

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1263
(Representative Wall)
(Senator Thane)

AN ACT to amend and reenact section 57-15-17.1 of the North Dakota Century Code, relating to school district property tax levies for mercury and other hazardous substance abatement or removal; to provide for a transfer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-15-17.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of:
 - a. Providing funds for the abatement or removal of asbestos or lead paint mercury and other hazardous substances from school buildings or the abatement of asbestos or lead paint substances in school buildings under any other in accordance with any method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from ~~removal or~~ the abatement or removal of asbestos such substances;
 - b. Any remodeling required to meet specifications set by the Americans with Disabilities Act accessibility guidelines for buildings and facilities as contained in the appendix to 28 CFR 36;
 - c. Any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school; and
 - d. Providing alternative education programs.
2. All revenue accruing from the levy under this section, except revenue deposited as allowed by subsections 3 and 4, must be placed in a separate fund known as the ~~asbestos and lead paint abatement mercury and hazardous substance abatement or removal~~ fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of ~~asbestos or lead paint abatement mercury and hazardous substance abatement or removal~~.
3. All revenue accruing from up to five mills of the fifteen-mill levy under this section must be placed in a separate fund known as the required remodeling fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of required remodeling, as set forth in subsection 1.

4. All revenue accruing from up to ten mills of the fifteen-mill levy under this section may be placed in a separate fund known as the alternative education program fund. Disbursement may be made from the fund for the purpose of providing an alternative education program but may not be used to construct or remodel facilities used to accommodate an alternative education program.
5. Any moneys remaining in the ~~asbestos and lead paint abatement~~ mercury and hazardous substance abatement or removal fund after completion of the principal and interest payments for any bonds issued for any school ~~asbestos or lead paint abatement~~ mercury and hazardous substance abatement or removal project, any funds remaining in the required remodeling fund after completion of the remodeling projects, and any funds remaining in the alternative education program fund at the termination of the program must be transferred to the general fund of the school district upon the order of the school board.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1263.

House Vote: Yeas 88 Nays 0 Absent 6

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State