

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1198

Introduced by

Representatives Headland, Brandenburg, Pollert

Senator Wanzek

1 A BILL for an Act to amend and reenact sections 57-51.1-07.5, 57-64-02, and 57-64-03 of the
2 North Dakota Century Code, relating to deposits of the state's share of oil and gas taxes and
3 property tax relief through allocation of state funding to school districts for mill levy reduction
4 grants; to provide an appropriation; to provide for a transfer; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 57-51.1-07.5 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **57-51.1-07.5. State share of oil and gas taxes - Deposits.**

9 From the revenues designated for deposit in the state general fund under chapters 57-51
10 and 57-51.1, the state treasurer shall deposit the revenues received each biennium as follows:

- 11 1. The first two hundred million dollars into the state general fund;
- 12 2. The next ~~three~~four hundred ~~forty-one~~forty-eight million ~~seven hundred ninety thousand~~
13 dollars into the property tax relief sustainability fund;
- 14 3. The next one hundred million dollars into the state general fund;
- 15 4. The next one hundred million dollars into the strategic investment and improvements
16 fund;
- 17 5. The next twenty-two million dollars into the state disaster relief fund; and
- 18 6. Any additional revenues into the strategic investment and improvements fund.

19 **SECTION 2. AMENDMENT.** Section 57-64-02 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **57-64-02. Mill levy reduction allocation and grant.**

22 Each qualifying school district in the state is entitled to a mill levy reduction allocation and
23 grant as provided in this chapter, subject to legislative appropriation to the superintendent of
24 public instruction.

- 1 1. ~~The mill levy reduction allocation rate for each qualifying school district is equal to the~~
2 ~~payments to the school district based on the per student payment rate as determined~~
3 ~~for the school year under chapter 15.1-27.~~
- 4 2. ~~The grant to a qualifying school district may not exceed the smallest of:~~
 - 5 a. ~~The allocation determined under subsection 1;~~
 - 6 b. ~~The taxable valuation of property in the school district in the previous taxable~~
7 ~~year times the number of mills determined by subtracting one hundred mills from~~
8 ~~the combined education mill rate of the school district for taxable year 2008; or~~
 - 9 c. ~~The is equal to the taxable valuation of property in the school district in the~~
10 ~~previous taxable year times seventy-five mills.~~
- 11 ~~3.2.~~ The grant to a qualifying school district may not be less than the grant to that school
12 district in the preceding school year.
- 13 ~~4.3.~~ ~~The grant to a qualifying school district may not exceed the grant to that school district~~
14 ~~in the preceding school year by a percentage that is more than the percentage~~
15 ~~increase in statewide taxable valuation which was determined for the previous taxable~~
16 ~~year.~~
- 17 5. For purposes of this section, "taxable valuation" means the valuation to which the mill
18 rate is applied to determine the amount of ad valorem taxes or payments in lieu of
19 taxes, and includes taxable valuation determined for agricultural, residential, and
20 commercial property; gas company property, pipeline property, power company
21 property, and railroad property assessed by the state board of equalization under
22 chapter 57-06; mobile homes under chapter 57-55; land controlled by the game and
23 fish department subject to valuation under chapter 57-02.1; land owned by the board
24 of university and school lands or the state treasurer subject to valuation under chapter
25 57-02.3; national guard land subject to valuation under chapter 37-07.3; farmland or
26 ranchland owned by nonprofit organizations for conservation purposes subject to
27 valuation under section 10-06.1-10; land acquired by the state water commission for
28 the Devils Lake project subject to valuation under chapter 61-02; a workforce safety
29 and insurance building and associated real property subject to valuation under section
30 65-02-32; and carbon dioxide pipeline property subject to valuation under section
31 57-06-17.2. For purposes of this section, "taxable valuation" includes the taxable

1 valuation of the homestead credit reimbursed by the state under section 57-02-08.2
2 and the disabled veterans' credit reimbursed by the state under section 57-02-08.8.

3 ~~6-4.~~ The superintendent of public instruction shall report to each qualifying school district
4 by July fifteenth of each year the mill levy reduction grant in dollars available to that
5 school district during the upcoming school year.

6 ~~7-5.~~ By December first, January first, February first, and March first of each school year,
7 the superintendent of public instruction shall forward to each qualifying school district
8 installments equal to twenty-five percent of the total mill levy reduction grant the
9 district is eligible to receive during that school year.

10 ~~8-6.~~ Allocations to a school district under this chapter are not considered per student
11 payments or state aid for purposes of chapter 15.1-27.

12 ~~9-7.~~ For all purposes under law relating to allocation of funds among political subdivisions
13 based on property tax levies, property taxes levied by a school district are the amount
14 that would have been levied without the mill reduction grant provided to the school
15 district under this chapter.

16 **SECTION 3. AMENDMENT.** Section 57-64-03 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **57-64-03. School district levy compliance.**

19 1. To be eligible to receive a grant under this chapter, a qualifying school district must
20 establish a spending level that does not result in a general fund mill rate exceeding
21 one hundred ten mills. The certificate of levy form filed with the county auditor by a
22 qualifying school district must reflect the revenue to be received by the school district
23 under this chapter and that the general fund mill rate for the school district will not
24 exceed one hundred ten mills unless:

- 25 a. The district has approval of ~~a majority of~~ the electors of the school district for a
26 higher levy under subsection 1 or 2 of section 57-15-14;
- 27 b. The higher levy is the result of a school district reorganization in compliance with
28 chapter 15.1-12;
- 29 c. The higher levy does not produce an amount in dollars exceeding the amount
30 allowed under section 57-15-01.1 reduced by the amount of the school district's
31 mill levy reduction grant under section 57-64-02 for the budget year; or

d. The district has authority for a higher levy under subdivision b of subsection 2.

2. The authority under subdivision a or b of subsection 1 for a school district to levy a general fund mill rate exceeding one hundred ten mills applies for not more than ten taxable years at a time after taxable year 2008 unless ~~a majority of the electors of the school district approve an extension of that authority under subsection 1 or 2 of section 57-15-14.~~ Approval by electors of extension of levy authority under subdivision a or b of subsection 1 is effective for not more than ten taxable years at a time. 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 general fund mill rate and the number of taxable years for which approval is sought.

b. If a ballot measure for approval of extension of levy authority under this subsection is not approved by ~~a majority of the electors of the school district~~ voting on the question, the school district general fund levy limitation for subsequent years is subject to the limitations as determined for the school district's budget year under section 57-15-01.1 or 57-15-14, whichever produces the higher levy limitation.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$448,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of allocation of mill levy reduction grants to school districts under chapter 57-64, for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 5. TRANSFER - PROPERTY TAX RELIEF SUSTAINABILITY FUND - GENERAL FUND. The office of management and budget shall transfer the sum of \$341,790,000 from the property tax relief sustainability fund to the general fund on July 1, 2013.

SECTION 6. EFFECTIVE DATE. This Act becomes effective July 1, 2013.