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## **FISCAL NOTE STATEMENT**

House Bill or Resolution No. HB 1253

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, school districts, or townships. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Sheila Sandness  
Senior Fiscal Analyst

**2017 HOUSE EDUCATION**

**HB 1253**

# 2017 HOUSE STANDING COMMITTEE MINUTES

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

HB 1253  
1/18/2017  
27056

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Anna Whitman*

## Explanation or reason for introduction of bill/resolution:

Relating to voluntary property transfers between school districts

## Minutes:

Attachments 1-3, 3A and 4-6

**Chairman Mark S. Owens:** opens hearing for HB 1253.

**Representative Sukut:** on behalf of two ladies who have annexation problems. They are folks that have boots on the ground, and they have. (See Attachment 1 for testimony). 4:44

**Chairman Mark S. Owens:** Anyone else in support of HB 1253?

**Jodi Johnson, Williams/Ward County Superintendent of Schools:** (See Attachment 2 for testimony). 4:50-9:23

**Chairman Mark S. Owens:** Any questions?

**Rep. Rich S. Becker:** 9:41 Does this bill pertain to only contiguous land masses?

**Jodi Johnson:** Only in contiguous land masses. In North Dakota law school districts have to have a contiguous school line. I would like to add that Anita Thomas is here and is more of an expert on ND law than I am.

**Rep. Brandy Pyle:** So this is when school districts are moving large amounts of land?

**Jodi Johnson:** 10:30 Not necessarily large amount of lands, but I will give an example, new district # 8 which is by Williston #1 is a large district and they had an area that was way in the eastern part of their district and those people were going to Tioga. The family was attending there and they agreed they did not want to send a bus to that eastern part of the district. They were in favor of that family and land going to Tioga, but the only way to accomplish that was through the annexation process. It was maybe 2 sections, not a large area. If we could have utilized this with the school boards we could have drawn a nice straight line around the sections and I think it would have been easier.

**Rep. Brandy Pyle:** I work with that counties school board. In the five years that I sat on that board. Explain to me how this process for the school district would be different instead of going through the school reorganization board.

**Jodi Johnson:** 11:56 So with the annexation process a person has to be living on the area to be annexed, have a school aged child, and be contiguous to the school district they want to go to. So you read all the legal ads and the people living on the area, 2/3 of them have to sign the petition for it to be considered by the reorganization committee, then it goes on to the state board and a decision is made. Here in this process two school boards can sit down and put in legal ads prior to each meeting so the annexation process takes a minimum of approximately over two months. It involves patrons of the district having to testify in committees and traveling to Bismarck and again having to testify in committees. This allows 2 school boards to sit down and say, we understand 13 students want to attend your district. But you are asking for 52 acres and a Million dollars in taxable value and that is way to much for the 13 students. We have a per student value of 20,000 dollars. We will allow you 10 students and \$200,000 taxable value for the school district you want to attend. They can work those things out themselves, and it can satisfy the patrons in the district.

**Rep. Brandy Pyle:** Is there communication with people from the school districts?

**Jodi Johnson:** 14:02 They would know about it and if I want to go to a different school district and I am living in a district and I approach the school board I would be involved but I would not be required to testify. Of course legally you have to do the legal ad and follow the annexation process.

**Rep. Brandy Pyle:** This would be for parents and students who want to switch?

**Jodi Johnson:** So the admitting school district has to agree, both districts would have to agree.

**Rep. Dennis Johnson:** 15:01 Where the parents don't have to be involved with the public, a question on the person that doesn't have children would sooner have their property in a district where they are right now because the tax valuation and he gets his land pulled over into a different and higher district, or are they all about the same or is there any consideration for that?

**Jodi Johnson:** They would know in the public notice that their land was being considered and have an opportunity to come to the school board meeting to talk about it.

**Rep. Dennis Johnson:** They would have that opportunity?

**Jodi Johnson:** Landowners get involved and feel that they should have a voice in the annexation process and come to the meeting.

**Chairman- Mark S. Owens:** 16:13 Just to be clear they would have an opportunity to speak and they would receive a notice as well of the meeting.

**Rep. Pat D. Heinert:** Who makes up the county committee?

**Jodi Johnson:** The county committee in each individual county is made up of a 5 member board representing the county. Depending where the population sits, using Ward county as an example there is 3 people from the city and 2 rural. In Williams there is also the same.

**Rep. Pat D. Heinert:** On your second page you are talking about your public hearing. Which school district will the public hearing be held in and is there only one public hearing?

**Jodi Johnson:** 17:45 If the school district is located primarily in one county, it would be in the newspaper of that county. If it is in two counties than both boards would have to meet. Yes, there is only one public hearing and they both would come to the meeting at the courthouse.

**Rep. Denton Zubke:** So the protection for the land owners who don't want to be moved into a separate school district is to come to that hearing, what happens then? 18:58

**Jodi Johnson:** At the hearing everybody get to testify, and it is up to the school board to render a decision based on the testimony given at the meeting.

**Rep. Longmuir:** If the land has to be contiguous, so you are not forcing anyone into that school district. Is it only going to affect the land of the people petitioning or if you are not contiguous are you forcing some people into a district they don't want to be in? 19:54

**Jodi Johnson:** There is no petition. I will give you an example, the Ferguson family. They attended Tioga and the land that was taken only had the Fergusons living on it. Neither school district testified against that annexation so this would allow the opportunity of the Tioga school board and a new school board to say. We can't serve those students and we don't want to send a bus over there. We will go ahead and redistrict them.

**Rep. Bill Oliver:** If we have individuals that are not contiguous and they don't have any children involved in this are they going to be forced into that new school district.

**Jodi Johnson:** I am going to say yes. There might be landowners that have a quarter of farm land and their land was inside the redrawing and they would have to say to the school boards we don't be a part of that.

**Rep. Bill Oliver:** 23:32 So what is their resolution for that. Is just meeting with the school board is that enough you think or should it be more?

**Jodi Johnson:** I think it is enough. I see what you are saying that a land owner could be taken against his will and end up being moved to a higher taxed school district. You are correct that could happen.

**Rep. Bill Oliver:** So what is the resolution for that problem? You have brought us a solution for a problem but you are creating a new problem without a solution.

**Jodi Johnson:** They would have the opportunity at the annexation hearing to talk to the school board. Sometimes in satisfying the needs of the students school boards make decisions that don't always make tax payers in the district happy.

**Chairman Mark S. Owens:** Any other questions, anyone else in support of 1253

**Deb Kemp, Williams County Annexation Technician:** 26:39- 43:19 (See attachment 3 and 3 A for testimony and visual aids.)

**Chairman Mark S. Owen:** Are there any questions?

**Rep. Mary Johnson:** 43:34 Ms. Kemp, the people in Fargo know about the strange boundary lines in 1972 there was an agreement where West Acres would be part of the West Fargo school district. It is very odd that the business that I work for is more east and slightly north yet we are in the West Fargo school district. Part of the problem is that the annexed areas are defined to simplify the annexation process. You are changing the annexation method to make it easier for school districts but harder for taxpayers. 44:40

**Deb Kemp:** I feel even in annexation, there is people that don't want to annex. They go to the county meeting, actually in Williams county no one has showed up opposed except for district 8. I would assume if they do oppose it, they would want to show up and also come to the county meeting as well as the school board meeting. They also have the opportunity to go to the state meeting. They can make their voices very clear. I will tell you in Granite Peaks I had an annexation of 26 homes and 100% signed and they were not homes with all families or children living in them. When I send out information with my petitions they go with how much their taxes are going to increase because I feel it is important for people to know that. At that time the increase was \$100 on a \$100,000 home if they would be in district 1. The homes were new at about \$300,000-\$400,000 and they all signed that annexation. Through all the annexations I have done I can count on one hand the people that didn't sign. With the areas we are talking about for change we are not seeing opposition. If we would go further out and look at the city map, I could understand where people may have a little more concern. There is no option on how to deal with this subdivision in this area. If the school districts don't want to do it they don't have to. It just gives an option.

**Rep. Mary Johnson:** Your response to my question just stated that the process works now as it is. You said a lot of people go out they sign everything is great and I know what Fargo looks like.

**Deb Kemp:** I don't agree with you, do you see what Granite Peaks looks like now if you dealt with annexation. Instead the school districts could sit down instead of having the hardships for families. I have parents calling me waiting for this annexation process who are upset themselves plus the kids too. We are talking and it is emotional to the families. This would be easier on families and kids.

**Rep. Dennis Johnson:** 48:48 We have had this same issue last session, this all goes back to the influx of students we've had and the rapid growth of homes and having to get buses out 17 to 18 miles because of stopping the open enrollment. If we had open enrollment

we wouldn't have near the problem that we have now. If we pass this bill will it fix the problem we have with the lack of open enrollment and the busing?

**Deb Kemp:** All I can state is that with our annexation meetings is at the time the superintendent said they had closed enrollment because school District 1 has to build schools and District 8 also needs a new school. If they bring in district 8 kids they don't get the property taxes, and District 1 taxes are \$253 more on a \$100,000 home because district 1 has to pay for the school. So with open enrollment and district 8 kids coming to District 1, they would have to build schools and that would go back to the taxpayers of district one. I know that is what she stated as a concern that taxes are very high and homes are very expensive in Williston.

**Chairman Mark S. Owens:** Any other questions or other support of HB 1253?

**Kristi Gutierrez, Williston Resident:** (See Attachment 4 for testimony.) 51:50-1:00

**Rep. Mary Johnson:** Were there representatives from District 8 at the hearing on the petition?

**Kristi Gutierrez:** My petition had the superintendent for District 8 as well as the president of the school board at the county hearing. The state hearing had the District 8 superintendent as well as their attorney.

**Rep. Mary Johnson:** Did they object to the petition and did you prevail on the supreme court case? 1:01:11

**Kristi Gutierrez:** Yes they did object and we did prevail on the supreme court case.

**Chairman Mark S. Owens:** Any other questions? Seeing none. Any other support for HB 1253?

**Lisa Krom, Williston resident:** (See Attachment 5 for testimony) 1:02:20- 108:47

**Rep. Denton Zubke:** From where we were two years ago to where we are today I am totally impressed with the job you all have done and the amount of information you have brought forth. You still don't know whether District 8 and District 1 will be able to resolve any of these issues. You simply want another option?

**Lisa Krom:** That is correct and at this point there is no options for school boards. When a new school is built those school boards would have an opportunity to take a look at being proactive. I am here to talk about the proactive side of this. When you look at those maps you see a little District 1 surrounded by District 8. If District 1 is to build a new school it is probably going to be on the outskirts right along boundary lines. Since the new high school has been built looked very closely, but I am guessing as the developments are growing around that new high school, we will have a lot of issues again where families are going to be moving in and be caught off guard. If the school boards could look and see they could be proactive in this avoid problems.

**Rep. Mary Johnson:** 1:10:47 Do you prepare and file your own state tax return?

**Lisa Krom:** We take it to a person.

**Rep. Mary Johnson:** Had this been in place at the time Kristi Gutierrez was going through that her situation actually would have been a lot longer. Because she would have gone to the school boards first. If the school boards couldn't agree then her next step is to go through the annexation process. Is that correct?

**Lisa Krom:** I agree with what you are saying but what I am trying to suggest is when that school was built in 1987, the year they first opened those doors, both school districts had to know that Hagen Elementary was built right on the borderline. So the school boards who I believe act in the best interest of children and families would look at that and say at some point this could develop. Would it not make sense to move that boundary line before or as soon as it started developing. Right now School boards do not have the opportunity to be proactive. We could avoid situations like this. you are right, they may not have.

**Chairman Mark S. Owens:** Any other questions?

**Lisa Krom:** I am also here to give testimony for Mary Black who could not be here today. (See attachment 6).

**Chairman Mark S. Owens:** Thank you. We appreciate you bringing it and all additional information is valuable but we can read it and include it in our discussion. Is there any other support for HB 1253? Any in opposition or neutral testimony for HB 1253. Seeing none. Meeting adjourned.

# 2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee  
Coteau A Room, State Capitol

HB 1253  
1/24/2017  
27341

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carmen Hart*

## Explanation or reason for introduction of bill/resolution:

Relating to voluntary property transfers between school districts

Minutes:

**Chairman Mark S. Owens** opens the meeting on HB 1253.

**Rep. Zubke** made a motion for a DO PASS on HB 1253.

**Rep. Matthew Ruby** seconded the motion.

**Rep. Longmuir:** To me it is kind of addressing an issue between two school districts. My initial reaction was no, but after based on what just happened at the Ward County area, I speak favorably to this.

**Vice Chairman Cynthia Schreiber-Beck:** I think this a potential fix for a problem that occurs relatively infrequently, and I don't think this will fix their problem because you don't have two school boards that will communicate.

**Chairman Mark S. Owens:** I tend to agree with you but this is a tool, and it requires a voluntary transfer which applies that they are in agreement. What I heard was that the two districts that are bringing this are not in agreement, so I don't know that they will ever use it.

**Rep. Zubke:** I couldn't agree more with both of you. It is very possible this won't fix it, but it can't hurt and it at least opens the door to where it might work.

**Rep. Matthew Ruby:** I can just keep saying that it is not going to fix a problem and agree with everyone else. I think the only time I really see this happening is if you open a new school somewhere that is going to conflict with a school district. In Minot there is a school that is on the outskirts that was voted down to join the Minot Public Schools, and now we have people that are way closer to the Minot Public Schools and are being forced to go to this one outside. When you get a school that is built, I think this gives them a tool to redraw the lines and make it easier in that aspect.

A roll call vote was taken. 11 Yeas, 1 Nay, 2 Absent.

**Rep. Matthew Ruby** will carry the bill.

**Chairman Mark S. Owens** states let us go on to 1254.

Date: 1/24/17

Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1253

House Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Zubke Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman- Mark S. Owens	✓		Rep. Andrew Marschall	✓	
Vice Chairman- Cynthia Schreiber-Beck	✓		Rep. Bill Oliver	✓	
Rep. Rich S. Becker	✓		Rep. Brandy Pyle	✓	
Rep. Pat D. Heinert	✓		Rep. Matthew Ruby	✓	
Rep. Dennis Johnson	✓		Rep. Denton Zubke	✓	
Rep. Mary Johnson	AB		Rep. Ron Guggisberg		✓
Rep. Donald W. Longmuir	✓		Rep. Corey Mock	AB	
	6			5	1

Total (Yes) 11 No 1

Absent Rep. Mary Johnson, Rep. Mock 2

Floor Assignment Rep. Ruby

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

**REPORT OF STANDING COMMITTEE**

**HB 1253: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS**  
(11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1253 was placed on the  
Eleventh order on the calendar.

**2017 SENATE EDUCATION**

**HB 1253**

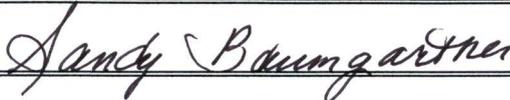
# 2017 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Sheyenne River Room, State Capitol

HB 1253  
3/14/2017  
Job Number 29149

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to voluntary property transfers between school districts

## Minutes:

#1, #2, #3, #4, #5

**Chairman Schaible:** Call the meeting to order for HB 1253.

**Repr. Gary Sukut:** District 1: In support of 1253. It does 1 thing, to provide 2 school districts to make a voluntary transfer of property between the districts. Testimony #1

**Chairman Schaible:** Is this a value for value transfer?

**Repr. Gary Sukut:** Not necessarily.

**Deb Kemp:** Williams County Annexation Technician; Testimony #2

**Chairman Schaible:** So what does your bill do that an annexation won't do?

**Deb Kemp:** With annexation, school districts don't really have a say, with this school districts have a say. Annexation is very emotional for parents and kids. It first goes to a Williams County Reorganization Committee selected by the county commissioners. If it fails at the county with this process the 2 school boards can get together and say we really believe in this and want it so we will appeal it to the State Board of Education. It would take the two boards to agree on that. Then they would appeal. Even if the committee didn't agree, they still can appeal. That is the same as annexation.

**Chairman Schaible:** Other questions?

**Jodi Johnson:** William/Ward County Supt. of Schools: Testimony #3

**Chairman Schaible:** If this process works this well, do we need the current annexation process?

**Jodi Johnson:** Annexation is more for one or two lots, rather than for this.

**Chairman Schaible:** If someone doesn't show up to testify is there a way for an appeal for the property owners? I suppose they can go to the state hearing. Other questions? Other testimony if favor of?

**Klint Hartsock:** Parent of an open enrolled student as well as a land owner in two different school districts: My children have been receiving their education in District 2, which is Ray, and we reside in District 8. All of our children have been or are currently educated by the school district. If we had sent our children to District 8, they would have had a one-way commute of 42 miles, instead of the 18. District 8 said they would have had trouble providing bus service that far away. We researched the possibility of annexation, but our properties are not contiguous. In addition, if it went through the steps to get signatures from other land owner, meeting, etc., it would split the district in half. I presented the issues to Rob Turner who was the superintendent of District 8, the district manager and one of their school board members. The dist. administrator and board member as well as the business manager were

actually receptive to this and make an agreeable plan for all districts involved. We believe that it would be better for school districts to sit down and redraw their own boundaries as they understand their needs more than anyone. Our tax dollars go to another district from where over 31 years our kids have attended. It would benefit District 8.

**Chairman Schaible:** It still has to be contiguous, it hasn't changed. Other questions?

**Deb Kemp:** Williams County Annexation Technician: The property he owns is not contiguous to Ray. What he has to do is get ahold of everyone that has property between his land and Ray and get signatures, etc., to go through the annexation process. That land would also have to be taken through this process.

**Senator Rust:** So if he could get all the land between him and Ray and then would there be an exchange?

**Deb Kemp:** No, there would not. The school districts would sit down and say they have to have the land contiguous, touching each other.

**Senator Rust:** So it would be a voluntary transfer? It is just a one-way deal.

**Deb Kemp:** Correct.

**Chairman Schaible:** Any other testimony, any agency?

**Bob Marthaller:** Assistant Superintendent at Department of Public Instruction. Be happy to answer your questions.

**Chairman Schaible:** Is there a potential problem with this process of annexation?

**Bob Marthaller:** I have been involved in this for about 7-8 years. I think this is a good bill and will help relieve some of the questions. It shortens up the petition process and allows the school boards more flexibility and more local authority to make that determination.

**Senator Rust:** It has to be agreed by both districts?

**Rob Marthaller:** Yes, they do.

**Chairman Schaible:** No other questions, we will close the hearing.

Further testimony was e-mailed from:

**Mary Black:** Parent in favor of HB 1253, testimony #4.

**Kristi Gutierrez:** Parent in favor of HB 1253, testimony #5.

# 2017 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Sheyenne River Room, State Capitol

HB1253  
3/14/2017  
Job Number 29177

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Sandy Baumgartner*

## Explanation or reason for introduction of bill/resolution:

Relating to voluntary property transfer between school districts

## Minutes:

**Chairman Schaible:** Call the meeting to order for HB 1253

**Senator Rust:** I see it as somebody who wants to get into a new school district. Everybody between the school district and both the receiving and leaving school districts have to agree. What could possibly go wrong? The other option is the group of people would have to go through annexation. That is an involved process. In an annexation, when you draw up that plan you are locked into that plan. This looks like it could be flexible.

**Senator Kannianen:** Is there an appeal process for a public hearing with the county committee to approve or deny the property transfer? Is there a process for an appeal for individual land owners?

**Chairman Schaible:** An annexation process is similar. If it is just one landowner within one county a commission is set up chosen by the county commissioners to be the hearing officer for those people. They would have that opportunity to speak with them. In an annexation hearing it is usually one school is trying to take land away from another and that becomes controversial. The proposing school has to develop that plan, have all the landowners involved, and have at least one school age child on that land to be able to do it. That process goes to a hearing, devised of 3 people that are selected by the county commissioners. If it is rejected by that the school can appeal to the State Board of Education, which is the same process. If there are multiple counties involved with annexation, each county holds one of those and each has to pass. With this one here they develop what land is to be annexed, if that person isn't for that it would not be passed. It has to be contiguous. The landowner could be drawn out.

**Senator Rust:** They would agree to be in it in the first place.

**Chairman Schaible:** They can't be forced to be in it. Any other discussion?

**Senator Rust:** I move for a Do Pass.

**Senator Davison:** I second.

**Chairman Schaible:** A motion and second for 1253, any other discussion? If not clerk take roll.

Roll taken: 6 Yeas, 0 Nays, 0 absent

**Senator Rust** will carry.

Date: 3-14-17  
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1253

Senate Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rust Seconded By Davison

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	✓				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Rust

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

**REPORT OF STANDING COMMITTEE**

**HB 1253: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1253 was placed on the  
Fourteenth order on the calendar.

**2017 TESTIMONY**

**HB 1253**

Attachment 1  
HB1253

1/18/17

HB1253

REPRESENTATIVE GARY R. SUKUT

DISTRICT 1

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE

FOR THE RECORD, I AM GARY SUKUT, REPRESENTATIVE FROM DISTRICT 1 AND I AM HERE THIS MORNING TO INTRODUCE AND SUPPORT HB1253.

I AM HERE ON BEHALF OF TWO LADIES WHO HAVE SPENT HUNDREDS OF HOURS STUDYING THE CENTURY CODE LOOKING FOR HOW THEY COULD APPLY THE KNOWLEDGE THEY HAVE COLLECTED BY DAY TO DAY BOOTS ON THE GROUND WORKING WITH THE ISSUES IN HB1253 AND HB1254 WHICH YOU WILL HEAR NEXT. THEY ARE HERE TODAY TO PROVIDE THE BACKGROUND INFORMATION THAT RESULTED IN THE BILLS WE ARE PRESENTING TODAY.

HOUSE BILL 1253 DOES ONE THING - IT PROVIDES FOR TWO SCHOOL DISTRICTS TO MAKE A VOLUNTARY TRANSFER OF PROPERTY BETWEEN THE DISTRICTS.

EACH BOARD HAS TO VOTE TO PURSUE A TRANSFER, VOTE TO APPROVE THE PROPOSED ADJUSTMENT OF THE DISTRICT BOUNDARIES AND FILE WITH THE COUNTY SUPERINTENDENT A COMPLIANCE DOCUMENT.

A COPY OF THE DOCUMENT IS FORWARDED TO THE COUNTY COMMITTEE, AFFECTED PROPERTY OWNERS ARE NOTIFIED BY REGISTERED MAIL AND NOTICE OF A PUBLIC HEARING IS PUBLISHED AT LEAST 14 DAYS BEFORE THE HEARING.

AT THE PUBLIC HEARING, THE COUNTY COMMITTEE CONSIDERS ITEMS 3A THRU 3F ON PAGE 2 OF THE BILL. IF THE COUNTY COMMITTEE APPROVES THE PROPERTY TRANSFER, ALL THE DOCUMENTS ARE FORWARDED TO THE STATE BOARD FOR FINAL APPROVAL. THE STATE BOARD SHALL HOLD A HEARING AND APPROVE OR DENY THE PROPERTY TRANSFER.

IF THE COUNTY COMMITTEE DENIES THE TRANSFER, THE BOARDS JOINTLY MAY APPEAL THE DECISION TO THE STATE BOARD.

ANY PROPERTY TRANSFER APPROVED BY THE COUNTY COMMITTEE AND THE STATE BOARD BECOMES EFFECTIVE ON JULY 1<sup>ST</sup> FOLLOWING APPROVAL.

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE, HB1253 SERVES A PURPOSE ONLY IF TWO SCHOOL BOARDS DECIDE TO USE IT TO TRANSFER PROPERTY. UNTIL THEN, IT SETS DORMANT, NOT AFFECTING THE CURRENT ANNEXATION PROCESS NOR ANYTHING ELSE IN THAT SECTION OF CODE.

MISTER CHAIRMAN AND COMMITTEE MEMBERS I THANK YOU FOR THIS OPPORTUNITY TO PRESENT HB1253 AND I ASK YOU FOR YOUR FAVORABLE SUPPORT.

I STAND FOR QUESTIONS.

Attachment 2

1/18/17

HB 1253

Testimony to the  
**House Education Committee**

January 18, 2017

By Jodi Johnson, Williams/Ward County Supt. of Schools

**RE: HB1253-Relating to Voluntary Property Transfers between School Districts**

Mr. Chairman and members of the committee, I am Jodi Johnson and I work as the acting Superintendent of Schools for Ward and Williams County. I am here today to explain why this chapter of law is needed for school districts and families.

Why I think HB 1253 needs to pass.

- A. Currently there is no law addressing a school district reorganizing in part.
- B. If a school district can't serve students in part of the district they should be able to contact a neighboring district and have the opportunity to voluntarily transfer that property to the district that can and wants to serve the students.
- C. The office of the Supt. of Schools is a neutral office and feels schools should have the ability to set their own school policies and make decisions regarding attendance areas.
- D. School districts do not need to involve parents or the public if they agree to change the school district line voluntarily.
- E. Following the model for school district annexations seemed like a good idea and a logical path. Going through the county and state boards ensures proper recording of the change within the property tax system.
- F. In Williams County New # 8 agreed to an annexation taking property from the district because they did not want to send a bus over to that area of the district.
- G. In Ward County Lewis and Clark #161 had a large group of petitioners want to leave the district but they requested to take around 52,000 acres for 13 students. This annexation was denied and the petitioners appealed to district court and later to the Supreme Court. They went through this same process twice. Lewis and Clark #161 countered offered a smaller amount of land that would include all of the families involved but that is not allowed by law in the current annexation process. A school district can't offer a petition for annexation that the district would agree to at an annexation hearing. While I can admit that I don't think the petitioners and school district could have agreed, the option for them to sit down and try is not available.
- H. In Ward County the annexation process was used through a series of 3 annexations to redistrict Lewis and Clark #161 after the school district reorganized.

In summary

- A. We are not taking any power away from school district to keep school district lines.

- B. We are providing a way for schools to change school district lines if the admitting school district agrees.
- C. We are providing parents a way to be a part of a district where the children attend without going through the long and difficult annexation process.
- D. We are saving the taxpayer money because the school district annexation laws will not be used to change school district lines.

Thank you for your time. I will now answer any questions at this time.

# Attachment 3

HB 1253

1/18/17

Testimony to the  
**House Education Committee**

January 18, 2017

By Deb Kemp, Williams County Annexation Technician

**RE: HB1253-Relating to Voluntary Property Transfers between School Districts**

Mr. Chairman and members of the committee, my name is Deb Kemp and I work as an annexation technician for Williams County. I am here today to explain what is happening to children and their families in Williams County and why House Bill 1253 needs to pass.

I need to first show you some maps so you understand what is happening in Williams County in regards to the school districts.

**A. ND state map of school districts (page 1)**

**B. Smaller map of all county school districts (page 2)**

1. Divide County has 1,026 square miles of property.
2. Eight Mile District #6 (Trenton) has 85 square miles of property.
3. Grenora school District has 821 square miles of property.
4. Nesson Public school district #2 (Ray) has 479 square miles of property.
5. **New Public School District # 8 has 1,148 square miles of property.**
6. Tioga Public School district #15 has 451 square miles of property.
7. **Williston Public School district #1 has 17 square miles of property.**

Students Attending: I'm going to explain some statistics form District #8 and District #1.

8. Williston Public School District #1 has **4034** students this school year (DPI-Fall 2016-2017) there were 2,842 students fall of 2012-2013 per DPI site. That is an increase of 1,192 students.
9. New Public School District #8 has 513 students this school year (DPI-Fall 2016-2017) and there were 264 students fall of 2012-2013 per DPI site. That is an increase of 249 students. As you can see there has been a huge increase of students in the last four years.
10. Williston Public Schools District 1 has the **6<sup>th</sup> largest** population of students versus all other school districts in the state but has the smallest land base in the state but MAFB & GFAFB for collecting property taxes.

I'm going to tell you a little about why annexation started in Williston and it will explain why this bill came to be. First, when the city annexes land into the city the school boundaries do not change. Currently the city has grown into New Public School District #8.

**C. City boundaries: Show city map with school boundaries & schools.  
(page 3)**

Also, another factor came into play as on Nov. 30, 2011 District #1 went from open enrollment to closed enrollment. District #1 did grandfather all District #8 students that were enrolled in District #1 so they could complete their education in District #1. They did not accept any new District #8 students after that unless they were attending high school as District #8 doesn't have a high school. District #1 developed policies which accept siblings of a high school student, siblings of a grandfathered in students or siblings of a special needs student, but District #8 has to release them to District #1. Families did not start utilizing the annexation process into Williston School District #1 until New Public School District #8 stopped releasing siblings of a high school student or siblings of a special needs student. If the parents then wanted their children to attend District #1 they had to go to work for District #1, had to move to District #1 or had to go through the annexation process.

Some of the main reasons that parents do not want their children to attend New Public School District #8 are:

1. They live in the city limits and New Public School District #8 is a rural school district.
2. Some of the people live across the street from a District #1 school building and do not understand why their children have to ride a bus 17 miles west of their home.
3. The parent would prefer to drive their children a few blocks to a school building in District #1 rather than sending them on a bus outside of the city to District #8 a rural school district.
4. Some parents have a high school student attending in Williston Public School District #1 and would like the siblings to be in the same school district so they are not dealing with 2 different school schedules.

I want to show you 4 maps so you can see how the current annexations are making the school boundaries complicated.

**D. Show map: City Map (page 4), Black Annexation (page 5), Granite Peaks Overview (page 6), Bureau Annexation (Page 7) and Bohannon Annexation (page 8).**

As you can see from the maps it is dividing subdivisions and making school boundaries very confusing.

When I first read what annexation meant was this "Annexation" means the alteration of a school district's boundaries through the removal of real property from one school district and its attachment to another contiguous school district. It sounded easy but instead I found it is a really long process which takes a lot of time collecting names of all children, their ages and

what school they are attending. The petitioners also needed to gather all the information of all adults in the homes being annexed. Then a petition is put together so research goes into the legal description with addresses to make sure that is correct. The difficulty for the petitioners to find people home to sign the petition. A legal ad has to be placed into the local newspaper at least 14 days before the meeting date. A lot more information is put into the packets and some packets are 50 to 80 pages long.

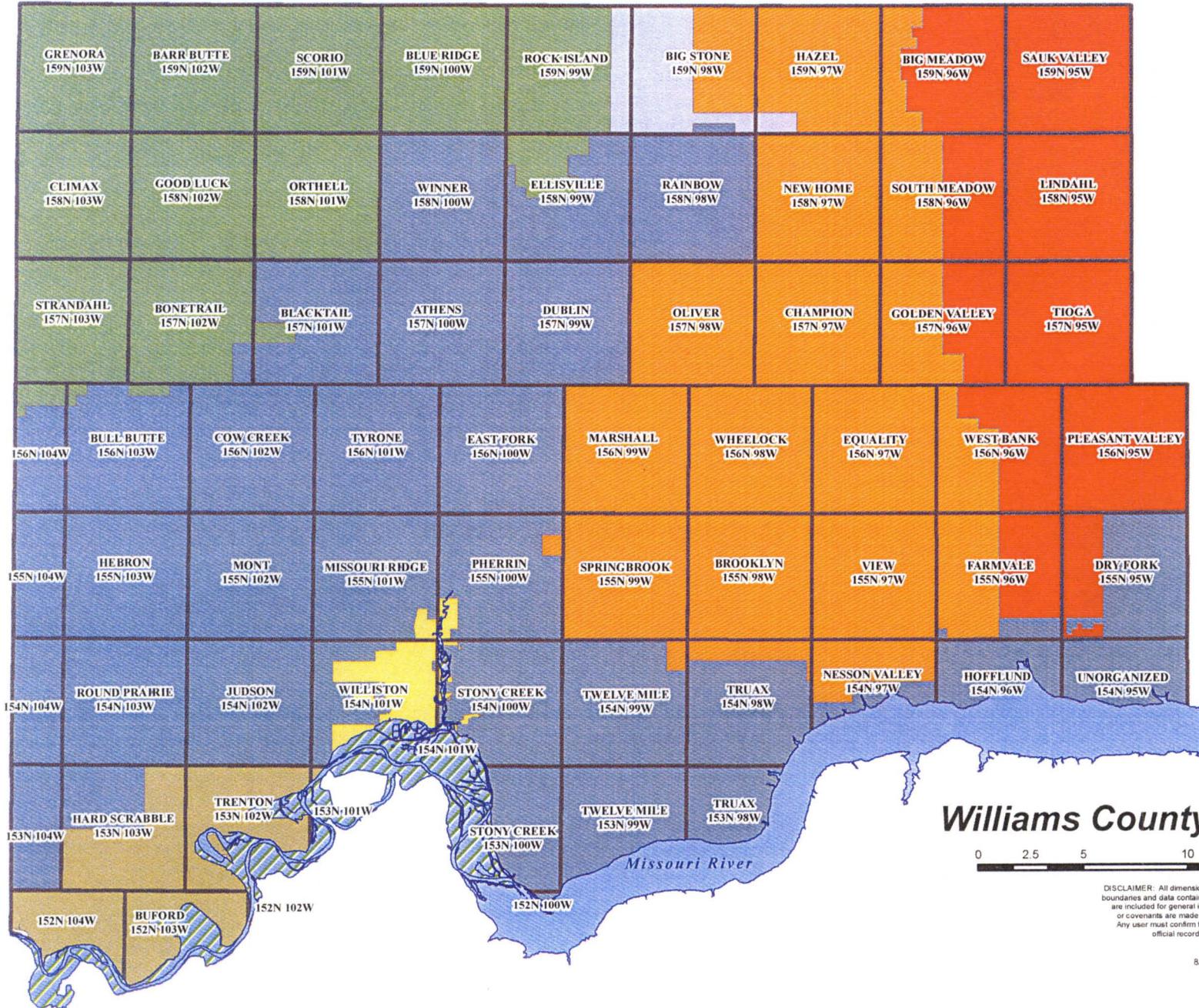
By passing house bill 1253, this would allow a school district that isn't able to educate children in their school district because the closest school is for ex. 42 miles a way to transfer land to the closest school district to where they live.

- E. **Show Ferguson Annexation (page 9) & Location map of Ferguson Annexation (page 10)** District #8 supported this annexation as District #8 were not able to provide busing in this area as the children lived 42 miles to the closest District #8 school.

This bill also gives an option for kids to attend a school closest to them if the school district they reside in agrees. For example, the area of Granite Peaks Subdivision (which is District #8) but is across the street from Hagen Elementary (District #1) to look at being transferred to the school district it is closest to. As the closest school building in District #8 is 17 miles.

This bill also gives both school districts control of their school district boundaries as both school districts have to agree to this process by each school board passing the petition. If one school district doesn't agree then nothing will happen. As of right now there isn't anything in place for this type of process as school districts cannot go through the annexation process because the petitioners have to live in the area being petitioned and there has to be a school aged child in the area for an annexation to occur. I support the passing of house bill 1253 as there is nothing in century code for a school district to change a school district boundary except property exchange and for these situations that wouldn't work. This bill would allow school districts at least an option to discuss this and decide if this is best for their schools and the children involved.





- Legend**
- New Public School District 8
  - Divide County School District 1
  - Eight Mile Public School District 6
  - Grenora Public School District 99
  - Nesson Public School District 2
  - New Public School District 8
  - Tioga Public School District 15
  - Williston Public School District 1
  - Township Boundary
  - Marsh or Wetland
  - River

**Williams County School Districts**

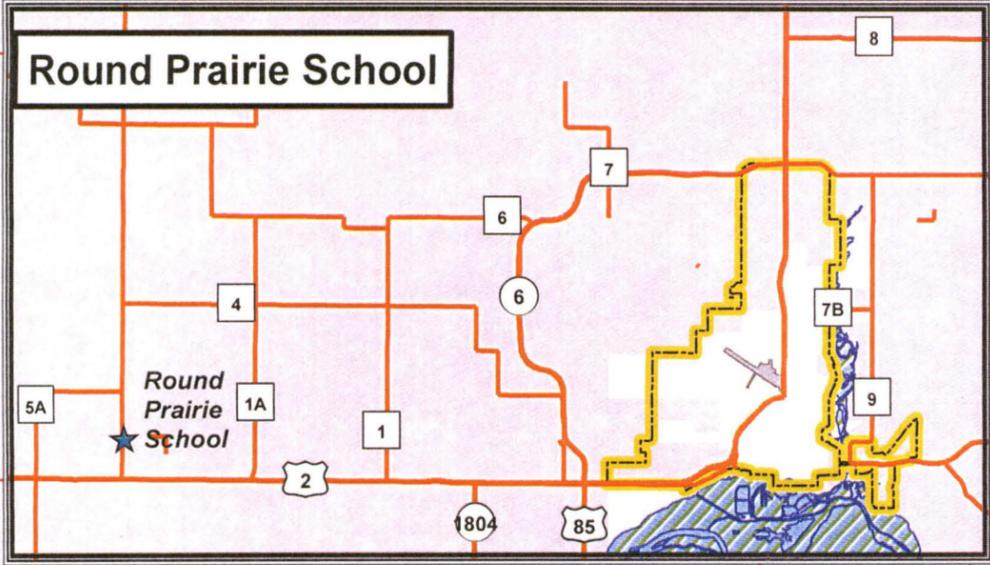
0 2.5 5 10 15 20 Miles

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RWM  
8/9/2016



# Williston Schools Overview



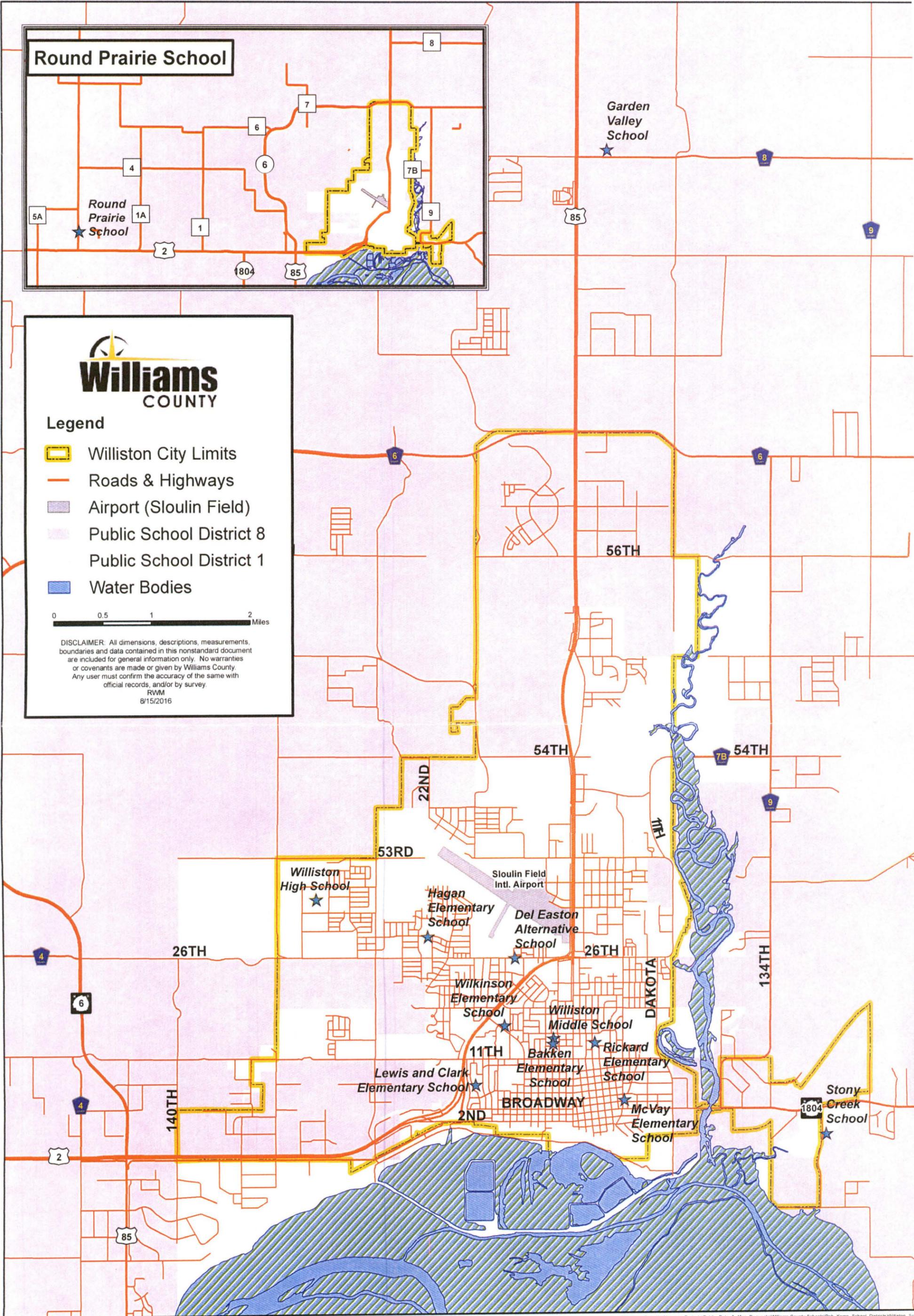
**Williams COUNTY**

**Legend**

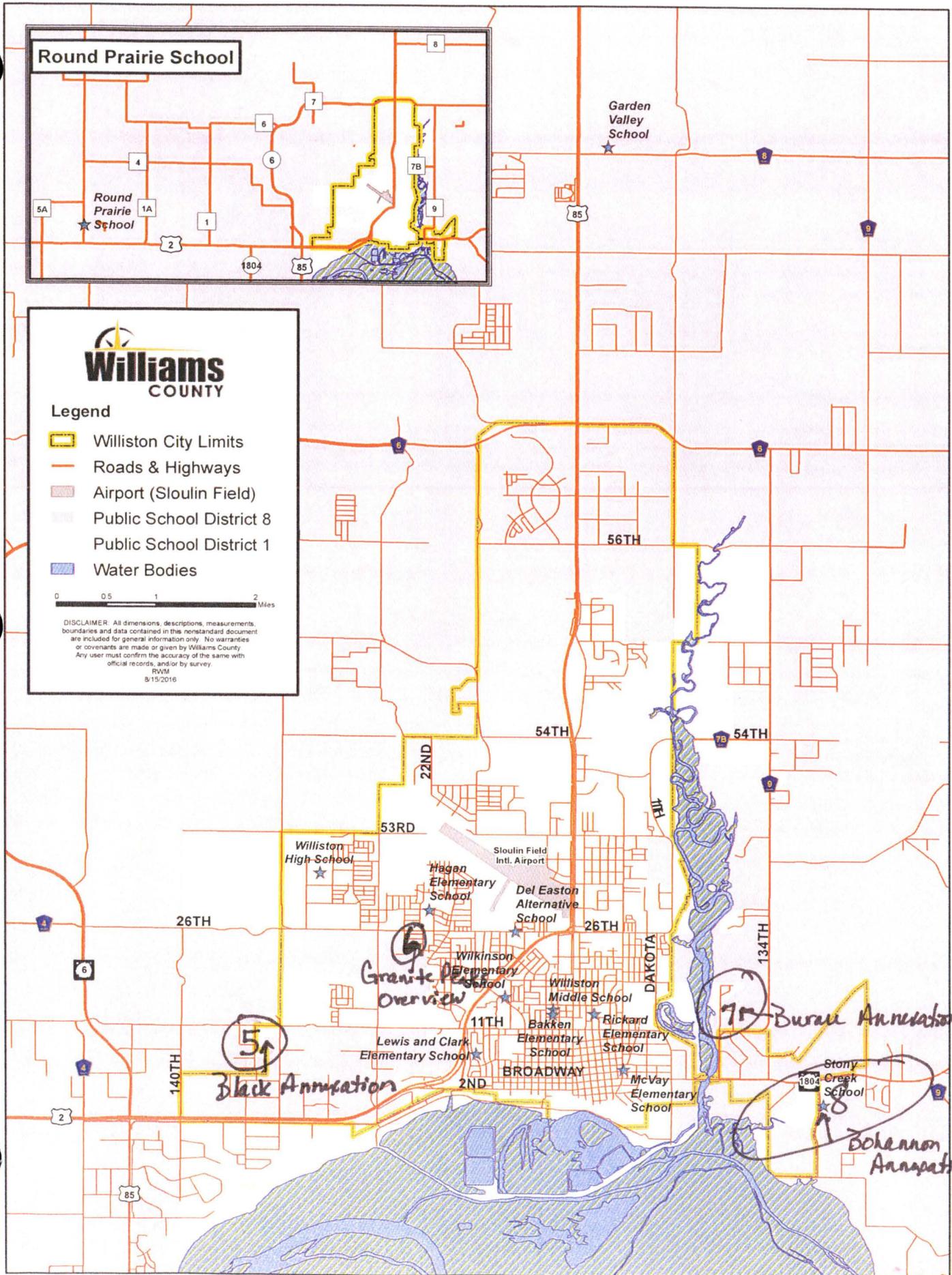
- Williston City Limits
- Roads & Highways
- Airport (Sloulin Field)
- Public School District 8
- Public School District 1
- Water Bodies

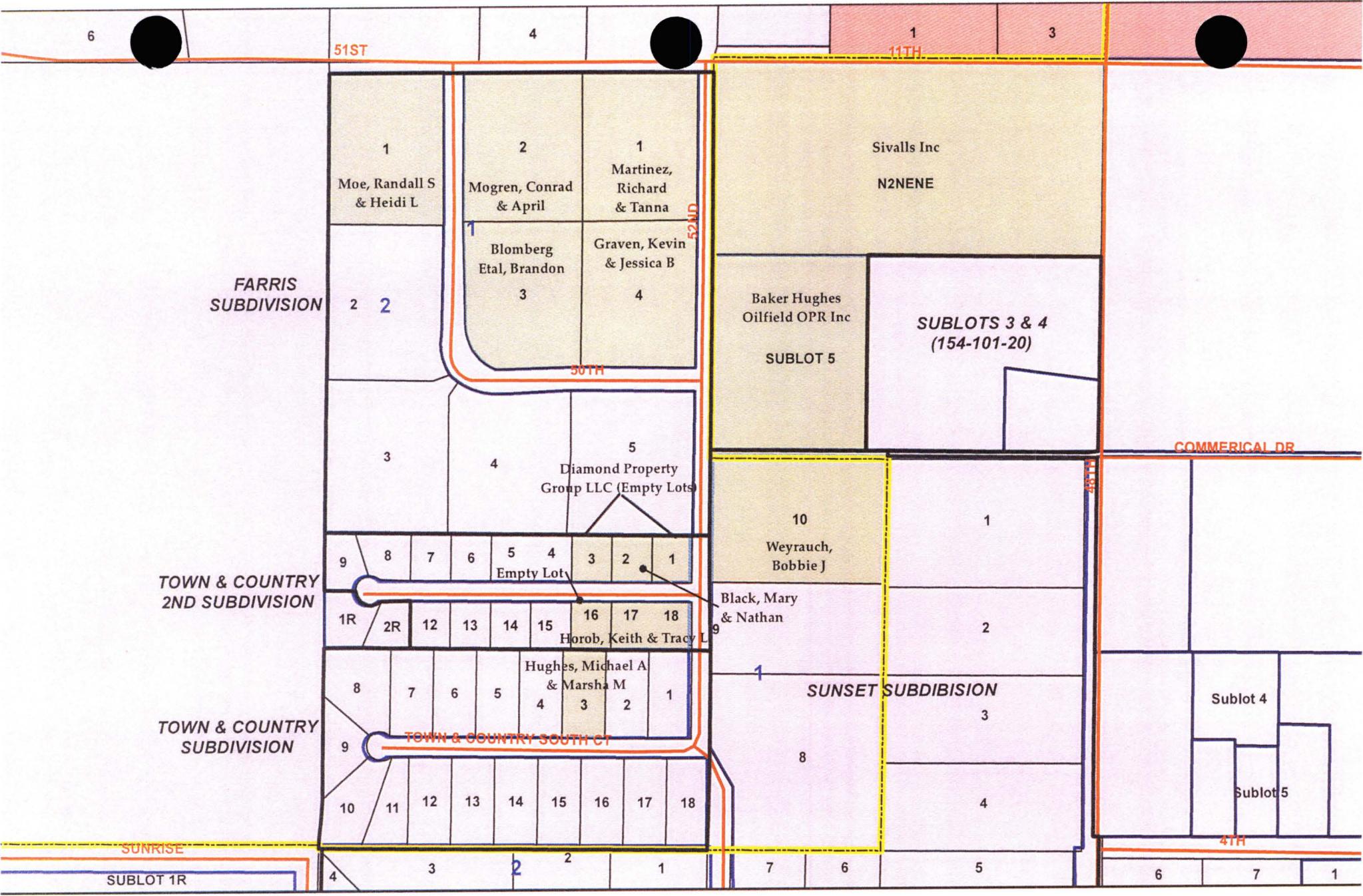
0 0.5 1 2 Miles

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RVM  
8/15/2016



5-8 # page numbers of a close up map of annexed area.  
**Williston Schools Overview**





- Legend**
- City Street
  - County Road
  - Parcels for Annexation
  - Passed at State
  - Sections
  - Parcels
  - Blocks
  - Subdivisions
  - City Limits
  - Little Muddy River
  - New District 8
  - Williston District 1

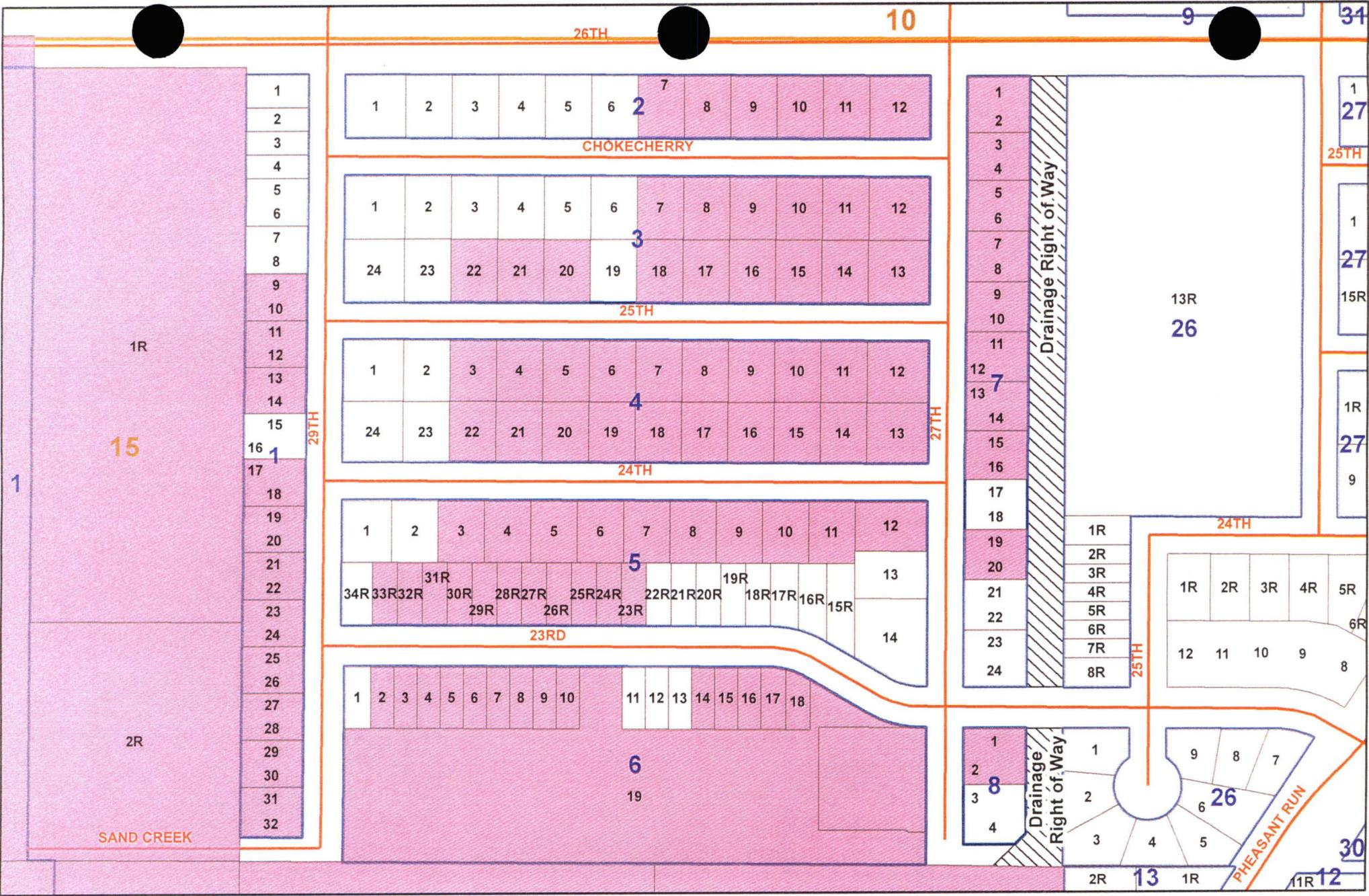
**Black Annexation**  
 Williston Township  
 T154N R101W, Section 20



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 NTY  
 4/14/2015



5



- Legend**
- Parcels
  - Blocks
  - City Street
  - County Road

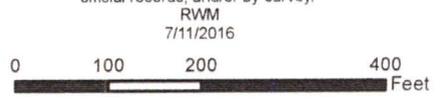
- Sections
- Williston District 1
- New District 8



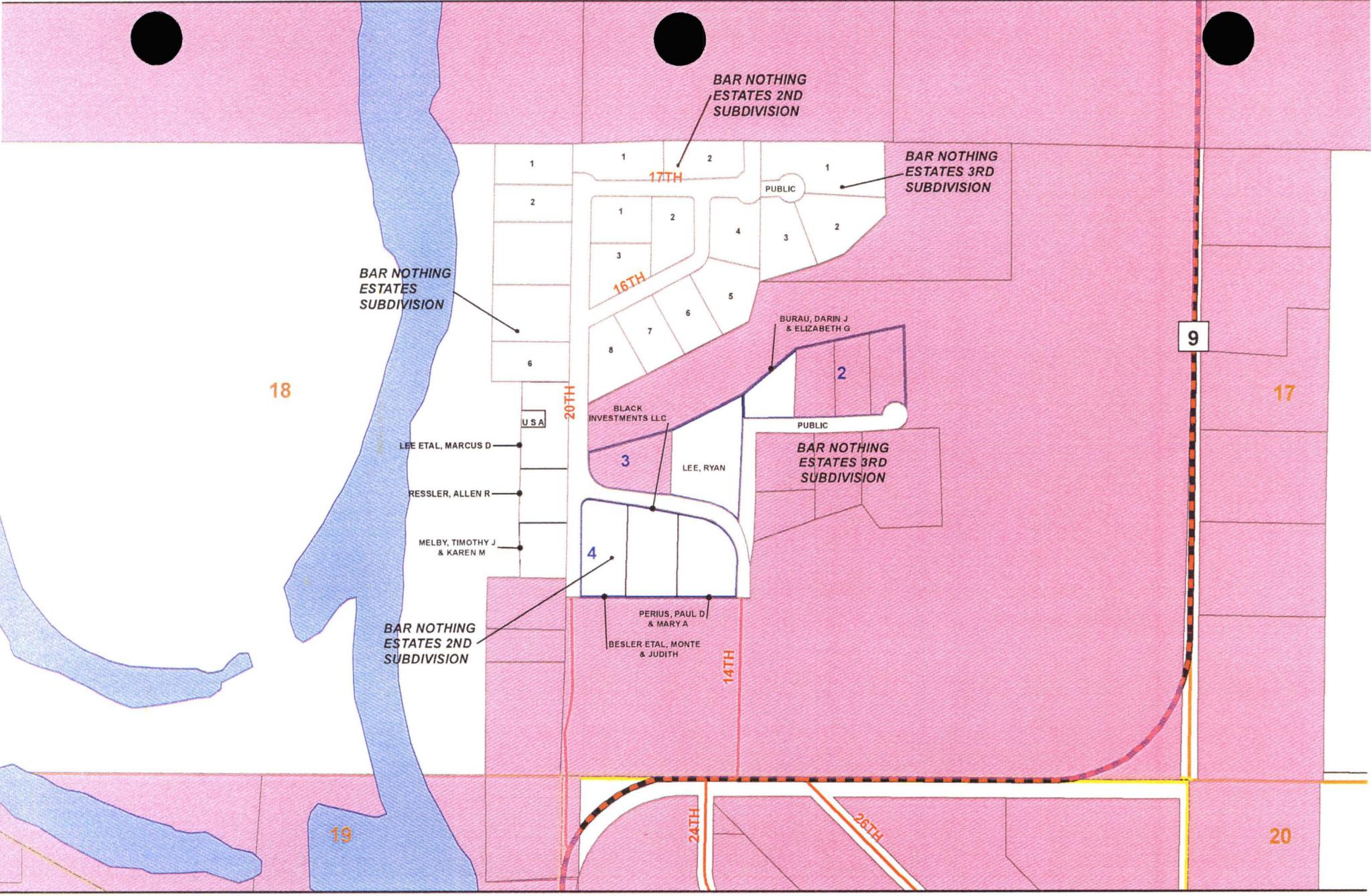
# Granite Peaks Subdivision Overview

**Williston Township**  
**T154N R101W**  
**Section 15**

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6



- Legend**
- City Street
  - County Road
  - Parcels
  - City Limits
  - Sections
  - Blocks
  - Subdivisions
  - Little Muddy River
  - New District 8
  - Williston District 1

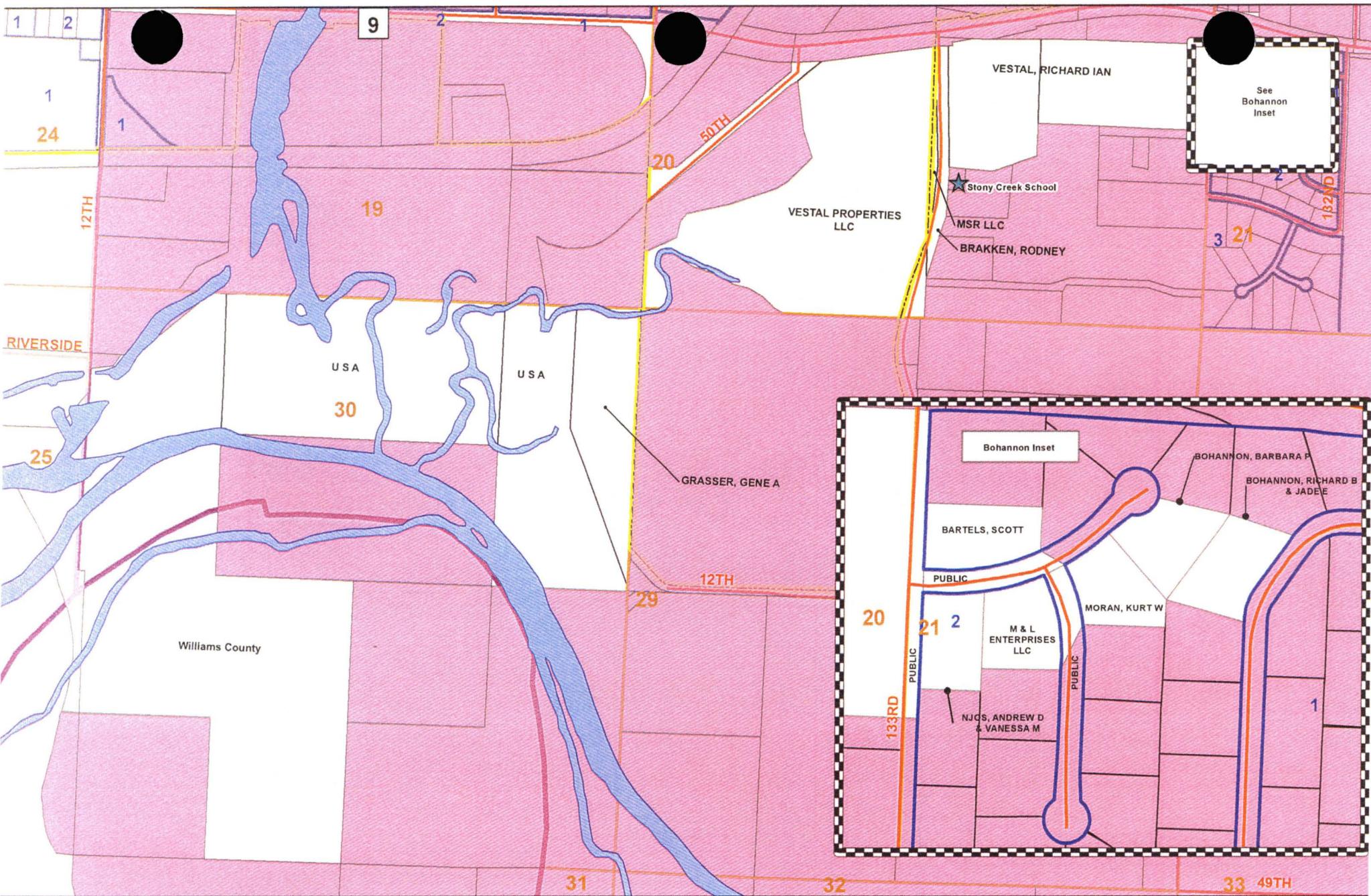
**Burau Annexation**  
 Stony Creek Township  
 T154N R100W, Section 18



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RWM  
 7/12/2016

0 0.05 0.1 0.2 Miles



- Legend**
- City Street
  - County Road
  - City Limits
  - Parcels
  - Sections
  - Blocks
  - Subdivisions
  - Little Muddy River
  - New District 8
  - Williston District 1
  - School Location

## Bohannon Annexation

*Stony Creek Township*  
T154N R100W, Section 20, 21, 30

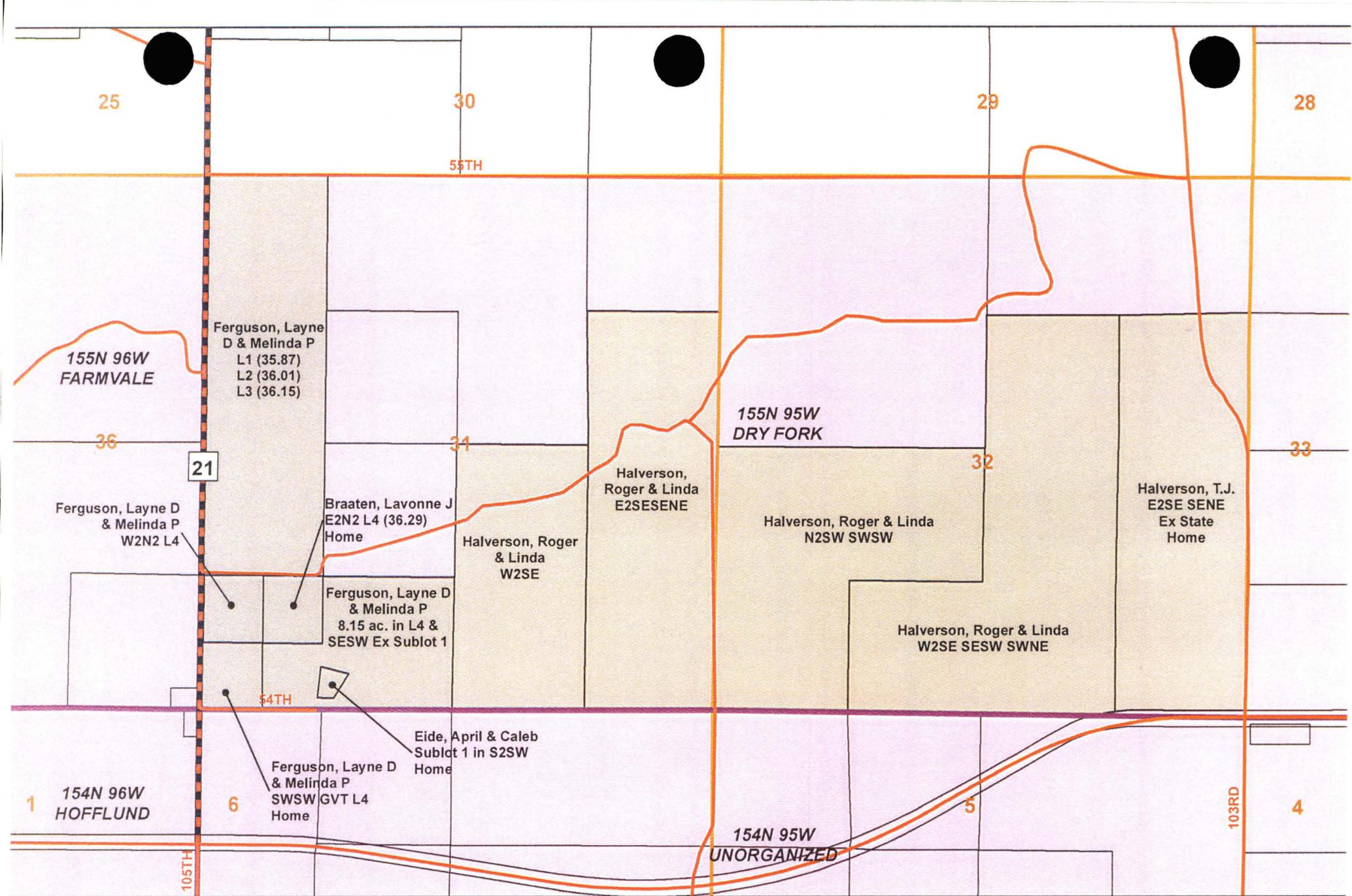


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RVM  
7/12/2016

0 0.1 0.2 0.4 Miles

8



- Legend**
- City Street
  - County Road
  - Parcels for Annexation
  - City Limits
  - Sections
  - Parcels
  - Blocks
  - Subdivisions
  - Little Muddy River
  - New District 8
  - Tioga District 15

# Ferguson Annexation

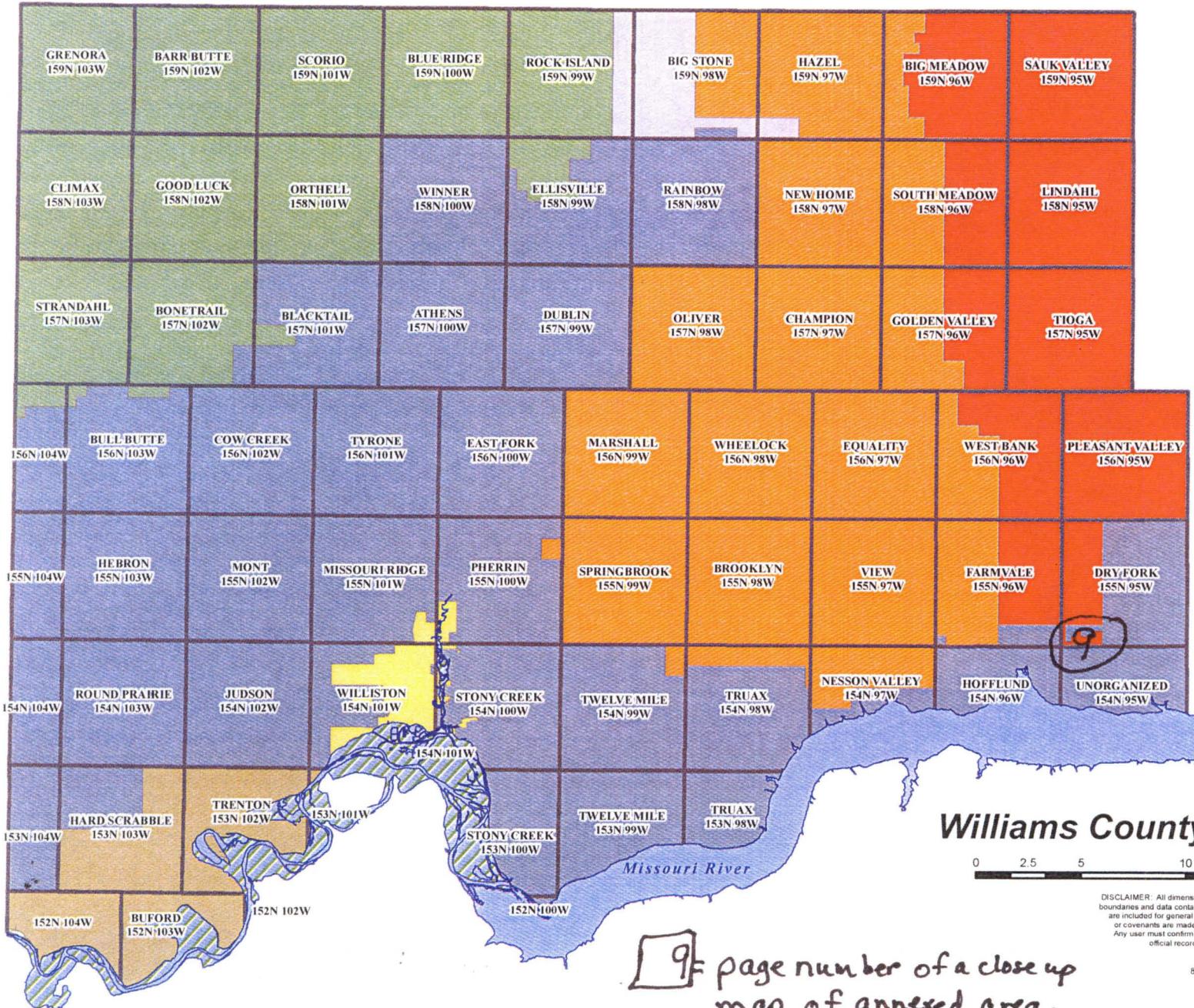
**Dryfork Township**  
**T155N R95W**  
**Section 31 and 32**



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 NTY  
 4/22/2015

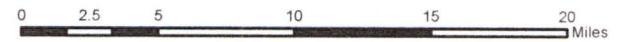


9



- Legend**
- New Public School District 8
  - Divide County School District 1
  - Eight Mile Public School District 6
  - Grenora Public School District 99
  - Nesson Public School District 2
  - New Public School District 8
  - Tioga Public School District 15
  - Williston Public School District 1
  - Township Boundary
  - Marsh or Wetland
  - River

**Williams County School Districts**



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RWM  
8/9/2016



9 page number of a close up map of annexed area. (Ferguson Annexation)

HB 1253

1/18/17

Attachment 4

Testimony to the

House Education Committee

January 18, 2017

By Kristi Gutierrez

RE: HB1253-Relating to Voluntary Property Transfers between School Districts

My name is Kristi Gutierrez; I live in the Granite Peaks Subdivision inside the city limits of Williston. I have 2 school age children that attend school there. In January of 2015 my son brought home a letter from his school, which was a K-6 private school, saying I needed to call the Williston district 1 office to enroll him in Williston Middle School for the 2015-2016 school year. When I did that I found out that my home was actually in District 8. This started a course of events over the next 20 months that were extremely stressful for me and my family. I went through the process of petitioning to annex my home into district 1. The county annexation board hearing was decided unanimously in my favor, which led us to the hearing before the state annexation board which was also decided unanimously in my favor. This was a long and scary process for my family, but we were finally able to take a breath and relax.

However, the first week of July, I was served court papers saying that District 8 was taking me and the State Board of Education to district court in order to have the annexation overturned. Suddenly things were worse than they had seemed, even in the beginning when we first found out we were not in district 1 and had to handle this process. In addition to the time I had put into preparing my annexation presentation, the travel to Bismarck, and the time missed at work, we suddenly had a new expense. I met with 2 separate attorneys to discuss our options and what we needed to do to protect our interests. The first attorney felt we needed representation, however, their caseload wouldn't allow them to represent us in this matter. The next attorney felt that we needed to ensure our interests were protected, but that it was also possible for us to sit back and allow the State Boards attorney to handle the case since our interests were aligned. This was a blessing for us because even the costs of the consultations were hard for us to manage; being able to have personal representation was not likely to have been an option for us.

Choosing to not retain an attorney was a double edged sword. Although it allowed us to avoid the expense, we also were left completely in the dark on the process. I wasn't able to hear the stance of the defense; I didn't know what was being prepared, or how seriously they were taking this case. The anxiety that I felt was nothing compared to what my Son was going through. He had already started at Williston Middle School, we had no idea if he would be allowed to stay or not. If the court ruling didn't go in our favor, I wasn't sure if my son would be immediately transferred out of his school in district 1 and into a new school at district 8, or what would happen. My life was consumed by this one issue, and I had no control or insight into any of it. The time between being served the papers for the district court

hearing in July and the actual district court hearing in November were one of the most difficult periods I can remember, and I had no choice but to sit and wait.

Once we received the district court's decision to uphold the State Boards decision it looked like we could breathe again, however, just before Christmas the superintendent of New Public 8 School District was quoted in the local newspaper as saying the district intended to appeal the case with the State Supreme court. We were yet again thrown into a period of turmoil. I tried my best to keep this turn from my Son. He had dealt with the anxiety of the past hearings already and I couldn't bring myself to tell him that we were still uncertain of the outcome.

The Supreme Court heard the case on June 20<sup>th</sup>, 2016. This was 18 months after I had learned that I was actually in district 8 and not district 1. The Supreme Court does not make decisions in a timely matter; we were counting down the days before school started. If the decision was returned in District 8's favor any time before the first day of school, my Son would not be allowed to attend district 1 for that year. On August 17<sup>th</sup> the Supreme Court returned a decision affirming the lower court's ruling. This was a week before school started. We had no idea where our Son would attend the 7<sup>th</sup> grade until the week before the first day. It took 20 months to get to a point where our life was finally returned to our own hands. We did everything right. We followed the rules and requirements. I did the research, I presented my case, and I was still held hostage by a system that I had no say in. I didn't have another option. To require people to go through this for this amount of time in order to send their child to the school that they deem best, the school that is closest to their home, they must currently go through a process that lasts at minimum several months. There needs to be another way, a better option for families in North Dakota.

I believe that HB1253 would allow families to have an easier, less stressful alternative to the current annexation process. It allows the school districts to have a say that doesn't send their land base dwindling down into oblivion. If this bill were to have been in place when our family had to decide what to do, I feel we would have been able to come to an agreement with the school districts that would have allowed us all to benefit. The school districts shouldn't have a lack of alternatives either. Currently if a parent feels their school isn't right for their child, they have no choice but to give up their tax base. HB1253 would allow everyone to attempt to come up with a workable solution without having to jump straight into annexation. This could save North Dakota school districts and families both time and money. Please consider allowing this bill to be presented and voted on.

Attachment 5

1/18/17

HB 1253

Testimony to the  
**House Education Committee**  
January 18, 2017  
By Lisa Krom, a concerned citizen

**RE: HB1253-Relating to Voluntary Property Transfers between School Districts**

Mr. Chairman and members of the committee, my name is Lisa Krom and I live in Williston, ND. I have been through the annexation process and I have dealt with tuition free agreements on two occasions.

I am here to speak in support of House Bill 1253. I believe that those who choose to serve on a school board do so because they care about education and they care about what is in the best interest of children. This bill allows school boards to be proactive in the process of changing the school district lines rather than parents being caught off guard and having to go through the annexation process.

As you know, North Dakota has communities that sometimes experience very rapid growth. This rapid growth means residential developments pop up quickly. Hagen Elementary School is one of the newer elementary schools in Williston and is located in the northwest part of town where new development was rapidly occurring in 2011. We moved to Williston in 2011 and lived in company housing that happened to be across the street from Hagen to the east. We were fortunate that where we lived was in school district 1. There was a brand new residential development just to the south of the school. Those moving in could only assume that an elementary aged child would go to the school right across the street. Unfortunately, this brand new development happened to be in school district 8. Elementary aged children were expected to attend a school that was 17 miles west of town rather than the school that was across the street. I am guessing most parents would be caught off guard in this situation; even realtors in town were confused.

These families had a few options if they wanted to stay in the public school system, none of which seem to be in the best interest of a child. These families could send their child to a school 17 miles away, they could file for a tuition free agreement, or go through the lengthy process of annexation. Put yourself and your family in this situation. Sending your child to a school 17 miles away is less safe and takes so much more travel time each day. Tuition free agreements are on a yearly bases and are not always granted which means uncertainty each year. Or, you could choose the lengthy annexation process. The annexation I was involved in took 8 months. If you choose annexation your child would probably have to go to that school 17 miles away for one school year. If your annexation passes your child would now get to attend the school across the street, after they have already made new friends and met the teachers at that school 17 miles away. Would you feel all of this was in the best interest of your child?

This bill could potentially eliminate what the parents and children that lived in the brand new development had to experience. If this bill was in place in 2011, this situation may have been avoided. I am familiar with this situation because it was in such close proximity to where we lived. I am certain there are many other similar situations that occur in our state. Let's give school boards the opportunity to be proactive and do what is right for families and for children. Let's give school boards the opportunity to initiate a voluntary transfer of property.

Thank you for your time and for all that you do for education.

Attachment 6

1253

1/18/17

Testimony to the  
**House Education Committee**

January 18, 2017

Mary Black, Parent

**RE: HB1253-Relating to Voluntary Property Transfers between School Districts**

My name is Mary Black, I would address Mr. Chairman and the council concerning our experience in Williston trying to annex our property from New Public District 8 to Williston Public School District 1.

When we moved to Williston before the 2012-2013 school year, our home was in District 1. We moved just outside of town and were required to change to New Public School District 8 for 2013-2014 School year.

We spent 2 years in New Public School District 8. The first year, I had 2 students attending a school 13 miles to the North East of our home, 6 attending a school 15 miles to the West of our home and 1 foster child attending a school in Williston. My kids spent over 2 hours on the bus each day. I sat at two different bus stops with my foster children (two toddlers and an infant) each morning and each afternoon for 20-45 minutes waiting for the buses. If the bus was late, you had to wait but if you pulled in more than 3 minutes late, the bus left you. I was working full time for Williams County at the time and this made everything very difficult.

The next year, they realigned and I was told my kids would be going to all three District 8 schools, the elementary schools being 30 miles apart from each other. We had to threaten to pull our kids and move them to the Trenton School District before they agreed that my elementary kids would at least be in the same school.

We had to be at the bus stop before 7:00 am for the elementary kids to get on. The middle school bus did not come until 7:30-7:45 so I waited with all the kids each morning. Then I would take my high school student and my elementary student to their District 1 schools.

In the afternoon, I would pick up my District 1 elementary child at 3:00 then go to District 8 bus stop where I would sit with my little ones until 3:40. Then I would have to move quickly through town to get to the other bus stop at 3:45 to get middle school kids. If for any reason I was a few minutes behind, (if the first bus was late and I physically couldn't make it to the next stop) the bus driver would keep my kids on the bus and we would have to go to the district office to wait for them. Some days, through no fault of my own, my kids sat on the bus for over an hour in the afternoon. I tried to get the District to let the middle school kids off the bus because they were in 6<sup>th</sup> and 7<sup>th</sup> grade and could wait for me but it was not allowed. I was having a hard time with work because of all the transportation issues. I was supposed to return to work for an hour after I picked up my kids but I was always waiting and the kids were frustrated they spent so long on the bus.

My special needs daughter was unable to sit still on the bus and was constantly being reprimanded by the bus driver. She was yelled at and demeaned in front of the other students because the bus driver was by herself with 30+ students on a bus trying to control their behavior and yet drive safely. Very frustrating for all involved. We tried to stick it out but I realized this was not helping my family. I contact Deb Kemp to find out about the annexation process at the end of September 2014.

While dealing with all the struggles at District 8, beyond just the busing issues, I went to work on gather signatures and collecting information about children so we could annex in. I approached only homeowners that I needed too or that had let me know they wanted to annex in. In the end, we took 9 homes and 27 children. The process took until March of 2016 with consistent work whenever I had a spare moment.

The struggles my kids were having on the bus were getting progressively worse and they were acting out at school. In the end, my husband and I decided that it would be better for me to quit my job. I did this so I could transport them to and from school and focus on helping my kids get through the school. I spent 1 ½ hours in the van each morning with my two infants and two toddler foster children, driving the kids to the different schools and the same picking up each afternoon.

Our annexation passed at county level despite District 8's objection. It went to State and was passed there also. District 8 argued that I had not followed the proper timeline and that because of that it should be thrown out. They wanted me to start the process over because they felt I had not waiting the appropriate time to attach to property that had been previously annexed in. They did not dispute our family hardship it was to be in District 8. They even stated it must be difficult but they didn't want to loose the tax revenue.

The HB-1253 will give the districts an option to work together for the good of the families and the districts. It will allow opportunities conversation and cooperation and it will be less stress for the families. Right now Williams County is divided and our students see this. I am in favor or HB-1253.

Thank you for your time, please contact me if you have any questions at all.

Mary Black  
801-389-0272  
13931 Town and Country North CT  
Williston, ND 58801

HB 1253  
3-14-17  
#1 p.1

HB1253

REPRESENTATIVE GARY R. SUKUT

DISTRICT 1

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE

FOR THE RECORD, I AM GARY SUKUT, REPRESENTATIVE FROM DISTRICT 1 AND I AM HERE THIS MORNING TO INTRODUCE AND SUPPORT HB1253.

I AM HERE ON BEHALF OF TWO LADIES WHO HAVE SPENT HUNDREDS OF HOURS STUDYING THE CENTURY CODE LOOKING FOR HOW THEY COULD APPLY THE KNOWLEDGE THEY HAVE COLLECTED BY DAY TO DAY BOOTS ON THE GROUND WORKING WITH THE ISSUES IN HB1253 AND HB1254 WHICH YOU WILL HEAR NEXT. THEY ARE HERE TODAY TO PROVIDE THE BACKGROUND INFORMATION THAT RESULTED IN THE BILLS WE ARE PRESENTING TODAY.

HOUSE BILL 1253 DOES ONE THING - IT PROVIDES FOR TWO SCHOOL DISTRICTS TO MAKE A VOLUNTARY TRANSFER OF PROPERTY BETWEEN THE DISTRICTS.

EACH BOARD HAS TO VOTE TO PURSUE A TRANSFER, VOTE TO APPROVE THE PROPOSED ADJUSTMENT OF THE DISTRICT BOUNDARIES AND FILE WITH THE COUNTY SUPERINTENDENT A COMPLIANCE DOCUMENT.

A COPY OF THE DOCUMENT IS FORWARDED TO THE COUNTY COMMITTEE, AFFECTED PROPERTY OWNERS ARE NOTIFIED BY REGISTERED MAIL AND NOTICE OF A PUBLIC HEARING IS PUBLISHED AT LEAST 14 DAYS BEFORE THE HEARING.

AT THE PUBLIC HEARING, THE COUNTY COMMITTEE CONSIDERS ITEMS 3A THRU 3F ON PAGE 2 OF THE BILL. IF THE COUNTY COMMITTEE APPROVES THE PROPERTY TRANSFER, ALL THE DOCUMENTS ARE FORWARDED TO THE STATE BOARD FOR FINAL APPROVAL. THE STATE BOARD SHALL HOLD A HEARING AND APPROVE OR DENY THE PROPERTY TRANSFER.

IF THE COUNTY COMMITTEE DENIES THE TRANSFER, THE BOARDS JOINTLY MAY APPEAL THE DECISION TO THE STATE BOARD.

HB 1253  
3-14-17  
#1 p. 2

ANY PROPERTY TRANSFER APPROVED BY THE COUNTY COMMITTEE AND THE STATE BOARD BECOMES EFFECTIVE ON JULY 1<sup>ST</sup> FOLLOWING APPROVAL.

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE, HB1253 SERVES A PURPOSE ONLY IF TWO SCHOOL BOARDS DECIDE TO USE IT TO TRANSFER PROPERTY. UNTIL THEN, IT SETS DORMANT, NOT AFFECTING THE CURRENT ANNEXATION PROCESS NOR ANYTHING ELSE IN THAT SECTION OF CODE.

MISTER CHAIRMAN AND COMMITTEE MEMBERS I THANK YOU FOR THIS OPPORTUNITY TO PRESENT HB1253 AND I ASK YOU FOR YOUR FAVORABLE SUPPORT.

I STAND FOR QUESTIONS.

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# 2 p. 1

Testimony to the  
**Senate Education Committee**

March 2017

By Deb Kemp, Williams County Annexation Technician

**RE: HB1253-Relating to Voluntary Property Transfers between School Districts**

Mr. Chairman and members of the committee, my name is Deb Kemp and I work as an annexation technician for Williams County. I am here today to explain what is happening to children and their families in Williams County and why House Bill 1253 needs to pass.

I need to first show you some maps so you understand what is happening in Williams County in regards to the school districts.

**A. ND state map of school districts (page 1)**

**B. Smaller map of all county school districts (page 2)**

1. Divide County has 1,026 square miles of property.
2. Eight Mile District #6 (Trenton) has 85 square miles of property.
3. Grenora school District has 821 square miles of property.
4. Nesson Public school district #2 (Ray) has 479 square miles of property.
5. New Public School District # 8 has 1,148 square miles of property.
6. Tioga Public School district #15 has 451 square miles of property.
7. Williston Public School district #1 has 17 square miles of property.

Students Attending: I'm going to explain some statistics form District #8 and District #1.

8. Williston Public School District #1 has **4034** students this school year (DPI-Fall 2016-2017) there were 2,842 students fall of 2012-2013 per DPI site. That is an increase of 1,192 students.
9. New Public School District #8 has 513 students this school year (DPI-Fall 2016-2017) and there were 264 students fall of 2012-2013 per DPI site. That is an increase of 249 students. As you can see there has been a huge increase of students in the last four years.
10. Williston Public Schools District 1 has the **6<sup>th</sup> largest** population of students versus all other school districts in the state but has the smallest land base in the state but MAFB & GFAFB for collecting property taxes.

I'm going to tell you a little about why annexation started in Williston and it will explain why this bill came to be. First, when the city annexes land into the city the school boundaries do not change. Currently the city has grown into New Public School District #8.

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**C. City boundaries: Show city map with school boundaries & schools.  
(page 3)**

Also, another factor came into play as on Nov. 30, 2011 District #1 went from open enrollment to closed enrollment. District #1 did grandfather all District #8 students that were enrolled in District #1 so they could complete their education in District #1. They did not accept any new District #8 students after that unless they were attending high school as District #8 doesn't have a high school. District #1 developed policies which accept siblings of a high school student, siblings of a grandfathered in student or siblings of a special needs student, but District #8 has to release them to District #1. Families did not start utilizing the annexation process into Williston Public School District #1 until New Public School District #8 stopped releasing siblings of a high school student or siblings of a special needs student. If the parents then wanted their children to attend District #1 they had to go to work for District #1, had to move to District #1 or had to go through the annexation process.

Some of the main reasons that parents do not want their children to attend New Public School District #8 are:

1. They live in the city limits and New Public School District #8 is a rural school district.
2. Some of the people live across the street from a District #1 school building and do not understand why their children have to ride a bus 17 miles west of their home.
3. The parent would prefer to drive their children a few blocks to a school building in District #1 rather than sending them on a bus outside of the city to District #8 a rural school district.
4. Some parents have a high school student attending in Williston Public School District #1 and would like the siblings to be in the same school district so they are not dealing with 2 different school schedules.

I want to show you 4 maps so you can see how the current annexations are making the school boundaries complicated.

**D. Show map: City Map (page 4), Black Annexation (page 5), Granite Peaks Overview (page 6), Bureau Annexation (Page 7) and Bohannon Annexation (page 8).**

As you can see from the maps it is dividing subdivisions and making school boundaries very confusing.

When I first read what annexation meant was this "Annexation" means the alteration of a school district's boundaries through the removal of real property from one school district and its attachment to another contiguous school district. It sounded easy but instead I found it is a really long process which takes a lot of time collecting names of all children, their ages and

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#2 p.3

what school they are attending. The petitioners also needed to gather all the information of all adults in the homes being annexed. Then a petition is put together so research goes into the legal description with addresses to make sure that is correct. The difficulty for the petitioners to find people home to sign the petition. A legal ad has to be placed into the local newspaper at least 14 days before the meeting date. A lot more information is put into the packets and some packets are 50 to 80 pages long.

By passing house bill 1253, this would allow a school district that isn't able to educate children in their school district because the closest school is for ex. 42 miles a way to transfer land to the closest school district to where they live.

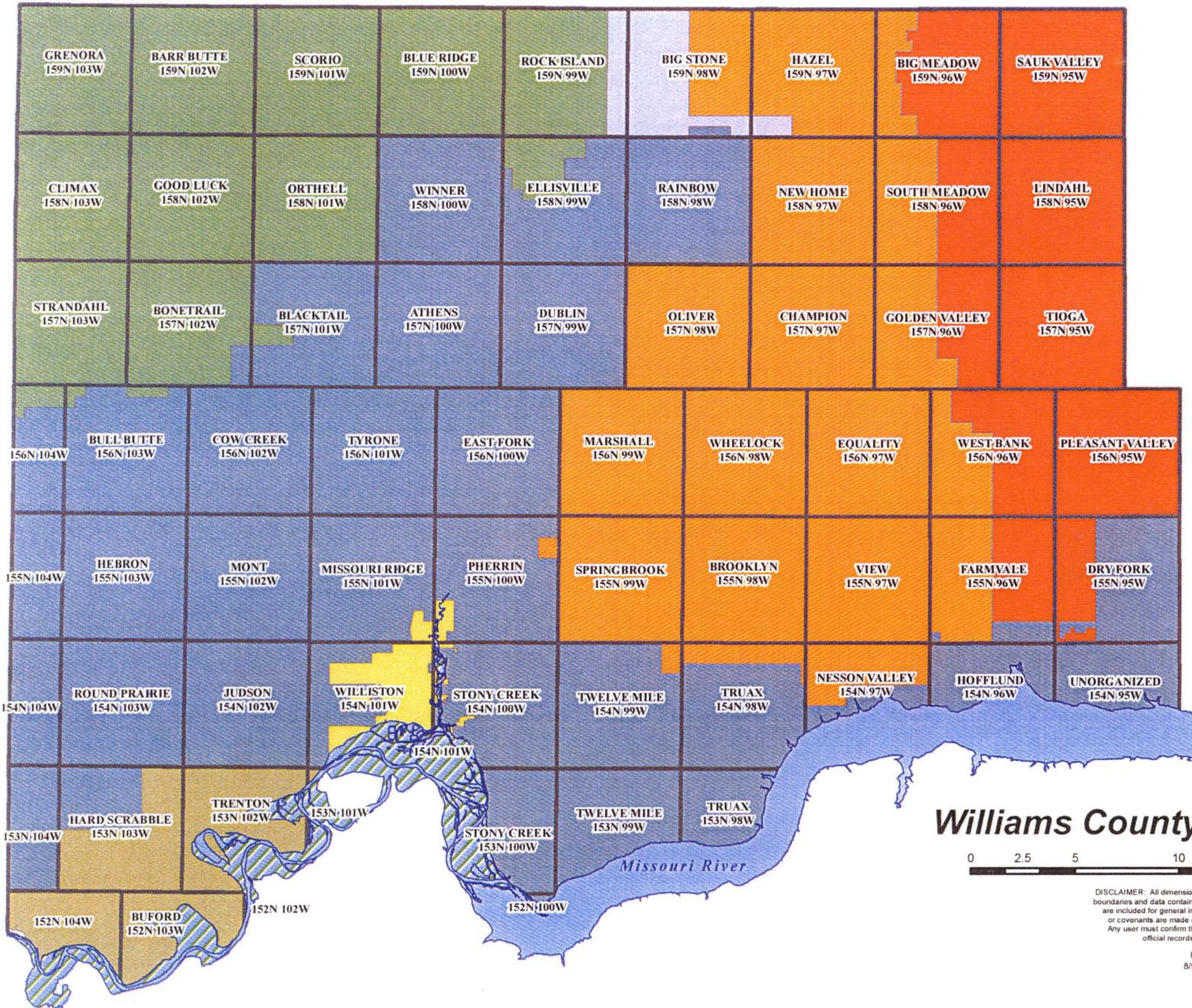
**E. Show Ferguson Annexation (page 9) & Location map of Ferguson**

**Annexation (page 10)** District #8 supported this annexation as District #8 were not able to provide busing in this area as the children lived 42 miles to the closest District #8 school.

This bill also gives an option for kids to attend a school closest to them if the school district they reside in agrees. For example, the area of Granite Peaks Subdivision (which is District #8) but is across the street from Hagen Elementary (District #1) to look at being transferred to the school district it is closest to. As the school building in District #8 that they would attend is 17 miles away from this subdivision.

This bill also gives both school districts control of their school district boundaries as both school districts have to agree to this process by each school board passing the petition. If one school district doesn't agree then nothing will happen. As of right now there isn't anything in place for this type of process as school districts cannot go through the annexation process because the petitioners have to live in the area being petitioned and there has to be a school aged child in the area for an annexation to occur. I support the passing of house bill 1253 as there is nothing in century code for a school district to change a school district boundary except property exchange and for these situations that wouldn't work. This bill would allow school districts at least an option to discuss this and decide if this is best for their schools and the children involved.





- Legend**
- New Public School District 8
  - Divide County School District 1
  - Eight Mile Public School District 6
  - Grenora Public School District 99
  - Nesson Public School District 2
  - New Public School District 8
  - Tioga Public School District 15
  - Williston Public School District 1
  - Township Boundary
  - Marsh or Wetland
  - River

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#2 p.s

**Williams County School Districts**

0 2.5 5 10 15 20 Miles

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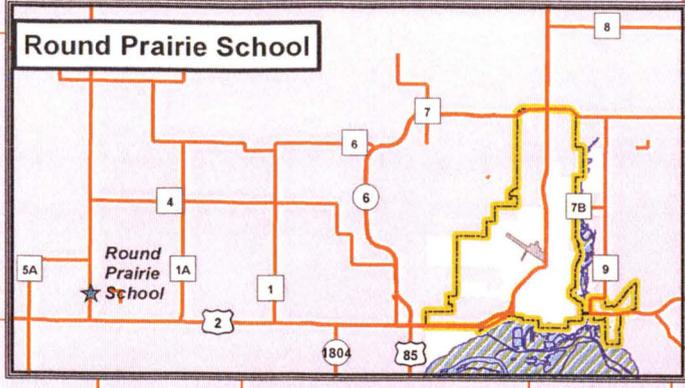
RWM  
8/9/2016



5-8 page numbers of a close up map of annexed area.  
Williston Schools Overview

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3-14-17

#2 p 4



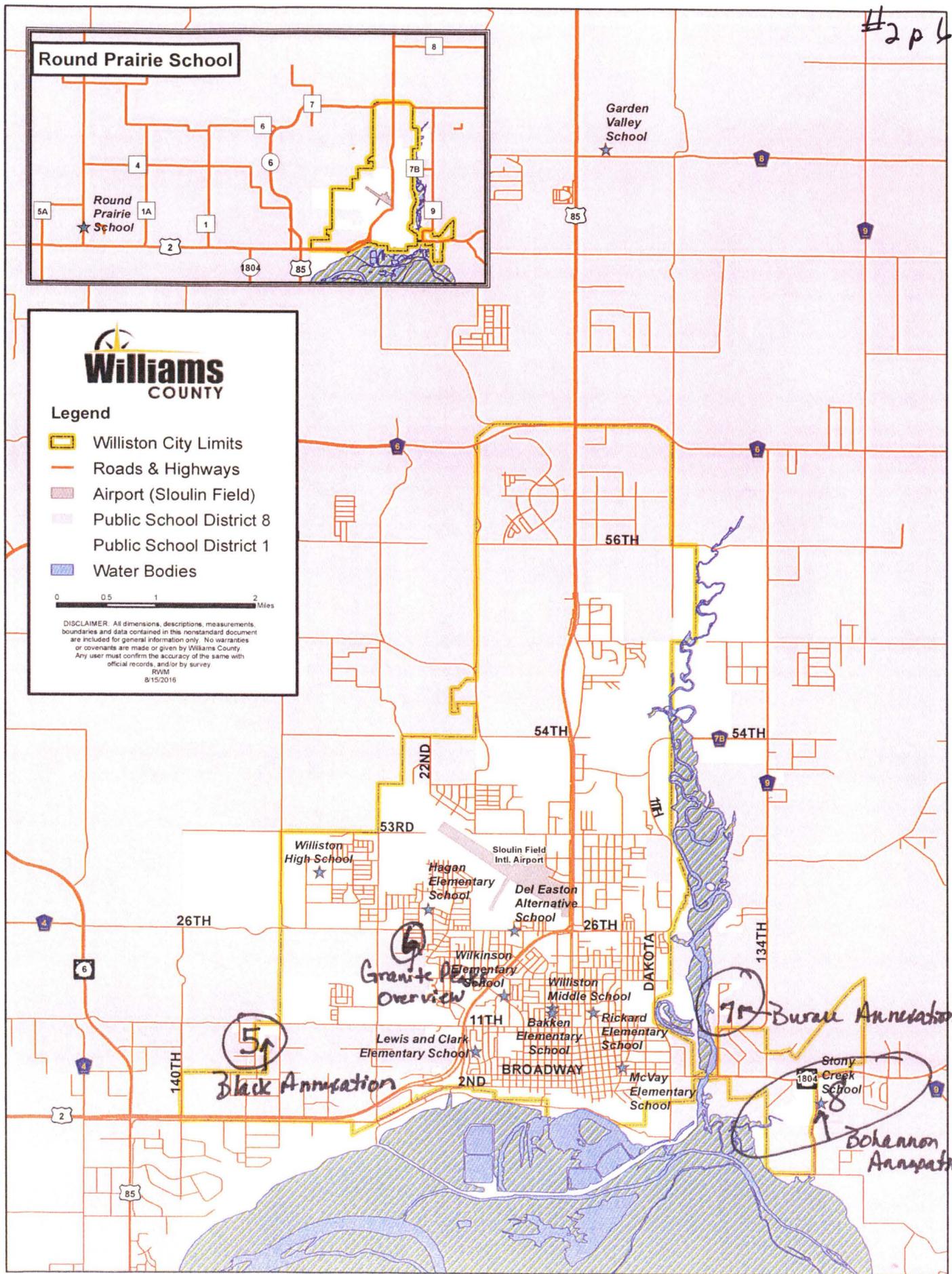
**Williams COUNTY**

**Legend**

- Williston City Limits
- Roads & Highways
- Airport (Stoulin Field)
- Public School District 8
- Public School District 1
- Water Bodies

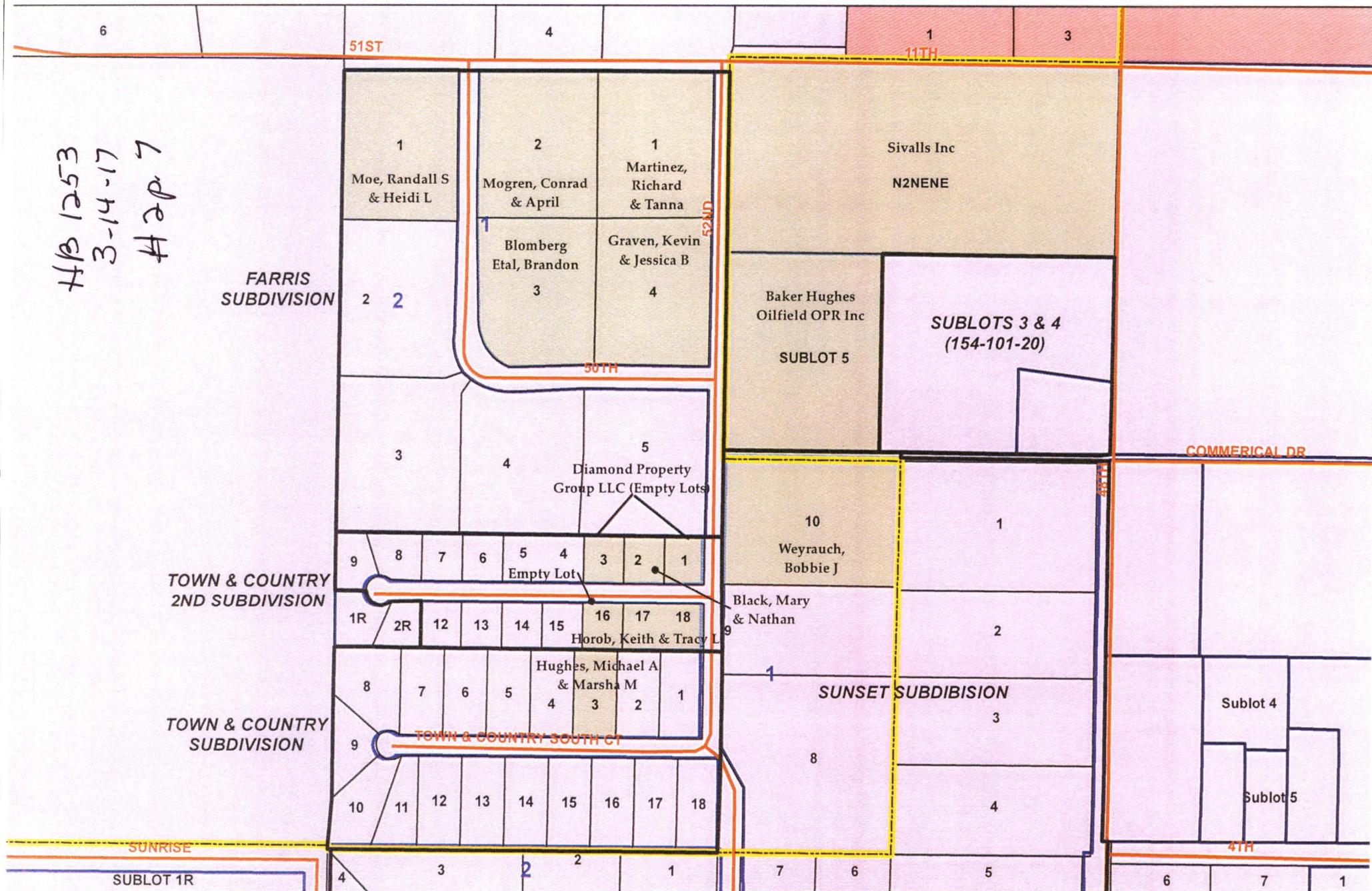
0 0.5 1 2 Miles

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RVM  
8/15/2016



4

H/B 1253  
3-14-17  
#2 p. 7



- Legend**
- City Street
  - County Road
  - Parcels for Annexation
  - Passed at State
  - Sections
  - Parcels
  - Blocks
  - Subdivisions
  - City Limits
  - Little Muddy River
  - New District 8
  - Williston District 1

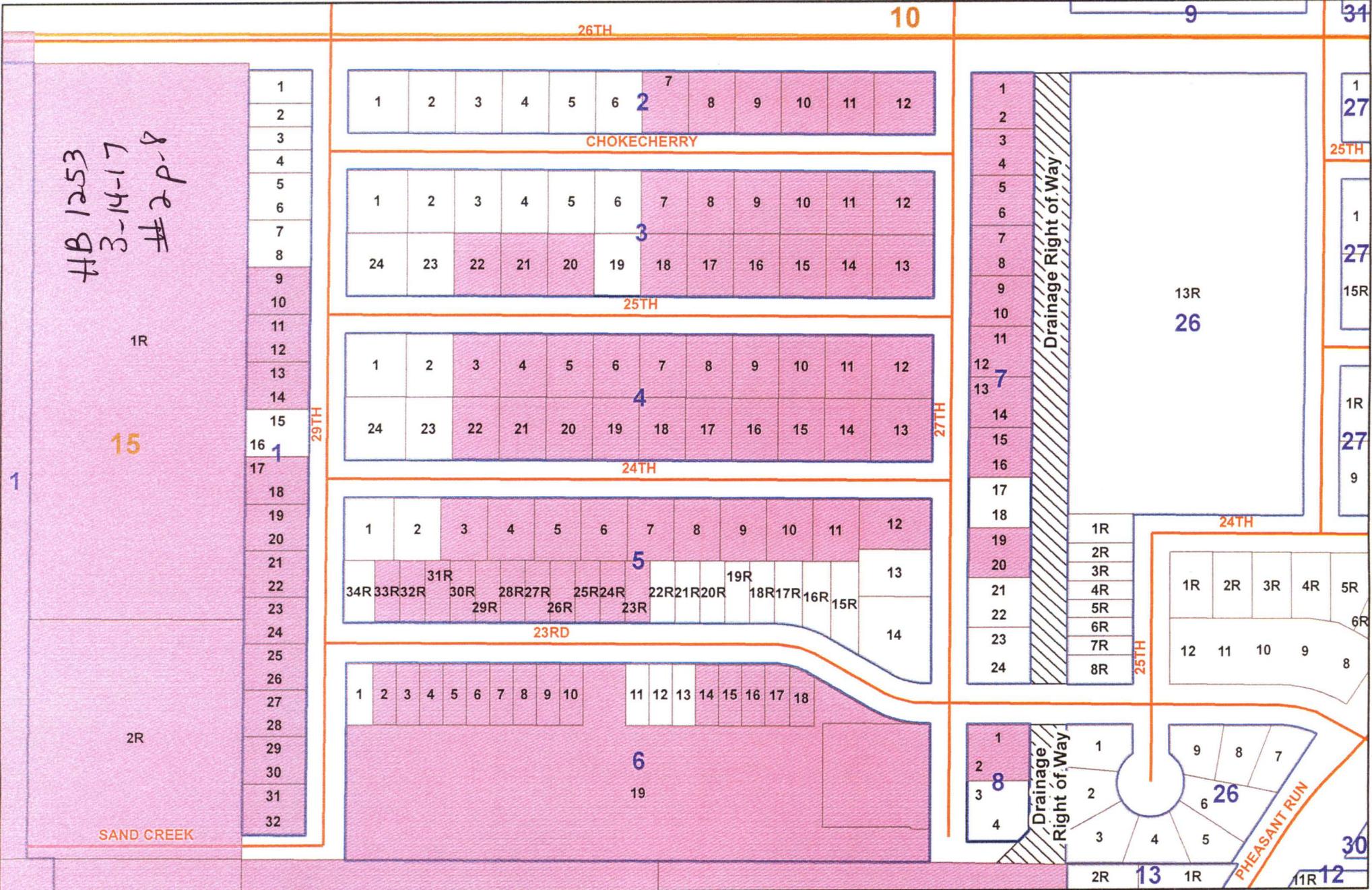
**Black Annexation**  
Williston Township  
T154N R101W, Section 20



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NTY  
4/14/2015

0 0.04 0.08 0.16 Miles

5



- Legend**
- Parcels
  - Blocks
  - City Street
  - County Road

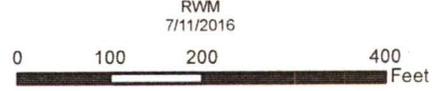
- Sections
- Williston District 1
- New District 8



# Granite Peaks Subdivision Overview

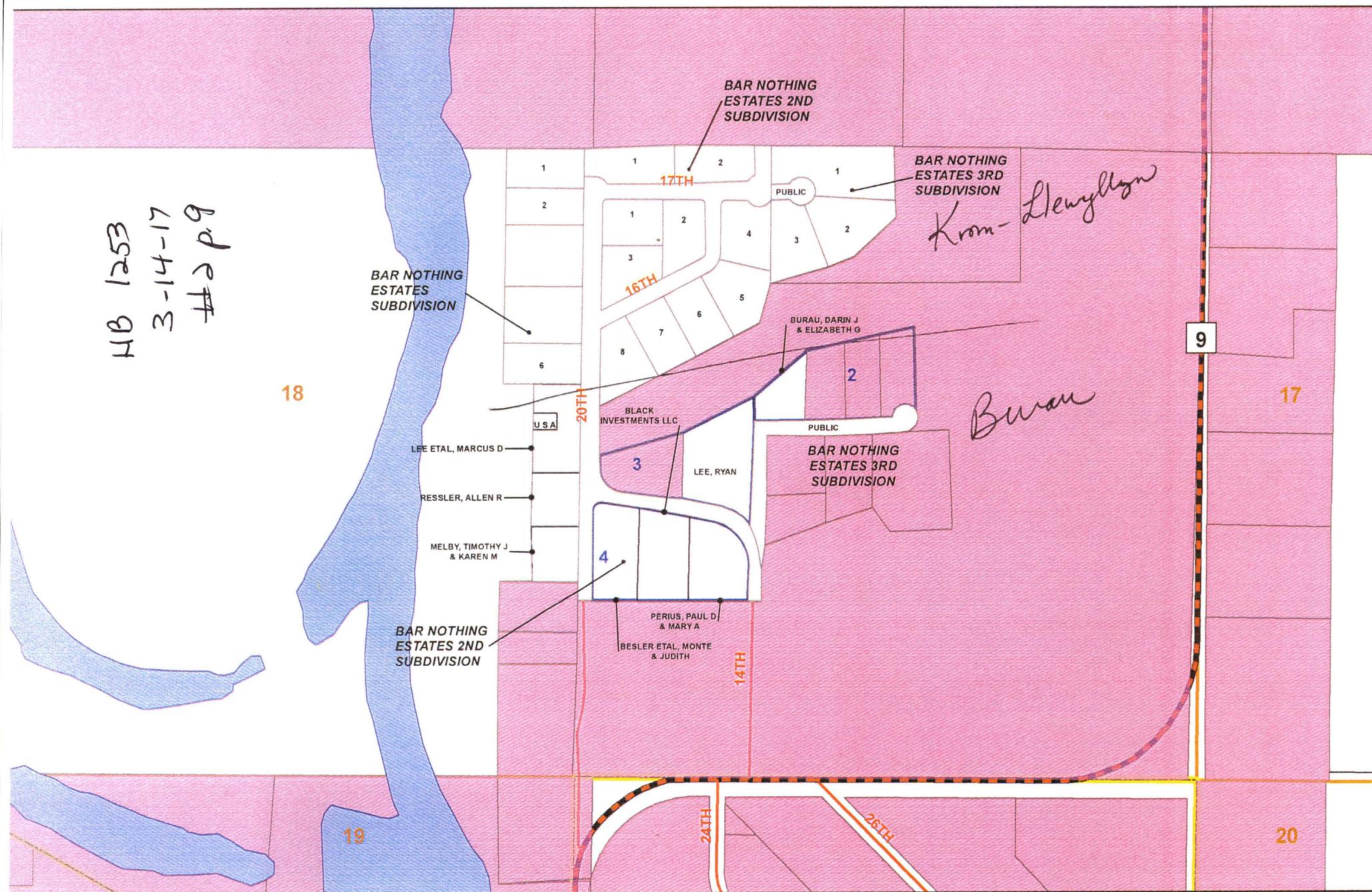
**Williston Township**  
**T154N R101W**  
**Section 15**

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6

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#2 p.9



- Legend**
- City Street
  - County Road
  - Parcels
  - City Limits
  - Sections
  - Blocks
  - Subdivisions
  - Little Muddy River
  - New District 8
  - Williston District 1

## Burau Annexation

**Stony Creek Township**  
T154N R100W, Section 18

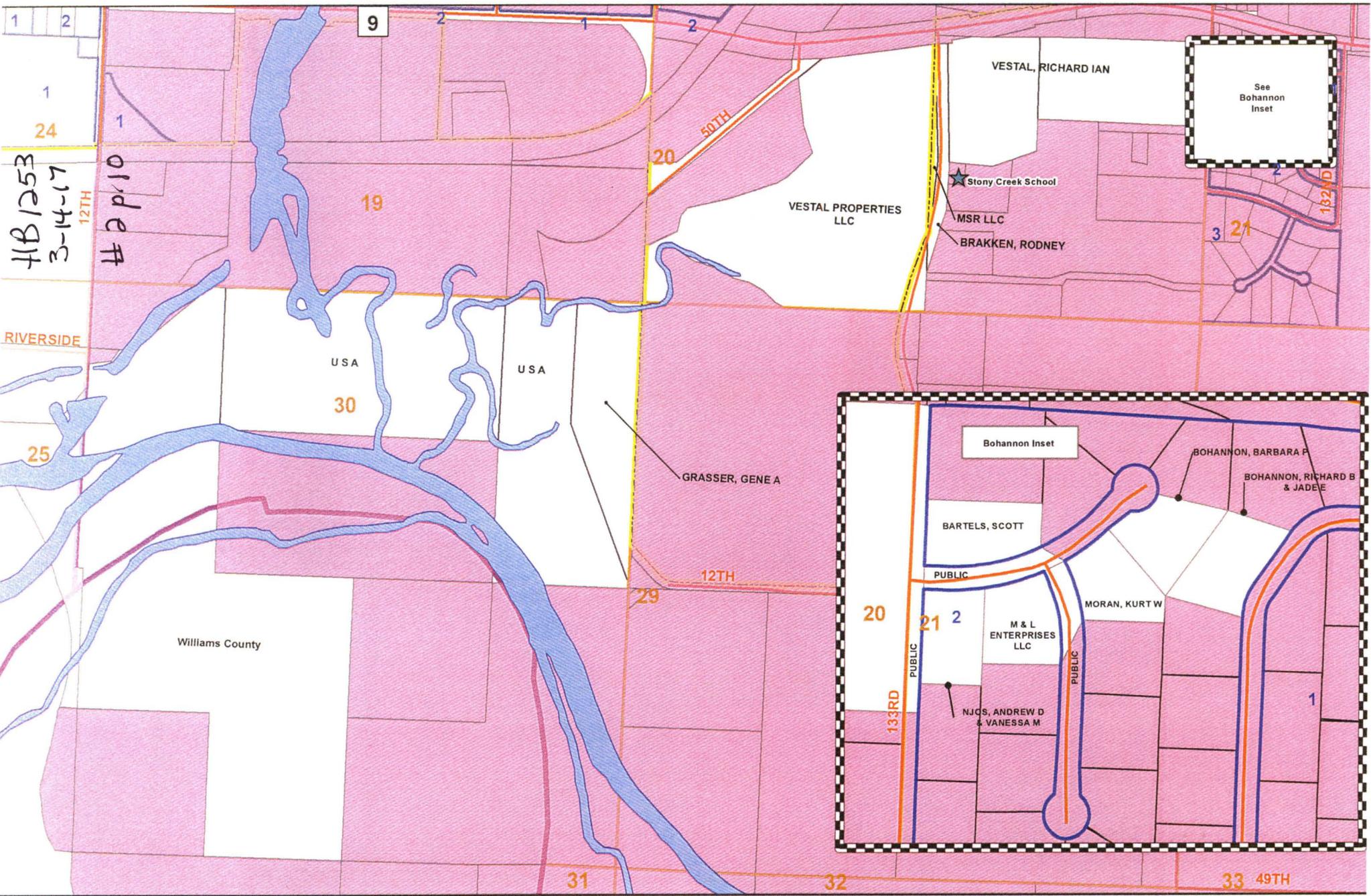


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RWM  
7/12/2016

0 0.05 0.1 0.2 Miles

7



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# 2 p 10

- Legend**
- City Street
  - County Road
  - City Limits
  - Parcels
  - Sections
  - Blocks
  - Subdivisions
  - Little Muddy River
  - New District 8
  - Williston District 1
  - School Location

# Bohannon Annexation

**Stony Creek Township**  
T154N R100W, Section 20, 21, 30

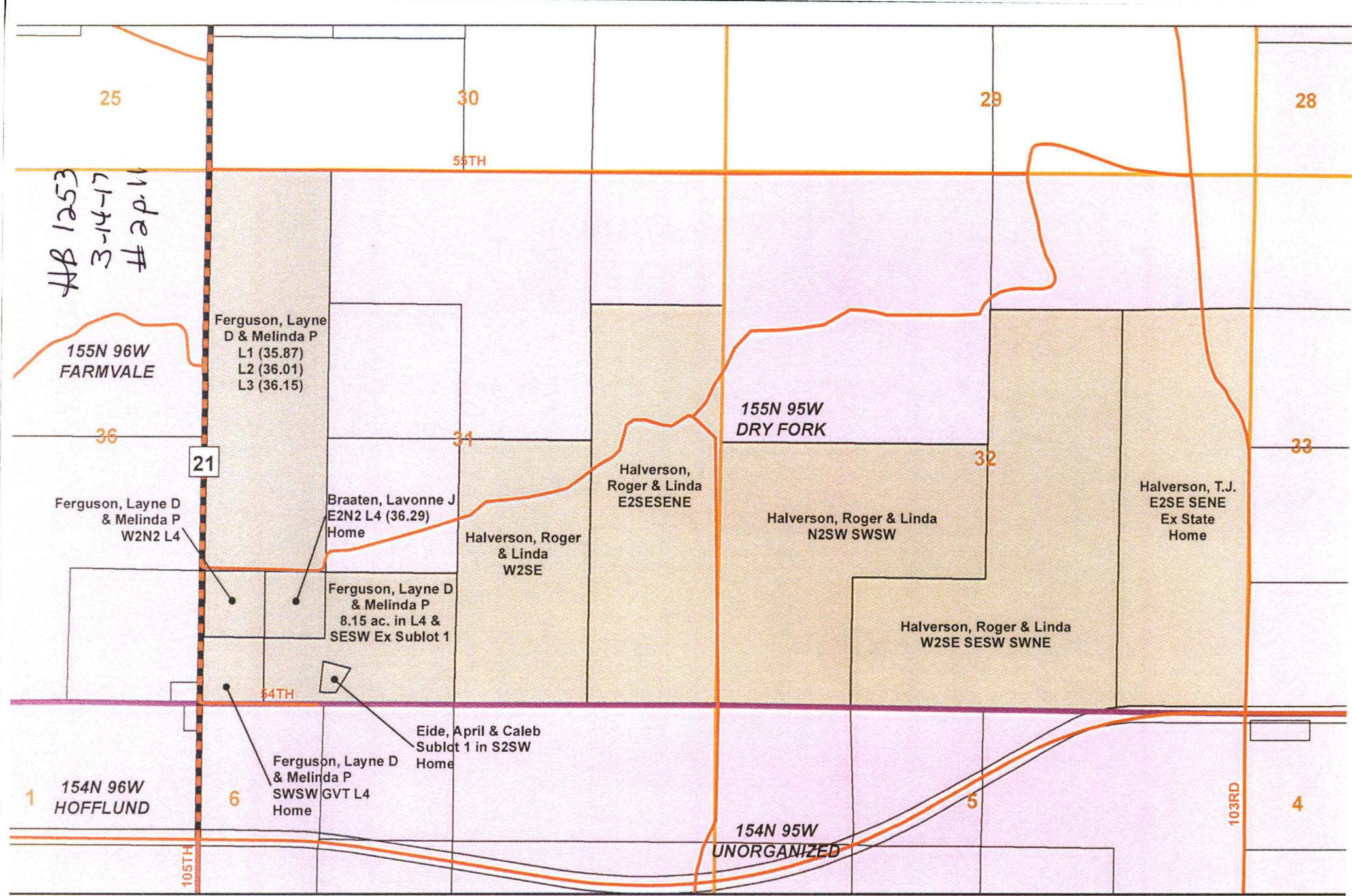


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RWM  
7/12/2016

0 0.1 0.2 0.4 Miles

8



HAB 1253  
3-14-17  
#ap. 11

- Legend**
- City Street
  - County Road
  - Parcels for Annexation
  - City Limits
  - Sections
  - Parcels
  - Blocks
  - Subdivisions
  - Little Muddy River
  - New District 8
  - Tioga District 15

# Ferguson Annexation

## Dryfork Township T155N R95W Section 31 and 32



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NTY  
4/22/2015



9

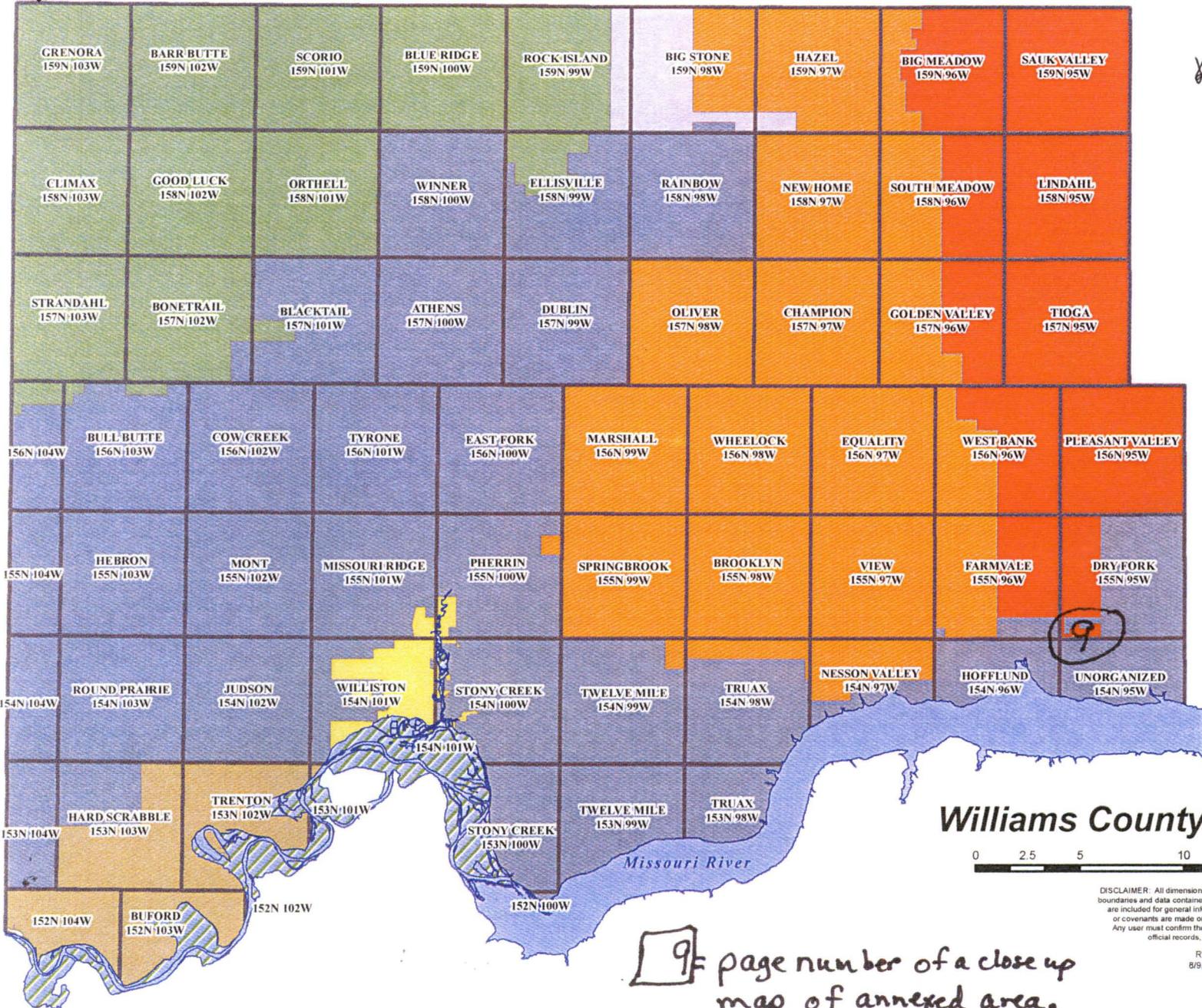
HB 1253

3-14-17

#2p.12

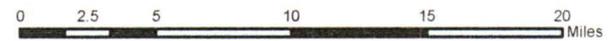
\* families want all this land to be annexed

# 42 miles  
# 8 Didn't fight it but ~~the~~ had opposed all of them to this point.  
# 8 said the cost is too high



- Legend**
- New Public School District 8
  - Divide County School District 1
  - Eight Mile Public School District 6
  - Grenora Public School District 99
  - Nesson Public School District 2
  - New Public School District 8
  - Tioga Public School District 15
  - Williston Public School District 1
  - Township Boundary
  - Marsh or Wetland
  - River

### Williams County School Districts



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RWM  
8/9/2016



9 = page number of a close up map of annexed area. (Ferguson Annexation)

Testimony to the  
**House Education Committee**  
By Jodi Johnson, Williams/Ward County Supt. of Schools

HB 1253  
3-14-17  
#3 p. 1

**RE: HB1253-Relating to Voluntary Property Transfers between School Districts**

Mr. Chairman and members of the committee, I am Jodi Johnson and I work as the acting Superintendent of Schools for Ward and Williams County. I am here today to explain why this chapter of law is needed for school districts and families.

Why I think HB 1253 needs to pass.

- A. Currently there is no law addressing a school district changing boundary lines unless it is driven by a petitioner using the annexation process.
- B. If a school district can't serve students in part of the district they should be able to contact a neighboring district and have the opportunity to voluntarily transfer that property to the district that can and wants to serve the students.
- C. The office of the Supt. of Schools is a neutral office and feels schools should have the ability to set their own school policies and make decisions regarding attendance areas.
- D. Following the model for school district annexations seemed like a good idea and a logical path. Going through the county and state boards ensures proper recording of the change within the property tax system.
- F. In Williams and Ward County there have been annexations with NO opposition from the district losing land. Why make parents go through the stress of testifying in an annexation hearing when it is not necessary because both school districts agree to the annexation.
- G. In Ward County Lewis and Clark #161 had a large group of petitioners want to leave the district but they requested to take around 52,000 acres for 13 students. This annexation was denied and the petitioners appealed to district court and later to the Supreme Court. They went through this same process twice. Lewis and Clark #161 countered offered a smaller amount of land that would include all of the families involved but that is not allowed by law in the current annexation process. A school district can't offer a petition for annexation that the district would agree to at an annexation hearing.
- H. In Ward County the annexation process was used through a series of 3 annexations to redistrict Lewis and Clark #161 after the school district reorganized.

In summary

- A. We are not taking any power away from school district to keep school district lines.
- B. We are providing a way for schools to change school district lines if the admitting school district agrees.
- C. We are providing parents a way to be a part of a district where the children attend without going through the long and difficult annexation process.

Thank you for your time. I will now answer any questions at this time.

Testimony to the  
**House Education Committee**  
January 18, 2017  
Mary Black, Parent

HP 1253  
3-14-17  
H 4. p 1

**RE: HB1253-Relating to Voluntary Property Transfers between School Districts**

My name is Mary Black, I would address Mr. Chairman and the council concerning our experience in Williston trying to annex our property from New Public District 8 to Williston Public School District 1.

When we moved to Williston before the 2012-2013 school year, our home was in District 1. We moved just outside of town and were required to change to New Public School District 8 for 2013-2014 School year.

We spent 2 years in New Public School District 8. The first year, I had 2 students attending a school 13 miles to the North East of our home, 6 attending a school 15 miles to the West of our home and 1 foster child attending a school in Williston. My kids spent over 2 hours on the bus each day. I sat at two different bus stops with my foster children (two toddlers and an infant) each morning and each afternoon for 20-45 minutes waiting for the buses. If the bus was late, you had to wait but if you pulled in more than 3 minutes late, the bus left your child. I was working full time for Williams County at the time and this made everything very difficult.

The next year, they realigned and I was told my kids would be going to all three District 8 schools, the elementary schools being 30 miles apart from each other. We had to threaten to pull our kids and move them to the Trenton School District before they agreed that my elementary kids would at least be in the same school.

We had to be at the bus stop before 7:00 am for the elementary kids to get on. The middle school bus did not come until 7:30-7:45 so I waited with all the kids each morning. Then I would take my high school student and my elementary student to their District 1 schools.

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# 4 p 8

In the afternoon, I would pick up my District 1 elementary child at 3:00 then go to District 8 bus stop where I would sit with my little ones until 3:40. Then I would have to move quickly through town to get to the other bus stop at 3:45 to get middle school kids. If for any reason I was a few minutes behind, (if the first bus was late and I physically couldn't make it to the next stop) the bus driver would keep my kids on the bus and we would have to go to the district office to wait for them. Some days, through no fault of my own, my kids sat on the bus for over an hour in the afternoon. I tried to get the District to let the middle school kids off the bus because they were in 6<sup>th</sup> and 7<sup>th</sup> grade and could wait for me but it was not allowed. I was having a hard time with work because of all the transportation issues. I was supposed to return to work for an hour after I picked up my kids but I was always waiting and the kids were frustrated they spent so long on the bus.

My special needs daughter was unable to sit still on the bus and was constantly being reprimanded by the bus driver. She was yelled at and demeaned in front of the other students because the bus driver was by herself with 30+ students on a bus trying to control their behavior and yet drive safely. Very frustrating for all involved. We tried to stick it out but I realized this was not helping my family. I contact Deb Kemp to find out about the annexation process at the end of September 2014.

While dealing with all the struggles at District 8, beyond just the busing issues, I went to work on gather signatures and collecting information about children so we could annex in. I approached only homeowners that I needed too or that had let me know they wanted to annex in. In the end, we took 9 homes and 27 children. The process took until March of 2016 with consistent work whenever I had a spare moment.

The struggles my kids were having on the bus were getting progressively worse and they were acting out at school. In the end, my husband and I decided that it would be better for me to quit my job. I did this so I could transport them to and from school and focus on helping my kids get through the school. I spent 1 ½ hours in the van each morning with my two infants and two toddler foster children, driving the kids to the different schools and the same picking up each afternoon.

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3-14-17

# 4 p 3

Our annexation passed at county level despite District 8's objection. It went to State and was passed there also. District 8 argued that I had not followed the proper timeline and that it should be thrown out. They wanted me to start the process over because they felt I had not waited the appropriate time to attach to property that had been previously annexed in. They did not dispute the hardship for our family that was to be in District 8. They even stated it must be difficult for us but they didn't want to loose the tax revenue.

The HB-1253 will give the districts an option to work together for the good of the families and the districts. It will allow opportunities conversation and cooperation and it will be less stress for the families. Right now Williams County is divided and our students see this. I am in favor or HB-1253.

Thank you for your time, please contact me if you have any questions at all.

Mary Black  
801-389-0272  
13931 Town and Country North CT  
Williston, ND 58801

Testimony to the  
Senate Education Committee

March 14, 2017

By Kristi Gutierrez

HB 1253  
3-14-17  
#5. p 1

RE: HB1253-Relating to Voluntary Property Transfers between School Districts

My name is Kristi Gutierrez; I live in the Granite Peaks Subdivision inside the city limits of Williston. I have 2 school age children that attend school there. In January of 2015 my son brought home a letter from his school, which was a K-6 private school, saying I needed to call the Williston district 1 office to enroll him in Williston Middle School for the 2015-2016 school year. When I did that I found out that my home was actually in District 8. This started a course of events over the next 20 months that were extremely stressful for me and my family. I went through the process of petitioning to annex my home into district 1. The county annexation board hearing was decided unanimously in my favor, which led us to the hearing before the state annexation board which was also decided unanimously in my favor. This was a long and scary process for my family, but we were finally able to take a breath and relax.

However, the first week of July, I was served court papers saying that District 8 was taking me and the State Board of Education to district court in order to have the annexation overturned. Suddenly things were worse than they had seemed, even in the beginning when we first found out we were not in district 1 and had to handle this process. In addition to the time I had put into preparing my annexation presentation, the travel to Bismarck, and the time missed at work, we suddenly had a new expense. I met with 2 separate attorneys to discuss our options and what we needed to do to protect our interests. The first attorney felt we needed representation, however, their caseload wouldn't allow them to represent us in this matter. The next attorney felt that we needed to ensure our interests were protected, but that it was also possible for us to sit back and allow the State Boards attorney to handle the case since our interests were aligned. This was a blessing for us because even the costs of the consultations were hard for us to manage; being able to have personal representation was not likely to have been an option for us.

Choosing to not retain an attorney was a double edged sword. Although it allowed us to avoid the expense, we also were left completely in the dark on the process. I wasn't able to hear the stance of the defense; I didn't know what was being prepared, or how seriously they were taking this case. The anxiety that I felt was nothing compared to what my Son was going through. He had already started at Williston Middle School, we had no idea if he would be allowed to stay or not. If the court ruling didn't go in our favor, I wasn't sure if my son would be immediately transferred out of his school in district 1 and into a new school at district 8, or what would happen. My life was consumed by this one issue, and I had no control or insight into any of it. The time between being served the papers for the district court

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3-14-17  
#5p.2

hearing in July and the actual district court hearing in November were one of the most difficult periods I can remember, and I had no choice but to sit and wait.

Once we received the district court's decision to uphold the State Boards decision it looked like we could breathe again, however, just before Christmas the superintendent of New Public 8 School District was quoted in the local newspaper as saying the district intended to appeal the case with the State Supreme court. We were yet again thrown into a period of turmoil. I tried my best to keep this turn from my Son. He had dealt with the anxiety of the past hearings already and I couldn't bring myself to tell him that we were still uncertain of the outcome.

The Supreme Court heard the case on June 20<sup>th</sup>, 2016. This was 18 months after I had learned that I was actually in district 8 and not district 1. The Supreme Court does not make decisions in a timely matter; we were counting down the days before school started. If the decision was returned in District 8's favor any time before the first day of school, my Son would not be allowed to attend district 1 for that year. On August 17<sup>th</sup> the Supreme Court returned a decision affirming the lower court's ruling. This was a week before school started. We had no idea where our Son would attend the 7<sup>th</sup> grade until the week before the first day. It took 20 months to get to a point where our life was finally returned to our own hands. We did everything right. We followed the rules and requirements. I did the research, I presented my case, and I was still held hostage by a system that I had no say in. I didn't have another option. To require people to go through this for this amount of time in order to send their child to the school that they deem best, the school that is closest to their home, they must currently go through a process that lasts at minimum several months. There needs to be another way, a better option for families in North Dakota.

I believe that HB1253 would allow families to have an easier, less stressful alternative to the current annexation process. It allows the school districts to have a say that doesn't send their land base dwindling down into oblivion. If this bill were to have been in place when our family had to decide what to do, I feel we would have been able to come to an agreement with the school districts that would have allowed us all to benefit. The school districts shouldn't have a lack of alternatives either. Currently if a parent feels their school isn't right for their child, they have no choice but to give up their tax base. HB1253 would allow everyone to attempt to come up with a workable solution without having to jump straight into annexation. This could save North Dakota school districts and families both time and money. Please consider allowing this bill to be presented in front of the state senate and voted on.

Sincerely,

Kristi Gutierrez