

Introduced by

Representatives Kempenich, Schatz, Sukut, Zubke

Senators Bekkedahl, Bowman, Rust

1 A BILL for an Act to amend and reenact section 15.1-27-04.1 of the North Dakota Century
2 Code, relating to mineral revenue received by school districts; to provide an effective date; and
3 to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-27-04.1. (~~Effective through June 30, 2015~~) Baseline funding - Establishment -**
8 **Determination of state aid.**

- 9 1. In order to determine the amount of state aid payable to each district, the
10 superintendent of public instruction shall establish each district's baseline funding. A
11 district's baseline funding consists of:
 - 12 a. All state aid received by the district in accordance with chapter 15.1-27 during the
13 2012-13 school year;
 - 14 b. The district's 2012-13 mill levy reduction grant, as determined in accordance with
15 chapter 57-64, as it existed on June 30, 2013;
 - 16 c. An amount equal to that raised by the district's 2012 general fund levy or that
17 raised by one hundred ten mills of the district's 2012 general fund levy, whichever
18 is less;
 - 19 d. An amount equal to that raised by the district's 2012 long-distance learning and
20 educational technology levy;
 - 21 e. An amount equal to that raised by the district's 2012 alternative education
22 program levy; and
 - 23 f. An amount equal to:

- 1 (1) Seventy-five percent of all revenue received by the school district and
2 reported under code 2000 of the North Dakota school district financial
3 accounting and reporting manual, as developed by the superintendent of
4 public instruction in accordance with section 15.1-02-08;
- 5 (2) Seventy-five percent of all mineral revenue received by the school district
6 through direct allocation from the state treasurer and not reported under
7 code 2000 of the North Dakota school district financial accounting and
8 reporting manual, as developed by the superintendent of public instruction
9 in accordance with section 15.1-02-08;
- 10 (3) Seventy-five percent of all tuition received by the school district and
11 reported under code 1300 of the North Dakota school district financial
12 accounting and reporting manual, as developed by the superintendent of
13 public instruction in accordance with section 15.1-02-08, with the exception
14 of revenue received specifically for the operation of an educational program
15 provided at a residential treatment facility and tuition received for the
16 provision of an adult farm management program;
- 17 (4) Seventy-five percent of all revenue received by the school district from
18 payments in lieu of taxes on the distribution and transmission of electric
19 power;
- 20 (5) Seventy-five percent of all revenue received by the school district from
21 payments in lieu of taxes on electricity generated from sources other than
22 coal;
- 23 (6) All revenue received by the school district from mobile home taxes;
- 24 (7) Seventy-five percent of all revenue received by the school district from the
25 leasing of land acquired by the United States for which compensation is
26 allocated to the state under 33 U.S.C. 701(c)(3);
- 27 (8) All telecommunications tax revenue received by the school district; and
- 28 (9) All revenue received by the school district from payments in lieu of taxes
29 and state reimbursement of the homestead credit and disabled veterans
30 credit.

- 1 2. The superintendent shall divide the district's total baseline funding by the district's
2 2012-13 weighted student units in order to determine the district's baseline funding per
3 weighted student unit.
- 4 3. a. In 2013-14, the superintendent shall multiply the district's weighted student units
5 by eight thousand eight hundred ten dollars.
- 6 (1) The superintendent shall adjust the product to ensure that the product is at
7 least equal to the greater of:
- 8 (a) One hundred two percent of the district's baseline funding per
9 weighted student unit, as established in subsection 2, multiplied by
10 the district's 2013-14 weighted student units; or
- 11 (b) One hundred percent of the district's baseline funding as established
12 in subsection 1.
- 13 (2) The superintendent shall also adjust the product to ensure that the product
14 does not exceed one hundred ten percent of the district's baseline funding
15 per weighted student unit multiplied by the district's 2013-14 weighted
16 student units, as established in subsection 2.
- 17 b. In 2014-15, the superintendent shall multiply the district's weighted student units
18 by nine thousand ninety-two dollars.
- 19 (1) The superintendent shall adjust the product to ensure that the product is at
20 least equal to the greater of:
- 21 (a) One hundred four percent of the district's baseline funding per
22 weighted student unit, as established in subsection 2, multiplied by
23 the district's 2014-15 weighted student units; or
- 24 (b) One hundred percent of the district's baseline funding as established
25 in subsection 1.
- 26 (2) The superintendent shall also adjust the product to ensure that the product
27 does not exceed one hundred twenty percent of the district's baseline
28 funding per weighted student unit, as established in subsection 2, multiplied
29 by the district's 2014-15 weighted student units.
- 30 4. ~~After~~Except as provided in subsection 5, after determining the product in accordance
31 with subsection 3, the superintendent of public instruction shall:

- 1 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
2 school district, provided that after 2013, the amount in dollars subtracted for
3 purposes of this subdivision may not exceed the previous year's amount in
4 dollars subtracted for purposes of this subdivision by more than twelve percent;
5 and
6 b. Subtract an amount equal to seventy-five percent of all revenues listed in
7 paragraphs 1 through 5, and 7 of subdivision f of subsection 1 and one hundred
8 percent of all revenues listed in paragraphs 6, 8, and 9 of subdivision f of
9 subsection 1.
- 10 5. a. If a school district's evidence of indebtedness for an eligible school construction
11 loan is payable in whole or in part from the district's distribution of oil and gas
12 gross production tax in accordance with section 57-51-15, the superintendent of
13 public instruction shall, after determining the product in accordance with
14 subsection 3:
- 15 (1) Subtract an amount equal to sixty mills multiplied by the taxable valuation of
16 the school district, provided that the amount in dollars subtracted for
17 purposes of this subdivision may not exceed the previous year's amount in
18 dollars subtracted for purposes of this subdivision by more than twelve
19 percent;
- 20 (2) Subtract an amount equal to seventy-five percent of all revenues listed in
21 paragraphs 1, 3 through 5, and 7 of subdivision f of subsection 1 and one
22 hundred percent of all revenues listed in paragraphs 6, 8, and 9 of
23 subdivision f of subsection 1; and
- 24 (3) Subtract an amount equal to seventy-five percent of all revenues listed in
25 paragraph 2 of subdivision f of subsection 1 minus the lesser of:
- 26 (a) Any amount of such revenues used to pay the district's evidence of
27 indebtedness on an eligible school construction project; or
- 28 (b) Forty percent of all revenues listed in paragraph 2 of subdivision f of
29 subsection 1.
- 30 b. For purposes of applying the calculation in paragraph 3 of subdivision a, the
31 amount being subtracted in accordance with subparagraph a or b may not

1 exceed fifty percent of a school district's revenue contribution to a qualifying
2 project.

3 c. For purposes of this subsection, an eligible school construction loan means
4 evidence of an indebtedness for a school construction project that was incurred
5 on or after January 1, 2010, provided:

6 (1) Indebtedness for the project was approved by sixty percent of the qualified
7 electors of the school district voting on the question; or

8 (2) (a) The cost of the project at the time of indebtedness is in excess of five
9 hundred thousand dollars; and

10 (b) The project received approval by the superintendent of public
11 instruction in accordance with section 15.1-36-01.

12 ~~5.6.~~ The amount remaining after the computation required under subsection 4 or 5 is the
13 amount of state aid to which a school district is entitled, subject to any other statutory
14 requirements or limitations.

15 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2015.

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