

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 9, after the fifth comma insert "15.1-36-01,"

Page 1, line 11, after the fourth comma insert "school construction approval,"

Page 1, line 19, after the semicolon insert "to provide an expiration date;"

Page 28, after line 17, insert:

**"SECTION 31. AMENDMENT.** Section 15.1-36-01 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-36-01. School construction projects - Approval.**

1. Notwithstanding the powers and duties of school boards provided by law, the superintendent of public instruction shall approve the construction, purchase, repair, improvement, modernization, or renovation of any public school building or facility before commencement of the project if the cost of the project, as estimated by the school board, is in excess of twenty-five thousand dollars.
2. The superintendent of public instruction may not approve a project unless the school district proposing the project:
  - a. Demonstrates the need for the project; ~~and the educational utility of the project, and the ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project~~ or demonstrates potential utilization of the project by a future reorganized school district; and
  - b. Demonstrates the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32.
3.
  - a. If the superintendent of public instruction denies the project, the school board may appeal the superintendent's decision to the state board of public school education. In considering the appeal, the state board shall review:
    - (1) The need for the project;
    - (2) The educational utility of the project;
    - (3) ~~The school district's ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project;~~

- ~~(4)~~ (4) The potential use of the project by a future reorganized school district;
  - ~~(5)~~ (4) The capacity of the district to pay for the project; and
  - ~~(6)~~ (5) Any other objective factors relative to the appeal.
- b. The decision of the state board is final.

- 4. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 15.1-06-09 unless the cost of the improvements exceeds seventy-five thousand dollars.
- 5. For purposes of this chapter, "facility" includes a public school parking lot, public school athletic complex, or any other improvement to real property owned by the school district."

Page 40, after line 10, insert:

**"SECTION 55. EXPIRATION DATE.** Section 31 is effective through June 30, 2011, and after that date is ineffective."

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly