

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1265

Introduced by

Representatives Klemin, Mueller, Schatz

Senators Cook, Krebsbach

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

7 j. The removal of asbestos substances from school buildings or school grounds
8 or the abatement of asbestos substances in school buildings or school
9 grounds under any method approved by the United States environmental
10 protection agency and any repair, replacement, or remodeling that results
11 from such removal or abatement, any remodeling required to meet
12 specifications set by the Americans with Disabilities Act accessibility
13 guidelines for buildings and facilities as contained in the appendix to
14 28 CFR 36, any remodeling required to meet requirements set by the state
15 fire marshal during the inspection of a public school, ~~and~~ for providing an
16 alternative education program as provided in section 57-15-17.1, and for
17 providing a qualified enhancement under the federal Qualified Zone Academy
18 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 or school grounds in accordance with any
9 method approved by the United States environmental protection agency and
10 for any repair, replacement, or remodeling that results from the abatement or
11 removal of 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, except the funds may not be used
18 to construct or remodel facilities used to accommodate an alternative
19 education program; and
 - 20 e. Providing funds for the repair, replacement, or modification of any heating,
21 ventilation, or air-conditioning systems and required ancillary systems to
22 provide proper indoor air quality that meets American society of heating,
23 refrigerating and air-conditioning engineers, incorporated standards; and
 - 24 f. Providing a qualified enhancement under the federal Qualified Zone Academy
25 Bond program.
- 26 2. ~~All revenue accruing from the levy under this section, except revenue deposited as~~
27 ~~allowed by subsections 3, 4, and 5 must be placed in a separate fund known as~~
28 ~~the mercury and hazardous substance abatement or removal fund and must be~~
29 ~~accounted for within the capital projects fund group and disbursements must be~~
30 ~~made from such funds within this fund group for the purpose of mercury and~~
31 ~~hazardous substance abatement or removal.~~

- 1 ~~3. All revenue accruing from up to five mills of the fifteen mill levy under this section~~
2 ~~must be placed in a separate fund known as the required remodeling fund and~~
3 ~~must be accounted for within the capital projects fund group and disbursements~~
4 ~~must be made from such funds within this fund group for the purpose of required~~
5 ~~remodeling, as set forth in subsection 1.~~
- 6 ~~4. All revenue accruing from up to ten mills of the fifteen mill levy under this section~~
7 ~~may be placed in a separate fund known as the alternative education program~~
8 ~~fund. Disbursement may be made from the fund for the purpose of providing an~~
9 ~~alternative education program but may not be used to construct or remodel~~
10 ~~facilities used to accommodate an alternative education program.~~
- 11 ~~5. All revenue accruing from the levy under this section, except revenue deposited as~~
12 ~~allowed by subsections 2, 3, and 4, must be placed in a separate fund known as~~
13 ~~the heating, ventilation, and air conditioning upgrade fund and must be accounted~~
14 ~~for within the capital projects fund group and disbursements must be made from~~
15 ~~such funds within this fund group for the purpose of improving indoor air quality.~~
- 16 ~~6. Any moneys remaining in the mercury and hazardous substance abatement or~~
17 ~~removal fund after completion of the principal and interest payments for any bonds~~
18 ~~issued for any school mercury and hazardous substance abatement or removal~~
19 ~~project, any funds remaining in the required remodeling fund after completion of~~
20 ~~the remodeling projects, any funds remaining in the alternative education program~~
21 ~~fund at the termination of the program, and any funds remaining in the heating,~~
22 ~~ventilation, and air conditioning upgrade fund after completion of the principal and~~
23 ~~interest payments for any bonds issued for any indoor air quality project must be~~
24 ~~transferred to the general fund of the school district upon the order of the school~~
25 ~~board. The school board may authorize levies for any of the purposes provided in~~
26 ~~subsection 1 as long as the total levy does not exceed fifteen mills and the term of~~
27 ~~any one bond or series of bonds issued does not exceed twenty years.~~

28 **SECTION 3. EFFECTIVE DATE - TRANSFER.** This Act is effective for taxable years
29 beginning after December 31, 2008. Any moneys in a separate fund created under section
30 57-15-17.1 must be transferred to the general fund of a school district upon the order of the
31 school board.