

**FIRST ENGROSSMENT
with House Amendments
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 for the distribution of funding for regional education association
4 grants, continuing education grants, gifted and talented programs and medicaid matching funds,
5 and other grants; to create and enact a new section to chapter 15.1-02 of the North Dakota
6 Century Code, relating to the North Dakota teacher of the year award; to amend and reenact
7 section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the
8 superintendent of public instruction; to repeal section 15.1-13-33 of the North Dakota Century
9 Code, relating to the national board certification fund; to provide an exemption; to provide for a
10 transfer; to amend and reenact sections 54 and 59 of chapter 175 of the 2009 Session Laws,
11 relating to funds appropriated for transportation and state school aid; to amend and reenact
12 section 16 of chapter 13 of the 2009 Session Laws, relating to contingent supplemental
13 transportation aid payments; to provide a statement of legislative intent; to provide for reports to
14 the budget section and sixty-third legislative assembly; and to declare an emergency.

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

16 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
17 as may be necessary, are appropriated out of any moneys in the general fund in the state
18 treasury, not otherwise appropriated, and from special funds derived from federal funds and
19 other income, to the department of public instruction, the school for the deaf, North Dakota
20 vision services - school for the blind, and the state library for the purpose of defraying the
21 expenses of those agencies, for the biennium beginning July 1, 2011, and ending June 30,
22 2013, as follows:

23 Subdivision 1.

24 DEPARTMENT OF PUBLIC INSTRUCTION

Sixty-second
Legislative Assembly

| | | 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 | Operating expenses | 30,770,801 | (1,087,614) | 29,683,187 |
| 5 | Grants - State school aid | 722,725,958 | 190,033,520 | 912,759,478 |
| 6 | Grants - Special education contracts | 15,500,000 | 500,000 | 16,000,000 |
| 7 | Grants - Supplemental one-time | 85,644,337 | (85,644,337) | 0 |
| 8 | Grants - Supplemental operations | 16,795,584 | (16,795,584) | 0 |
| 9 | Grants - Transportation | 43,500,000 | 5,000,000 | 48,500,000 |
| 10 | Grants - Other grants | 245,203,721 | 64,180,672 | 309,384,393 |
| 11 | Grants - Mill levy reduction | 295,000,000 | (295,000,000) | 0 |
| 12 | ATCS review panel | 0 | 300,000 | 300,000 |
| 13 | Education jobs fund | 0 | 21,517,716 | 21,517,716 |
| 14 | Transportation efficiency | 30,000 | 0 | 30,000 |
| 15 | National board certification | <u>102,500</u> | <u>82,500</u> | <u>185,000</u> |
| 16 | Total all funds | \$1,468,777,356 | (\$116,008,282) | \$1,352,769,074 |
| 17 | Less estimated income | <u>360,597,766</u> | <u>90,605,657</u> | <u>451,203,423</u> |
| 18 | Total general fund | \$1,108,179,590 | (\$206,613,939) | \$901,565,651 |
| 19 | Full-time equivalent positions | 99.75 | 0.00 | 99.75 |
| 20 | Subdivision 2. | | | |
| 21 | STATE LIBRARY | | | |
| 22 | | | Adjustments or | |
| 23 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 24 | Salaries and wages | \$3,193,791 | \$256,568 | \$3,450,359 |
| 25 | Operating expenses | 1,482,573 | 213,153 | 1,695,726 |
| 26 | Grants | <u>1,852,500</u> | <u>400,000</u> | <u>2,252,500</u> |
| 27 | Total all funds | \$6,528,864 | \$869,721 | \$7,398,585 |
| 28 | Less estimated income | <u>1,927,836</u> | <u>206,774</u> | <u>2,134,610</u> |
| 29 | Total general fund | \$4,606,028 | \$662,947 | \$5,263,975 |
| 30 | Full-time equivalent positions | 29.75 | 0.00 | 29.75 |
| 31 | Subdivision 3. | | | |

| | | | |
|----|--|-------------------|----------------------|
| 1 | SCHOOL FOR THE DEAF | | |
| 2 | | Adjustments or | |
| 3 | | <u>Base Level</u> | <u>Enhancements</u> |
| | | | <u>Appropriation</u> |
| 4 | Salaries and wages | \$5,429,998 | \$502,640 |
| 5 | Operating expenses | 1,572,603 | 61,308 |
| 6 | Capital assets | 327,745 | 712,485 |
| 7 | Grants | <u>200,000</u> | <u>0</u> |
| 8 | Total all funds | \$7,530,346 | \$1,276,433 |
| 9 | Less estimated income | <u>1,331,450</u> | <u>756,557</u> |
| 10 | Total general fund | \$6,198,896 | \$519,876 |
| 11 | Full-time equivalent positions | 43.94 | 0.00 |
| 12 | Subdivision 4. | | |
| 13 | VISION SERVICES - SCHOOL FOR THE BLIND | | |
| 14 | | Adjustments or | |
| 15 | | <u>Base Level</u> | <u>Enhancements</u> |
| | | | <u>Appropriation</u> |
| 16 | Salaries and wages | \$3,531,264 | \$284,561 |
| 17 | Operating expenses | 667,006 | 84,500 |
| 18 | Capital assets | <u>39,500</u> | <u>25,500</u> |
| 19 | Total all funds | \$4,237,770 | \$394,561 |
| 20 | Less estimated income | <u>815,902</u> | <u>19,189</u> |
| 21 | Total general fund | \$3,421,868 | \$375,372 |
| 22 | Full-time equivalent positions | 29.50 | 0.00 |
| 23 | Subdivision 5. | | |

| | | | |
|----|---------------------------|-------------------|----------------------|
| 24 | BILL TOTAL | | |
| 25 | | Adjustments or | |
| 26 | | <u>Base Level</u> | <u>Enhancements</u> |
| | | | <u>Appropriation</u> |
| 27 | Grand total general fund | \$1,122,401,382 | (\$205,055,744) |
| 28 | Grand total special funds | \$364,672,954 | \$101,588,177 |
| 29 | Grand total all funds | \$1,487,074,336 | (\$103,467,567) |

30 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
 31 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding

Sixty-second
Legislative Assembly

1 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
2 one-time funding items included in the appropriation in section 1 of this Act:

| 3 | <u>One-Time Funding Description</u> | <u>2009-11</u> | <u>2011-13</u> |
|----|--|--------------------|----------------|
| 4 | Department of public instruction | | |
| 5 | IT application rewrite and maintenance | \$500,000 | \$384,000 |
| 6 | National board certification fund | 500,000 | 0 |
| 7 | Federal fiscal stimulus - School aid | 85,644,337 | 0 |
| 8 | Federal fiscal stimulus - Other | 67,379,051 | 0 |
| 9 | Geographic alliance endowment | <u>226,000</u> | <u>0</u> |
| 10 | Total department of public instruction - All funds | \$154,249,388 | \$384,000 |
| 11 | Total department of public instruction - | <u>153,023,388</u> | <u>0</u> |
| 12 | Estimated income | | |
| 13 | Total department of public instruction - | \$1,226,000 | \$384,000 |
| 14 | General fund | | |
| 15 | School for the deaf | | |
| 16 | Virtual services business plan | \$25,000 | \$0 |
| 17 | Facility master plan | 41,000 | 0 |
| 18 | Extraordinary repairs | 0 | 103,800 |
| 19 | Trades building remodel | <u>1,670,000</u> | <u>0</u> |
| 20 | Total school for the deaf - All funds | \$1,736,000 | \$103,800 |
| 21 | Total school for the deaf - Estimated income | <u>835,000</u> | <u>0</u> |
| 22 | Total school for the deaf - General fund | \$901,000 | \$103,800 |
| 23 | School for the blind - Vision services | | |
| 24 | Equipment | \$39,200 | \$25,500 |
| 25 | Window replacement | 31,000 | 0 |
| 26 | Facility master plan | 0 | 20,000 |
| 27 | Instructional equipment | <u>0</u> | <u>24,500</u> |
| 28 | Total school for the blind - All funds | \$70,200 | \$70,000 |
| 29 | Total school for the blind - Estimated income | <u>0</u> | <u>0</u> |
| 30 | Total school for the blind - General fund | \$70,200 | \$70,000 |
| 31 | Grand total - All funds | \$156,055,588 | \$557,800 |

| | | | |
|---|--------------------------------|---------------|-----------|
| 1 | Grand total - Estimated income | \$153,858,388 | \$0 |
| 2 | Grand total - General fund | \$2,197,200 | \$557,800 |

3 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the
4 2013-15 biennium. The department of public instruction, school for the deaf, and school for the
5 blind - vision services shall report to the appropriations committees of the sixty-third legislative
6 assembly on the use of this one-time funding for the biennium beginning July 1, 2011, and
7 ending June 30, 2013.

8 **SECTION 3. APPROPRIATION - LANDS AND MINERALS TRUST FUND - STATE**

9 **BOARD OF HIGHER EDUCATION.** There is appropriated out of any moneys in the lands and
10 minerals trust fund in the state treasury, not otherwise appropriated, the sum of \$10,000,000, or
11 so much of the sum as may be necessary, to the state board of higher education for the
12 purpose of providing North Dakota academic and career and technical education scholarships,
13 for the biennium beginning July 1, 2011, and ending June 30, 2013.

14 **SECTION 4. APPROPRIATION.** There is appropriated from special funds derived from
15 federal funds the sum of \$30,000,000, or so much of the sum as may be necessary, to the
16 superintendent of public instruction for grants for the period beginning with the effective date of
17 this Act and ending June 30, 2011.

18 **SECTION 5. APPROPRIATION - TUITION APPORTIONMENT.** The sum of \$101,638,000,
19 included in the grants - state school aid line item in subdivision 1 of section 1 of this Act, is from
20 the state tuition fund in the state treasury. Any additional amount in the state tuition fund that
21 becomes available for distribution to public schools is appropriated to the department of public
22 instruction for that purpose for the biennium beginning July 1, 2011, and ending June 30, 2013.

23 **SECTION 6. STATE SCHOOL AID AND SPECIAL EDUCATION CONTRACTS**

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

29 **SECTION 7. REGIONAL EDUCATION ASSOCIATIONS - GRANTS.** During the 2011-13
30 biennium, the superintendent of public instruction shall expend up to \$800,000 from the grants -
31 state school aid line item in subdivision 1 of section 1 of this Act for the purpose of providing an

1 annual grant to each eligible regional education association in order to assist each association
2 with the cost of compensating a coordinator.

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

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

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

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

12 **SECTION 8. RESERVED FUNDS - CONTINGENT ADULT EDUCATION LEARNING**

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

22 **SECTION 9. CONTINUING EDUCATION GRANTS - FUNDING - DISTRIBUTION.** The

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

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

29 a. (1) Be licensed to teach by the education standards and practices board;

30 (2) Have taught in this state during each of the last three school years; and

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

11 **SECTION 10. GIFTED AND TALENTED PROGRAM - MEDICAID MATCHING - FUNDING**
12 **- DISTRIBUTION.**

- 13 1. The sum of \$800,000, included in the grants - state school aid line item in
14 subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts
15 or special education units for gifted and talented programs upon the submission of an
16 application that is approved in accordance with guidelines adopted by the
17 superintendent of public instruction. The superintendent of public instruction shall
18 encourage cooperative efforts for gifted and talented programs among school districts
19 and special education units.
- 20 2. State school aid payments for special education must be reduced by the amount of
21 matching funds required to be paid by school districts or special education units for
22 students participating in the medicaid program. Special education funds equal to the
23 amount of the matching funds required to be paid by the school district or special
24 education unit must be paid by the superintendent of public instruction to the
25 department of human services on behalf of the school district or unit.

26 **SECTION 11. INDIRECT COST ALLOCATION.** Notwithstanding section 54-44.1-15, the
27 department of public instruction may deposit indirect cost recoveries in its operating account.

28 **SECTION 12. STATE AID TO PUBLIC LIBRARIES.** The line item entitled grants in
29 subdivision 2 of section 1 of this Act includes \$1,500,000 for aid to public libraries, of which no
30 more than one-half is to be expended during the fiscal year ending June 30, 2012.

1 **SECTION 13. FEES DEPOSITED IN VISION SERVICES - SCHOOL FOR THE BLIND**

2 **OPERATING FUND.** Any moneys included in the estimated income line item in subdivision 4 of
3 section 1 of this Act, collected for subscription fees or braille fees, must be deposited in the
4 North Dakota vision services - school for the blind operating fund in the state treasury and may
5 be spent subject to appropriation by the legislative assembly.

6 **SECTION 14. SCHOOL FOR THE DEAF - EXEMPTION - TRANSFER.** Up to \$835,000 of
7 the amount appropriated to the school for the deaf from the general fund, as provided in
8 chapter 13 of the 2009 Session Laws, for the trades building remodeling project and not spent
9 or obligated as of June 30, 2011, is not subject to the provisions of section 54-44.1-11 and shall
10 be transferred by the director of the office of management and budget to the school for the deaf
11 fund during the biennium beginning July 1, 2011, and ending June 30, 2013.

12 **SECTION 15. SCHOOL FOR THE DEAF - HIGHER EDUCATION INTERPRETER GRANT**

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

- 19 1. The school for the deaf shall develop a formula to determine the grant amount for
20 which an institution is eligible. The formula must be based on a uniform hourly
21 reimbursement.
- 22 2. To obtain a grant under this section, an institution shall submit to the school for the
23 deaf, at the time and in the manner directed by the school, invoices showing the
24 amount expended for interpreters and real-time captioning for students who are deaf
25 or hard of hearing.
- 26 3. The school for the deaf may not distribute more than fifty percent of the amount
27 appropriated during the first year of the biennium.
- 28 4. If any grant moneys remain undistributed at the end of the biennium, the school for the
29 deaf shall provide additional prorated grants to institutions that incurred during the
30 biennium hourly expenses in excess of the formula reimbursement level.

- 1 5. At the request of an institution under the control of the state board of higher education,
2 the school for the deaf shall consult with the institution and provide advice regarding
3 the provision of services most appropriate to meet a student's needs.

4 **SECTION 16.** A new section to chapter 15.1-02 of the North Dakota Century Code is
5 created and enacted as follows:

6 **North Dakota teacher of the year award - Selection - Announcement.**

- 7 1. The superintendent of public instruction shall administer a teacher of the year
8 program. The superintendent of public instruction shall coordinate the annual event,
9 including preparation of application materials, distribution of materials to the selection
10 committee, and publicity arrangements for the North Dakota teacher of the year
11 award.
- 12 2. By September thirtieth of each year, the governor and the superintendent of public
13 instruction shall jointly announce the award recipient and serve as the exclusive hosts
14 of a ceremony and reception honoring the teacher of the year. The ceremony and
15 reception must take place in the memorial hall of the state capitol or, if requested by
16 the award recipient, at a location in the municipality within which the recipient resides
17 or works.
- 18 3. The selection committee must be appointed by the superintendent of public instruction
19 and may not include more than one representative from any education-related
20 organization or association.

21 **SECTION 17. AMENDMENT.** Section 16 of chapter 13 of the 2009 Session Laws is
22 amended and reenacted as follows:

23 **SECTION 16. CONTINGENT APPROPRIATION - SUPPLEMENTAL**
24 **TRANSPORTATION AID PAYMENTS.**

- 25 1. There is appropriated out of any moneys in the general fund in the state treasury,
26 not otherwise appropriated, the sum of ~~\$5,000,000~~\$2,500,000, or so much of the
27 sum as may be necessary, to the superintendent of public instruction for the
28 purpose of providing supplemental transportation aid payments, for the biennium
29 beginning July 1, 2009, and ending June 30, 2011.
- 30 2. If the office of management and budget determines by July 31, 2010, that the
31 June 30, 2011, ending balance of the state general fund will be more than

1 \$30,000,000 in excess of the amount predicted by the office of management and
2 budget at the conclusion of the 2009 legislative session, the superintendent of
3 public instruction shall provide ~~\$5,000,000~~\$2,500,000 as supplemental
4 transportation aid payments to school districts.

5 3. If the general fund balance requirements of subsection 2 are not met and if the
6 office of management and budget determines by April 30, 2011, that the June 30,
7 2011, ending balance of the state general fund will be more than \$30,000,000 in
8 excess of the amount predicted by the office of management and budget at the
9 conclusion of the 2009 legislative session, the superintendent of public instruction
10 shall provide ~~\$5,000,000~~\$2,500,000 as supplemental transportation aid
11 payments to school districts.

12 4. The superintendent of public instruction shall pro rate the supplemental
13 transportation payments according to the percentage of the total transportation
14 formula amount that each school district is entitled to receive under 2009 House
15 Bill No. 1400 as approved by the sixty-first legislative assembly.

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

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

19 1. During each year of the 2009-11 biennium, the superintendent of public
20 instruction shall calculate the payment to which each school district is entitled
21 based on the state transportation formula as it existed on June 30, 2001, except
22 that the superintendent shall provide reimbursement at the rate of:

23 a. Ninety-two cents per mile for schoolbuses having a capacity of ten or more
24 passengers;

25 b. Forty-four cents per mile for vehicles having a capacity of nine or fewer
26 passengers; and

27 c. Twenty-four cents per student for each one-way trip.

28 2. The superintendent of public instruction shall use the latest available student
29 enrollment count in each school district in applying the provisions of the
30 transportation formula as it existed on June 30, 2001.

1 3. If any moneys provided for transportation payments in the grants - transportation
2 line item in the appropriation bill for the superintendent of public instruction, as
3 approved by the sixty-first legislative assembly, remain after application of the
4 formula provided for in this section, the superintendent of public instruction shall
5 ~~prorate~~;

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

9 b. Prorate the remaining amounts according to the percentage of the total
10 transportation formula amount to which each school district is entitled.

11 4. This section does not authorize the reimbursement of any costs incurred in
12 providing transportation for student attendance at extracurricular activities or
13 events.

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

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

17 1. In determining the availability of contingent money under this section, the
18 superintendent of public instruction shall first add to the money in the grants -
19 state school aid line item in the appropriation bill for the superintendent of public
20 instruction, as approved by the sixty-first legislative assembly, any money that
21 was appropriated to the superintendent for special education contracts and which
22 remains after the superintendent complied with all statutory special education
23 contract payment obligations imposed for the biennium beginning July 1, 2009,
24 and ending June 30, 2011.

25 2. If any money that was appropriated to the superintendent of public instruction for
26 grants - state aid payments to school districts or added to the grants - state
27 school aid line item in accordance with subsection 1 remains after the
28 superintendent complies with all statutory payment obligations imposed for the
29 biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent
30 shall ~~use~~;

- 1 a. Reserve the first eight million dollars, which is not subject to the provisions
2 of section 54-44.1-11 and must be used to provide per student payments
3 during the biennium beginning July 1, 2011, and ending June 30, 2013.
4 b. Reserve the next five hundred thousand dollars, which is not subject to the
5 provisions of section 54-44.1-11 and must be used in accordance with
6 section 8 of this Act.
7 c. Use the money to provide additional per student payments on a prorated
8 basis according to the latest available average daily membership of each
9 school district.

10 **SECTION 20. TRANSFER - NATIONAL BOARD CERTIFICATION FUND - GENERAL**
11 **FUND.** The office of management and budget shall transfer any balance remaining in the
12 national board certification fund at the end of the 2011-13 biennium to the general fund. For
13 purposes of this section, "at the end of the 2011-13 biennium" means after cancellation of
14 unexpended appropriations under section 54-44.1-11.

15 **SECTION 21. LEGISLATIVE INTENT - 2013-15 SCHOOL FOR THE DEAF**
16 **APPROPRIATION BILL.** It is the intent of the sixty-second legislative assembly that the
17 governor include the recommended funding for the school for the deaf in a separate draft
18 appropriations act for introduction to the sixty-third legislative assembly.

19 **SECTION 22. REPORT TO THE BUDGET SECTION AND THE SIXTY-THIRD**
20 **LEGISLATIVE ASSEMBLY.** The superintendent of public instruction shall provide a report to
21 the budget section by September 30, 2012 and to the sixty-third legislative assembly on the
22 development of alternative teacher compensation plans. The report must include use of the
23 funding, number of plans developed, summary of plan variances, criteria for teacher
24 performance review, and recommendations.

25 **SECTION 23. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **15.1-02-02. Salary.**

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

31 **SECTION 24. REPEAL.** Section 15.1-13-33 of the North Dakota Century Code is repealed.

1 **SECTION 25. EMERGENCY.** Sections 4, 17, 18, and 19 of this Act and \$21,517,716
2 appropriated in the education jobs fund line item in subdivision 1 of section 1 of this Act are
3 declared to be an emergency measure.