

October 2004

Introduced by

1 A BILL for an Act to provide for the distribution of hold harmless payments to certain high
2 school districts eligible to receive supplemental payments; to amend and reenact subsection 1
3 of section 15.1-27-11 of the North Dakota Century Code and section 37 of chapter 667 of the
4 2003 Session Laws, relating to the formula for calculating supplemental payments to high
5 school districts and the provision of contingent payments; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 15.1-27-11 of the North Dakota
8 Century Code is amended and reenacted as follows:

- 9 1. The superintendent of public instruction shall calculate the average valuation of
10 property per student by dividing the number of students in average daily
11 membership in grades one through twelve in a high school district into the sum of:
12 a. The district's latest available net assessed and equalized taxable valuation of
13 property; plus
14 b. All tuition payments and county ~~and unrestricted federal~~ revenue received by
15 the district, divided by the total of the district's general fund levy, high school
16 transportation levy, and high school tuition levy.

17 **SECTION 2. DISTRIBUTION OF DIFFERENCE IN SUPPLEMENTAL PAYMENTS -**
18 **HOLD HARMLESS.**

- 19 1. The superintendent of public instruction shall calculate the payment to which a
20 school district was entitled under section 14 of chapter 667 of the 2003 Session
21 Laws, from July 1, 2003, through the effective date of this Act.
22 2. The superintendent of public instruction shall calculate the payment to which a
23 school district would have been entitled under section 1 of this Act if that section
24 had been in effect from July 1, 2003, through the effective date of this Act.

1 3. If a school district received less money under section 14 of chapter 667 of the 2003
2 Session Laws than it would have received under section 1 of this Act had section 1
3 been in effect from July 1, 2003, through the effective date of this Act, the
4 superintendent of public instruction shall forward the difference to the school
5 district.

6 4. If a school district received more money under section 14 of chapter 667 of the
7 2003 Session Laws than it would have received under section 1 of this Act had
8 section 1 been in effect from July 1, 2003, through the effective date of this Act, the
9 superintendent of public instruction may not recoup the difference.

10 **SECTION 3. AMENDMENT.** Section 37 of chapter 667 of the 2003 Session Laws is
11 amended and reenacted as follows:

12 **SECTION 37. CONTINGENT PAYMENTS - DISTRIBUTION.** If any moneys
13 appropriated for per student payments and transportation payments in the grants - state school
14 aid line item in Senate Bill No. 2013 remain after payment of all statutory obligations for per
15 student and transportation payments during the biennium beginning July 1, 2003, and ending
16 June 30, 2005, the superintendent of public instruction shall distribute the remaining moneys as
17 follows:

- 18 1. The superintendent of public instruction shall use the first \$700,000, or so much of
19 the amount as is necessary, for the purpose of providing supplemental aid - hold
20 harmless payments to school districts pursuant to section 2 of this Act.
- 21 2. The superintendent of public instruction shall use the ~~first~~ next \$250,000, or so
22 much of that amount as is necessary, for the purpose of providing reimbursements
23 to the chief administrators of joint powers agreements pursuant to section 19 of this
24 Act.
- 25 ~~2.~~ 3. The superintendent of public instruction shall use the next \$1,000,000, or so much
26 of that amount as is necessary, for the purpose of providing reorganization
27 bonuses, pursuant to section 15.1-12-11.1, to school districts having
28 reorganizations effective after July 1, 2003, and before July 1, 2005. If insufficient
29 moneys exist to fully meet the requirements of this subsection, the superintendent
30 of public instruction shall prorate the payments according to that percentage of the
31 amount available to which a school district is entitled.

1 ~~3.~~ 4. The superintendent of public instruction shall use the remainder of the moneys to
2 provide additional per student payments on a prorated basis, according to the
3 average daily membership of each school district during the 2004-05 school year.

4 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.