

April 25, 2009

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 34, replace lines 16 through 31 with:

**"SECTION 44. 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 21 of this Act;
 - (3) Grants to school districts for reorganization planning under section 46 of this Act;
 - (4) Grants to regional education associations under section 47 of this Act;
 - (5) Baseline recalculation grants under section 48 of this Act; and
 - (6) Four 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.
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

Renumber accordingly