

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1218

Introduced by

Representatives Nathe, Bellew

Senators Hogue, Schaible

1 A BILL for an Act to amend and reenact sections 15.1-07-29 and 15.1-27-35.3 of the North
2 Dakota Century Code, relating to school district ending fund balances; to provide an effective
3 date; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-07-29 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-07-29. Ending fund balance - Amount.**

- 8 1. ~~The~~Within the limits of this section, the board of a school district may carry over
9 moneys to the ensuing fiscal year, to meet the cash requirements of all funds or
10 purposes to which the credit of the school district may be legally extended.
- 11 2. For taxable years beginning after December 31, 2003, and ending on December 31,
12 2007, the amount carried over by a school district may not exceed fifty percent of the
13 current annual budget for all purposes other than debt retirement and amounts
14 financed from bond sources plus twenty thousand dollars.
- 15 3. For taxable years beginning after December 31, 2007, the amount carried over by a
16 school district may not exceed forty-five percent of the current annual budget for all
17 purposes other than debt retirement and amounts financed from bond sources plus
18 twenty thousand dollars.
- 19 4. For taxable years beginning after December 31, 2018, the amount carried over by a
20 school district may not exceed twenty percent of the district's current annual budget for
21 all purposes other than debt retirement and amounts financed from bond sources, or
22 five hundred thousand dollars, whichever is greater.

23 **SECTION 2. AMENDMENT.** Section 15.1-27-35.3 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **15.1-27-35.3. ~~(Effective through June 30, 2015)~~ Payments to school districts -**

2 **Unobligated general fund balance.**

3 ~~1. a. The superintendent of public instruction shall determine the amount of payments~~
4 ~~due a school district and shall subtract from that the amount by which the~~
5 ~~unobligated general fund balance of the district on the preceding June thirtieth is~~
6 ~~in excess of forty five percent of its actual expenditures, plus twenty thousand~~
7 ~~dollars.~~

8 ~~b.1.~~ Beginning July 1, 2015, the superintendent of public instruction shall determine the
9 amount of payments due to a school district and shall subtract from that the amount by
10 which the unobligated general fund balance of the district on the preceding June
11 thirtieth is in excess of forty percent of its actual expenditures, plus twenty thousand
12 dollars.

13 ~~c.2.~~ Beginning July 1, 2017, the superintendent of public instruction shall determine the
14 amount of payments due to a school district and shall subtract from that the amount by
15 which the unobligated general fund balance of the district on the preceding June
16 thirtieth is in excess of thirty-five percent of its actual expenditures, plus twenty
17 thousand dollars.

18 2. ~~In making the determination required by subsection 1, the superintendent of public~~
19 ~~instruction may not include in a district's unobligated general fund balance any~~
20 ~~moneys that were received by the district from the federal education jobs fund~~
21 ~~program.~~

22 3. Beginning July 1, 2019, the superintendent of public instruction shall determine the
23 amount of payments due to a school district and shall subtract from that the amount by
24 which the unobligated general fund balance of the district on the preceding June
25 thirtieth is in excess of twenty percent of its actual expenditures, or five hundred
26 thousand dollars, whichever is greater.

27 4. For purposes of this section, a district's unobligated general fund balance includes all
28 moneys in the district's miscellaneous fund, as established under section 57-15-14.2.

29 ~~(Effective after June 30, 2015) Payments to school districts - Unobligated general~~
30 ~~fund balance.~~

1 1. ~~The superintendent of public instruction shall determine the amount of payments due a~~
2 ~~school district and shall subtract from that the amount by which the unobligated~~
3 ~~general fund balance of the district on the preceding June thirtieth is in excess of~~
4 ~~forty five percent of its actual expenditures, plus twenty thousand dollars.~~

5 2. ~~In making the determination required by subsection 1, the superintendent of public~~
6 ~~instruction may not include in a district's unobligated general fund balance any~~
7 ~~moneys that were received by the district from the federal education jobs fund~~
8 ~~program~~Beginning July 1, 2019, the superintendent of public instruction shall
9 determine the amount of payments due to a school district and shall subtract from that
10 the amount by which the unobligated general fund balance of the district on the
11 preceding June thirtieth is in excess of fifteen percent of its actual expenditures, or
12 four hundred thousand dollars, whichever is greater.

13 **SECTION 3. EFFECTIVE DATE.** Section 2 of this Act is effective on July 1, 2015.

14 **SECTION 4. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure.