

**HOUSE BILL NO. 1319**

Introduced by

Representatives Monson, Heilman, Nathe, Rust, Sanford, Schatz, Williams

Senators Cook, Flakoll, Holmberg, Heckaman, O'Connell

1 A BILL for an Act to create and enact sections 15.1-27-04.1, 15.1-27-04.2, 15.1-27-04.3, and  
2 15.1-27-45 of the North Dakota Century Code, relating to determination of state aid payable to  
3 school districts; to amend and reenact sections 15.1-09-33, 15.1-09-39, 15.1-09-40, 15.1-09-47,  
4 15.1-09-48, 15.1-09-49, 15.1-22-01, 15.1-27-03.1, 15.1-27-04, 15.1-27-17, 15.1-27-35,  
5 15.1-27-39, 15.1-29-15, 15.1-30-04, 15.1-36-02, 40-55-09, 57-15-01.1, 57-15-14, 57-15-14.2,  
6 57-15-14.5, 57-15-17, 57-15-17.1, 57-15-31, 57-19-01, 57-19-02, and 57-19-09 of the North  
7 Dakota Century Code, relating to the determination of state aid payable to school districts; to  
8 repeal sections 15.1-27-07.1, 15.1-27-11, 15.1-27-22.1, 15.1-27-42, 15.1-27-43, 15.1-27-44,  
9 15.1-32-20, 57-15-14.4, 57-19-04, 57-19-10, and chapter 57-64 of the North Dakota Century  
10 Code, relating to the determination of state aid payable to school districts, school district levy  
11 authority, and the mill levy reduction grant program; and to provide for a legislative management  
12 study.

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

14 **SECTION 1. AMENDMENT.** Section 15.1-09-33 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **15.1-09-33. School board - Powers.**

17 The board of a school district may:

- 18 1. Establish a system of free public schools for all children of legal school age residing  
19 within the district.
- 20 2. Organize, establish, operate, and maintain elementary, middle, and high schools.
- 21 3. Have custody and control of all school district property and, in the case of the board of  
22 education of the city of Fargo, have custody and control of all public school property  
23 within the boundaries of the Fargo public school district and to manage and control all  
24 school matters.

Sixty-third  
Legislative Assembly

- 1        4.    Acquire real property and construct school buildings and other facilities.
- 2        5.    Relocate or discontinue schools and liquidate the assets of the district as required by
- 3                law; provided no site may be acquired or building constructed, or no school may be
- 4                organized, established, operated, maintained, discontinued, or changed in location
- 5                without the approval of the state board of public school education if outside the
- 6                boundary of the district.
- 7        6.    Purchase, sell, exchange, and improve real property.
- 8        7.    Lease real property for a maximum of one year except in the case of a career and
- 9                technical education facility constructed in whole or in part with financing acquired
- 10                under chapter 40-57, which may be leased for up to twenty years.
- 11        8.    Subject to chapter 32-15, exercise the power of eminent domain to acquire real
- 12                property for school purposes.
- 13        9.    Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture,
- 14                supplies, and textbooks.
- 15        10.   Recruit or contract with others to recruit homes and facilities which provide boarding
- 16                care for special education students.
- 17        11.   Provide dormitories for the boarding care of special education students.
- 18        12.   Insure school district property.
- 19        13.   Independently or jointly with other school districts, purchase telecommunications
- 20                equipment or lease a telecommunications system or network.
- 21        14.   Provide for the education of students by another school district.
- 22        15.   Contract with federal officials for the education of students in a federal school.
- 23        16.   Prescribe courses of study in addition to those prescribed by the superintendent of
- 24                public instruction or by law.
- 25        17.   Adopt rules regarding the instruction of students, including their admission, transfer,
- 26                organization, grading, and government.
- 27        18.   Join the North Dakota high school activities association and pay membership fees.
- 28        19.   Adopt alternative curricula for high school seniors who require fewer than four
- 29                academic units.
- 30        20.   Contract with, employ, and compensate school district personnel.

- 1        21.    Contract with and provide reimbursement for the provision of teaching services by an
- 2                    individual certified as an instructor in the areas of North Dakota American Indian
- 3                    languages and culture by the education standards and practices board.
- 4        22.    Suspend school district personnel.
- 5        23.    Dismiss school district personnel.
- 6        24.    Participate in group insurance plans and pay all or part of the insurance premiums.
- 7        25.    Contract for the services of a district superintendent, provided that the contract, which
- 8                    may be renewed, does not exceed a period of three years.
- 9        26.    Contract for the services of a principal.
- 10       27.    Employ an individual to serve as the school district business manager or contract with
- 11                   any person to perform the duties assigned to a school district business manager by
- 12                   law.
- 13       28.    Suspend or dismiss a school district business manager for cause without prior notice.
- 14       29.    Suspend or dismiss a school district business manager without cause with thirty days'
- 15                   written notice.
- 16       30.    Defray the necessary and contingent expenses of the board.
- 17       31.    Levy a tax upon property in the district for school purposes, as permitted in
- 18                   accordance with chapter 57-15.
- 19       32.    Amend and certify budgets and tax levies, as provided in title 57.
- 20       33.    Pay dues allowing for the board to hold membership in city, county, state, and national
- 21                   organizations and associations.
- 22       34.    Designate, at its annual meeting, a newspaper of general circulation as the official
- 23                   newspaper of the district.

24        **SECTION 2. AMENDMENT.** Section 15.1-09-39 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26        **15.1-09-39. Districts in bordering states - Contract.**

- 27        1.    Notwithstanding any other provision of law, the board of a school district in this state
- 28                   may contract with the board of a school district in another state for the joint operation
- 29                   and maintenance of school facilities and for joint activities, if the districts are
- 30                   contiguous. To be valid, the contract must be approved by the superintendent of public
- 31                   instruction and by a majority of the qualified electors residing in the district.

- 1        2.    In assessing the contract, the superintendent shall consider the district's enrollment,  
2            its valuation, and its longevity.
- 3        3.    If the superintendent approves the contract, the board shall submit the contract to the  
4            electorate of the district, for approval, at an annual or a special election.
- 5        4.    The board shall publish notice of the election in the official newspaper of the district at  
6            least fourteen days before the election. The notice must include a statement regarding  
7            the purpose of the election and the terms of the contract.
- 8        5.    On the ballot, the board shall seek the voters' permission to execute the proposed  
9            contract, as approved by the superintendent of public instruction.
- 10       6.    If the voters approve the execution of the contract, the board may levy and collect  
11           taxes, as permitted in accordance with chapter 57-15, to carry out the contract  
12           pursuant to law.
- 13       7.    If a district that is a party to a contract under this section dissolves, any district to  
14           which the land of the dissolved district is attached shall assume the contractual  
15           responsibilities.

16        **SECTION 3. AMENDMENT.** Section 15.1-09-40 of the North Dakota Century Code is  
17        amended and reenacted as follows:

18        **15.1-09-40. Sharing of levied taxes - Contract.**

19        The boards of two or more school districts may contract to share levied taxes in all or a  
20        portion of their respective districts. The rate of taxes to be levied on any property in the joint  
21        taxing area or district is the rate of tax provided for in the contract, not exceeding any levy  
22        limitations ~~applicable to the property~~ under chapter 57-15. The auditor of each county in which  
23        all or a portion of a contracting district is located shall fix and levy taxes on that portion of the  
24        property which is described in the contract and is located in the county at the rate set by the  
25        contract.

26        **SECTION 4. AMENDMENT.** Section 15.1-09-47 of the North Dakota Century Code is  
27        amended and reenacted as follows:

28        **15.1-09-47. Board of education of city of Fargo - Taxing authority.**

- 29        4.    The board of education of the city of Fargo may levy taxes, ~~as necessary for any of the~~  
30           following purposes:
  - 31           a.    ~~To purchase, exchange, lease, or improve sites for schools.~~

- 1           b. ~~To build, purchase, lease, enlarge, alter, improve, and repair schools and their~~  
2           ~~appurtenances.~~
- 3           e. ~~To procure, exchange, improve, and repair school apparatus, books, furniture, and~~  
4           ~~appendages, but not the furnishing of textbooks to any student whose parent is~~  
5           ~~unable to furnish the same.~~
- 6           d. ~~To provide fuel.~~
- 7           e. ~~To defray the contingent expenses of the board, including the compensation of~~  
8           ~~employees.~~
- 9           f. ~~To pay teacher salaries after the application of public moneys, which may by law~~  
10          ~~be appropriated and provided for that purpose.~~
- 11          2. ~~The question of authorizing or discontinuing the unlimited taxing authority of the board~~  
12          ~~of education of the city of Fargo must be submitted to the qualified electors of the~~  
13          ~~Fargo school district at the next regular election upon resolution of the board of~~  
14          ~~education or upon filing with the board a petition containing the signatures of qualified~~  
15          ~~electors of the district equal in number to twenty percent of the individuals enumerated~~  
16          ~~in the most recent school district census. However, if the electors approve a~~  
17          ~~discontinuation of the unlimited taxing authority, their approval of the discontinuation~~  
18          ~~may not affect the tax levy effective for the calendar year in which the election is held.~~  
19          ~~In addition, the minimum levy may not be less than the levy that was in force at the~~  
20          ~~time of the election. The board may increase its levy in accordance with section~~  
21          ~~57-15-01. If the district experiences growing enrollment, the board may increase the~~  
22          ~~levy by an amount equal to the amount levied the preceding year per student times the~~  
23          ~~number of additional students enrolled during the new year~~  
24          ~~within the requirements or~~  
25          ~~limitations of this title and title 57.~~

25          **SECTION 5. AMENDMENT.** Section 15.1-09-48 of the North Dakota Century Code is  
26          amended and reenacted as follows:

27          **15.1-09-48. Board of education of city of Fargo - Tax collection.**

28          The board of education of the city of Fargo ~~has the power to~~may levy taxes within the  
29          boundaries of the Fargo public school district and ~~to cause such~~the taxes to be collected in the  
30          same manner as other city taxes, ~~provided the taxes meet the requirements or limitations of this~~  
31          title and title 57. The business manager of the board of education shall ~~cause~~certify the rate for

1 each purpose ~~to be certified by the business manager~~ to the city auditor in time to be added to  
2 the annual tax list of the city. ~~It is the duty of the~~The city auditor ~~to~~shall calculate and extend  
3 upon the annual assessment roll and tax list any tax levied by the board of education. The tax  
4 must be collected in the same manner as other city taxes ~~are collected~~. If the city council fails to  
5 levy any tax for city purposes or fails to cause an assessment roll or tax list to be made, the  
6 board of education may ~~cause~~make an assessment roll and tax list ~~to be made~~ and submit the  
7 roll to the city auditor with a warrant for the collection of the tax. The board of education may  
8 cause the tax to be collected in the same manner as other city taxes are collected or as  
9 otherwise provided by resolution of the board.

10 **SECTION 6. AMENDMENT.** Section 15.1-09-49 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **15.1-09-49. Board of education of city of Fargo - Taxes for buildings.**

13 The amount to be raised for teacher salaries and contingent expenses must be such only  
14 as together with the public money coming to the city from any source is sufficient to establish  
15 and maintain efficient and proper schools for students in the city. The tax for purchasing,  
16 leasing, or improving sites and the building, purchasing, leasing, enlarging, altering, and  
17 repairing of schools may not exceed in any one year fifteen mills on the ~~dollar valuation of the~~  
18 taxable valuation of property of the city in the school district. The board of education may borrow,  
19 and when necessary shall borrow, in anticipation of the ~~amount of the~~ taxes to be raised, levied,  
20 and collected.

21 **SECTION 7. AMENDMENT.** Section 15.1-22-01 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **15.1-22-01. Kindergarten - Establishment by board - Request by parent - Levy.**

24 1. The board of a school district shall either provide at least a half-day kindergarten  
25 program for any student enrolled in the district or pay the tuition required for the  
26 student to attend a kindergarten program in another school district.

27 2. ~~The board of a school district that establishes a kindergarten under this section may~~  
28 ~~levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2.~~

29 **SECTION 8. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **15.1-27-03.1. (Effective through ~~June 30, 2013~~, and after June 30, 2015) Weighted**  
2 **average daily membership - Determination.**

- 3           1. For each school district, the superintendent of public instruction shall multiply by:
- 4           a. 1.00 the number of full-time equivalent students enrolled in a migrant summer  
5           program;
- 6           b. 1.00 the number of full-time equivalent students enrolled in an extended  
7           educational program in accordance with section 15.1-32-17;
- 8           c. 0.60 the number of full-time equivalent students enrolled in a summer education  
9           program;
- 10          d. 0.50 the number of full-time equivalent students enrolled in a home-based  
11          education program and monitored by the school district under chapter 15.1-23;
- 12          e. 0.30 the number of full-time equivalent students who:
- 13               (1) On a test of English language proficiency approved by the superintendent of  
14               public instruction are determined to be least proficient and placed in the first  
15               of six categories of proficiency; and
- 16               (2) Are enrolled in a program of instruction for English language learners;
- 17          f. 0.25 the number of full-time equivalent students enrolled in an alternative high  
18          school;
- 19          g. 0.20 the number of full-time equivalent students attending school in a bordering  
20          state in accordance with section 15.1-29-01;
- 21          h. 0.20 the number of full-time equivalent students who:
- 22               (1) On a test of English language proficiency approved by the superintendent of  
23               public instruction are determined to be more proficient than students placed  
24               in the first of six categories of proficiency and therefore placed in the second  
25               of six categories of proficiency; and
- 26               (2) Are enrolled in a program of instruction for English language learners;
- 27          i. 0.17 the number of full-time equivalent students enrolled in an early childhood  
28          special education program;
- 29          j. 0.10 the number of students enrolled in average daily membership, if the district  
30          has fewer than one hundred students enrolled in average daily membership and  
31          the district consists of an area greater than two hundred seventy-five square

- 1 miles [19424.9 hectares], provided that any school district consisting of an area  
2 greater than six hundred square miles [155399 hectares] and enrolling fewer than  
3 fifty students in average daily membership must be deemed to have an  
4 enrollment equal to fifty students in average daily membership;
- 5 k. ~~0-0790~~0.082 the number of students enrolled in average daily membership, in  
6 order to support the provision of special education services;
- 7 l. 0.07 the number of full-time equivalent students who:
- 8 (1) On a test of English language proficiency approved by the superintendent of  
9 public instruction are determined to be more proficient than students placed  
10 in the second of six categories of proficiency and therefore placed in the  
11 third of six categories of proficiency;
- 12 (2) Are enrolled in a program of instruction for English language learners; and  
13 (3) Have not been in the third of six categories of proficiency for more than  
14 three years;
- 15 m. 0.025 the number of students representing that percentage of the total number of  
16 students in average daily membership which is equivalent to the three-year  
17 average percentage of students in grades three through eight who are eligible for  
18 free or reduced lunches under the Richard B. Russell National School Lunch Act  
19 [42 U.S.C. 1751 et seq.];
- 20 n. ~~0-0060~~0.003 the number of students enrolled in average daily membership in each  
21 public school in the district that:
- 22 (1) Has acquired and is utilizing the PowerSchool student information system;  
23 (2) Has acquired and is in the process of implementing the PowerSchool  
24 student information system; or  
25 (3) Will acquire the PowerSchool student information system during the current  
26 school year, provided the acquisition is contractually demonstrated; and
- 27 o. 0.004 the number of students enrolled in average daily membership in a school  
28 district that is a participating member of a regional education association meeting  
29 the requirements of chapter 15.1-09.1.



- 1           2.    The superintendent of public instruction shall determine each school district's weighted  
2                   average daily membership by adding the products derived under subsection 1 to the  
3                   district's average daily membership.

4           **(Effective July 1, 2013, through June 30, 2015) Weighted average daily membership -**  
5   **Determination.**

- 6           1.    For each school district, the superintendent of public instruction shall multiply by:
- 7                   a.    1.00 the number of full-time equivalent students enrolled in a migrant summer  
8                   program;
- 9                   b.    1.00 the number of full-time equivalent students enrolled in an extended  
10                  educational program in accordance with section 15.1-32-17;
- 11                  c.    0.60 the number of full-time equivalent students enrolled in a summer education  
12                  program;
- 13                  d.    0.50 the number of full-time equivalent students enrolled in a home-based  
14                  education program and monitored by the school district under chapter 15.1-23;
- 15                  e.    0.30 the number of full-time equivalent students who:
- 16                   (1)   On a test of English language proficiency approved by the superintendent of  
17                   public instruction are determined to be least proficient and placed in the first  
18                   of six categories of proficiency; and
- 19                   (2)   Are enrolled in a program of instruction for English language learners;
- 20                  f.    0.25 the number of full-time equivalent students enrolled in an alternative high  
21                  school;
- 22                  g.    0.20 the number of full-time equivalent students attending school in a bordering  
23                  state in accordance with section 15.1-29-01;
- 24                  h.    0.20 the number of full-time equivalent students who:
- 25                   (1)   On a test of English language proficiency approved by the superintendent of  
26                   public instruction are determined to be more proficient than students placed  
27                   in the first of six categories of proficiency and therefore placed in the second  
28                   of six categories of proficiency; and
- 29                   (2)   Are enrolled in a program of instruction for English language learners;
- 30                  i.    0.17 the number of full-time equivalent students enrolled in an early childhood  
31                  special education program;

- 1           j. 0.15 the number of full-time equivalent students in grades six through eight  
2           enrolled in an alternative education program for at least an average of fifteen  
3           hours per week;
- 4           k. 0.10 the number of students enrolled in average daily membership, if the district  
5           has fewer than one hundred students enrolled in average daily membership and  
6           the district consists of an area greater than two hundred seventy-five square  
7           miles [19424.9 hectares], provided that any school district consisting of an area  
8           greater than six hundred square miles [155399 hectares] and enrolling fewer than  
9           fifty students in average daily membership must be deemed to have an  
10          enrollment equal to fifty students in average daily membership;
- 11          l. ~~0.0790~~.082 the number of students enrolled in average daily membership, in  
12          order to support the provision of special education services;
- 13          m. 0.07 the number of full-time equivalent students who:
- 14               (1) On a test of English language proficiency approved by the superintendent of  
15               public instruction are determined to be more proficient than students placed  
16               in the second of six categories of proficiency and therefore placed in the  
17               third of six categories of proficiency;
- 18               (2) Are enrolled in a program of instruction for English language learners; and
- 19               (3) Have not been in the third of six categories of proficiency for more than  
20               three years;
- 21          n. 0.025 the number of students representing that percentage of the total number of  
22          students in average daily membership which is equivalent to the three-year  
23          average percentage of students in grades three through eight who are eligible for  
24          free or reduced lunches under the Richard B. Russell National School Lunch Act  
25          [42 U.S.C. 1751 et seq.];
- 26          o. ~~0.0060~~.003 the number of students enrolled in average daily membership in each  
27          public school in the district that:
- 28               (1) Has acquired and is utilizing the PowerSchool student information system;
- 29               (2) Has acquired and is in the process of implementing the PowerSchool  
30               student information system; or

1 (3) Will acquire the PowerSchool student information system during the current  
2 school year, provided the acquisition is contractually demonstrated; and  
3 p. 0.004 the number of students enrolled in average daily membership in a school  
4 district that is a participating member of a regional education association meeting  
5 the requirements of chapter 15.1-09.1.

6 2. The superintendent of public instruction shall determine each school district's weighted  
7 average daily membership by adding the products derived under subsection 1 to the  
8 district's average daily membership.

9 **SECTION 9. AMENDMENT.** Section 15.1-27-04 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **15.1-27-04. Per student payment rate.**

- 12 1. a. The per student payment rate to which each school district is entitled for the first  
13 year of the biennium is ~~three~~eight thousand ~~nine~~eight hundred ten dollars.  
14 b. The per student payment rate to which each school district is entitled for the  
15 second year of the biennium is ~~three~~nine thousand ~~nine~~hundred eighty~~ninety-two~~  
16 dollars.  
17 2. In order to determine the state aid payment to which each district is entitled, the  
18 superintendent of public instruction shall multiply each district's weighted student units  
19 by the per student payment rate set forth in subsection 1.

20 **SECTION 10.** Section 15.1-27-04.1 of the North Dakota Century Code is created and  
21 enacted as follows:

22 **15.1-27-04.1. State aid - Determination.**

- 23 1. In order to determine the amount of state aid to which each school district is annually  
24 entitled, the superintendent of public instruction shall:  
25 a. Multiply the number of weighted student units by the payment rate established in  
26 section 15.1-27-04;  
27 b. Subtract from the product derived under subdivision a, an amount equal to fifty  
28 mills times the taxable valuation of the school district; and  
29 c. Subtract from the product derived under subdivision b, an amount equal to  
30 seventy-five percent of all:

- 1           (1) Mineral revenue in excess of two million dollars, received by the school  
2           district and reported under code 2000 of the North Dakota school district  
3           financial accounting and reporting manual, as developed by the  
4           superintendent of public instruction in accordance with section 15.1-02-08;
  - 5           (2) Tuition revenue received by the school district and reported under code  
6           1300 of the North Dakota school district financial accounting and reporting  
7           manual, as developed by the superintendent of public instruction in  
8           accordance with section 15.1-02-08, with the exception of revenue received  
9           specifically for the operation of an educational program provided at a  
10          residential treatment facility;
  - 11          (3) Revenue received by the school district from payments in lieu of taxes on  
12          the distribution and transmission of electric power;
  - 13          (4) Revenue received by the school district from payments in lieu of taxes on  
14          electricity generated from sources other than coal;
  - 15          (5) Revenue received by the school district from mobile home taxes;
  - 16          (6) Revenue received by the school district from the leasing of land acquired by  
17          the United States for which compensation is allocated to the state under 33  
18          U.S.C. 701(c)(3);
  - 19          (7) Telecommunications tax revenue received by the school district; and
  - 20          (8) Revenue received by the school district from payments in lieu of taxes and  
21          state reimbursement of the homestead credit and disabled veterans' credit.
- 22          2. The amount remaining after the computation required under subsection 1 is the  
23          amount of state aid to which a school district is entitled, subject to any other statutory  
24          requirements or limitations.

25          **SECTION 11.** Section 15.1-27-04.2 of the North Dakota Century Code is created and  
26          enacted as follows:

27          **15.1-27-04.2. State aid - Minimum local effort - Determination.**

28          If a district's taxable valuation per student is less than forty percent of the state average  
29          valuation per student, the superintendent of public instruction, for purposes of determining state  
30          aid in accordance with section 15.1-27-04.1, shall utilize an amount equal to fifty mills times the

1 state average valuation per student multiplied by the number of weighted student units in the  
2 district.

3 **SECTION 12.** Section 15.1-27-04.3 of the North Dakota Century Code is created and  
4 enacted as follows:

5 **15.1-27-04.3. Baseline payment.**

6 1. The superintendent of public instruction shall determine each school district's baseline  
7 funding per weighted student unit by:

8 a. Multiplying the district's general fund mill levy for the 2008 taxable year less fifty  
9 mills by the taxable valuation of the school district;

10 b. Adding all state aid received by the district during the 2012-13 school year;

11 c. Subtracting the amount received by the district during the 2012-13 school year  
12 for transportation aid, special education excess cost reimbursements, and special  
13 education contracts; and

14 d. Dividing the remainder by the district's 2012-13 weighted student units.

15 2. a. The superintendent of public instruction shall ensure that the total amount of  
16 state aid payable to a district per weighted student unit, for the 2013-14 school  
17 year, exclusive of any payments for transportation aid, special education excess  
18 cost reimbursements, and special education contracts, is at least equal to one  
19 hundred two percent of the total baseline funding received per weighted student  
20 unit, as established in subsection 1.

21 b. The superintendent of public instruction shall ensure that the total amount of  
22 state aid payable to a district per weighted student unit, for the 2014-15 school  
23 year, exclusive of any payments for transportation aid, special education excess  
24 cost reimbursements, and special education contracts, is at least equal to the  
25 greater of:

26 (1) One hundred four percent of the total baseline funding received per  
27 weighted student unit, as established in subsection 1; or

28 (2) Ninety-eight percent of the state aid paid to the district for the 2013-14  
29 school year, exclusive of any payments for transportation aid, special  
30 education excess cost reimbursements, and special education contracts.

1       3.   a.   The superintendent of public instruction shall ensure that the total amount of  
2           state aid payable to a district per weighted student unit, for the 2013-14 school  
3           year, exclusive of any payments for transportation aid, special education excess  
4           cost reimbursements, and special education contracts, does not exceed one  
5           hundred ten percent of the total baseline funding received per weighted student  
6           unit, as established in subsection 1.

7       b.   The superintendent of public instruction shall ensure that the total amount of  
8           state aid payable to a district per weighted student unit, for the 2014-15 school  
9           year, exclusive of any payments for transportation aid, special education excess  
10          cost reimbursements, and special education contracts, does not exceed one  
11          hundred twenty percent of the total baseline funding received per weighted  
12          student unit, as established in subsection 1.

13       **SECTION 13. AMENDMENT.** Section 15.1-27-17 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **15.1-27-17. Per student payments - Reorganization of school districts - Separate**  
16 **weighting factor.**

17       1.   Notwithstanding ~~the provisions of~~ section 15.1-27-03.2, the superintendent of public  
18 instruction shall create and assign a separate weighting factor to:

19       a.   ~~Any school district that reorganized on or before June 30, 2007, and which was~~  
20       ~~receiving per student payments in accordance with section 15.1-27-17, as that~~  
21       ~~section existed on June 30, 2007; and~~

22       b.   ~~Any~~ any school district that reorganizes on or after July 1, 2007.

23       2.   a.   The separate weighting factor must allow the reorganized school district to  
24       receive a payment rate equivalent to that which each separate school district  
25       would have received had the reorganization not taken place.

26       b.   The separate weighting factor must be computed to four decimal places.

27       c.   The provisions of this subsection are effective for a period of four years from the  
28       date of the reorganization.

29       3.   At the beginning of the fifth and at the beginning of the sixth years after the date of the  
30       reorganization, the superintendent of public instruction shall make proportionate  
31       adjustments in the assigned weighting factor so that beginning with the seventh year

1 after the date of the reorganization, the weighting factor that will be applied to the  
2 reorganized district is that provided in section 15.1-27-03.2.

3 **SECTION 14. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **15.1-27-35. Average daily membership - Calculation.**

6 1. a. ~~During the 2009-10 school year, average daily membership is calculated at the~~  
7 ~~conclusion of the school year by adding the total number of days that each~~  
8 ~~student in a given grade, school, or school district is in attendance during a~~  
9 ~~school calendar and the total number of days that each student in a given grade,~~  
10 ~~school, or school district is absent during a school calendar, and then dividing the~~  
11 ~~sum by the greater of:~~

12 ~~(1) The school district's calendar; or~~

13 ~~(2) One hundred eighty.~~

14 b. ~~During the 2010-11 school year, average daily membership is calculated at the~~  
15 ~~conclusion of the school year by adding the total number of days that each~~  
16 ~~student in a given grade, school, or school district is in attendance during a~~  
17 ~~school calendar and the total number of days that each student in a given grade,~~  
18 ~~school, or school district is absent during a school calendar, and then dividing the~~  
19 ~~sum by the greater of:~~

20 ~~(1) The school district's calendar; or~~

21 ~~(2) One hundred eighty-one.~~

22 c. ~~Beginning with the 2011-12 school year, average~~ Average daily membership is  
23 calculated at the conclusion of the school year by adding the total number of  
24 days that each student in a given grade, school, or school district is in attendance  
25 during a school calendar and the total number of days that each student in a  
26 given grade, school, or school district is absent during a school calendar, and  
27 then dividing the sum by the greater of:

28 ~~(1)~~a. The school district's calendar; or

29 ~~(2)~~b. One hundred eighty-two.

30 2. For purposes of calculating average daily membership, all students are deemed to be  
31 in attendance on:

- 1           a. The three holidays listed in subdivisions b through j of subsection 1 of section  
2           15.1-06-02 and selected by the school board in consultation with district  
3           teachers;
- 4           b. The two days set aside for professional development activities under section  
5           15.1-06-04; and
- 6           c. The two full days, or portions thereof, during which parent-teacher conferences  
7           are held or which are deemed by the board of the district to be compensatory  
8           time for parent-teacher conferences held outside regular school hours.
- 9        3. For purposes of calculating average daily membership:
- 10       a. A student enrolled full time in any grade from one through twelve may not exceed  
11       an average daily membership of 1.00. The membership may be prorated for a  
12       student who is enrolled less than full time.
- 13       b. A student enrolled full time in an approved regular education kindergarten  
14       program may not exceed an average daily membership of 1.00. The membership  
15       may be prorated for a student who is enrolled less than full time.
- 16       c. A student enrolled full time, as defined by the superintendent of public instruction,  
17       in an approved early childhood special education program may not exceed an  
18       average daily membership of 1.00. The membership may be prorated for a  
19       student who is enrolled less than full time.

20       **SECTION 15. AMENDMENT.** Section 15.1-27-39 of the North Dakota Century Code is  
21       amended and reenacted as follows:

22       **15.1-27-39. Annual salary - Minimum amount.**

- 23       ~~1. Beginning with the 2005-06 school year, the board of each school district shall provide~~  
24       ~~to each full-time teacher, under contract for a period of nine months, a minimum salary~~  
25       ~~level for the contract period equal to at least twenty-two thousand dollars.~~
- 26       2. Beginning with the ~~2006-07~~2014-15 school year, the board of each school district shall  
27       provide to each full-time teacher, under contract for a period of nine months, a  
28       minimum salary level for the contract period equal to at least ~~twenty-two~~twenty-seven  
29       thousand five hundred dollars.

30       **SECTION 16.** Section 15.1-27-45 of the North Dakota Century Code is created and enacted  
31       as follows:



1       **15.1-27-45. Property tax relief fund.**

2       1.   The property tax relief fund is a special fund in the state treasury. On July 1, 2013, the  
3       state treasurer shall change the name of the property tax relief sustainability fund  
4       established under section 57-64-05 to property tax relief fund as established by this  
5       section and any unobligated balance in the property tax relief sustainability fund must  
6       be retained in the property tax relief fund. Moneys in the property tax relief fund may  
7       be expended pursuant to legislative appropriations for property tax relief programs.

8       2.   On or before the third Monday in each January, February, March, April, August,  
9       September, October, November, and December, the office of management and budget  
10      shall certify to the superintendent of public instruction the amount of the property tax  
11      relief fund. The superintendent shall include the amount certified in determining the  
12      state aid payments to which each school district is entitled under chapter 15.1-27.

13      **SECTION 17. AMENDMENT.** Section 15.1-29-15 of the North Dakota Century Code is  
14      amended and reenacted as follows:

15      **15.1-29-15. Levy for tuition payments.**

16      If the board of a school district approves tuition payments for students in grades seven  
17      through twelve or if the board is required to make tuition or tutoring payments under this  
18      chapter, the board may levy an amount sufficient to meet such payments, pursuant to  
19      ~~subdivision c of subsection 1 of section 57-15-14.2.~~

20      **SECTION 18. AMENDMENT.** Section 15.1-30-04 of the North Dakota Century Code is  
21      amended and reenacted as follows:

22      **15.1-30-04. Provision of meals and lodging for high school students - Payment**  
23      **permitted -Levy.**

24      Instead of providing transportation so that an eligible high school student residing in the  
25      district can attend school in another district, a school board may pay a reasonable allowance to  
26      the student's parent for costs incurred in the provision of meals and lodging for the student at a  
27      location other than the student's residence. ~~A school district that furnishes either transportation~~  
28      ~~or an allowance for the provision of meals and lodging for a student under this section may levy~~  
29      ~~a tax pursuant to subdivision a of subsection 1 of section 57-15-14.2 for this purpose.~~

30      **SECTION 19. AMENDMENT.** Section 15.1-36-02 of the North Dakota Century Code is  
31      amended and reenacted as follows:

1       **15.1-36-02. School construction projects - Loans.**

2       1. ~~The~~ In order to provide school construction loans, the board of university and school  
3       lands may authorize the use of ~~moneys in:~~

- 4       a. Fifty million dollars, or so much of that amount as may be necessary, from the  
5       coal development trust fund, established pursuant to section 21 of article X of the  
6       Constitution of North Dakota and subsection 1 of section 57-62-02 to provide  
7       school construction loans, as described in this chapter. The outstanding principal  
8       balance of loans under this chapter may not exceed fifty million dollars. The  
9       board may adopt policies and rules governing school construction loans; and  
10      b. Two hundred million dollars from the strategic investment and improvements  
11      fund, established pursuant to section 15-08.1-08.

12      2. In order to be eligible for a loan under this section, the board of a school district shall:

- 13      a. Propose a construction project with a cost of at least one million dollars and an  
14      expected utilization of at least thirty years;  
15      b. Obtain the approval of the superintendent of public instruction for the construction  
16      project under section 15.1-36-01; and  
17      c. Submit to the superintendent of public instruction an application containing all  
18      information deemed necessary by the superintendent, including potential  
19      alternative sources or methods of financing the construction project.

20      3. ~~The superintendent of public instruction shall give priority to any district that meets the~~  
21      ~~requirements for receipt of an equity payment under section 15.1-27-11.~~

22      4. If an eligible school district's ~~imputed~~ taxable valuation per student is less than eighty  
23      percent of the state average ~~imputed~~ taxable valuation per student, the district is  
24      entitled to receive:

- 25      a. A school construction loan equal to the lesser of ~~twelve~~ twenty million dollars or  
26      ~~eighty~~ ninety percent of the actual project cost;  
27      b. An interest rate discount equal to at least one hundred but not more than ~~two~~ four  
28      hundred ~~fifty~~ basis points below the prevailing tax-free bond rates; and  
29      c. A term of repayment that may extend up to twenty years.

Sixty-third  
Legislative Assembly

- 1     ~~5.4.~~ If an eligible school district's imputed taxable valuation per student is equal to at least  
2           eighty percent but less than ninety percent of the state average imputed taxable  
3           valuation per student, the district is entitled to receive:
- 4           a. A school construction loan equal to the lesser of ~~ten~~fifteen million dollars or  
5           ~~seventy~~eighty percent of the actual project cost;
- 6           b. An interest rate buydown equal to at least one hundred but not more than  
7           ~~two~~three hundred fifty basis points below the prevailing tax-free bond rates; and  
8           c. A term of repayment that may extend up to twenty years.
- 9     ~~6.5.~~ If an eligible school district's imputed taxable valuation per student is equal to at least  
10          ninety percent of the state average imputed taxable valuation per student, the district  
11          is entitled to receive:
- 12          a. A school construction loan equal to the lesser of ~~four~~ten million dollars or  
13          ~~thirty~~seventy percent of the actual project cost;
- 14          b. An interest rate discount equal to at least one hundred but not more than  
15          ~~two~~three hundred fifty basis points below the prevailing tax-free bond rates; and  
16          c. A term of repayment that may extend up to twenty years.
- 17     ~~7.6.~~ The board of a school district may submit its loan application to the superintendent of  
18          public instruction before or after receiving authorization of a bond issue in accordance  
19          with chapter 21-03. If the vote to authorize a bond issue precedes the application for a  
20          loan, the application must be acted upon by the superintendent expeditiously but no  
21          later than one hundred eighty days from the date it is received by the superintendent.
- 22     ~~8.7.~~ The superintendent of public instruction shall consider each loan application in the  
23          order it received approval under section 15.1-36-01.
- 24     ~~9.8.~~ If the superintendent of public instruction approves the loan, the superintendent may  
25          determine the loan amount, the term of the loan, and the interest rate, in accordance  
26          with the requirements of this section.
- 27     ~~10.~~ ~~The superintendent of public instruction may adopt rules governing school-~~  
28          ~~construction loans.~~
- 29     9. a. If a school district seeking a loan under this section received an allocation of the  
30          oil and gas gross production tax during the previous fiscal year in accordance  
31          with chapter 57-51, the board of the district shall provide to the board of

1           university and school lands its evidence of indebtedness indicating that the loan  
2           originated under this section.

3           b. If the evidence of indebtedness is payable solely from the school district's  
4           allocation of the oil and gas gross production tax in accordance with section  
5           57-51-15, the loan does not constitute a general obligation of the school district  
6           and may not be considered a debt of the district.

7           c. If a loan made to a school district is payable solely from the district's allocation of  
8           the oil and gas gross production tax in accordance with section 57-51-15, the  
9           terms of the loan must require that the state treasurer withhold ten percent, or  
10           any larger percentage specified in the loan agreement, of each of the district's oil  
11           and gas gross production tax allocations in order to repay the principal and  
12           interest of the evidence of indebtedness. The state treasurer shall deposit the  
13           amount withheld into the fund from which the loan originated.

14           d. Any evidence of indebtedness executed by the board of a school district under  
15           this subsection is a negotiable instrument and not subject to taxation by the state  
16           or any political subdivision of the state.

17 ~~44-10.~~ For purposes of this section, a "construction project" means the purchase, lease,  
18 erection, or improvement of any structure or facility by a school board, provided the  
19 acquisition or activity is within a school board's authority.

20           **SECTION 20. AMENDMENT.** Section 40-55-09 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **40-55-09. Favorable vote at election - Procedure.**

23           Except in the case of a school district or park district, upon adoption of the public recreation  
24 system proposition at an election by a majority of the votes cast upon the proposition, the  
25 governing body of the municipality, by resolution or ordinance, shall provide for the  
26 establishment, maintenance, and conduct of a public recreation system, and thereafter levy and  
27 collect annually a tax of not more than two and five-tenths mills, or not more than eight and  
28 five-tenths mills if authorized as provided by this section, on each dollar of the taxable valuation  
29 of all taxable property within the corporate limits or boundaries of the municipality. This tax is in  
30 addition to the maximum of taxes permitted to be levied in such municipality. The mill levy  
31 authorized by this section may be raised to not more than eight and five-tenths mills when the

1 increase is approved by the citizens of the municipality after submission of the question in the  
2 same manner as provided in section 40-55-08 for the establishment of the public recreation  
3 system. The governing body of the municipality shall continue to levy the tax annually for public  
4 recreation purposes until the qualified voters, at a regular or special election, by a majority vote  
5 on the proposition, decide to discontinue the levy. The governing body of the municipality may  
6 appropriate additional funds for the operation of the public recreation system if in the opinion of  
7 the governing body additional funds are needed for the efficient operation thereof. This chapter  
8 does not limit the power of any municipality, school district, or park district to appropriate on its  
9 own initiative general municipal, school district, or park district tax funds for the operation of a  
10 public recreation system, a community center, or character-building facility. ~~A school district may~~  
11 ~~levy a tax annually for the conduct and maintenance of a public recreation system pursuant to~~  
12 ~~subdivision q of subsection 1 of section 57-15-14.2.~~ A park district may levy a tax annually  
13 within the general fund levy authority of section 57-15-12 for the conduct and maintenance of a  
14 public recreation system.

15 **SECTION 21. AMENDMENT.** Section 57-15-01.1 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **57-15-01.1. Protection of taxpayers and taxing districts.**

18 Each taxing district may levy the lesser of the amount in dollars as certified in the budget of  
19 the governing body, or the amount in dollars as allowed in this section, subject to the following:

- 20 1. No taxing district may levy more taxes expressed in dollars than the amounts allowed  
21 by this section.
- 22 2. For purposes of this section:
  - 23 a. "Base year" means the taxing district's taxable year with the highest amount  
24 levied in dollars in property taxes of the three taxable years immediately  
25 preceding the budget year. For a park district general fund, the "amount levied in  
26 dollars in property taxes" is the sum of amounts levied in dollars in property taxes  
27 for the general fund under section 57-15-12 including any additional levy  
28 approved by the electors, the insurance reserve fund under section 32-12.1-08,  
29 the employee health care program under section 40-49-12, the public recreation  
30 system under section 40-55-09 including any additional levy approved by the  
31 electors, forestry purposes under section 57-15-12.1 except any additional levy

- 1 approved by the electors, pest control under section 4-33-11, and handicapped  
2 person programs and activities under section 57-15-60;
- 3 b. "Budget year" means the taxing district's year for which the levy is being  
4 determined under this section;
- 5 c. "Calculated mill rate" means the mill rate that results from dividing the base year  
6 taxes levied by the sum of the taxable value of the taxable property in the base  
7 year plus the taxable value of the property exempt by local discretion or  
8 charitable status, calculated in the same manner as the taxable property; and
- 9 d. "Property exempt by local discretion or charitable status" means property  
10 exempted from taxation as new or expanding businesses under chapter 40-57.1;  
11 improvements to property under chapter 57-02.2; or buildings belonging to  
12 institutions of public charity, new single-family residential or townhouse or  
13 condominium property, property used for early childhood services, or pollution  
14 abatement improvements under section 57-02-08.
- 15 3. A taxing district may elect to levy the amount levied in dollars in the base year. Any  
16 levy under this section must be specifically approved by a resolution approved by the  
17 governing body of the taxing district. Before determining the levy limitation under this  
18 section, the dollar amount levied in the base year must be:
- 19 a. Reduced by an amount equal to the sum determined by application of the base  
20 year's calculated mill rate for that taxing district to the final base year taxable  
21 valuation of any taxable property and property exempt by local discretion or  
22 charitable status which is not included in the taxing district for the budget year but  
23 was included in the taxing district for the base year.
- 24 b. Increased by an amount equal to the sum determined by the application of the  
25 base year's calculated mill rate for that taxing district to the final budget year  
26 taxable valuation of any taxable property or property exempt by local discretion or  
27 charitable status which was not included in the taxing district for the base year  
28 but which is included in the taxing district for the budget year.
- 29 c. Reduced to reflect expired temporary mill levy increases authorized by the  
30 electors of the taxing district. For purposes of this subdivision, an expired  
31 temporary mill levy increase does not include a school district general fund mill

- 1 rate exceeding one hundred ten mills which has expired or has not received  
2 approval of electors for an extension under subsection 2 of section 57-64-03.
- 3 d. Increased, for a school district determining its levy limitation under this section,  
4 by the amount the school district's mill levy reduction grant under section  
5 57-64-02 and state aid under chapter 15.1-27 for the base year exceeds the  
6 amount of the school district's ~~mill levy reduction grant under section~~  
7 ~~57-64-02~~state aid under chapter 15.1-27 for the budget year.
- 8 e. Reduced for a school district determining its levy limitation under this section, by  
9 the amount the school district's ~~mill levy reduction grant under section~~  
10 ~~57-64-02~~state aid under chapter 15.1-27 for the budget year exceeds the amount  
11 of the school district's mill levy reduction grant under section 57-64-02 and state  
12 aid under chapter 15.1-27 for the base year.
- 13 4. In addition to any other levy limitation factor under this section, a taxing district may  
14 increase its levy in dollars to reflect new or increased mill levies authorized by the  
15 legislative assembly or authorized by the electors of the taxing district.
- 16 5. Under this section a taxing district may supersede any applicable mill levy limitations  
17 otherwise provided by law, or a taxing district may levy up to the mill levy limitations  
18 otherwise provided by law without reference to this section, but the provisions of this  
19 section do not apply to the following:
- 20 a. Any irrevocable tax to pay bonded indebtedness levied pursuant to section 16 of  
21 article X of the Constitution of North Dakota.
- 22 b. The one-mill levy for the state medical center authorized by section 10 of article X  
23 of the Constitution of North Dakota.
- 24 6. A school district choosing to determine its levy authority under this section may apply  
25 subsection 3 only to the amount in dollars levied for general fund purposes under  
26 section 57-15-14 or, if the levy in the base year included separate general fund and  
27 special fund levies under sections 57-15-14 and 57-15-14.2, the school district may  
28 apply subsection 3 to the total amount levied in dollars in the base year for both the  
29 general fund and special fund accounts. School district levies under any section other  
30 than section 57-15-14 may be made within applicable limitations but those levies are  
31 not subject to subsection 3.

1           7. Optional levies under this section may be used by any city or county that has adopted  
2           a home rule charter unless the provisions of the charter supersede state laws related  
3           to property tax levy limitations.

4           **SECTION 22. AMENDMENT.** Section 57-15-14 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **57-15-14. General fund levy limitations**~~Voter approval of excess levies in school~~  
7 **districts.**

8           ~~The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any~~  
9 ~~school district, except the Fargo school district, may not exceed the amount in dollars which the~~  
10 ~~school district levied for the prior school year plus twelve percent up to a general fund levy of~~  
11 ~~one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:~~

12           1. Unless authorized by the electors of the school district in accordance with this section,  
13           a school district may not impose greater levies than those permitted under section  
14           57-15-14.2.

15           4. a. In any school district having a total population in excess of four thousand  
16           according to the last federal decennial census there may be levied any specific  
17           number of mills that upon resolution of the school board has been submitted to  
18           and approved by a majority of the qualified electors voting upon the question at  
19           any regular or special school district election.

20           2. b. In any school district having a total population of fewer than four thousand, there  
21           may be levied any specific number of mills that upon resolution of the school  
22           board has been approved by fifty-five percent of the qualified electors voting  
23           upon the question at any regular or special school election.

24           3. c. After June 30, 2009, in any school district election for approval by electors of  
25           increased levy authority under subsection 1 or 2, the ballot must specify the  
26           number of mills proposed for approval, and the number of taxable years for which  
27           that approval is to apply. After June 30, 2009, approval by electors of increased  
28           levy authority under subsection 1 or 2 may not be effective for more than ten  
29           taxable years.

30           4. d. The authority for a levy of up to a specific number of mills under this section  
31           approved by electors of a school district before July 1, 2009, is terminated



1 effective for taxable years after 2015. If the electors of a school district subject to  
2 this subsection have not approved a levy for taxable years after 2015 of up to a  
3 specific number of mills under this section by December 31, 2015, the school  
4 district levy limitation for subsequent years is subject to the limitations under  
5 section 57-15-01.1 or this section.

6 e. For taxable years beginning after 2012:

7 (1) The authority for a levy of up to a specific number of mills, approved by  
8 electors of a school district for any period of time that includes a taxable  
9 year before 2009, must be reduced by one hundred thirty-five mills as a  
10 precondition of receiving state aid in accordance with chapter 15.1-27.

11 (2) The authority for a levy of up to a specific number of mills, approved by  
12 electors of a school district for any period of time that does not include a  
13 taxable year before 2009, must be reduced by sixty mills as a precondition  
14 of receiving state aid in accordance with chapter 15.1-27.

15 (3) The authority for a levy of up to a specific number of mills, placed on the  
16 ballot in a school district election for electoral approval of increased levy  
17 authority under subdivision a or b, after June 30, 2013, must be stated as a  
18 specific number of mills of general fund levy authority and must include a  
19 statement that the statutory school district general fund levy limitation is  
20 sixty mills on the dollar of the taxable valuation of the school district.

21 5-f. The authority for an unlimited levy approved by electors of a school district before  
22 July 1, 2009, is terminated effective for taxable years after 2015. If the electors of  
23 a school district subject to this subsection have not approved a levy of up to a  
24 specific number of mills under this section by December 31, 2015, the school  
25 district levy limitation for subsequent years is subject to the limitations under  
26 section 57-15-01.1 or this section.

27 2. a. The question of authorizing or discontinuing such specific number of mills  
28 authority in any school district must be submitted to the qualified electors at the  
29 next regular election upon resolution of the school board or upon the filing with  
30 the school board of a petition containing the signatures of qualified electors of the  
31 district equal in number to ten percent of the number of electors who cast votes in

- 1                   the most recent election in the school district. However, ~~not~~No fewer than  
2                   twenty-five signatures are required. However, the  
3           **b.** The approval of discontinuing such authority does not affect the tax levy in the  
4                   calendar year in which the election is held.  
5           **c.** The election must be held in the same manner and subject to the same  
6                   conditions as provided in this section for the first election upon the question of  
7                   authorizing the mill levy.

8           **SECTION 23. AMENDMENT.** Section 57-15-14.2 of the North Dakota Century Code is  
9           amended and reenacted as follows:

10           **~~57-15-14.2. Mill levies requiring board action -- Proceeds to general fund-~~**  
11           **~~account~~School district levies.**

- 12           1. ~~A school board of any school district may levy an amount sufficient to cover general-~~  
13                   ~~expenses, including the costs of the following:~~  
14                   a. ~~Board and lodging for high school students as provided in section 15.1-30-04.~~  
15                   b. ~~The teachers' retirement fund as provided in section 15-39.1-28.~~  
16                   c. ~~Tuition for students in grades seven through twelve as provided in section-~~  
17                           ~~15.1-29-15.~~  
18                   d. ~~Special education program as provided in section 15.1-32-20.~~  
19                   e. ~~The establishment and maintenance of an insurance reserve fund for insurance-~~  
20                           ~~purposes as provided in section 32-12.1-08.~~  
21                   f. ~~A final judgment obtained against a school district.~~  
22                   g. ~~The district's share of contribution to the old age survivors' fund and matching-~~  
23                           ~~contribution for the social security fund as provided by chapter 52-09 and to~~  
24                           ~~provide the district's share of contribution to the old age survivors' fund and~~  
25                           ~~matching contribution for the social security fund for contracted employees of a~~  
26                           ~~multidistrict special education board.~~  
27                   h. ~~The rental or leasing of buildings, property, or classroom space. Minimum state-~~  
28                           ~~standards for health and safety applicable to school building construction shall~~  
29                           ~~apply to any rented or leased buildings, property, or classroom space.~~  
30                   i. ~~Unemployment compensation benefits.~~

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- 1           j. ~~The removal of asbestos substances from school buildings or the abatement of~~  
2           ~~asbestos substances in school buildings under any method approved by the~~  
3           ~~United States environmental protection agency and any repair, replacement, or~~  
4           ~~remodeling that results from such removal or abatement, any remodeling~~  
5           ~~required to meet specifications set by the Americans with Disabilities Act~~  
6           ~~accessibility guidelines for buildings and facilities as contained in the appendix to~~  
7           ~~28 CFR 36, any remodeling required to meet requirements set by the state fire~~  
8           ~~marshal during the inspection of a public school, and for providing an alternative~~  
9           ~~education program as provided in section 57-15-17.1.~~
- 10          k. ~~Participating in cooperative career and technical education programs approved~~  
11          ~~by the state board.~~
- 12          l. ~~Maintaining a career and technical education program approved by the state~~  
13          ~~board and established only for that school district.~~
- 14          m. ~~Paying the cost of purchasing, contracting, operating, and maintaining~~  
15          ~~schoolbuses.~~
- 16          n. ~~Establishing and maintaining school library services.~~
- 17          o. ~~Equipping schoolbuses with two-way communications and central station~~  
18          ~~equipment and providing for the installation and maintenance of such equipment.~~
- 19          p. ~~Establishing free public kindergartens in connection with the public schools of the~~  
20          ~~district for the instruction of resident children below school age during the regular~~  
21          ~~school term.~~
- 22          q. ~~Establishing, maintaining, and conducting a public recreation system.~~
- 23          r. ~~The district's share of contribution to finance an interdistrict cooperative~~  
24          ~~agreement authorized by section 15-1-09-40.~~
- 25          2. ~~This limitation does not apply to mill levies pursuant to subdivisions a, c, f, and j of~~  
26          ~~subsection 1. If a school district maintained a levy to finance either its participation in a~~  
27          ~~cooperative career and technical education program or its sponsorship of~~  
28          ~~single-district career and technical education programs prior to July 1, 1983, and the~~  
29          ~~district discontinues its participation in or sponsorship of those career and technical~~  
30          ~~education programs, that district must reduce the proposed aggregated expenditure~~

1 amount for which its general fund levy is used by the dollar amount raised by its prior  
2 levy for the funding of those programs.

3 ~~3. All proceeds of any levy established pursuant to this section must be placed in the  
4 school district's general fund account and may be expended to achieve the purposes  
5 for which the taxes authorized by this section are levied. Proceeds from levies  
6 established pursuant to this section and funds provided to school districts pursuant to  
7 chapter 15.1-27 may not be transferred to the building fund within the school district.~~

8 1. The board of a school district may levy a tax not exceeding the amount in dollars that  
9 the school district levied for the prior year, plus twelve percent, up to a levy of sixty  
10 mills on the taxable valuation of the district for any purpose related to the provision of  
11 educational services. The proceeds of this levy must be deposited into the school  
12 district's general fund and used in accordance with this subsection. The proceeds may  
13 not be transferred into any other fund.

14 2. The board of a school district may levy no more than twelve mills on the taxable  
15 valuation of the district for miscellaneous purposes and expenses. The proceeds of  
16 this levy must be deposited into a special fund known as the miscellaneous fund and  
17 used in accordance with this subsection. The proceeds may not be transferred into  
18 any other fund.

19 3. The board of a school district may levy no more than three mills on the taxable  
20 valuation of the district for deposit into a special reserve fund, in accordance with  
21 chapter 57-19.

22 4. The board of a school district may levy no more than the number of mills necessary,  
23 on the taxable valuation of the district, for the payment of tuition, in accordance with  
24 section 15.1-29-15. The proceeds of this levy must be deposited into a special fund  
25 known as the tuition fund and used in accordance with this subsection. The proceeds  
26 may not be transferred into any other fund.

27 5. Nothing in this section limits the board of a school district from levying:

28 a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and

29 b. Mills necessary to pay principal and interest on the bonded debt of the district.

30 **SECTION 24. AMENDMENT.** Section 57-15-14.5 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **57-15-14.5. Long-distance learning and educational technology levy --~~Voter approval.~~**

- 2       1. ~~The school board of a public school district may, upon approval by a majority vote of~~  
3       ~~the qualified electors of the school district voting on the question at any regular or~~  
4       ~~special election, dedicate a tax levy for purposes of this section not to exceed five mills~~  
5       ~~on the dollar of taxable valuation of property within the district.~~
- 6       2. ~~All revenue accruing from the levy under this section must be used only for purposes~~  
7       ~~of establishing and maintaining long-distance learning and purchasing and maintaining~~  
8       ~~educational technology. For purposes of this section, educational technology includes~~  
9       ~~computer software, computers and computer networks, other computerized~~  
10       ~~equipment, which must be used for student instruction, and the salary of a staff person~~  
11       ~~to supervise the use and maintenance of educational technology.~~
- 12       3. ~~If the need for the fund terminates, the governing board of the public school district~~  
13       ~~shall order the termination of the levy and~~On July 1, 2013, each school district shall  
14       ~~transfer the remaining~~any balance remaining in its long-distance learning and  
15       ~~educational technology fund~~ to the general fund of the school district.

16       **SECTION 25. AMENDMENT.** Section 57-15-17 of the North Dakota Century Code is  
17       amended and reenacted as follows:

18       **57-15-17. Disposition of building fund tax.**

19       Revenue raised for building purposes shall be disposed of as follows:

- 20       1.    a.   All revenue accruing from appropriations or tax levies for a school district building  
21       fund together with such amounts as may be realized for building purposes from  
22       all other sources must be placed in a separate fund known as a school building  
23       fund and must be deposited, held, or invested in the same manner as the sinking  
24       funds of such school district or in the purchase of shares or securities of federal  
25       or state-chartered savings and loan associations within the limits of federal  
26       insurance.
- 27       b.    The funds may only be used for the following purposes:
- 28       (1)   ~~The erection~~construction of new school district buildings ~~or~~and facilities, ~~or~~  
29       ~~additions to old;~~
- 30       (2)   The renovation, repair, or expansion of school district buildings or  
31       ~~facilities, or the making of major repairs to existing buildings or facilities, or~~

1                    ~~improvements to school land and site. For purposes of this paragraph,~~  
2                    ~~facilities may include parking lots, athletic complexes, or any other real~~  
3                    ~~property owned by the school district.;~~

4                    (3) The improvement of school district buildings, facilities, and real property;

5                    (4) The leasing of buildings and facilities;

6                    ~~(2)(5) The payment of rentals upon contracts with the state board of public school~~  
7                    ~~education.;~~

8                    ~~(3)(6) The payment of rentals upon contracts with municipalities for career and~~  
9                    ~~technical education facilities financed pursuant to chapter 40-57.~~

10                   ~~(4) Within the limitations of school plans as provided in subsection 2 of section-~~  
11                   ~~57-15-16.;~~ and

12                   ~~(5)(7) The payment of principal, premium, if any premiums, and interest on bonds~~  
13                   ~~issued pursuant to in accordance with subsection 7 of section 21-03-07.~~

14                   ~~(6) The payment of premiums for fire and allied lines, liability, and multiple peril-~~  
15                   ~~insurance on any building and its use, occupancy, fixtures, and contents.~~

16                   c. The custodian of the funds may pay out the funds only upon order of the school  
17                   board, signed by the president and the business manager of the school  
18                   district. The order must recite upon its face the purpose for which payment  
19                   is made.

20                   2. Any moneys remaining in a school building fund after the completion of the payments  
21                   for any school building project which has cost seventy-five percent or more of the  
22                   amount in such building fund at the time of letting the contracts therefor shall be  
23                   returned to the general fund of the school district upon the order of the school board.

24                   3. The governing body of any school district may pay into the general fund of the school  
25                   district any moneys which have remained in the school building fund for a period of ten  
26                   years or more, and such district may include the same as a part of its cash on hand in  
27                   making up its budget for the ensuing year. In determining what amounts have  
28                   remained in said fund for ten years or more, all payments which have been paid from  
29                   the school building fund for building purposes shall be considered as having been paid  
30                   from the funds first acquired.

- 1           4. Whenever collections from the taxes levied for the current budget and other income  
2           are insufficient to meet the requirements for general operating expenses, a majority of  
3           the governing body of a school district may transfer unobligated funds from the school  
4           building fund into the general fund of the school district if the school district has issued  
5           certificates of indebtedness equal to fifty percent of the outstanding uncollected  
6           general fund property tax. No school district may transfer funds from the school  
7           building fund into the general fund for more than two years.

8           **SECTION 26. AMENDMENT.** Section 57-15-17.1 of the North Dakota Century Code is  
9           amended and reenacted as follows:

10           ~~57-15-17.1. School board levies -- Multiyear mercury and hazardous substance~~  
11           ~~abatement or removal -- Required remodeling -- Alternative education programs -- Heating,~~  
12           ~~ventilation, and air-conditioning systems~~Discontinuation of special funds - Required  
13           transfers

- 14           ~~1. The governing body of any public school district may by resolution adopted by a~~  
15           ~~two-thirds vote of the school board dedicate a tax levy for purposes of this section of~~  
16           ~~not exceeding fifteen mills on the dollar of taxable valuation of property within the~~  
17           ~~district for a period not longer than fifteen years. The school board may authorize and~~  
18           ~~issue general obligation bonds to be paid from the proceeds of this dedicated levy for~~  
19           ~~the purpose of:~~
- 20           ~~a. Providing funds for the abatement or removal of mercury and other hazardous~~  
21           ~~substances from school buildings in accordance with any method approved by~~  
22           ~~the United States environmental protection agency and for any repair,~~  
23           ~~replacement, or remodeling that results from the abatement or removal of such~~  
24           ~~substances;~~
- 25           ~~b. Any remodeling required to meet specifications set by the Americans with~~  
26           ~~Disabilities Act accessibility guidelines for buildings and facilities as contained in~~  
27           ~~the appendix to 28 CFR 36;~~
- 28           ~~c. Any remodeling required to meet requirements set by the state fire marshal~~  
29           ~~during the inspection of a public school;~~
- 30           ~~d. Providing alternative education programs; and~~

- 1 e. Providing funds for the repair, replacement, or modification of any heating,  
2 ventilation, or air conditioning systems and required ancillary systems to provide  
3 proper indoor air quality that meets American society of heating, refrigerating and  
4 air conditioning engineers, incorporated standards.
- 5 2. All revenue accruing from the levy under this section, except revenue deposited as  
6 allowed by subsections 3, 4, and 5 must be placed in a separate fund known as the  
7 mercury and hazardous substance abatement or removal fund and must be accounted  
8 for within the capital projects fund group and disbursements must be made from such  
9 funds within this fund group for the purpose of mercury and hazardous substance  
10 abatement or removal.
- 11 3. All revenue accruing from up to five mills of the fifteen mill levy under this section must  
12 be placed in a separate fund known as the required remodeling fund and must be  
13 accounted for within the capital projects fund group and disbursements must be made  
14 from such funds within this fund group for the purpose of required remodeling, as set  
15 forth in subsection 1.
- 16 4. All revenue accruing from up to ten mills of the fifteen mill levy under this section may  
17 be placed in a separate fund known as the alternative education program fund.  
18 Disbursement may be made from the fund for the purpose of providing an alternative  
19 education program but may not be used to construct or remodel facilities used to  
20 accommodate an alternative education program.
- 21 5. All revenue accruing from the levy under this section, except revenue deposited as  
22 allowed by subsections 2, 3, and 4, must be placed in a separate fund known as the  
23 heating, ventilation, and air conditioning upgrade fund and must be accounted for  
24 within the capital projects fund group and disbursements must be made from such  
25 funds within this fund group for the purpose of improving indoor air quality.
- 26 6. AnyOn July 1, 2013, each school district shall transfer to its building fund or its general  
27 fund any moneys remaining in the mercury and hazardous substance abatement or  
28 removal fund after completion of the principal and interest payments for any bonds  
29 issued for any school mercury and hazardous substance abatement or removal  
30 project, any funds, any moneys remaining in the required remodeling fund after  
31 completion of the remodeling projects, any funds, any moneys remaining in the



1 alternative education program fund ~~at the termination of the program~~, and any  
2 ~~fundsmoneys~~ remaining in the heating, ventilation, and air-conditioning upgrade fund  
3 ~~after completion of the principal and interest payments for any bonds issued for any~~  
4 ~~indoor air quality project must be transferred to the general fund of the school district~~  
5 ~~upon the order of the school board.~~

6 **SECTION 27. AMENDMENT.** Section 57-15-31 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **57-15-31. Determination of levy.**

9 The amount to be levied by any county, city, township, school district, park district, or other  
10 municipality authorized to levy taxes shall be computed by deducting from the amount of  
11 estimated expenditures for the current fiscal year as finally determined, plus the required  
12 reserve fund determined upon by the governing board from the past experience of the taxing  
13 district, the total of the following items:

- 14 1. The available surplus consisting of the free and unencumbered cash balance.
- 15 2. Estimated revenues from sources other than direct property taxes.
- 16 3. The total estimated collections from tax levies for previous years.
- 17 4. Such expenditures as are to be made from bond sources.
- 18 5. The amount of distributions received from an economic growth increment pool under  
19 section 57-15-61.
- 20 6. The estimated amount to be received from payments in lieu of taxes on a project  
21 under section 40-57.1-03.
- 22 7. ~~The amount reported to a school district by the superintendent of public instruction as~~  
23 ~~the school district's mill levy reduction grant for the year under section 57-64-02.~~

24 Allowance may be made for a permanent delinquency or loss in tax collection not to exceed five  
25 percent of the amount of the levy.

26 **SECTION 28. AMENDMENT.** Section 57-19-01 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **57-19-01. School district may establish special reserve fund.**

29 Each school district in this state may establish and maintain a special reserve fund ~~which~~  
30 ~~must be separate and distinct from all other funds now authorized by law and which may not~~  
31 ~~exceed in amount at any one time the sum.~~ The balance of moneys in the fund may not exceed

1 ~~that~~ which could be produced by a levy of the maximum mill-levy number of mills allowed by law  
2 in that district for that year.

3 **SECTION 29. AMENDMENT.** Section 57-19-02 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **57-19-02. Special reserve fund - Separate trust fund.**

6 ~~The special reserve fund is a separate trust fund for the use and benefit of the school-~~  
7 ~~district, to be drawn upon as provided in this chapter.~~

- 8 1. Moneys in the fund may be deposited, held, or invested in the same manner as the  
9 sinking fund of the district or in the purchase of shares or securities of federal savings  
10 and loan associations or state-chartered building and loan associations, within the  
11 limits of federal insurance. ~~The school district business manager shall annually, upon a~~  
12 ~~resolution of the school board,~~
- 13 2. ~~Annually, the board of the school district shall transfer to the school district general~~  
14 ~~fund any part or all of the investment income or~~ and ~~interest earned by the principal~~  
15 ~~amount of the school district's of the special reserve fund.~~
- 16 3. On July 1, 2013, the board of the school district shall transfer from the special reserve  
17 fund to the district's general fund any amount that exceeds the limitation in section  
18 57-19-01.

19 **SECTION 30. AMENDMENT.** Section 57-19-09 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **57-19-09. When fund may be transferred.**

22 Any school district which has heretofore by mistake, or for any other reason, considered all  
23 or any part of a special reserve fund, as provided for in chapter 57-19, in determining the  
24 budget for the school district which has deducted all or any part of the funds in such special  
25 reserve fund from the amount necessary to be levied for any school fiscal year, may transfer  
26 from the special reserve fund into the general fund all or any part of such amounts which have  
27 been so considered contrary to the provisions of section 57-19-05. ~~Any school district special-~~  
28 ~~reserve fund and the tax levy therefor may be discontinued by a vote of sixty percent of the~~  
29 ~~electors of the school district voting upon the question at any special or general election.~~

30 Any moneys remaining unexpended in such ~~the~~ special reserve fund must be transferred to the  
31 ~~building or~~ general fund of the school district. ~~The discontinuance of a special reserve fund shall~~

1 ~~not decrease the school district tax levies otherwise provided for by law by more than twenty-~~  
2 ~~percent. A special reserve fund and the tax levy therefor which has been discontinued may be-~~  
3 ~~reinstated by a vote of sixty percent of the electors of the school district voting upon the-~~  
4 ~~question at any special or general election.~~

5       **SECTION 31. LEGISLATIVE MANAGEMENT STUDY - ACCOUNTABILITY.** During the  
6 2013-14 interim, the legislative management shall consider studying accountability in  
7 elementary and secondary education. The study should include a review of the historical basis  
8 for adequacy funding, as set forth in the 2008 report by Lawrence O. Picus and Associates, the  
9 recommendations of the Commission on Education Improvement regarding adequacy funding,  
10 and the enactments of the sixty-first, sixty-second, and sixty-third legislative assemblies in that  
11 regard. The study should examine the performance of North Dakota students in state and  
12 national assessments to determine whether recent legislative efforts have effected measurable  
13 improvements in student achievement. The study also should examine high school curricular  
14 requirements and content standards to determine whether students are being adequately  
15 prepared for the various assessments and for their first year of enrollment in institutions of  
16 higher education. The legislative management shall report its findings and recommendations,  
17 together with any legislation required to implement the recommendations, to the sixty-fourth  
18 legislative assembly.

19       **SECTION 32. REPEAL.** Sections 15.1-27-07.1, 15.1-27-11, 15.1-27-22.1, 15.1-27-42,  
20 15.1-27-43, 15.1-27-44, 15.1-32-20, 57-15-14.4, 57-19-04, and 57-19-10 and chapter 57-64 of  
21 the North Dakota Century Code are repealed.