

1999 SENATE EDUCATION

SB 2079

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2079

Senate Education Committee

Conference Committee

Hearing Date 1/19/99

Tape Number	Side A	Side B	Meter #
1	X		2,126-5713
Committee Clerk Signature <i>Jenda Christman</i>			

Minutes:

Senator Freborg opened hearing on SB 2079.

No written testimony.

Lee Ann Sneider, Assistant Attorney General gave legal advice to the State Board of School Education. Drafted this bill at the request of the State Board. Authorized an appeal to the State Board when 2 county committees hear an annexation and deny it. Under the current law when two county committees hear an annexation and both deny it an appeal cannot be had to the State Board. This bill would allow that.

Senator O'Connell: Who is the State Board and how are they chosen.

Lee: Governor appoints 1 person from each of 6 different areas of the state. Also the Superintendent of PI is also on.

Senator Cook: Person making the request for annexation is a landowner?

Lee: Person making request lives near or on the border. They merely need to be living on the land, not necessarily the owner. Petition is the person currently living on the land, possibly a renter.

Senator Cook: Are there a lot of these requests.

Lee: State Board hears an annexation, an average of 3 a month. The Board meets once a month.

Quite a few of these.

Senator Cook: Process now, request is made to county committee and then the Board has if they refuse it and you appeal it to the state board, the state board has the authority to override the decision.

Lee: Correct.

Senator Kelsh: County committee is funded how.

Lee: The county committee is appointed by the county commissioners. There are usually 3 sometimes more. 3-5.

Senator Kelsh: If someone up to this point were refused by a majority of both counties they could not then appeal to the state board.

Lee: The language in line 13 and 14 that is more of a clarification. Real change is in line 15-16.

O'Connell: Is there any thing in law on how wide that string would have to be?

Lee: No

Senator Redlin: How does this interface with open enrollment?

Lee: School districts opt to participate they don't have to. They annex because they want to vote there or run for school board. Can't do that unless they live in the school district. Another

reason is that district may be low in per student valuation, district and parents think they should annex because the district they currently live doesn't need as much.

Senator Redlin: Districts must approve open enrollment. Does that mean the district where the person is leaving and the one receiving both have to have open enrollment policy?

Lee: Believe on the district where the student wants to go.

Senator Redlin: You can leave a district if someone will accept you.

Lee: Yes

Senator Wanzek: The only way 2 county committees will be involved in an annexation is if one of the school districts, a majority of their land is outside or in another county other than the other schools.

Lee: Correct. That happens regularly.

Senator Cook: Any other questions for Lee Ann. Any other testimony in favor of SB 2079.

Tom Decker, Verbal support, no written.

Senator Redlin: What do you go through when you have 2 committees and both solidly against it.

Tom: If 2 counties refuse the applicant may appeal to the state board.

Senator Wanzek: Does the state board have to consider.

Senator Freborg: A person renting can request annexation to a different district.

Tom: The annexation law designed to deal with access to schools. Not about land ownership.

Voters, citizens who have children in school, doesn't relate to land ownership. Could be a renter, etc.

Senator Freborg: What if they own nothing.

Tom: Doesn't matter, if they have a child school age they are eligible to apply for annexation.

The landowner has the opportunity to present his case at state and both the local hearings if they object.

Senator Freborg: Who would normally win.

Tom: Parents of student.

Senator Freborg: The person paying the bill really doesn't have the say. They have title to the land, pay the taxes but have nothing to say in the procedure. Any other questions.

Senator Wanzek: State Board must have a hearing is that only if the petitioner files an appeal. Both county committees deny it, the petitioner drops it, you don't have to have a hearing.

Tom: Correct.

Senator Flakoll: So if there is a split between the two committees, one votes for and one against the only course would be to pass it up the line.

Tom: Correct

Senator Flakoll: Is that the only recourse? What other recourse do you have?

Senator Freborg: Thank you Tom. Anymore testimony in favor or against.

Senator Freborg closed hearing on SB 2079.

Senator Wanzek moved for a Do Pass.

Senator Redlin seconded.

Discussion was held.

Senator Cook: I realize bill only deals with 2 counties but do have some concern. Reason for whole process is for education access but have concerns about rights of individual on what taxes

the individual pays. Can a landowner move back into another or former district (one with lower taxes) if his renter had his land annexed. Does it deserve to be addressed.

Senator Wanzek: I agree it is troubling. This issue is only trying to make it equitable and fair in all circumstances for the petitioner to appeal the decision of either county committee. Maybe something should be addressed.

Tom: Not aware of other bills that deal with the problem.

Senator Freborg: Potential problem-school taxes can vary \$100 per quarter because of the variation in levy.

Tom: Landowner is notified in two ways. First there is a public order, published for the hearing and the landowner is notified by the county superintendent. Get landowners permission first.

Senator Redlin: Two sides to that coin.

Senator Wanzek: If committee does not feel comfortable and would like to research I would withdraw the motion. Do you feel comfortable with the answers.

Senator Flakoll: I would find it more palatable if there was something in there that the landowner had control rather than the renter, etc.

Senator Kelsh: Bill is dealing with that at all. Basically it is due process. What we are talking about is already present law.

Senator O'Connell: Neighbor who had the problem.

Senator Freborg: Motion for Do Pass on SB 2079.

ROLL CALL: 7 yes, 0 no

CARRIER: Wanzek

Stand at ease.

Date: 1/19/99
Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2019

Senate EDUCATION Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion for Do Pass

Motion Made By Wanzek Seconded By Redlin

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Sen Wanzek

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

REPORT OF STANDING COMMITTEE (410)
January 19, 1999 1:16 p.m.

Module No: SR-11-0831
Carrier: Wanzek
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2079: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the
Eleventh order on the calendar.

1999 HOUSE EDUCATION

SB 2079

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2079

House Education Committee

Conference Committee

Hearing Date 3-2-99

Tape Number	Side A	Side B	Meter #
Tape # 2	x		48.6 to end
Tape # 2		x	0.1 to 1.3
Committee Clerk Signature <i>Joan Davis</i>			

Minutes:

Chairman R Kelsch , Vice Chair Drovdal , Rep Brandenburg , Rep Brusegaard , Rep Haas , Rep Johnson , Rep Nelson , Rep Nottestad , Rep L Thoreson , Rep Grumbo , Rep. Hanson , Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Vice Chair Drovdal : We will open the hearing on SB 2079 and ask the clerk to read the title.

Leah Ann Schneider: Assistant Attorney General this bill was drafted at the request of the State Board of Public School Education. This bill deals with annexation that is heard by two county committees and is denied by each county committee cannot be appealed to the state board. This bill would allow and appeal. A discussion was held on the bill and who would request the appeal and the process of such an appeal. Questions were asked and answered about the counties that have no county superintendent.

Tom Decker: DPI spoke in support of SB 2079.

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House Education Committee
Bill/Resolution Number Sb 2079
Hearing Date 3-2-99

The committee had some questions for Mr Decker and he was able to provide that information about county superintendent.

Vice Chair Drovdal : Anyone else who wishes to testify on behalf of SB 2079? Is there anyone who wished to speak in opposition to SB 2079? We will close the hearing on SB 2079.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 20793-8-99

House Education Committee

Conference Committee

Hearing Date 3-3-99

Tape Number	Side A	Side B	Meter #
Tape # 1		x	13.0 to 16.1
Committee Clerk Signature <i>Juan Davis</i>			

Minutes:

Chairman R Kelsch , Vice Chair Drovdal, Rep Brandenburg , Rep Haas , Rep Johnson , Rep Nelson , Rep Nottestad , Rep L Thoreson , Rep Grumbo , Rep. Hanson , Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Chairman R Kelsch : We will take up SB 2079, what are the wishes of the committee?

Vice Chair Drovdal : Move a DO PASS

Rep Haas : Second.

Chairman R Kelsch : Discussion. We have a DO PASS motion and ask the clerk to call the roll.

14 YES 0 NO 1 Absent motion carried Floor assignment Rep L Thoreson .

Date: 3-3-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB-2079

House Education Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Drovdal Seconded By Haas

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard					
Rep. C. B. Haas	✓				
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson	✓				
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Thoreson

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

REPORT OF STANDING COMMITTEE (410)
March 3, 1999 1:46 p.m.

Module No: HR-38-3944
Carrier: L. Thoreson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2079: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2079 was placed on the
Fourteenth order on the calendar.