

25.0716.04003
Title.

Prepared by the Legislative Council
Staff for Senator Schaible
April 2, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED HOUSE BILL NO. 1369

Introduced by

Representatives Heinert, Richter

Senators Lemm, Schaible

In place of the amendments (25.0716.04002) adopted by the Senate, Reengrossed House Bill No. 1369 is amended by amendment (25.0716.04003) as follows:

1 A BILL for an Act to amend and reenact sections 15.1-27-04.1, ~~15.1-27-35~~ 15.1-32-19,
2 48-01.2-02.1, 48-01.2-10, and 57-15-14.2 of the North Dakota Century Code, relating to the
3 determination of state aid, ~~the calculation of average daily membership~~ boarding care costs,
4 public improvement construction, bonds from contractors for public improvements, and school
5 district levies; to provide for a transfer; and to provide an effective date.

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

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

9 **15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (~~Effective-~~**
10 **~~through June 30, 2025~~) (~~Retroactive application -~~ See note)**

11 ~~4. To determine the amount of state aid payable to each district, the superintendent of~~
12 ~~public instruction shall establish each district's baseline funding. A district's baseline~~
13 ~~funding consists of:~~

- 14 a. ~~All state aid received by the district in accordance with chapter 15.1-27 during the~~
15 ~~2018-19 school year;~~
16 b. ~~An amount equal to the property tax deducted by the superintendent of public~~
17 ~~instruction to determine the 2018-19 state aid payment;~~
18 e. ~~An amount equal to seventy-five percent of the revenue received by the school~~
19 ~~district during the 2017-18 school year for the following revenue types:~~

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- 1 (1) ~~Revenue reported under code 2000 of the North Dakota school district~~
- 2 ~~financial accounting and reporting manual, as developed by the~~
- 3 ~~superintendent of public instruction in accordance with section 15.1-02-08;~~
- 4 (2) ~~Mineral revenue received by the school district through direct allocation from~~
- 5 ~~the state treasurer and not reported under code 2000 of the North Dakota~~
- 6 ~~school district financial accounting and reporting manual, as developed by~~
- 7 ~~the superintendent of public instruction in accordance with section~~
- 8 ~~15.1-02-08;~~
- 9 (3) ~~Tuition reported under code 1300 of the North Dakota school district~~
- 10 ~~financial accounting and reporting manual, as developed by the~~
- 11 ~~superintendent of public instruction in accordance with section 15.1-02-08,~~
- 12 ~~with the exception of revenue received specifically for the operation of an~~
- 13 ~~educational program provided at a residential treatment facility, tuition~~
- 14 ~~received for the provision of an adult farm management program, and~~
- 15 ~~beginning in the 2021-22 school year, seventeen percent of tuition received~~
- 16 ~~under an agreement to educate students from a school district on an~~
- 17 ~~air force base with funding received through federal impact aid, and an~~
- 18 ~~additional seventeen percent of tuition received under an agreement to~~
- 19 ~~educate students from a school district on an air force base with funding~~
- 20 ~~received through federal impact aid each school year thereafter, until the~~
- 21 ~~2024-25 school year when sixty-eight percent of tuition received under an~~
- 22 ~~agreement to educate students from a school district on an air force base~~
- 23 ~~with funding received through federal impact aid must be excluded from the~~
- 24 ~~tuition calculation under this paragraph;~~
- 25 (4) ~~Revenue from payments in lieu of taxes on the distribution and transmission~~
- 26 ~~of electric power;~~
- 27 (5) ~~Revenue from payments in lieu of taxes on electricity generated from~~
- 28 ~~sources other than coal; and~~
- 29 (6) ~~Revenue from the leasing of land acquired by the United States for which~~
- 30 ~~compensation is allocated to the state under 33 U.S.C. 701(e)(3);~~

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- 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.~~

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- 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~~

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- 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)**

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- 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;

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- 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; and
- 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

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- 1 subsection 1 by the district's weighted student units after the school district
2 becomes an elementary district to determine the district's adjusted baseline
3 funding per weighted student unit. The superintendent shall use the district's
4 adjusted baseline funding per weighted student unit in the calculation of state aid
5 for the first school year in which the school district becomes an elementary
6 district and for each year thereafter.
- 7 c. Beginning with the 2021-22 school year and for each school year thereafter, the
8 superintendent shall reduce the district's baseline funding per weighted student
9 unit. Each year the superintendent shall calculate the amount by which the
10 district's baseline funding per weighted student unit exceeds the payment per
11 weighted student unit provided in subsection 3. For the 2023-24 school year the
12 superintendent shall reduce the district's baseline funding per weighted student
13 unit by forty percent of the amount by which the district's baseline funding per
14 weighted student unit exceeds the payment per weighted student unit for the
15 2023-24 school year. For each year thereafter, the reduction percentage is
16 increased by an additional fifteen percent. However, the district's baseline funding
17 per weighted student unit, after the reduction, may not be less than the payment
18 per weighted student unit provided in subsection 3.
- 19 3. a. For the ~~2023-24~~2025-26 school year, the superintendent shall calculate state aid
20 as the greater of:
- 21 (1) The district's weighted student units multiplied by ~~ten thousand six hundred~~
22 ~~forty six~~eleven thousand two hundred ninety three~~eleven thousand four~~
23 hundred four dollars;
- 24 (2) One hundred two percent of the district's baseline funding per weighted
25 student unit, as established in subsection 2, multiplied by the district's
26 weighted student units, not to exceed the district's 2017-18 baseline
27 weighted student units, plus any weighted student units in excess of the
28 2017-18 baseline weighted student units multiplied by ~~ten thousand~~
29 ~~six hundred forty six~~eleven thousand two hundred ninety three~~eleven~~
30 thousand four hundred four dollars; or

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- 1 (3) The district's baseline funding as established in subsection 1 less the
2 amount in paragraph 1, with the difference reduced by ~~forty~~seventy percent
3 and then the difference added to the amount determined in paragraph 1.
- 4 b. For the ~~2024-25~~2026-27 school year and each school year thereafter, the
5 superintendent shall calculate state aid as the greater of:
- 6 (1) The district's weighted student units multiplied by eleven thousand
7 ~~seventy-two~~five hundred nineteen~~seven hundred forty-six~~ dollars;
- 8 (2) One hundred two percent of the district's baseline funding per weighted
9 student unit, as established in subsection 2, multiplied by the district's
10 weighted student units, not to exceed the district's 2017-18 baseline
11 weighted student units, plus any weighted student units in excess of the
12 2017-18 baseline weighted student units multiplied by eleven thousand
13 ~~seventy-two~~five hundred nineteen~~seven hundred forty-six~~ dollars; or
- 14 (3) The district's baseline funding as established in subsection 1 less the
15 amount in paragraph 1, with the difference reduced by ~~fifty-five~~eighty-five
16 percent for the ~~2024-25~~2026-27 school year and the reduction percentage
17 increasing by fifteen percent each school year thereafter until the difference
18 is reduced to zero, and then the difference added to the amount determined
19 in paragraph 1.
- 20 4. After determining the product in accordance with subsection 3, the superintendent of
21 public instruction shall:
- 22 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
23 school district; and
- 24 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
25 ~~subdivisions e and d~~subdivision c and paragraphs 1 and 2 of subdivision d of
26 subsection 1 and revenue from payments in lieu of taxes. Before determining the
27 deduction for seventy-five percent of all revenue types, the superintendent of
28 public instruction shall adjust revenues as follows:
- 29 (1) Tuition revenue shall be adjusted as follows:
- 30 (a) In addition to deducting tuition revenue received specifically for the
31 operation of an educational program provided at a residential

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- 1 treatment facility, tuition revenue received for the provision of an adult
2 farm management program, tuition received for the education of
3 high-cost and special education students, and tuition received under
4 an agreement to educate students from a school district on an
5 air force base with funding received through federal impact aid as
6 directed each school year in paragraph 3 of subdivision c of
7 subsection 1, the superintendent of public instruction also shall reduce
8 the total tuition reported by the school district by the amount of tuition
9 revenue received for the education of students not residing in the
10 state and for which the state has not entered a cross-border education
11 contract; and
- 12 (b) The superintendent of public instruction also shall reduce the total
13 tuition reported by admitting school districts meeting the requirements
14 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
15 of tuition revenue received for the education of students residing in an
16 adjacent school district.
- 17 (2) After adjusting tuition revenue as provided in paragraph 1, the
18 superintendent shall reduce all remaining revenues from all revenue types
19 by the percentage of mills levied in ~~2022~~2024 by the school district for
20 sinking and interest relative to the total mills levied in ~~2022~~2024 by the
21 school district for all purposes.
- 22 5. The amount remaining after the computation required under subsection 4 is the
23 amount of state aid to which a school district is entitled, subject to any other statutory
24 requirements or limitations.
- 25 6. On or before June thirtieth of each year, the school board shall certify to the
26 superintendent of public instruction the final average daily membership for the current
27 school year.
- 28 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
29 with the school districts, shall report the following to the superintendent of public
30 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.

8 ~~SECTION 2. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~15.1-27-35. Average daily membership--Calculation.~~

11 ~~1. Average daily membership is calculated at the conclusion of the school year by adding~~
12 ~~the total number of hours that each student in a given grade, school, or school district~~
13 ~~is in attendance at the school's physical plant during a school calendar and the total~~
14 ~~number of hours that each student in a given grade, school, or school district is absent~~
15 ~~during a school calendar, and then dividing the sum by:~~

16 ~~a. Nine hundred sixty-two and one-half hours for elementary school students; or~~

17 ~~b. One thousand fifty hours for middle and high school students.~~

18 ~~2. For purposes of calculating average daily membership:~~

19 ~~a. A student enrolled full time in any grade from one through twelve may not exceed~~
20 ~~an average daily membership of 1.00. The membership may be prorated for a~~
21 ~~student who is enrolled less than full time.~~

22 ~~b. A student enrolled full time in an approved regular education kindergarten~~
23 ~~program may not exceed an average daily membership of 1.00. The membership~~
24 ~~may be prorated for a student who is enrolled less than full time.~~

25 ~~c. A student enrolled full time, as defined by the superintendent of public instruction,~~
26 ~~in an approved early childhood special education program may not exceed an~~
27 ~~average daily membership of 1.00. The membership may be prorated for a~~
28 ~~student who is enrolled less than full time.~~

29 ~~d. A student enrolled full time in virtual instruction is calculated at an average daily~~
30 ~~membership of 1.00. The membership may be prorated for a student who is~~
31 ~~enrolled less than full time.~~

- 1 ~~3. For purposes of determining state aid pursuant to section 15.1-27-04.1, average daily~~
2 ~~membership is the greater of:~~
3 ~~a. The amount calculated in subsections 1 and 2 of this section; or~~
4 ~~b. The average of the amounts calculated in subsections 1 and 2 of this~~
5 ~~section for the prior three years.~~

6 **SECTION 2. AMENDMENT.** Section 15.1-32-19 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-32-19. Boarding care costs - Reimbursement of school district.**

9 The superintendent of public instruction shall reimburse a student's school district of
10 residence an amount equal to eighty percent of the room and board costs paid by the district for
11 a student with disabilities who is placed in a facility that is located either within or outside of the
12 student's school district of residence in order to receive special education services. The
13 student's school district of residence is liable for any room and board costs in excess of those
14 reimbursed as provided in this section. The placement of a student with disabilities in a public or
15 private facility will be made by a school district and approved by the superintendent of public
16 instruction. The ~~placement~~superintendent of a student with disabilities in congregate care will be
17 ~~made in a facility designated by public instruction~~ may consult with the commissioner of the
18 department of health and human services on congregate care facilities.

19 **SECTION 3. AMENDMENT.** Section 48-01.2-02.1 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **48-01.2-02.1. Public improvement construction threshold.**

- 22 1. The threshold for bidding construction of a public improvement is two hundred fifty
23 thousand dollars. The threshold for procuring plans, drawings, ~~and specifications, and~~
24 ~~bonding~~ from an architect or engineer for construction of a public improvement is two
25 hundred fifty thousand dollars.
26 2. Notwithstanding the thresholds in subsection 1, if the state or a political subdivision
27 undertakes the construction of a public improvement and there is reason to believe
28 that engineering or architectural services are necessary to protect the health, safety, or
29 welfare of the public, the state or political subdivision shall consider consulting with an
30 engineer or architect.

1 **SECTION 4. AMENDMENT.** Section 48-01.2-10 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **48-01.2-10. Bonds from contractors for public improvements.**

- 4 1. Unless otherwise provided under this chapter, a governing body authorized to enter a
5 contract for the construction of a public improvement in excess of two hundred fifty
6 thousand dollars shall take from the contractor a bond before permitting any work to
7 be done on the contract. The bond must be for an amount equal at least to the price
8 stated in the contract. The bond must be conditioned to be void if the contractor and all
9 subcontractors fully perform all terms, conditions, and provisions of the contract and
10 pay all bills or claims on account of labor performed and any supplies, and materials
11 furnished and used in the performance of the contract, including all demands of
12 subcontractors. The requirement that bills and claims be paid must include the
13 requirement that interest of the amount authorized under section 13-01-14 be paid on
14 bills and claims not paid within ninety days. The bond is security for all bills, claims,
15 and demands until fully paid, with preference to labor and material suppliers as to
16 payment. The bond must run to the governing body, but any person having a lawful
17 claim against the contractor or any subcontractor may sue on the bond.
- 18 2. A governing body may not require any person required to provide a surety bond to
19 obtain the surety bond from a specified insurance or surety company or insurance
20 producer or to submit financial data to the company or producer.

21 **SECTION 5. AMENDMENT.** Section 57-15-14.2 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **57-15-14.2. School district levies.**

- 24 1. The board of a school district may levy a tax ~~not exceeding the amount in dollars that~~
25 ~~the school district levied for the prior year, plus twelve percent,~~ up to a levy of seventy
26 mills on the taxable valuation of the district, for any purpose related to the provision of
27 educational services. The proceeds of this levy must be deposited into the school
28 district's general fund and used in accordance with this subsection. The proceeds may
29 not be transferred into any other fund.
- 30 2. The board of a school district may levy no more than twelve mills on the taxable
31 valuation of the district, for miscellaneous purposes and expenses. The proceeds of

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1 this levy must be deposited into a special fund known as the miscellaneous fund and
2 used in accordance with this subsection. The proceeds may not be transferred into
3 any other fund.

4 3. The board of a school district may levy no more than three mills on the taxable
5 valuation of the district for deposit into a special reserve fund, in accordance with
6 chapter 57-19.

7 4. The board of a school district may levy no more than the number of mills necessary,
8 on the taxable valuation of the district, for the payment of tuition, in accordance with
9 section 15.1-29-15. The proceeds of this levy must be deposited into a special fund
10 known as the tuition fund and used in accordance with this subsection. The proceeds
11 may not be transferred into any other fund.

12 5. The board of a school district may levy no more than five mills on the taxable valuation
13 of the district, pursuant to section 57-15-15.1, for purposes of developing a school
14 safety plan in accordance with section 15.1-09-60. The proceeds of this levy must be
15 deposited into a special fund known as the school safety plan fund and used in
16 accordance with this subsection.

17 6. Nothing in this section limits the board of a school district from levying:
18 a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and
19 b. Mills necessary to pay principal and interest on the bonded debt of the district,
20 including the mills necessary to pay principal and interest on any bonded debt
21 incurred under section 57-15-17.1 before July 1, 2013.

22 **SECTION 6. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**

23 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
24 budget shall transfer the sum of ~~\$75,000,000~~ \$100,000,000 from the foundation aid stabilization
25 fund to the school construction assistance revolving loan fund during the biennium beginning
26 July 1, 2025, and ending June 30, 2027.

27 **SECTION 7. EFFECTIVE DATE.** Section 45 of this Act is effective for taxable years
28 beginning after December 31, 2024.

