

**SENATE BILL NO. 2144**

Introduced by

Senators Weber, Erbele, Wanzek, Wobbema

Representatives Pyle, Schreiber-Beck

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-15-14 and  
2 a new section to chapter 21-03 of the North Dakota Century Code, relating to ballots in school  
3 district bond elections; and to amend and reenact subsection 4 of section 21-03-06, sections  
4 21-03-09 and 21-03-10.1, and subsection 2 of section 57-15-16 of the North Dakota Century  
5 Code, relating to future maintenance and repair expenditures for school districts.

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

7 **SECTION 1. AMENDMENT.** Subsection 4 of section 21-03-06 of the North Dakota Century  
8 Code is amended and reenacted as follows:

9 4. By any public school district, or the school district of the city of Fargo, to purchase,  
10 erect, enlarge, repair, maintain, and improve school buildings and teacherages, to  
11 acquire sites therefor and for playgrounds, to furnish and equip the same with heat,  
12 light, and ventilation or other necessary apparatus, to pay advance rentals to the state  
13 school construction fund, and also to purchase schoolbus equipment which must meet  
14 the standards set up by the state superintendent of public instruction and the director  
15 of the department of transportation.

16 **SECTION 2. AMENDMENT.** Section 21-03-09 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **21-03-09. Initial resolution - Form.**

19 Proceedings for the issuance of bonds under the authority of this chapter must be instituted  
20 by the adoption of an initial resolution therefor. ~~Such~~The initial resolution must state:

21 1. The maximum amount of bonds proposed to be issued.  
22 2. The purpose for which ~~they~~the bonds are proposed to be issued.  
23 3. The assessed valuation of all taxable property in the municipality as defined in section  
24 21-03-01.

- 1       4.    The total amount of bonded indebtedness of the municipality.
- 2       5.    The amount of outstanding bonds of the municipality issued for a similar purpose.
- 3       6.    Any other statement of fact deemed advisable by the governing body or voters
- 4           proposing the same.
- 5       7.    For bonds issued pursuant to subsection 4 of section 21-03-06, the total funds
- 6           allocated for future repair and maintenance and the total dollar amount expended by
- 7           the municipality from general obligation bond proceeds for repairs and maintenance
- 8           during the previous fifteen years.

9       **SECTION 3. AMENDMENT.** Section 21-03-10.1 of the North Dakota Century Code is  
10    amended and reenacted as follows:

11       **21-03-10.1. School districts - Use of bond funds.**

- 12       1.    The initial resolution or petition providing for the issuance of bonds, whether adopted
- 13           by a majority vote of the school board of a school district or proposed by the qualified
- 14           electors of the school district as provided for in section 21-03-10, may, within the
- 15           discretion of those proposing ~~such~~the initial resolution or petition, provide for a specific
- 16           school plan for which the proceeds of the bond issue must be exclusively used except
- 17           as otherwise provided in section 21-03-42. ~~Such~~The plan must designate the general
- 18           area to be served by expenditure of bond proceeds for school purposes and the total
- 19           funds allocated for future repair and maintenance for all projects subject to the
- 20           issuance of the bond. The area intended to be served must be described in the plan,
- 21           but need not be described in the bond election ballot.
- 22       2.    A bond election ballot form in substantially the form prescribed in section 21-03-13
- 23           must be used in a school district bond election. After approval of the initial resolution
- 24           by the number of qualified electors required by section 21-03-07, the proceeds of the
- 25           bond issue may be used only for the purpose and in the manner designated by the
- 26           school plan except as herein provided.
- 27       3.    After approval of the bond issue, no change may be made in the purpose of
- 28           expenditure of the bond proceeds except ~~that~~, upon a favorable vote of sixty percent
- 29           of the qualified electors residing in any specific area intended to be served as provided
- 30           in subsection 1, material changes may be made in ~~such~~the plan as it affects ~~said~~the

1 area to the extent suchthe changes do not conflict with contractual obligations  
2 incurred.

3 **SECTION 4.** A new section to chapter 21-03 of the North Dakota Century Code is created  
4 and enacted as follows:

5 **Ballot - Contents - School district bond elections.**

6 The ballot for a school district bond election must be separate from other ballots used on  
7 the same day for other elections, and must be written or printed, and must state the question in  
8 substantially the following form:

9 Shall the \_\_\_\_\_ (here inserting the name of the school district) issue its bonds in  
10 the amount of not to exceed \$ \_\_\_\_\_ (here inserting the amount), with \$ \_\_\_\_\_  
11 allocated for future repair and maintenance, provided that \$ \_\_\_\_\_ (here inserting  
12 the amount) has been previously allocated for repair and maintenance since  
13 \_\_\_\_\_ (here inserting the year that is fifteen years prior), with the proposed  
14 bonds maturing within a maximum of \_\_\_\_\_ (here inserting the duration),  
15 resulting in an estimated additional millage of \_\_\_\_\_ (here inserting the number of  
16 mills) mills, equal to \$ \_\_\_\_\_ (here inserting the equivalent in dollars) on each \$1,000  
17 of taxable valuation for the first taxable year, for the purpose of  
18 \_\_\_\_\_ (here inserting the purpose)?

19 Yes

20 No

21 Spoiled or blank ballots cast at such election may not be counted for or against the  
22 proposed issue.

23 **SECTION 5.** A new subdivision to subsection 1 of section 57-15-14 of the North Dakota  
24 Century Code is created and enacted as follows:

25 After June 30, 2023, in any school district election for approval by electors of  
26 increased levy authority under subsection 1 or 2, the ballot must specify the items  
27 required under section 4 of this Act.

28 **SECTION 6. AMENDMENT.** Subsection 2 of section 57-15-16 of the North Dakota Century  
29 Code is amended and reenacted as follows:

30 2. The school board of any school district, in levying taxes for a school building fund as  
31 provided for in subsection 1, shall specify on the ballot the ~~number of mills to be~~

1            ~~levied items required under section 4 of this Act,~~ and may in its discretion submit a  
2            specific plan for which ~~such~~the fund shall be used. The plan shall ~~shall~~must designate the  
3            general area intended to be served by use of ~~such~~the fund. The area intended to be  
4            served shall ~~shall~~must be described in the plan but need not be described in the building  
5            fund ballot. After approval of the levy and the plan no change shall ~~shall~~may be made in the  
6            purpose of expenditure of the building fund except ~~that~~ upon a favorable vote of sixty  
7            percent of the qualified electors residing in any specific area intended to be served,  
8            material changes may be made ~~in such~~to the plan as it affects ~~such~~the area to the  
9            extent ~~such~~the changes do not conflict with contractual obligations incurred. ~~The~~  
10          ~~provisions of this~~This section and of subsection 1 of section 57-15-17, in regard to the  
11          purpose for which the building fund may be expended shall, do not apply to  
12          expenditures for major repairs.