

**HOUSE BILL NO. 1263**

Introduced by

Representative Wall

Senator Thane

1 A BILL for an Act to amend and reenact section 57-15-17.1 of the North Dakota Century Code,  
2 relating to school district property tax levies for mercury and other hazardous substance  
3 abatement or removal; 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. AMENDMENT.** Section 57-15-17.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **57-15-17.1. School board levies - Multiyear ~~asbestos abatement~~—~~Lead paint~~**  
8 **mercury and hazardous substance abatement or removal - Required remodeling -**  
9 **Alternative education programs.**

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

16 a. Providing funds for the abatement or removal of ~~asbestos or lead paint~~  
17 mercury and other hazardous substances from school buildings ~~or the~~  
18 ~~abatement of asbestos or lead paint substances in school buildings under any~~  
19 ~~other~~ in accordance with any method approved by the United States  
20 environmental protection agency and for any repair, replacement, or  
21 remodeling that results from ~~removal or the~~ abatement or removal of  
22 ~~asbestos~~ such substances;

- 1           b. Any remodeling required to meet specifications set by the Americans with  
2           Disabilities Act accessibility guidelines for buildings and facilities as contained  
3           in the appendix to 28 CFR 36;
- 4           c. Any remodeling required to meet requirements set by the state fire marshal  
5           during the inspection of a public school; and
- 6           d. Providing alternative education programs.
- 7           2. All revenue accruing from the levy under this section, except revenue deposited as  
8           allowed by subsections 3 and 4, must be placed in a separate fund known as the  
9           ~~asbestos and lead paint abatement~~ mercury and hazardous substance abatement  
10          or removal fund and must be accounted for within the capital projects fund group  
11          and disbursements must be made from such funds within this fund group for the  
12          purpose of ~~asbestos or lead paint abatement~~ mercury and hazardous substance  
13          abatement or removal.
- 14          3. All revenue accruing from up to five mills of the fifteen-mill levy under this section  
15          must be placed in a separate fund known as the required remodeling fund and  
16          must be accounted for within the capital projects fund group and disbursements  
17          must be made from such funds within this fund group for the purpose of required  
18          remodeling, as set forth in subsection 1.
- 19          4. All revenue accruing from up to ten mills of the fifteen-mill levy under this section  
20          may be placed in a separate fund known as the alternative education program  
21          fund. Disbursement may be made from the fund for the purpose of providing an  
22          alternative education program but may not be used to construct or remodel  
23          facilities used to accommodate an alternative education program.
- 24          5. Any moneys remaining in the ~~asbestos and lead paint abatement~~ mercury and  
25          hazardous substance abatement or removal fund after completion of the principal  
26          and interest payments for any bonds issued for any school ~~asbestos or lead paint~~  
27          ~~abatement~~ mercury and hazardous substance abatement or removal project, any  
28          funds remaining in the required remodeling fund after completion of the remodeling  
29          projects, and any funds remaining in the alternative education program fund at the  
30          termination of the program must be transferred to the general fund of the school  
31          district upon the order of the school board.

1           **SECTION 2. EFFECTIVE DATE - TRANSFER.** This Act is effective for taxable years  
2 beginning after December 31, 2004. Any funds in the asbestos and lead paint abatement fund  
3 after the effective date of this Act must be transferred to the mercury and hazardous substance  
4 abatement or removal fund, but any funds remain obligated for payment of principal and interest  
5 of any bonds for which the funds were obliged before the transfer.