

January 29, 2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2199

Page 1, line 3, replace "section" with "sections 57-15-14 and"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. General fund levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus eighteen percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
 - a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
 - b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.
2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.
3. After June 30, 2007, in any school district election for approval by electors of unlimited or increased levy authority under subsection 1 or 2, the ballot must specify the number of mills, the percentage increase in dollars levied, or that unlimited levy authority is proposed for approval, and the number of taxable years for which that approval is to apply. After June 30, 2007, approval by electors of unlimited or increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.
4. The authority for an unlimited levy approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2010 unless before January 1, 2011, the electors of a school district subject to this subsection have approved an extension of the authority for an unlimited levy. Approval by electors of an extension of unlimited levy authority under this subsection may not be effective for more than ten taxable years. If the electors do not approve an extension of the authority for an unlimited levy under this subsection, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy."

Page 3, line 5, after "district" insert "in the previous taxable year"

Page 3, line 29, after "2008" insert "reduced by the amount of the school district's mill levy reduction grant under section 57-64-02 for the budget year"

Page 4, line 4, after the underscored period insert "A ballot measure for approval by electors of extension of levy authority under subdivision a or b of subsection 1 is subject to the following:

- a. The ballot measure must specify the number of mills for the combined education mill rate for which approval is sought or that unlimited levy authority is sought.
- b. If a ballot measure for approval of authority to levy a specific number of mills or for unlimited levy authority is not approved by a majority of the electors of the school district voting on the question, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or 57-15-14."

Page 4, line 11, replace "and" with a comma and after "2" insert ", and 3"

Renumber accordingly