

**HOUSE BILL NO. 1142**

Introduced by

Representative Brandenburg

1 A BILL for an Act to amend and reenact subsection 2 of section 15.1-36-01 of the North Dakota  
2 Century Code, relating to the approval of new school construction projects.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 15.1-36-01 of the North Dakota  
5 Century Code is amended and reenacted as follows:

- 6 2. The superintendent of public instruction may not approve a project unless the school  
7 district proposing the project:
- 8 a. Demonstrates the need for the project and the educational utility of the project or  
9 demonstrates potential utilization of the project by a future reorganized school  
10 district;
  - 11 b. (1) Demonstrates that the student population has been stable or has increased  
12 during the preceding five school years and is expected to be stable or to  
13 increase during the ensuing five school years; or  
14 (2) Demonstrates by clear and convincing evidence that, despite a declining  
15 student population, there are no feasible alternatives to the proposed  
16 project; and
  - 17 c. Demonstrates the capacity to pay for the project under rules adopted by the  
18 superintendent of public instruction pursuant to chapter 28-32 and through a  
19 method that does not include the expenditure of funds obtained from the ending  
20 balance of the school district which funds are intended for use toward the  
21 operational costs of the district.