

Sixty-ninth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Representative Nathe

1 A BILL for an Act to create and enact two new sections to chapter 15.1-07 of the North Dakota
2 Century Code, relating to offering school breakfast and lunch at no cost and the school meals
3 fund; to provide an appropriation; to provide for a transfer; and to provide an effective date.

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

5 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
6 and enacted as follows:

7 **School breakfast and lunch - Provided at no cost - State reimbursement.**

- 8 1. A public school district, public school, and public charter school shall provide one
9 breakfast and one lunch each school day to an enrolled student, upon request of the
10 student, at no cost to the student or the student's parent or guardian.
- 11 2. A nonpublic school, tribal school, and school funded by the bureau of Indian education
12 may provide one breakfast and one lunch each school day to an enrolled student,
13 upon request of the student, at no cost to the student or the student's parent or
14 guardian.
- 15 3. To be eligible for reimbursement under subsection 4 for the provision of breakfasts and
16 lunches under subsection 1 or 2, a school district or school shall:
- 17 a. Participate in an applicable child nutrition program and food distribution program,
18 as defined under chapter 15.1-35; and
- 19 b. Encourage the parent or guardian of a student to apply for free or reduced price
20 school meals.
- 21 4. The superintendent of public instruction shall reimburse an eligible school district and
22 school for the difference between:

- 1 a. The maximum federal reimbursement rates for lunches and breakfasts, as
2 annually adjusted and published by the United States department of agriculture,
3 multiplied by the number of lunches and breakfasts served, respectively; and
4 b. The amount of federal reimbursement actually received for providing breakfasts
5 and lunches.
- 6 5. If the United States department of agriculture does not publish the maximum federal
7 reimbursement rates, the superintendent of public instruction shall choose an
8 alternative equivalent inflationary measure to adjust the maximum federal
9 reimbursement rate under subsection 4.
- 10 6. The superintendent of public instruction may adopt rules to ensure timely
11 implementation of this section.
- 12 7. Other laws may be enacted and rules may be adopted to facilitate, safeguard, or
13 implement this section, but not to hamper, restrict, or impair it. If a conflict exists
14 between any provision of this section and any other provision of state law, the
15 provisions of this section control. This section must be construed liberally to fulfill its
16 purposes.

17 **SECTION 2.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
18 and enacted as follows:

19 **School meals fund.**

20 There is created in the state treasury the school meals fund. The fund consists of all
21 moneys transferred from the strategic investment and improvements fund and transfers from
22 other funds as authorized by the legislative assembly. Moneys in the fund may be spent
23 pursuant to legislative appropriations for providing school breakfast and lunch at no cost to
24 students or their parents or guardians.

25 **SECTION 3. APPROPRIATION - SCHOOL MEALS FUND - SUPERINTENDENT OF**
26 **PUBLIC INSTRUCTION - SCHOOL MEALS.** There is appropriated out of any moneys in the
27 school meals fund in the state treasury, not otherwise appropriated, the sum of \$65,000,000, or
28 so much of the sum as may be necessary, to the superintendent of public instruction for the
29 purpose of providing school breakfast and lunch at no cost to students or their parents or
30 guardians, for the biennium beginning July 1, 2025, and ending June 30, 2027.

- 1 **SECTION 4. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO**
2 **SCHOOL MEALS FUND.** During the period beginning with the effective date of this Act, and
3 ending June 30, 2027, the office of management and budget shall transfer the sum of
4 \$65,000,000 from the strategic investment and improvements fund to the school meals fund.
5 **SECTION 5. EFFECTIVE DATE.** This Act becomes effective on July 1, 2026.