

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Klemin

1 A BILL for an Act to amend and reenact subdivision j of subsection 1 of section 57-15-14.2 and
2 section 57-15-17.1 of the North Dakota Century Code, relating to school district tax levies for
3 federal qualifying zone academy bond programs; and to provide a transfer date and an effective
4 date.

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

6 **SECTION 1. AMENDMENT.** Subdivision j of subsection 1 of section 57-15-14.2 of the
7 North Dakota Century Code is amended and reenacted as follows:

8 j. The removal of asbestos substances from school buildings or the abatement
9 of asbestos substances in school buildings under any method approved by
10 the United States environmental protection agency and any repair,
11 replacement, or remodeling that results from such removal or abatement, any
12 remodeling required to meet specifications set by the Americans with
13 Disabilities Act accessibility guidelines for buildings and facilities as contained
14 in the appendix to 28 CFR 36, any remodeling required to meet requirements
15 set by the state fire marshal during the inspection of a public school, ~~and~~ for
16 providing an alternative education program as provided in section 57-15-17.1,
17 and for providing a qualified enhancement in connection with the federal
18 qualifying zone academy bond program.

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

21 **57-15-17.1. School board levies - Multiyear mercury and hazardous substance**
22 **abatement or removal - Required remodeling - Alternative education programs - Heating,**
23 **ventilation, and air-conditioning systems- Qualified enhancement.**

- 1 1. The governing body of any public school district may by resolution adopted by a
2 two-thirds vote of the school board dedicate a tax levy for purposes of this section
3 of not exceeding fifteen mills on the dollar of taxable valuation of property within
4 the district ~~for a period not longer than fifteen years~~. The school board may
5 authorize and issue ~~general obligation~~ bonds to be paid from the proceeds of this
6 dedicated levy for the purpose of:
- 7 a. Providing funds for the abatement or removal of mercury and other hazardous
8 substances from school buildings in accordance with any method approved by
9 the United States environmental protection agency and for any repair,
10 replacement, or remodeling that results from the abatement or removal of
11 such substances;
- 12 b. Any remodeling required to meet specifications set by the Americans with
13 Disabilities Act accessibility guidelines for buildings and facilities as contained
14 in the appendix to 28 CFR 36;
- 15 c. Any remodeling required to meet requirements set by the state fire marshal
16 during the inspection of a public school;
- 17 d. Providing alternative education programs; ~~and~~
- 18 e. Providing funds for the repair, replacement, or modification of any heating,
19 ventilation, or air-conditioning systems and required ancillary systems to
20 provide proper indoor air quality that meets American society of heating,
21 refrigerating and air-conditioning engineers, incorporated standards; and
22 providing a qualified enhancement in connection with the federal qualifying
23 zone academy bond program.
- 24 2. ~~All revenue accruing from the levy under this section, except revenue deposited as~~
25 ~~allowed by subsections 3, 4, and 5 must be placed in a separate fund known as the~~
26 ~~mercury and hazardous substance abatement or removal fund and must be~~
27 ~~accounted for within the capital projects fund group and disbursements must be~~
28 ~~made from such funds within this fund group for the purpose of mercury and~~
29 ~~hazardous substance abatement or removal.~~ The school board may authorize
30 levies for any of the purposes provided in subsection 1 as long as the total levy

1 does not exceed fifteen mills and the term of any one bond or series of bonds
2 issued does not exceed twenty years.

3 3. All revenue accruing from up to five mills of the fifteen-mill levy under this section
4 must be placed in a separate fund known as the required remodeling fund and
5 must be accounted for within the capital projects fund group and disbursements
6 must be made from such funds within this fund group for the purpose of required
7 remodeling, as set forth in subsection 1.

8 4. All revenue accruing from up to ten mills of the fifteen-mill levy under this section
9 may be placed in a separate fund known as the alternative education program
10 fund. Disbursement may be made from the fund for the purpose of providing an
11 alternative education program but may not be used to construct or remodel
12 facilities used to accommodate an alternative education program.

13 5. All revenue accruing from the levy under this section, except revenue deposited as
14 allowed by subsections 2, 3, and 4, must be placed in a separate fund known as
15 the heating, ventilation, and air-conditioning upgrade fund and must be accounted
16 for within the capital projects fund group and disbursements must be made from
17 such funds within this fund group for the purpose of improving indoor air quality.

18 6. Any moneys remaining in the mercury and hazardous substance abatement or
19 removal fund after completion of the principal and interest payments for any bonds
20 issued for any school mercury and hazardous substance abatement or removal
21 project, any funds remaining in the required remodeling fund after completion of
22 the remodeling projects, any funds remaining in the alternative education program
23 fund at the termination of the program, and any funds remaining in the heating,
24 ventilation, and air-conditioning upgrade fund after completion of the principal and
25 interest payments for any bonds issued for any indoor air quality project must be
26 transferred to the general fund of the school district upon the order of the school
27 board.

28 **SECTION 3. EFFECTIVE DATE - TRANSFER.** This Act is effective for taxable years
29 beginning after December 31, 2008. Any funds in a separate fund that may have been created
30 under this section must be transferred to the general fund of a school district upon the order of
31 the school board.