

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1248

Introduced by

Representatives R. Kelsch, Hanson, L. Meier

Senator Flakoll

1 A BILL for an Act to amend and reenact section 15.1-36-01 of the North Dakota Century Code,  
2 relating to school construction approval and appeals.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-36-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-36-01. School construction projects - Approval.**

- 7 1. Notwithstanding the powers and duties of school boards provided by law, the  
8 superintendent of public instruction shall approve the construction, purchase,  
9 repair, improvement, modernization, or renovation of any public school building or  
10 facility before commencement of the project if the cost of the project, as estimated  
11 by the school board, is in excess of twenty-five thousand dollars.
- 12 2. The superintendent of public instruction may not approve a project unless the  
13 school district proposing the project:
- 14 a. Demonstrates the need for the project, the educational utility of the project,  
15 and the ability to sustain a stable or increasing student enrollment for a period  
16 of time at least equal to the anticipated usable life of the project or  
17 demonstrates potential utilization of the project by a future reorganized school  
18 district; and
- 19 b. Demonstrates the capacity to pay for the project under rules adopted by the  
20 superintendent of public instruction pursuant to chapter 28-32 ~~after receiving~~  
21 ~~input from the state board of public school education.~~
- 22 3. a. If the superintendent of public instruction denies the project, the school board  
23 may appeal the superintendent's decision to the state board of public school  
24 education. In considering the appeal, the state board shall review:

- 1                   (1) The need for the project;
- 2                   (2) The educational utility of the project;
- 3                   (3) The school district's ability to sustain a stable or increasing student  
4                   enrollment for a period of time at least equal to the anticipated usable  
5                   life of the project;
- 6                   (4) The potential use of the project by a future reorganized school district;
- 7                   (5) The capacity of the district to pay for the project; and
- 8                   (6) Any other objective factors relative to the appeal.
- 9                   b. The decision of the state board is final.
- 10                  4. This section does not apply to any construction, purchase, repair, improvement,  
11                  renovation, or modernization required as part of a plan of correction approved by  
12                  the state fire marshal under section 15.1-06-09 unless the cost of the  
13                  improvements exceeds seventy-five thousand dollars.
- 14                  5. For purposes of this chapter, "facility" includes a public school parking lot, public  
15                  school athletic complex, or any other improvement to real property owned by the  
16                  school district.