

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2013

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
2 public instruction, the school for the deaf, North Dakota vision services - school for the blind,  
3 and the state library; to provide an appropriation to the information technology department; to  
4 provide an appropriation to the North Dakota university system office; to provide for the  
5 distribution of funding for regional education association grants, ~~alternative education~~  
6 ~~program~~ continuing education grants, gifted and talented programs and medicaid matching  
7 funds, and other grants; ~~to provide a contingent appropriation;~~ to amend and reenact section  
8 15.1-02-02 of the North Dakota Century Code, relating to the salary of the superintendent of  
9 public instruction; to repeal section 15.1-13-33 of the North Dakota Century Code, relating to  
10 the national board certification fund; to provide an exemption; to provide for a transfer; to amend  
11 and reenact sections 54 and 59 of chapter 175 of the 2009 Session Laws, relating to funds  
12 appropriated for transportation and state school aid; to provide a statement of legislative intent;  
13 and to declare an emergency.

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

15 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
16 as may be necessary, are appropriated out of any moneys in the general fund in the state  
17 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
18 other income, to the department of public instruction, the school for the deaf, North Dakota  
19 vision services - school for the blind, and the state library for the purpose of defraying the  
20 expenses of those agencies, for the biennium beginning July 1, 2011, and ending June 30,  
21 2013, as follows:

22 Subdivision 1.

23 DEPARTMENT OF PUBLIC INSTRUCTION

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		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Salaries and wages	\$13,504,455	\$904,845	\$14,409,300
4	<del>Operating expenses</del>	<del>30,770,801</del>	<del>(1,019,614)</del>	<del>29,751,187</del>
5	<u>Operating expenses</u>	<u>30,770,801</u>	<u>(1,087,614)</u>	<u>29,683,187</u>
6	<del>Grants - State school aid</del>	<del>722,725,958</del>	<del>196,733,520</del>	<del>919,459,478</del>
7	<u>Grants - State school aid</u>	<u>722,725,958</u>	<u>195,733,520</u>	<u>918,459,478</u>
8	Grants - Special education contracts	15,500,000	500,000	16,000,000
9	Grants - Supplemental one-time	85,644,337	(85,644,337)	0
10	Grants - Supplemental operations	16,795,584	(16,795,584)	0
11	Grants - Transportation	43,500,000	5,000,000	48,500,000
12	<del>Grants - Other grants</del>	<del>245,203,721</del>	<del>57,760,261</del>	<del>302,963,982</del>
13	<del>Grants - Mill levy reduction</del>	<del>295,000,000</del>	<del>46,790,000</del>	<del>341,790,000</del>
14	<u>Grants - Other grants</u>	<u>245,203,721</u>	<u>58,780,672</u>	<u>303,984,393</u>
15	<u>Grants - Mill levy reduction</u>	<u>295,000,000</u>	<u>(295,000,000)</u>	<u>0</u>
16	Education jobs fund	0	21,517,716	21,517,716
17	Transportation efficiency	30,000	0	30,000
18	National board certification	<u>102,500</u>	<u>82,500</u>	<u>185,000</u>
19	<del>Total all funds</del>	<del>\$1,468,777,356</del>	<del>\$225,829,307</del>	<del>\$1,694,606,663</del>
20	<del>Less estimated income</del>	<del>360,597,766</del>	<del>432,395,657</del>	<del>792,993,423</del>
21	<del>Total general fund</del>	<del>\$1,108,179,590</del>	<del>(\$206,566,350)</del>	<del>\$901,613,240</del>
22	<u>Total all funds</u>	<u>\$1,468,777,356</u>	<u>(\$116,008,282)</u>	<u>\$1,352,769,074</u>
23	<u>Less estimated income</u>	<u>360,597,766</u>	<u>90,605,657</u>	<u>451,203,423</u>
24	<u>Total general fund</u>	<u>\$1,108,179,590</u>	<u>(\$206,613,939)</u>	<u>\$901,565,651</u>
25	Full-time equivalent positions	99.75	0.00	99.75
26	Subdivision 2.			
27	STATE LIBRARY			
28			Adjustments or	
29		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
30	Salaries and wages	\$3,193,791	\$256,568	\$3,450,359
31	Operating expenses	1,482,573	213,153	1,695,726

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1	Grants	<u>1,852,500</u>	<u>400,000</u>	<u>2,252,500</u>
2	Total all funds	\$6,528,864	\$869,721	\$7,398,585
3	Less estimated income	<u>1,927,836</u>	<u>206,774</u>	<u>2,134,610</u>
4	Total general fund	\$4,606,028	\$662,947	\$5,263,975
5	Full-time equivalent positions	29.75	0.00	29.75

6 Subdivision 3.

7 SCHOOL FOR THE DEAF

8			Adjustments or	
9		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
10	Salaries and wages	\$5,429,998	\$502,640	\$5,932,638
11	Operating expenses	1,572,603	61,308	1,633,911
12	Capital assets	327,745	712,485	1,040,230
13	Grants	<u>200,000</u>	<u>0</u>	<u>200,000</u>
14	Total all funds	\$7,530,346	\$1,276,433	\$8,806,779
15	Less estimated income	<u>1,331,450</u>	<u>756,557</u>	<u>2,088,007</u>
16	Total general fund	\$6,198,896	\$519,876	\$6,718,772
17	Full-time equivalent positions	43.94	0.00	43.94

18 Subdivision 4.

19 VISION SERVICES - SCHOOL FOR THE BLIND

20			Adjustments or	
21		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
22	Salaries and wages	\$3,531,264	\$284,561	\$3,815,825
23	Operating expenses	667,006	84,500	751,506
24	Capital assets	<u>39,500</u>	<u>25,500</u>	<u>65,000</u>
25	Total all funds	\$4,237,770	\$394,561	\$4,632,331
26	Less estimated income	<u>815,902</u>	<u>19,189</u>	<u>835,091</u>
27	Total general fund	\$3,421,868	\$375,372	\$3,797,240
28	Full-time equivalent positions	29.50	0.00	29.50

29 Subdivision 5.

30 BILL TOTAL

		Adjustments or	
	Base Level	Enhancements	Appropriation
<del>Grand total general fund</del>	<del>\$1,122,401,382</del>	<del>(\$205,008,155)</del>	<del>\$917,393,227</del>
<del>Grand total special funds</del>	<del>\$364,672,954</del>	<del>\$433,378,177</del>	<del>\$798,051,131</del>
<del>Grand total all funds</del>	<del>\$1,487,074,336</del>	<del>\$228,370,022</del>	<del>\$1,715,444,358</del>
<u>Grand total general fund</u>	<u>\$1,122,401,382</u>	<u>(\$194,924,744)</u>	<u>\$927,476,638</u>
<u>Grand total special funds</u>	<u>364,672,954</u>	<u>91,588,177</u>	<u>456,261,131</u>
<u>Grand total all funds</u>	<u>\$1,487,074,336</u>	<u>(\$103,336,567)</u>	<u>\$1,383,737,769</u>

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

**SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
Department of public instruction		
IT application rewrite and maintenance	\$500,000	\$384,000
National board certification fund	500,000	0
Federal fiscal stimulus - School aid	85,644,337	0
Federal fiscal stimulus - Other	67,379,051	0
Geographic alliance endowment	<u>226,000</u>	<u>0</u>
Total department of public instruction - All funds	\$154,249,388	\$384,000
Total department of public instruction -	<u>153,023,388</u>	<u>0</u>
Estimated income		
Total department of public instruction -	\$1,226,000	\$384,000
General fund		
School for the deaf		
Virtual services business plan	\$25,000	\$0
Facility master plan	41,000	0
Extraordinary repairs	0	103,800
Trades building remodel	<u>1,670,000</u>	<u>0</u>
Total school for the deaf - All funds	\$1,736,000	\$103,800

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1	Total school for the deaf - Estimated income	<u>835,000</u>	<u>0</u>
2	Total school for the deaf - General fund	\$901,000	\$103,800
3	School for the blind - Vision services		
4	Equipment	\$39,200	\$25,500
5	Window replacement	31,000	0
6	<del>Contingency</del>	<del>0</del>	<del>300,000</del>
7	Facility master plan	0	20,000
8	Instructional equipment	<u>0</u>	<u>24,500</u>
9	<del>Total school for the blind - All funds</del>	<del>\$70,200</del>	<del>\$370,000</del>
10	<u>Total school for the blind - All funds</u>	<u>\$70,200</u>	<u>\$70,000</u>
11	Total school for the blind - Estimated income	<u>0</u>	<u>0</u>
12	<del>Total school for the blind - General fund</del>	<del>\$70,200</del>	<del>\$370,000</del>
13	<del>Grand total - All funds</del>	<del>\$156,055,588</del>	<del>\$857,800</del>
14	<u>Total school for the blind - General fund</u>	<u>\$70,200</u>	<u>\$70,000</u>
15	<u>Grand total - All funds</u>	<u>\$156,055,588</u>	<u>\$557,800</u>
16	Grand total - Estimated income	<u>153,858,388</u>	<u>0</u>
17	<del>Grand total - General fund</del>	<del>\$2,197,200</del>	<del>\$857,800</del>
18	<u>Grand total - General fund</u>	<u>\$2,197,200</u>	<u>\$557,800</u>

19 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the  
 20 2013-15 biennium. The department of public instruction, school for the deaf, and school for the  
 21 blind - vision services shall report to the appropriations committees of the sixty-third legislative  
 22 assembly on the use of this one-time funding for the biennium beginning July 1, 2011, and  
 23 ending June 30, 2013.

24 **SECTION 3. ONE-TIME FUNDING - EDUCATION JOBS FUNDS.** The federal education  
 25 jobs funding of \$21,517,716 appropriated to the superintendent of public instruction in  
 26 subdivision 1 of section 1 of this Act is one-time funding for the 2011-13 biennium. The  
 27 superintendent of public instruction may not request funding from the general fund to replace  
 28 this one-time funding in its base budget request for the 2013-15 biennium.

29 **SECTION 4. APPROPRIATION - STAGENET CONNECTIVITY - INFORMATION**  
 30 **TECHNOLOGY DEPARTMENT.** There is appropriated out of any moneys in the general fund in  
 31 the state treasury, not otherwise appropriated, the sum of \$131,000, or so much of the sum as

1 may be necessary, to the information technology department for the purpose of completing  
2 school district connectivity to STAGEnet, for the biennium beginning July 1, 2011, and ending  
3 June 30, 2013.

4 **SECTION 5. APPROPRIATION - SCHOLARSHIP PROGRAMS - STATE BOARD OF**  
5 **HIGHER EDUCATION.** There is appropriated out of any moneys in the general fund in the state  
6 treasury, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be  
7 necessary, to the state board of higher education for the purpose of providing North Dakota  
8 academic and career and technical education scholarships, for the biennium beginning July 1,  
9 2011, and ending June 30, 2013.

10 **SECTION 6. APPROPRIATION.** There is appropriated from special funds derived from  
11 federal funds the sum of \$30,000,000, or so much of the sum as may be necessary, to the  
12 superintendent of public instruction for grants for the period beginning with the effective date of  
13 this Act and ending June 30, 2011.

14 **SECTION 7. APPROPRIATION - TUITION APPORTIONMENT.** The sum of \$101,638,000,  
15 included in the grants - state school aid line item in subdivision 1 of section 1 of this Act, is from  
16 the state tuition fund in the state treasury. Any additional amount in the state tuition fund that  
17 becomes available for distribution to public schools is appropriated to the department of public  
18 instruction for that purpose for the biennium beginning July 1, 2011, and ending June 30, 2013.

19 ~~**SECTION 5. MILL LEVY REDUCTION GRANTS -- FUNDING FROM PROPERTY TAX**~~  
20 ~~**RELIEF FUND.** The grants -- mill levy reduction and estimated income line items contained in~~  
21 ~~subdivision 1 of section 1 of this Act include \$341,790,000 from the property tax relief~~  
22 ~~sustainability fund which is appropriated to the department of public instruction for the purpose~~  
23 ~~of providing mill levy reduction grants to school districts during the biennium beginning July 1,~~  
24 ~~2011, and ending June 30, 2013.~~

25 **SECTION 8. STATE SCHOOL AID AND SPECIAL EDUCATION CONTRACTS**  
26 **EXPENDITURE AUTHORITY.** The superintendent of public instruction may expend funds  
27 included in the grants - state school aid and grants - special education contracts line items in  
28 subdivision 1 of section 1 of this Act in payment of grants for educational services that were due  
29 in the 2009-11 biennium but which were not filed, claimed, or properly supported by the  
30 education provider until after June 30, 2011.

1       **SECTION 9. REGIONAL EDUCATION ASSOCIATIONS - GRANTS.** During the 2011-13  
2 biennium, the superintendent of public instruction shall expend up to \$800,000 from the grants -  
3 state school aid line item in subdivision 1 of section 1 of this Act for the purpose of providing an  
4 annual grant to each eligible regional education association in order to assist each association  
5 with the cost of compensating a coordinator.

6       1. In order to receive a grant under this section, each regional education association  
7 must:

8       a. Enter a contract with an individual to serve as a coordinator, on a full-time or a  
9 part-time basis, for a duration of at least twelve months; and

10       b. Provide from other revenue sources at least thirty percent of the total  
11 compensation payable to the coordinator.

12       2. The maximum grant payable to a regional education association under this section  
13 during each year of the biennium is the lesser of \$50,000 or seventy percent of the  
14 total compensation payable to the coordinator.

15       **SECTION 10. RESERVED FUNDS - CONTINGENT ADULT EDUCATION LEARNING**

16 **CENTER GRANTS.** The sum of \$500,000, or so much of the sum as may be necessary, made  
17 available under section 19 of this Act, must be used by the department of public instruction for  
18 providing adult education learning center grants, for the biennium beginning July 1, 2011, and  
19 ending June 30, 2013. The department may provide grants of up to \$250,000 during the first  
20 year of the biennium only if federal funding available to the state for adult education is less than  
21 \$900,000 in federal fiscal year 2012. Funding provided in the first year of the biennium is limited  
22 to the difference between federal funding available in federal fiscal year 2012 and \$900,000.  
23 The department may use any remaining funds for adult education learning center grants during  
24 the second year of the biennium.

25       **SECTION 11. CONTINUING EDUCATION GRANTS - FUNDING - DISTRIBUTION.** The

26 sum of \$100,000, or so much of the sum as may be necessary, included in the grants - other  
27 grants line item in subdivision 1 of section 1 of this Act is provided for continuing education  
28 grants, for the biennium beginning July 1, 2011, and ending June 30, 2013.

29       1. The superintendent of public instruction shall award grants in amounts up to \$1,200 to  
30 eligible recipients in chronological order, based on the date of an individual's  
31 application. An eligible recipient must:

- 1 a. (1) Be licensed to teach by the education standards and practices board;
- 2 (2) Have taught in this state during each of the last three school years; and
- 3 (3) Be enrolled at an institution of higher education in this state in either a
- 4 master of education program in educational leadership or a program leading
- 5 to a specialist diploma in educational leadership;
- 6 b. Be pursuing the requirements for a certificate in career development facilitation;
- 7 or
- 8 c. Be pursuing a school counselor credential.
- 9 2. If any of the amount appropriated for this purpose remains after the superintendent of
- 10 public instruction has awarded grants to all eligible recipients, the superintendent shall
- 11 distribute that amount as an additional per student payment on a prorated basis,
- 12 according to the latest available average daily membership of each school district.

13 ~~SECTION 8. ALTERNATIVE EDUCATION PROGRAM GRANTS - FUNDING -~~

14 ~~DISTRIBUTION. The sum of \$460,000, included in the grants - other education line item in~~  
15 ~~subdivision 1 of section 1 of this Act must be distributed for the purpose of providing payments~~  
16 ~~to eligible school districts that offer alternative education programs to students in grades six~~  
17 ~~through eight, for the biennium beginning July 1, 2011, and ending June 30, 2013. In order to~~  
18 ~~determine the payment per student, the superintendent of public instruction shall multiply the~~  
19 ~~number of full-time equivalent students in grades six through eight who are enrolled during the~~  
20 ~~2012-13 school year in an average of at least fifteen hours per week of alternative education~~  
21 ~~programming by a weighting factor that may not exceed 0.20.~~

22 **SECTION 12. GIFTED AND TALENTED PROGRAM - MEDICAID MATCHING - FUNDING**  
23 **- DISTRIBUTION.**

24 1. The sum of \$800,000, included in the grants - state school aid line item in  
25 subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts  
26 or special education units for gifted and talented programs upon the submission of an  
27 application that is approved in accordance with guidelines adopted by the  
28 superintendent of public instruction. The superintendent of public instruction shall  
29 encourage cooperative efforts for gifted and talented programs among school districts  
30 and special education units.



1        2. State school aid payments for special education must be reduced by the amount of  
2            matching funds required to be paid by school districts or special education units for  
3            students participating in the medicaid program. Special education funds equal to the  
4            amount of the matching funds required to be paid by the school district or special  
5            education unit must be paid by the superintendent of public instruction to the  
6            department of human services on behalf of the school district or unit.

7        ~~**SECTION 10. TEACHER OF THE YEAR PROGRAM.** The department of public instruction  
8        shall administer a teacher of the year program for the biennium beginning July 1, 2011, and  
9        ending June 30, 2013. The department of public instruction shall assign responsibility to its  
10       department staff to coordinate the annual event, including preparation of application materials,  
11       distribution of materials to the selection committee, publicity, and planning of the event at which  
12       the recipient of the award is announced. The selection committee appointed by the department  
13       of public instruction may not include more than one representative from any education-related  
14       organization or association.~~

15        **SECTION 13. INDIRECT COST ALLOCATION.** Notwithstanding section 54-44.1-15, the  
16        department of public instruction may deposit indirect cost recoveries in its operating account.

17        **SECTION 14. STATE AID TO PUBLIC LIBRARIES.** The line item entitled grants in  
18        subdivision 2 of section 1 of this Act includes \$1,500,000 for aid to public libraries, of which no  
19        more than one-half is to be expended during the fiscal year ending June 30, 2012.

20        **SECTION 15. FEES DEPOSITED IN VISION SERVICES - SCHOOL FOR THE BLIND  
21        OPERATING FUND.** Any moneys included in the estimated income line item in subdivision 4 of  
22        section 1 of this Act, collected for subscription fees or braille fees, must be deposited in the  
23        North Dakota vision services - school for the blind operating fund in the state treasury and may  
24        be spent subject to appropriation by the legislative assembly.

25        **SECTION 16. SCHOOL FOR THE DEAF - EXEMPTION - TRANSFER.** Up to \$835,000 of  
26        the amount appropriated to the school for the deaf from the general fund, as provided in  
27        chapter 13 of the 2009 Session Laws, for the trades building remodeling project and not spent  
28        or obligated as of June 30, 2011, is not subject to the provisions of section 54-44.1-11 and shall  
29        be transferred by the director of the office of management and budget to the school for the deaf  
30        fund during the biennium beginning July 1, 2011, and ending June 30, 2013.

1           **SECTION 17. SCHOOL FOR THE DEAF - HIGHER EDUCATION INTERPRETER GRANT**

2 **PROGRAM.** The grants line item contained in subdivision 3 of section 1 of this Act is for the  
3 purpose of providing grants to assist institutions under the control of the state board of higher  
4 education with the cost of interpreters and real-time captioning for students who are deaf or  
5 hard of hearing for the biennium beginning July 1, 2011, and ending June 30, 2013. Moneys  
6 appropriated for this program are not subject to section 54-44.1-11. Funds shall be distributed  
7 pursuant to the provisions of this section:

- 8           1. The school for the deaf shall develop a formula to determine the grant amount for  
9           which an institution is eligible. The formula must be based on a uniform hourly  
10           reimbursement.
- 11           2. To obtain a grant under this section, an institution shall submit to the school for the  
12           deaf, at the time and in the manner directed by the school, invoices showing the  
13           amount expended for interpreters and real-time captioning for students who are deaf  
14           or hard of hearing.
- 15           3. The school for the deaf may not distribute more than fifty percent of the amount  
16           appropriated during the first year of the biennium.
- 17           4. If any grant moneys remain undistributed at the end of the biennium, the school for the  
18           deaf shall provide additional prorated grants to institutions that incurred during the  
19           biennium hourly expenses in excess of the formula reimbursement level.
- 20           5. At the request of an institution under the control of the state board of higher education,  
21           the school for the deaf shall consult with the institution and provide advice regarding  
22           the provision of services most appropriate to meet a student's needs.

23           ~~**SECTION 16. CONTINGENT APPROPRIATION - SCHOOL DISTRICT DEFERRED-**~~  
24           ~~**MAINTENANCE AND PHYSICAL PLANT IMPROVEMENT GRANTS.**~~

25           ~~1. There is appropriated out of any moneys in the general fund in the state treasury, not~~  
26           ~~otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be~~  
27           ~~necessary, to the superintendent of public instruction for the purpose of awarding to~~  
28           ~~eligible school districts deferred maintenance and physical plant improvement grants,~~  
29           ~~in accordance with the provisions of this section, for the biennium beginning July 1,~~  
30           ~~2011, and ending June 30, 2013.~~

- ~~2. If the office of management and budget determines by April 30, 2012, that the June 30, 2012, ending balance of the state general fund will be more than \$30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2011 legislative session, the superintendent of public instruction shall forward to each eligible school district:~~
- ~~a. Ten thousand dollars; plus~~
  - ~~b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.~~
- ~~3. If the general fund balance requirements of subsection 2 are not met and if the office of management and budget determines by April 30, 2013, that the June 30, 2013, ending balance of the state general fund will be more than \$30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2011 legislative session, the superintendent of public instruction shall forward to each eligible school district:~~
- ~~a. Ten thousand dollars; plus~~
  - ~~b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.~~
- ~~4. Each school district accepting funds under this section shall apply those funds toward deferred maintenance and physical plant improvements and shall, by June 30, 2014:~~
- ~~a. Submit to the superintendent of public instruction documentation indicating the appropriate expenditure of the funds; or~~
  - ~~b. Return the funds to the superintendent of public instruction for deposit in the general fund.~~
- ~~5. For purposes of this section, an "eligible school district" is a school district that:~~
- ~~a. Has a general fund levy equal to at least one hundred fifty mills, before any reduction for property tax allocations under chapter 57-64;~~
  - ~~b. Is not precluded from receiving state aid by the provisions of section 15.1-27-35.3; and~~
  - ~~c. Provides an equal monetary match for any amount received under this section.~~

**SECTION 18. AMENDMENT.** Section 54 of chapter 175 of the 2009 Session Laws is amended and reenacted as follows:

1           **SECTION 54. TRANSPORTATION GRANTS - DISTRIBUTION.**

- 2           1. During each year of the 2009-11 biennium, the superintendent of public  
3 instruction shall calculate the payment to which each school district is entitled  
4 based on the state transportation formula as it existed on June 30, 2001, except  
5 that the superintendent shall provide reimbursement at the rate of:
- 6           a. Ninety-two cents per mile for schoolbuses having a capacity of ten or more  
7 passengers;
  - 8           b. Forty-four cents per mile for vehicles having a capacity of nine or fewer  
9 passengers; and
  - 10          c. Twenty-four cents per student for each one-way trip.
- 11          2. The superintendent of public instruction shall use the latest available student  
12 enrollment count in each school district in applying the provisions of the  
13 transportation formula as it existed on June 30, 2001.
- 14          3. If any moneys provided for transportation payments in the grants - transportation  
15 line item in the appropriation bill for the superintendent of public instruction, as  
16 approved by the sixty-first legislative assembly, remain after application of the  
17 formula provided for in this section, the superintendent of public instruction shall  
18 ~~prorate~~:
- 19          a. Reserve the first one million dollars, which is not subject to the provisions of  
20 section 54-44.1-11 and must be used to provide per student payments  
21 during the biennium beginning July 1, 2011, and ending June 30, 2013.
  - 22          b. Prorate the remaining amounts according to the percentage of the total  
23 transportation formula amount to which each school district is entitled.
- 24          4. This section does not authorize the reimbursement of any costs incurred in  
25 providing transportation for student attendance at extracurricular activities or  
26 events.

27           **SECTION 19. AMENDMENT.** Section 59 of chapter 175 of the 2009 Session Laws is  
28 amended and reenacted as follows:

29           **SECTION 59. CONTINGENT MONEY - 2009-11.**

- 30           1. In determining the availability of contingent money under this section, the  
31 superintendent of public instruction shall first add to the money in the grants -

1 state school aid line item in the appropriation bill for the superintendent of public  
2 instruction, as approved by the sixty-first legislative assembly, any money that  
3 was appropriated to the superintendent for special education contracts and which  
4 remains after the superintendent complied with all statutory special education  
5 contract payment obligations imposed for the biennium beginning July 1, 2009,  
6 and ending June 30, 2011.

7 2. If any money that was appropriated to the superintendent of public instruction for  
8 grants - state aid payments to school districts or added to the grants - state  
9 school aid line item in accordance with subsection 1 remains after the  
10 superintendent complies with all statutory payment obligations imposed for the  
11 biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent  
12 shall use:

13 a. Reserve the first eight million dollars, which is not subject to the provisions  
14 of section 54-44.1-11 and must be used to provide per student payments  
15 during the biennium beginning July 1, 2011, and ending June 30, 2013.

16 b. Reserve the next five hundred thousand dollars, which is not subject to the  
17 provisions of section 54-44.1-11 and must be used in accordance with  
18 section 10 of this Act.

19 c. Use the money to provide additional per student payments on a prorated  
20 basis according to the latest available average daily membership of each  
21 school district.

22 **SECTION 20. TRANSFER - NATIONAL BOARD CERTIFICATION FUND - GENERAL**

23 **FUND.** The office of management and budget shall transfer any balance remaining in the  
24 national board certification fund at the end of the 2011-13 biennium to the general fund. For  
25 purposes of this section, "at the end of the 2011-13 biennium" means after cancellation of  
26 unexpended appropriations under section ~~54-44.1-11~~54-44.1-11.

27 **SECTION 21. LEGISLATIVE INTENT - 2013-15 SCHOOL FOR THE DEAF**

28 **APPROPRIATION BILL.** It is the intent of the sixty-second legislative assembly that the school  
29 for the deaf remain under the control of the superintendent of public instruction during the  
30 2011-13 biennium and that the governor include the recommended funding for the school for the  
31 deaf in a separate draft appropriations act for introduction to the sixty-third legislative assembly.

1       **SECTION 22. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-02-02. Salary.**

4       The annual salary of the superintendent of public instruction is ~~ninety-five~~one hundred two  
5 thousand ~~one~~eight hundred ~~sixteen~~sixty-eight dollars through June 30, 2010~~2012~~, and  
6 ~~ninety-nine~~one hundred five thousand ~~eight~~nine hundred ~~seventy-two~~fifty-four dollars thereafter.

7       **SECTION 23. REPEAL.** Section 15.1-13-33 of the North Dakota Century Code is repealed.

8       **SECTION 24. EMERGENCY.** Sections ~~3, 17, and 18~~6, 18, and 19 of this Act and  
9 \$21,517,716 appropriated in the education jobs fund line item in subdivision 1 of section 1 of  
10 this Act are declared to be an emergency measure.