

N.D.A.G. Letter to Brendel (July 23, 1987)

July 23, 1987

Mr. John P. Brendel
Renville County State's Attorney
P.O. Box 398
Mohall, ND 58761

Dear Mr. Brendel:

Thank you for your letter of June 26, 1987, in which you request an Attorney General's opinion regarding the length of time a patron whose property has been the subject of a school district dissolution must wait before commencing annexation proceedings.

The portion of the North Dakota Century Code dealing with annexation, reorganization, and dissolution and attachment of school districts contains no required waiting period which must be met by a patron before seeking annexation proceedings. By provision of N.D.C.C. § 15-27.4-01, a county committee may conduct a public hearing to dissolve a school district and attach the territory to other school districts in a variety of situations. After approval by the State Board of Public School Education of a dissolution, the corresponding attachment becomes effective the following July 1st unless a different effective date has been established by the county committee.

The provisions for annexation of territory from one school district to another school district provide that a specific process must be followed to complete the annexation, including approval by the county committee and the State Board of Public School Education. N.D.C.C. § 15-27.2-04. N.D.C.C. § 15-27.2-04(9) provides that when a petition for an annexation has failed to be approved by the State Board, a petition involving any of the same area may not be submitted for a period of three months. However, there is no similar provision relative to a request for annexation which occurs soon after a dissolution and attachment procedure. There is no specific or implied waiting period necessary before patrons begin an annexation proceeding.

Consequently, patrons who are interested in annexation of their property to an adjacent school district may proceed to circulate petitions as soon as they choose to do so following the dissolution.

Sincerely,

Nicholas J. Spaeth

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