

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1130

Introduced by

Representatives Richter, Jonas, Novak, Sanford, Swiontek, Murphy

Senators Bekkedahl, Patten, Schaible

1 A BILL for an Act to amend and reenact section 15.1-27-04.1 of the North Dakota Century
2 Code, relating to the option for a school district to reduce its local contribution deduction in the
3 school state aid formula by the percentage of the local contribution which comes from in lieu of
4 revenue.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 ~~15.1-27-04.1. Baseline funding – Establishment – Determination of state aid. (Effective~~
9 ~~through June 30, 2025) (Retroactive application – [See note](#))~~

- 10 1. ~~To determine the amount of state aid payable to each district, the superintendent of~~
11 ~~public instruction shall establish each district's baseline funding. A district's baseline~~
12 ~~funding consists of:~~
- 13 a. ~~All state aid received by the district in accordance with chapter 15.1-27 during the~~
14 ~~2018-19 school year;~~
 - 15 b. ~~An amount equal to the property tax deducted by the superintendent of public~~
16 ~~instruction to determine the 2018-19 state aid payment;~~
 - 17 c. ~~An amount equal to seventy-five percent of the revenue received by the school~~
18 ~~district during the 2017-18 school year for the following revenue types:~~

- (1) ~~Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;~~
- (2) ~~Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;~~
- (3) ~~Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2021-22 school year, seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, and an additional seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid each school year thereafter, until the 2024-25 school year when sixty-eight percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;~~
- (4) ~~Revenue from payments in lieu of taxes on the distribution and transmission of electric power;~~
- (5) ~~Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and~~
- (6) ~~Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);~~

- 1 d. An amount equal to the total revenue received by the school district during the
2 2017-18 school year for the following revenue types:
3 (1) Mobile home tax revenue;
4 (2) Telecommunications tax revenue; and
5 (3) Revenue from payments in lieu of taxes and state reimbursement of the
6 homestead credit and disabled veterans credit; and
7 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
8 baseline funding for any school district that becomes an elementary district
9 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
10 be proportional to the number of weighted student units in the grades that are
11 offered through another school district relative to the total number of weighted
12 student units the school district offered in the year before the school district
13 became an elementary district. The reduced baseline funding applies to the
14 calculation of state aid for the first school year in which the school district
15 becomes an elementary district and for each year thereafter. For districts that
16 become an elementary district prior to the 2020-21 school year, the
17 superintendent shall use the reduced baseline funding to calculate state aid for
18 the 2020-21 school year and for each year thereafter.
- 19 2. a. The superintendent shall divide the district's baseline funding determined in
20 subsection 1 by the district's 2017-18 weighted student units to determine the
21 district's baseline funding per weighted student unit.
- 22 b. For any school district that becomes an elementary district pursuant to section
23 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
24 district's baseline funding per weighted student unit used to calculate state aid.
25 The superintendent shall divide the district's baseline funding determined in
26 subsection 1 by the district's weighted student units after the school district
27 becomes an elementary district to determine the district's adjusted baseline
28 funding per weighted student unit. The superintendent shall use the district's
29 adjusted baseline funding per weighted student unit in the calculation of state aid
30 for the first school year in which the school district becomes an elementary
31 district and for each year thereafter.

1 e. ~~Beginning with the 2021-22 school year and for each school year thereafter, the~~
2 ~~superintendent shall reduce the district's baseline funding per weighted student~~
3 ~~unit. Each year the superintendent shall calculate the amount by which the~~
4 ~~district's baseline funding per weighted student unit exceeds the payment per~~
5 ~~weighted student unit provided in subsection 3. For the 2023-24 school year the~~
6 ~~superintendent shall reduce the district's baseline funding per weighted student~~
7 ~~unit by forty percent of the amount by which the district's baseline funding per~~
8 ~~weighted student unit exceeds the payment per weighted student unit for the~~
9 ~~2023-24 school year. For each year thereafter, the reduction percentage is~~
10 ~~increased by an additional fifteen percent. However, the district's baseline funding~~
11 ~~per weighted student unit, after the reduction, may not be less than the payment~~
12 ~~per weighted student unit provided in subsection 3.~~

13 3. a. ~~For the 2023-24 school year, the superintendent shall calculate state aid as the~~
14 ~~greater of:~~

15 (1) ~~The district's weighted student units multiplied by ten thousand six hundred~~
16 ~~forty-six dollars;~~

17 (2) ~~One hundred two percent of the district's baseline funding per weighted~~
18 ~~student unit, as established in subsection 2, multiplied by the district's~~
19 ~~weighted student units, not to exceed the district's 2017-18 baseline~~
20 ~~weighted student units, plus any weighted student units in excess of the~~
21 ~~2017-18 baseline weighted student units multiplied by ten thousand~~
22 ~~six hundred forty-six dollars; or~~

23 (3) ~~The district's baseline funding as established in subsection 1 less the~~
24 ~~amount in paragraph 1, with the difference reduced by forty percent and~~
25 ~~then the difference added to the amount determined in paragraph 1.~~

26 b. ~~For the 2024-25 school year and each school year thereafter, the superintendent~~
27 ~~shall calculate state aid as the greater of:~~

28 (1) ~~The district's weighted student units multiplied by eleven thousand~~
29 ~~seventy-two dollars;~~

30 (2) ~~One hundred two percent of the district's baseline funding per weighted~~
31 ~~student unit, as established in subsection 2, multiplied by the district's~~

1 weighted student units, not to exceed the district's 2017-18 baseline
2 weighted student units, plus any weighted student units in excess of the
3 2017-18 baseline weighted student units multiplied by eleven thousand
4 seventy-two dollars; or

5 (3) The district's baseline funding as established in subsection 1 less the
6 amount in paragraph 1, with the difference reduced by fifty-five percent for
7 the 2024-25 school year and the reduction percentage increasing by fifteen
8 percent each school year thereafter until the difference is reduced to zero,
9 and then the difference added to the amount determined in paragraph 1.

10 4. After determining the product in accordance with subsection 3, the superintendent of
11 public instruction shall:

12 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
13 school district, except the amount in dollars subtracted for purposes of this
14 subdivision may not exceed the previous year's amount in dollars subtracted for
15 purposes of this subdivision by more than twelve percent, adjusted pursuant to
16 section 15.1-27-04.3; and

17 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
18 subdivisions c and d of subsection 1. Before determining the deduction for
19 seventy-five percent of all revenue types, the superintendent of public instruction
20 shall adjust revenues as follows:

21 (1) Tuition revenue shall be adjusted as follows:

22 (a) In addition to deducting tuition revenue received specifically for the
23 operation of an educational program provided at a residential
24 treatment facility, tuition revenue received for the provision of an adult
25 farm management program, tuition received for the education of
26 high-cost and special education students, and tuition received under
27 an agreement to educate students from a school district on an
28 air force base with funding received through federal impact aid as
29 directed each school year in paragraph 3 of subdivision c of
30 subsection 1, the superintendent of public instruction also shall reduce
31 the total tuition reported by the school district by the amount of tuition

- 1 revenue received for the education of students not residing in the
2 state and for which the state has not entered a cross-border education
3 contract; and
- 4 (b) The superintendent of public instruction also shall reduce the total
5 tuition reported by admitting school districts meeting the requirements
6 of subdivision c of subsection 2 of section 15.1-29-12 by the amount
7 of tuition revenue received for the education of students residing in an
8 adjacent school district.
- 9 (2) After adjusting tuition revenue as provided in paragraph 1, the
10 superintendent shall reduce all remaining revenues from all revenue types
11 by the percentage of mills levied in 2022 by the school district for sinking
12 and interest relative to the total mills levied in 2022 by the school district for
13 all purposes.
- 14 5. The amount remaining after the computation required under subsection 4 is the
15 amount of state aid to which a school district is entitled, subject to any other statutory
16 requirements or limitations.
- 17 6. On or before June thirtieth of each year, the school board shall certify to the
18 superintendent of public instruction the final average daily membership for the current
19 school year.
- 20 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
21 with the school districts, shall report the following to the superintendent of public
22 instruction on an annual basis:
- 23 a. The amount of revenue received by each school district in the county during the
24 previous school year for each type of revenue identified in subdivisions c and d of
25 subsection 1;
- 26 b. The total number of mills levied in the previous calendar year by each school
27 district for all purposes; and
- 28 c. The number of mills levied in the previous calendar year by each school district
29 for sinking and interest fund purposes.

30 **Baseline funding - Establishment - Determination of state aid. (Effective after**
31 **June 30, 2025)**

- 1 1. To determine the amount of state aid payable to each district, the superintendent of
2 public instruction shall establish each district's baseline funding. A district's baseline
3 funding consists of:
 - 4 a. All state aid received by the district in accordance with chapter 15.1-27 during the
5 2018-19 school year;
 - 6 b. An amount equal to the property tax deducted by the superintendent of public
7 instruction to determine the 2018-19 state aid payment;
 - 8 c. An amount equal to seventy-five percent of the revenue received by the school
9 district during the 2017-18 school year for the following revenue types:
 - 10 (1) Revenue reported under code 2000 of the North Dakota school district
11 financial accounting and reporting manual, as developed by the
12 superintendent of public instruction in accordance with section 15.1-02-08;
 - 13 (2) Mineral revenue received by the school district through direct allocation from
14 the state treasurer and not reported under code 2000 of the North Dakota
15 school district financial accounting and reporting manual, as developed by
16 the superintendent of public instruction in accordance with section
17 15.1-02-08;
 - 18 (3) Tuition reported under code 1300 of the North Dakota school district
19 financial accounting and reporting manual, as developed by the
20 superintendent of public instruction in accordance with section 15.1-02-08,
21 with the exception of revenue received specifically for the operation of an
22 educational program provided at a residential treatment facility, tuition
23 received for the provision of an adult farm management program, and
24 beginning in the 2025-26 school year, eighty-five percent of tuition received
25 under an agreement to educate students from a school district on an
26 air force base with funding received through federal impact aid, until the
27 2026-27 school year, and each school year thereafter, when all tuition
28 received under an agreement to educate students from a school district on
29 an air force base with funding received through federal impact aid must be
30 excluded from the tuition calculation under this paragraph;

- 1 (4) Revenue from payments in lieu of taxes on the distribution and transmission
- 2 of electric power;
- 3 (5) Revenue from payments in lieu of taxes on electricity generated from
- 4 sources other than coal; and
- 5 (6) Revenue from the leasing of land acquired by the United States for which
- 6 compensation is allocated to the state under 33 U.S.C. 701(c)(3); and
- 7 d. An amount equal to the total revenue received by the school district during the
- 8 2017-18 school year for the following revenue types:
- 9 (1) Mobile home tax revenue;
- 10 (2) Telecommunications tax revenue; and
- 11 (3) Revenue from payments in lieu of taxes and state reimbursement of the
- 12 homestead credit and disabled veterans credit.
- 13 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
- 14 baseline funding for any school district that becomes an elementary district
- 15 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
- 16 be proportional to the number of weighted student units in the grades that are
- 17 offered through another school district relative to the total number of weighted
- 18 student units the school district offered in the year before the school district
- 19 became an elementary district. The reduced baseline funding applies to the
- 20 calculation of state aid for the first school year in which the school district
- 21 becomes an elementary district and for each year thereafter. For districts that
- 22 become an elementary district prior to the 2020-21 school year, the
- 23 superintendent shall use the reduced baseline funding to calculate state aid for
- 24 the 2020-21 school year and for each year thereafter.
- 25 2. a. The superintendent shall divide the district's baseline funding determined in
- 26 subsection 1 by the district's 2017-18 weighted student units to determine the
- 27 district's baseline funding per weighted student unit.
- 28 b. For any school district that becomes an elementary district pursuant to section
- 29 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
- 30 district's baseline funding per weighted student unit used to calculate state aid.
- 31 The superintendent shall divide the district's baseline funding determined in

subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. For the 2023-24 school year the superintendent shall reduce the district's baseline funding per weighted student unit by forty percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2023-24 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.

3. a. For the 2023-24 school year, the superintendent shall calculate state aid as the greater of:

- (1) The district's weighted student units multiplied by ten thousand six hundred forty-six dollars;
- (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand six hundred forty-six dollars; or
- (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by forty percent and then the difference added to the amount determined in paragraph 1.

b. For the 2024-25 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:

(1) The district's weighted student units multiplied by eleven thousand seventy-two dollars;

(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by eleven thousand seventy-two dollars; or

(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifty-five percent for the 2024-25 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.

4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:

a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district; and

b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:

(1) Tuition revenue shall be adjusted as follows:

(a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, tuition received for the education of high-cost and special education students, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as

directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and

(b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.

(2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by ~~the~~ subparagraph a or b, if the district elects to use the amount of the reduction for capital projects or capital debt repayment and levied sinking and interest mills in 2024:

(a) The percentage of mills levied in 2022~~2024~~ by the school district for sinking and interest relative to the total mills levied in ~~2022~~2024~~ by the school district for all purposes; or~~

(b) The percentage of in lieu of revenue ~~deducted~~ in the state school aid formula relative to the sum of in lieu of revenue ~~deducted~~ in the state school aid formula plus the amount deducted under subdivision a.

5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:

- 1 a. The amount of revenue received by each school district in the county during the
- 2 previous school year for each type of revenue identified in subdivisions c and d of
- 3 subsection 1;
- 4 b. The total number of mills levied in the previous calendar year by each school
- 5 district for all purposes; ~~and~~
- 6 c. The number of mills levied in the previous calendar year by each school district
- 7 for sinking and interest fund purposes; and
- 8 d. Which deduction the school district elects under paragraph 2 of subdivision b of
- 9 subsection 4.