactly which school we are talking about. Bob Marthaller with DPI will explain the bill.

Chairman Flakoll: Based upon the list of sponsors I'm guessing the Senate doors appeared to be locked that day.

Rust: We didn't want to waste your time. You are busy in the Senate.

Bob Marthaller, Assistant Superintendent with the DPI: I am here in favor of this bill and to provide you information regarding HB 146. (Written Testimony #1 attached) (9:17)

Chairman Flakoll: Is the school number county dash something something something?

Bob Marthaller, Assistant Superintendent with the DPI: No it would be like school district #18 or school district #3.

Chairman Flakoll: So Williston 1, Williston 8.

Bob Marthaller, Assistant Superintendent with the DPI: Exactly. There are duplicate numbers but not in each county and that refers to the number you are speaking about.

Chairman Flakoll: If something miraculous happens and Williston 1 and Williston 8 reorganize, can they use either Williston 1 or Williston 8 for the reorganized district?

Bob Marthaller, Assistant Superintendent with the DPI: Yes I believe they could. Or they could be Williston super district.

Senator Luick: When you eliminate the three names of potential board members, could there just be one on that list or what is the thought process?

Bob Marthaller, Assistant Superintendent with the DPI: Yes. There possibly could be one or two or five or six. The problem has been that not every organization has been always able to come up with one or two names so it just gives them more flexibility.

Chairman Flakoll: Closed the hearing on HB 1146

Vice Chairman Schaible: Move a Do Pass for HB 1146

Senator Luick: Second

A roll call vote was taken for a Do Pass on HB 1146: 6 yeas, 0 neas, 0 absent

Vice Chairman Schaible: will carry

HB 1146

Date: 2-19-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass

Motion Made By Schaible Seconded By Luick

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll	✓		Senator Joan Heckaman	✓	
Vice Chairman Donald Schaible	✓		Senator Richard Marcellais	✓	
Senator Larry Luick	✓				
Senator Nicole Poolman	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Schaible

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

REPORT OF STANDING COMMITTEE

HB 1146: Education Committee (Sen. Flakoll, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1146 was placed on the
Fourteenth order on the calendar. -

2013 TESTIMONY

HB 1146

TESTIMONY ON HB 1146
HOUSE EDUCATION COMMITTEE
January 21, 2013
By: Bob Marthaller, Assistant Superintendent
701-328-2267
Department of Public Instruction

Mr. Chairman and Members of the Committee:

My name is Bob Marthaller and I am an assistant superintendent with the Department of Public Instruction. I am here to provide information regarding HB 1146 relating to the State Board of Public School Education (SBPSE) and school district annexation, reorganization and dissolution proceedings.

The first amendment in Section 1, subsection 3, (line 1, page 2) will provide greater flexibility to members of the committee in making recommendations to the Governor from which the Governor appoints new SBPSE board members.

The second amendment in Section 1 is to subsection 6, (line 10, page 2) and is clean-up language made by Legislative Council and is not a substantive change.

The Section 2 amendments make minor changes to the requirements for evidence provided as testimony to the county committee during annexation proceedings. Specifically, subsection (4)(f) (page 3, line 21) is amended to clarify that it means the number of students enrolled in a district, and the census or general population data in subsection (4)(g) (page 3, line 22) is eliminated.

In Section 3, the amendment (beginning on page 5, line 15) eliminates unnecessary language referring to school districts' interim fund balances as related to the school districts' reorganization plan.

In Section 4, the amendment to (1)(b) (page 6, line 28) eliminates unnecessary reference to demographic information or census and the population per age group in a reorganization plan. Since school districts are not required to perform an annual census, this change will provide clarity as to the data being requested and presented to the county committee and the SBPSE.

A second amendment to (1)(p) (page 7, line 28) requires that when reorganizing, districts seek approval from the Department of Public Instruction for the new district number before the number is included in the reorganization plan.

In Section 5, the proposed amendments are similar to the amendments in section two of the bill. They make minor changes to the requirements for evidence provided as testimony to the county committee during dissolution proceedings. Specifically, subsection (3)(f) (page 9 line 24) is amended to clarify that it means the number of students enrolled in a district, and the census or general population data in subsection (3)(g) (page 9, lines 26-27) is eliminated.

Mr. Chairman and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.

1

**TESTIMONY ON HB 1146
SENATE EDUCATION COMMITTEE**

February 19, 2013

By: Bob Marthaller, Assistant Superintendent

701-328-2267

Department of Public Instruction

Mr. Chairman and Members of the Committee:

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