

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2086**

Introduced by

Education Committee

(At the request of the Municipal Bond Bank)

1 A BILL for an Act to amend and reenact subsection 7 of section 21-03-07 and section
2 57-15-17.1 of the North Dakota Century Code, relating to general obligation bonds that may be
3 issued by the governing body of a school district without a vote upon the question of the
4 issuance of the bonds and multiyear asbestos and lead paint abatement program levies by
5 school districts.

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

7 **SECTION 1. AMENDMENT.** Subsection 7 of section 21-03-07 of the 1999
8 Supplement to the North Dakota Century Code is amended and reenacted as follows:

9 7. The governing body of any public school district may also by resolution adopted by
10 a two-thirds vote dedicate the tax levies as authorized by section 15-51-11,
11 15-51-13, or 57-15-16 and may authorize and issue general obligation bonds to be
12 paid by these dedicated levies for the purpose of providing funds for the purchase,
13 construction, reconstruction, remodeling, or repair of public school buildings or for
14 the construction or improvement of a project pursuant to chapter 15-60. The initial
15 resolution authorizing the tax levy dedication and general obligation bonds must be
16 published in the official newspaper of the school district, and any owner of taxable
17 property within the school district may, within sixty days after publication, file with
18 the business manager of the school district a protest against the adoption of the
19 resolution. Protests must be in writing and must describe the property that is the
20 subject of the protest. If the governing body finds the protests to have been signed
21 by the owners of taxable property having an assessed valuation equal to five
22 percent or more of the assessed valuation of all taxable property within the school
23 district, as theretofore last finally equalized, all further proceedings under the initial
24 resolution are barred.

1 **SECTION 2. AMENDMENT.** Section 57-15-17.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **57-15-17.1. Multiyear asbestos abatement and lead paint removal, required**
4 **remodeling, and alternative education program levy by school district.**

5 1. The governing body of any public school district may by resolution adopted by a
6 two-thirds vote of the school board dedicate a tax levy for purposes of this section
7 of not exceeding fifteen mills on the dollar of taxable valuation of property within
8 the district for a period not longer than fifteen years. The school board may
9 authorize and issue general obligation bonds to be paid from the proceeds of this
10 dedicated levy for the purpose of:

- 11 a. Providing funds for the removal of asbestos or lead paint substances from
12 school buildings or the abatement of asbestos or lead paint substances in
13 school buildings under any other method approved by the United States
14 environmental protection agency and for any repair, replacement, or
15 remodeling that results from removal or abatement of asbestos or lead paint
16 substances;
- 17 b. Any remodeling required to meet specifications set by the Americans with
18 Disabilities Act accessibility guidelines for buildings and facilities as contained
19 in the appendix to 28 CFR 36;
- 20 c. Any remodeling required to meet requirements set by the state fire marshal
21 during the inspection of a public school; and
- 22 d. Providing alternative education programs.

23 2. All revenue accruing from the levy under this section, except revenue deposited as
24 allowed by subsections 3 and 4, must be placed in a separate fund known as the
25 asbestos and lead paint abatement fund and must be accounted for within the
26 capital projects fund group and disbursements must be made from such funds
27 within this fund group for the purpose of asbestos or lead paint abatement.

28 3. All revenue accruing from up to five mills of the fifteen mill levy under this section
29 must be placed in a separate fund known as the required remodeling fund and
30 must be accounted for within the capital projects fund group and disbursements

- 1 must be made from such funds within this fund group for the purpose of required
2 remodeling, as set forth in subsection 1.
- 3 4. All revenue accruing from up to ten mills of the fifteen-mill levy under this section
4 may be placed in a separate fund known as the alternative education program
5 fund. Disbursement may be made from the fund for the purpose of providing an
6 alternative education program but may not be used to construct or remodel
7 facilities used to accommodate an alternative education program.
- 8 5. Any moneys remaining in the asbestos and lead paint abatement fund after
9 completion of the principal and interest payments for any bonds issued for any
10 school asbestos or lead paint abatement project, any funds remaining in the
11 required remodeling fund after completion of the remodeling projects, and any
12 funds remaining in the alternative education program fund at the termination of the
13 program must be transferred to the general fund of the school district upon the
14 order of the school board.