

Sixty-sixth  
Legislative Assembly  
of North Dakota

REENGROSSED HOUSE BILL NO. 1501

Introduced by

Representatives Roers Jones, Heinert, M. Johnson, Pyle

Senator Rust

1 A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota  
2 Century Code, relating to suspension of a member of a school board; ~~and~~ to amend and  
3 reenact section 54-10-15 of the North Dakota Century Code, relating to audits and suspension  
4 of school board members; and to declare an emergency.

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

6 **SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **School board membership - Suspension.**

9 Upon the filing of a petition under chapter 44-11 for removal by the governor, the ~~governor,~~  
10 in consultation with the superintendent of public instruction, may suspend a member of a school  
11 board pending the results of ~~a forensic, fiscal, or performance~~an audit in accordance with  
12 section 54-10-15.

13 **SECTION 2. AMENDMENT.** Section 54-10-15 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **54-10-15. Audits of political subdivisions by order of governor or the legislative audit**  
16 **and fiscal review committee, upon petition, or upon request of the state court**  
17 **administrator.**

18 1. The state auditor, by duly appointed deputy auditors or other authorized agents, shall  
19 audit or review the books, records, and financial accounts of any political subdivision  
20 when ordered by the governor or the legislative audit and fiscal review committee,  
21 requested by the governing board, or upon petition of at least thirty-five percent of the  
22 qualified electors of any political subdivision enumerated in section 54-10-14 voting for  
23 the office of governor at the preceding general election or, in the case of school  
24 districts, upon petition of at least thirty-five percent of the qualified electors voting at

1           the preceding school board election, or upon the request of the state court  
2           administrator with respect to clerk of district court services provided by a county in  
3           accordance with chapter 27-05.2. Fees for the audits must be paid in accordance with  
4           the provisions of section 54-10-14.

5           2. If an audit is ordered due to financial irregularities or allegations of embezzlement, the  
6           governor may suspend an elected or appointed ~~official~~school board member from the  
7           ~~official's~~individual's duties if the governor determines suspension is in the best interest  
8           of the state pending the results of the audit. If the governor suspends an elected or  
9           appointed ~~official~~school board member, the governor immediately shall provide notice  
10          to the ~~political subdivision or~~school board with which the suspended ~~official~~member  
11          serves. Within five days of receiving notice, the ~~political subdivision or~~school board  
12          shall appoint an individual to replace the suspended ~~official~~member to serve during the  
13          pendency of the audit. The governor shall consult with the superintendent of public  
14          instruction in determining whether suspension of a member of a school board is in the  
15          best interest of the state.

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