

Introduced by

Legislative Management

(Education Funding Formula Review Committee)

1 A BILL for an Act to amend and reenact section 57-15-17 of the North Dakota Century Code,  
2 relating to the ability of a school district to temporarily transfer excess funds accruing as a result  
3 of the COVID-19 pandemic between the general fund and the building fund of the school  
4 district; to provide an expiration date; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 57-15-17 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **57-15-17. Disposition of building fund tax.**

9 1. a. All revenue accruing from appropriations or tax levies for a school district building  
10 fund, together with any amount as may be realized for building purposes from all  
11 other sources, must be placed in a separate fund known as a building fund and  
12 must:

13 (1) Be deposited, held, or invested in the same manner as the sinking funds of  
14 such school district; or

15 (2) Be used for the purchase of shares or securities of federal or  
16 state-chartered savings and loan associations, within the limits of federal  
17 insurance.

18 b. Moneys in the building fund may only be used for:

19 (1) The construction of school district buildings and facilities;

20 (2) The renovation, repair, or expansion of school district buildings and facilities;

21 (3) The improvement of school district buildings, facilities, and real property;

22 (4) The leasing of buildings and facilities;

23 (5) The payment of rentals upon contracts with the state board of public school  
24 education;

- 1                   (6) The payment of rentals upon contracts with municipalities for career and  
2                   technical education facilities financed pursuant to chapter 40-57; and  
3                   (7) The payment of principal, premiums, and interest on bonds issued in  
4                   accordance with subsection 7 of section 21-03-07.
- 5                   c. The custodian of the funds may pay out the funds only upon order of the school  
6                   board, signed by the president and the business manager of the school district.  
7                   The order must recite upon its face the purpose for which payment is made.
- 8                   2. Any moneys remaining in a building fund after the completion of payments for any  
9                   school building project that has cost seventy-five percent or more of the amount in the  
10                  building fund at the time of letting the contracts, must be returned to the general fund  
11                  of the school district, upon the order of the school board.
- 12                  3. The board of a school district may pay into the general fund of the school district any  
13                  moneys that have remained in the building fund for ten years or more and any moneys  
14                  transferred from the general fund of the school district into the building fund after  
15                  March 13, 2020, and before July 1, 2020. The board may include ~~this amount~~these  
16                  amounts as part of its cash on hand in making up its budget for the ensuing year. In  
17                  determining what amounts have remained in the fund for ten years or more, all  
18                  payments that have been made from the building fund for building purposes must be  
19                  considered as having been paid from the funds first acquired. Any moneys transferred  
20                  from the general fund of the school district into the building fund after March 13, 2020,  
21                  and before July 1, 2020, may be transferred back into the general fund of the school  
22                  district through June 30, 2021.
- 23                  4. a. If collections from the taxes levied for the current budget and other income are  
24                  insufficient to meet the requirements for general operating expenses, the board of  
25                  a school district may transfer unobligated funds from the building fund into the  
26                  general fund of the school district, provided the school district has issued  
27                  certificates of indebtedness equal to fifty percent of the outstanding uncollected  
28                  general fund property tax.
- 29                  b. A board may not transfer funds from the building fund into the general fund for  
30                  more than two years.

1       **SECTION 2. EXPIRATION DATE.** Section 1 of this Act is effective through June 30, 2021,  
2 and after that date is ineffective.

3       **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.