

Sixty-first  
Legislative Assembly  
of North Dakota

## REENGROSSED SENATE BILL NO. 2199

Introduced by

Senators Wardner, Cook, O'Connell

Representatives Kaldor, Monson, Svedjan

1 A BILL for an Act to create and enact two new subdivisions to subsection 3 of section  
2 57-15-01.1 and chapter 57-64 of the North Dakota Century Code, relating to allocation of state  
3 funds to school districts for mill levy reduction grants; to amend and reenact sections 57-15-14  
4 and 57-15-31 of the North Dakota Century Code, relating to property tax levies of school  
5 districts; to provide an appropriation; and to provide an effective date.

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

7 **SECTION 1.** Two new subdivisions to subsection 3 of section 57-15-01.1 of the North  
8 Dakota Century Code are created and enacted as follows:

9 Increased, for a school district determining its levy limitation under this  
10 section, by the amount the school district's mill levy reduction grant under  
11 section 57-64-02 for the base year exceeds the amount of the school district's  
12 mill levy reduction grant under section 57-64-02 for the budget year.

13 Reduced for a school district determining its levy limitation under this section,  
14 by the amount the school district's mill levy reduction grant under section  
15 57-64-02 for the budget year exceeds the amount of the school district's mill  
16 levy reduction grant under section 57-64-02 for the base year.

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

19 **57-15-14. General fund levy limitations in school districts.** The aggregate amount  
20 levied each year for the purposes listed in section 57-15-14.2 by any school district, except the  
21 Fargo school district, may not exceed the amount in dollars which the school district levied for  
22 the prior school year plus eighteen percent up to a general fund levy of one hundred eighty-five  
23 mills on the dollar of the taxable valuation of the district, except that:

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- 1           1. In any school district having a total population in excess of four thousand  
2           according to the last federal decennial census:
- 3           a. ~~There~~ there may be levied any specific number of mills that upon resolution of  
4           the school board has been submitted to and approved by a majority of the  
5           qualified electors voting upon the question at any regular or special school  
6           district election.
- 7           b. ~~There is no limitation upon the taxes which may be levied if upon resolution of~~  
8           ~~the school board of any such district the removal of the mill levy limitation has~~  
9           ~~been submitted to and approved by a majority of the qualified electors voting~~  
10          ~~at any regular or special election upon such question.~~
- 11          2. In any school district having a total population of ~~less~~ fewer than four thousand,  
12          there may be levied any specific number of mills that upon resolution of the school  
13          board has been approved by fifty-five percent of the qualified electors voting upon  
14          the question at any regular or special school election.
- 15          3. After June 30, ~~2007~~ 2009, in any school district election for approval by electors of  
16          ~~unlimited or~~ increased levy authority under subsection 1 or 2, the ballot must  
17          specify the number of mills, ~~the percentage increase in dollars levied, or that~~  
18          ~~unlimited levy authority is~~ proposed for approval, and the number of taxable years  
19          for which that approval is to apply. After June 30, ~~2007~~ 2009, approval by electors  
20          of ~~unlimited or~~ increased levy authority under subsection 1 or 2 may not be  
21          effective for more than ten taxable years.
- 22          4. The authority for an unlimited levy approved by electors of a school district before  
23          July 1, 2009, is terminated effective for taxable years after 2010. If the electors of  
24          a school district subject to this subsection have not approved a levy of a specific  
25          number of mills under this section by December 31, 2010, the school district levy  
26          limitation for subsequent years is subject to the limitations under section  
27          57-15-01.1 or this section.
- 28          The question of authorizing or discontinuing such specific number of mills authority ~~or unlimited~~  
29          ~~taxing authority~~ in any school district must be submitted to the qualified electors at the next  
30          regular election upon resolution of the school board or upon the filing with the school board of a  
31          petition containing the signatures of qualified electors of the district equal in number to ten

1 percent of the number of electors who cast votes in the most recent election in the school  
2 district. However, not fewer than twenty-five signatures are required ~~unless the district has~~  
3 ~~fewer than twenty-five qualified electors, in which case the petition must be signed by not less~~  
4 ~~than twenty-five percent of the qualified electors of the district. In those districts with fewer than~~  
5 ~~twenty-five qualified electors, the number of qualified electors in the district must be determined~~  
6 ~~by the county superintendent for such county in which such school is located.~~ However, the  
7 approval of discontinuing ~~either~~ such authority does not affect the tax levy in the calendar year  
8 in which the election is held. The election must be held in the same manner and subject to the  
9 same conditions as provided in this section for the first election upon the question of authorizing  
10 the mill levy.

11 **SECTION 3. AMENDMENT.** Section 57-15-31 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **57-15-31. Determination of levy.** The amount to be levied by any county, city,  
14 township, school district, park district, or other municipality authorized to levy taxes shall be  
15 computed by deducting from the amount of estimated expenditures for the current fiscal year as  
16 finally determined, plus the required reserve fund determined upon by the governing board from  
17 the past experience of the taxing district, the total of the following items:

- 18 1. The available surplus consisting of the free and unencumbered cash balance.
- 19 2. Estimated revenues from sources other than direct property taxes.
- 20 3. The total estimated collections from tax levies for previous years.
- 21 4. Such expenditures as are to be made from bond sources.
- 22 5. The amount of distributions received from an economic growth increment pool  
23 under section 57-15-61.
- 24 6. The estimated amount to be received from payments in lieu of taxes on a project  
25 under section 40-57.1-03.
- 26 7. The amount reported to a school district by the superintendent of public instruction  
27 as the school district's mill levy reduction grant for the year under section 57-64-02.

28 Allowance may be made for a permanent delinquency or loss in tax collection not to exceed  
29 five percent of the amount of the levy.

30 **SECTION 4.** Chapter 57-64 of the North Dakota Century Code is created and enacted  
31 as follows:

1           **57-64-01. Definitions.** For purposes of this chapter:

2           1. "Combined education mill rate" means the combined number of mills levied by a  
3           school district for the general fund, high school tuition, and high school  
4           transportation.

5           2. "Qualifying school district" means a school district that meets the conditions and  
6           requirements of this chapter to receive a mill levy reduction grant.

7           3. "Weighted student unit" means weighted student unit as determined for the school  
8           district under chapter 15.1-27.

9           **57-64-02. Mill levy reduction allocation and grant.** Each qualifying school district in  
10 the state is entitled to a mill levy reduction allocation and grant as provided in this chapter,  
11 subject to legislative appropriation to the superintendent of public instruction.

12           1. The mill levy reduction allocation rate for each qualifying school district is equal to  
13 the payments to the school district based on the per student payment rate as  
14 determined for the school year under chapter 15.1-27.

15           2. The grant to a qualifying school district may not exceed the smallest of:

16           a. The allocation determined under subsection 1;

17           b. The taxable valuation of property in the school district in the previous taxable  
18 year times the number of mills determined by subtracting one hundred mills  
19 from the combined education mill rate of the school district for taxable year  
20 2008; or

21           c. The taxable valuation of property in the school district in the previous taxable  
22 year times seventy-five mills.

23           3. The grant to a qualifying school district may not be less than the grant to that  
24 school district in the preceding school year.

25           4. The superintendent of public instruction shall report to each qualifying school  
26 district by July fifteenth of each year the mill levy reduction grant in dollars  
27 available to that school district during the upcoming school year.

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

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

3           **57-64-03. School district levy compliance.**

4           1.   To be eligible to receive a grant under this chapter, a qualifying school district must  
5                   establish a spending level that does not result in a combined education mill rate  
6                   exceeding one hundred ten mills. The certificate of levy form filed with the county  
7                   auditor by a qualifying school district must reflect the revenue to be received by the  
8                   school district under this chapter and that the combined education mill rate for the  
9                   school district will not exceed one hundred ten mills unless:

10           a.   The district has approval of a majority of the electors of the school district for  
11                   a higher levy;

12           b.   The higher levy is the result of a school district reorganization in compliance  
13                   with chapter 15.1-12; or

14           c.   The higher levy does not produce an amount in dollars exceeding the amount  
15                   allowed under section 57-15-01.1 for taxable year 2008 reduced by the  
16                   amount of the school district's mill levy reduction grant under section 57-64-02  
17                   for the budget year.

18           2.   The authority under subdivision a or b of subsection 1 for a school district to levy a  
19                   combined education mill rate exceeding one hundred ten mills applies for not more  
20                   than ten taxable years after taxable year 2008 unless a majority of the electors of  
21                   the school district approve an extension of that authority. Approval by electors of  
22                   extension of levy authority under subdivision a or b of subsection 1 is effective for  
23                   not more than ten taxable years at a time. A ballot measure for approval by  
24                   electors of extension of levy authority under subdivision a or b of subsection 1 is  
25                   subject to the following:

26           a.   The ballot measure must specify the number of mills for the combined  
27                   education mill rate for which approval is sought.

28           b.   If a ballot measure for approval of authority to levy a specific number of mills  
29                   is not approved by a majority of the electors of the school district voting on the  
30                   question, the school district levy limitation for subsequent years is subject to  
31                   the limitations under section 57-15-01.1 or 57-15-14.

1           **57-64-04. Levy reduction priority.** In setting mill rates for qualified school districts,  
2 the county auditor shall apply funds allocated to a school district under this chapter for mill levy  
3 reduction first to reduce the number of mills levied for general fund purposes and, if allocation  
4 funds remain after the general fund mill rate is reduced to zero, the balance must be applied to  
5 reduce the high school tuition levy and then to reduce the high school transportation levy of the  
6 qualified school district.

7           **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the  
8 permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of  
9 \$295,000,000, or so much of the sum as may be necessary, to the superintendent of public  
10 instruction for the purpose of allocation of mill levy reduction grants to school districts under  
11 chapter 57-64, for the biennium beginning July 1, 2009, and ending June 30, 2011.

12           **SECTION 6. EFFECTIVE DATE.** Sections 1, 2, and 3 of this Act are effective for  
13 taxable years beginning after December 31, 2008.