

**SENATE BILL NO. 2212**

Introduced by

Senators Grindberg, Schobinger, Wardner

Representatives Brandenburg, Grande, N. Johnson

1 A BILL for an Act to amend and reenact section 57-15-17.1 of the North Dakota Century Code,  
2 relating to use of a school district tax levy for heating, ventilation, and air-conditioning systems;  
3 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 **removal - Required remodeling - Alternative education programs - Heating, ventilation,**  
9 **and air-conditioning systems.**

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 removal of asbestos or lead paint substances from  
17 school buildings or the abatement of asbestos or lead paint substances in  
18 school buildings under any other method approved by the United States  
19 environmental protection agency and for any repair, replacement, or  
20 remodeling that results from removal or abatement of asbestos substances;
- 21 b. Any remodeling required to meet specifications set by the Americans with  
22 Disabilities Act accessibility guidelines for buildings and facilities as contained  
23 in the appendix to 28 CFR 36;

- 1 c. Any remodeling required to meet requirements set by the state fire marshal  
2 during the inspection of a public school; ~~and~~
- 3 d. Providing alternative education programs; and
- 4 e. Providing funds for the repair, replacement, or modification of any heating,  
5 ventilation, or air-conditioning systems and required ancillary systems to  
6 provide proper indoor air quality that meets american society of heating,  
7 refrigerating and air-conditioning engineers, incorporated standards.
- 8 2. All revenue accruing from the levy under this section, except revenue deposited as  
9 allowed by subsections 3 ~~and~~, 4, and 5, must be placed in a separate fund known  
10 as the asbestos and lead paint abatement fund and must be accounted for within  
11 the capital projects fund group and disbursements must be made from such funds  
12 within this fund group for the purpose of asbestos or lead paint abatement.
- 13 3. All revenue accruing from up to five mills of the fifteen-mill levy under this section  
14 must be placed in a separate fund known as the required remodeling fund and  
15 must be accounted for within the capital projects fund group and disbursements  
16 must be made from such funds within this fund group for the purpose of required  
17 remodeling, as set forth in subsection 1.
- 18 4. All revenue accruing from up to ten mills of the fifteen-mill levy under this section  
19 may be placed in a separate fund known as the alternative education program  
20 fund. Disbursement may be made from the fund for the purpose of providing an  
21 alternative education program but may not be used to construct or remodel  
22 facilities used to accommodate an alternative education program.
- 23 5. All revenue accruing from the levy under this section, except revenue deposited as  
24 allowed by subsections 2, 3, and 4, must be placed in a separate fund known as  
25 the heating, ventilation, and air-conditioning upgrade fund and must be accounted  
26 for within the capital projects fund group and disbursements must be made from  
27 such funds within this fund group for the purpose of improving indoor air quality.
- 28 6. Any moneys remaining in the asbestos and lead paint abatement fund after  
29 completion of the principal and interest payments for any bonds issued for any  
30 school asbestos or lead paint abatement project, any funds remaining in the  
31 required remodeling fund after completion of the remodeling projects, ~~and~~ any

1 funds remaining in the alternative education program fund at the termination of the  
2 program, and any funds remaining in the heating, ventilation, and air-conditioning  
3 upgrade fund after completion of the principal and interest payments for any bonds  
4 issued for any indoor air quality project must be transferred to the general fund of  
5 the school district upon the order of the school board.

6 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
7 December 31, 2004.