

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 1, after the comma insert "a new section to chapter 15.1-02,"

Page 1, line 6, after the first comma insert "education stabilization fund dollars,"

Page 1, line 14, after the third comma insert "supplemental one-time grants,"

Page 2, after line 20, insert:

**"SECTION 3.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Education stabilization fund dollars - Notification of nonreplacement -  
Publication of notice.**

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by certified mail, that any education stabilization fund dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 should be used first to restore funding deficiencies in the 2009-10 school year when compared to the 2008-09 school year and that any additional dollars received under the American Recovery and Reinvestment Act of 2009 should be used for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.
2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 34, replace lines 16 through 31 with:

**"SECTION 45. USE OF NEW MONEY - TEACHER COMPENSATION  
INCREASES - REPORTS TO LEGISLATIVE COUNCIL.**

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers, counselors, and career advisors and to provide compensation to

teachers, counselors, and career advisors who begin employment with the district on or after July 1, 2009.

2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:
  - a. Determining the total amount of dollars in the 2009-11 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, and subtracting from that amount:
    - (1) Equity payments under section 15.1-27-11;
    - (2) Payments to school districts participating in regional education associations under section 22 of this Act;
    - (3) Grants to school districts for reorganization planning under section 47 of this Act;
    - (4) Grants to regional education associations under section 48 of this Act;
    - (5) Baseline recalculation grants under section 49 of this Act;
    - (6) Supplemental one-time grants under section 51 of this Act; and
    - (7) Eleven dollars and fifty-eight cents per weighted student unit;
  - b. Determining the total amount of dollars in the 2007-09 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, and subtracting from that amount:
    - (1) Equity payments under section 15.1-27-11; and
    - (2) Grants to school districts for reorganization planning under section 49 of chapter 163 of the 2007 Session Laws; and
  - c. Subtracting the amount arrived at under subdivision b from the amount arrived at under subdivision a.
3. For purposes of this section, money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money unless the money is distributed through the state school aid formula as provided in chapter 15.1-27.
4. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.
5. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

- b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.
  - c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.
6. This section does not extend, by intent, implication, or any other granting of unenumerated statutory rights, to teachers, counselors, and career advisors employed by an entity other than the board of a school district."

Page 35, remove lines 1 through 18

Page 38, after line 7, insert:

**"SECTION 51. SUPPLEMENTAL ONE-TIME GRANTS - REPORT TO LEGISLATIVE COUNCIL.**

- 1. The superintendent of public instruction may expend up to \$85,644,337 from the grants - one-time supplemental payments line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing, during the biennium beginning July 1, 2009, and ending June 30, 2011, one-time supplemental payments to school districts on a prorated basis, according to the latest available average daily membership of each school district.
- 2. Grants distributed under this section may be used only for:
  - a. The improvement, renovation, repair, or modernization of school buildings and facilities, including deferred maintenance; weatherization; heating, ventilation, and cooling projects; asbestos removal and abatement; security improvements; and laboratory improvements;
  - b. Building additions, provided the additions do not exceed twenty-five percent of the square footage of the building to which they are to be attached;
  - c. Equipment, including technological equipment, career and technical education equipment, vehicles for instructional purposes, and vehicles for student transportation;
  - d. Textbooks, instructional materials, and library media materials;
  - e. Title I expenditures; or
  - f. Professional development for teachers and administrators.
- 3. Grants distributed under this section may not be used for any other purpose, including temporary property tax reductions, principal payments on outstanding debts, construction of new buildings, hiring of new personnel, or compensation increases.
- 4. Grants distributed under this section do not constitute new money for purposes of increased compensation under section 45 of this Act.

5. Any school district receiving a grant under this section shall file a report with the superintendent of public instruction, at the time and in the manner directed by the superintendent. The report must include a description of all expenditures, obligations, or other commitments made as a result of receiving a grant under this section. The superintendent shall compile the information and present it to the legislative council."

Page 40, line 9, replace "10" with "11"

Page 40, line 11, replace "50" with "52 of this Act"

Renumber accordingly