

HOUSE BILL NO. 1295

Introduced by

Representatives Kasper, Clark, Kempenich, Koppelman, L. Meier, Weiler

1 A BILL for an Act to create and enact section 21-03-06.1 of the North Dakota Century Code,
2 relating to voter approval of public building projects funded through a building authority or other
3 indirect means.

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

5 **SECTION 1.** Section 21-03-06.1 of the North Dakota Century Code is created and enacted
6 as follows:

7 **21-03-06.1. Voter approval of building authority or other indirect funding methods -**
8 **School construction project approval.**

9 1. Notwithstanding any other provision of law, a municipality or governing body of a
10 municipality may not enter an agreement pursuant to internal revenue service revenue
11 ruling 63-20 under which payments of any kind would be required by the municipality
12 to any building authority or other entity that incurs indebtedness or other obligation in
13 connection with acquisition, improvements, or construction of any property or structure
14 to be used by the municipality unless the agreement has been approved by a vote of
15 at least sixty percent of the qualified electors of the municipality voting on the question
16 if the agreement is for acquisition, improvements, or construction of any property or
17 structure for which an election would be required if the municipality undertook the
18 acquisition or construction project through issuance of bonds of the municipality. The
19 governing body of a city or county may not supersede this subsection under home rule
20 authority. This subsection does not apply to buildings to be used primarily for fire,
21 police, or emergency medical services.

22 2. The school board of a school district may not enter an agreement pursuant to internal
23 revenue service revenue ruling 63-20 under which payments of any kind would be
24 required by the school district to any building authority or other entity that incurs

1 indebtedness or other obligation regarding construction, purchase, repair,
2 improvement, modernization, or renovation of any building or facility to be used by the
3 school district without approval by the superintendent of public instruction in the
4 manner provided in section 15.1-36-01, if the approval by the superintendent of public
5 instruction would be required for the project under section 15.1-36-01 if the school
6 district undertook the project itself.