

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1013

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, the school for the blind, and the state library; and to  
3 amend and reenact section 15-21-02 of the North Dakota Century Code, relating to the salary  
4 of the superintendent of public instruction.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
7 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
8 the state treasury, not otherwise appropriated, and from special funds derived from federal  
9 funds and other income, to the department of public instruction, the school for the deaf, the  
10 school for the blind, and the state library for the purpose of defraying the expenses of their  
11 various divisions, for the biennium beginning July 1, 1997, and ending June 30, 1999, as  
12 follows:

13 Subdivision 1.

14 DEPARTMENT OF PUBLIC INSTRUCTION

15 Salaries and wages	\$ 10,872,941
16 Operating expenses	8,764,344
17 Equipment	768,920
18 Grants - foundation aid and transportation	466,356,259
19 Grants - revenue supplement payments	3,100,000
20 Grants - tuition apportionment	49,273,144
21 Grants - special education	40,550,000
22 Grants - goals 2000	2,600,000
23 Grants - other grants	122,915,847
24 Geographic education	<u>50,000</u>

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1	Total all funds	\$705,251,455
2	Less estimated income	<u>187,038,203</u>
3	Total general fund appropriation	\$518,213,252
4	Subdivision 2.	
5	STATE LIBRARY	
6	Salaries and wages	\$ 1,876,280
7	Operating expenses	1,050,550
8	Equipment	22,500
9	Grants	<u>1,260,521</u>
10	Total all funds	\$ 4,209,851
11	Less estimated income	<u>1,273,641</u>
12	Total general fund appropriation	\$ 2,936,210
13	Subdivision 3.	
14	SCHOOL FOR THE DEAF	
15	Salaries and wages	\$ 4,064,385
16	Operating expenses	930,822
17	Equipment	100,000
18	Capital improvements	<u>25,000</u>
19	Total all funds	\$ 5,120,207
20	Less estimated income	<u>531,878</u>
21	Total general fund appropriation	\$ 4,588,329
22	Subdivision 4.	
23	SCHOOL FOR THE BLIND	
24	Salaries and wages	\$ 2,177,856
25	Operating expenses	663,429
26	Equipment	81,900
27	Capital improvements	<u>394,075</u>
28	Total all funds	\$ 3,317,260
29	Less estimated income	<u>957,067</u>
30	Total general fund appropriation	\$ 2,360,193
31	Grand total general fund appropriation H.B. 1013	\$528,097,984

1	Grand total special funds appropriation H.B. 1013	\$189,800,789
2	Grand total all funds appropriation H.B. 1013	\$717,898,773

3       **SECTION 2. INTENT.** It is the intent of the legislative assembly that the sum of  
4 \$49,273,144, or such greater or lesser sums as become available, included in the grants-tuition  
5 apportionment and estimated income line items in subdivision 1 of section 1 of this Act, be  
6 distributed by the office of management and budget out of any moneys in the state tuition fund  
7 in the state treasury to the public schools of this state as provided in section 2 of article IX of  
8 the Constitution of North Dakota and chapter 15-44 for the biennium beginning July 1, 1997,  
9 and ending June 30, 1999.

10       **SECTION 3. INTENT - EXPENDITURE AUTHORITY.** The superintendent of public  
11 instruction may expend funds appropriated in the foundation aid and transportation and special  
12 education grants line items in subdivision 1 of section 1 of this Act in payment of grants for  
13 education services that were due in the 1995-97 biennium but which were not filed, claimed, or  
14 properly supported by the education provider in question until after June 30, 1997.

15       **SECTION 4. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the  
16 amount included in the grants - special education line item in subdivision 1 of section 1 of this  
17 Act be distributed as follows:

- 18       1. Ten million dollars to reimburse school districts or special education units for  
19 excess costs incurred relating to contracts for students with disabilities as required  
20 in sections 15-40.2-08, 15-59-06, and 15-59-07, and for boarding care  
21 reimbursements as required in section 15-59-07.2.
- 22       2. Four hundred thousand dollars to reimburse school districts or special education  
23 units for gifted and talented programs upon the submission of an application that is  
24 approved in accordance with guidelines adopted by the superintendent of public  
25 instruction. The superintendent of public instruction shall encourage cooperative  
26 efforts for gifted and talented programs among school districts and special  
27 education units.
- 28       3. Any amount remaining in the line item must be distributed on a per student basis  
29 as required by section 15-40.1-07.6, except that during each of the school years of  
30 the biennium a school district or special education unit may not receive less than  
31 ninety percent of the amount received during the 1993-94 school year from state

special education funds, excluding reimbursements for student contracts, boarding care, and gifted and talented programs. State special education payments distributed as required by section 15-40.1-07.6 must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the medicaid program. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the district or unit.

**SECTION 5. GOALS 2000 - PARTICIPATION VOLUNTARY.** The school board of any school district may, on behalf of the district it represents, choose to participate or not to participate in Goals 2000 Educate America Act, Public Law No. 103-227 [108 Stat. 125; 20 U.S.C. 5801 et seq.]. Any school board that chooses to participate and directly or indirectly receives federal funds for its participation shall expend such funds in the manner it determines best meets the goal of educational enhancement in the school district. The superintendent of public instruction may not impose any financial penalty or other sanction on a school or school district if the school board chooses, at any time, to terminate participation in goals 2000.

**SECTION 6. DISPLACED HOMEMAKER FUND.** The amount of \$250,000, or so much of the sum as may be necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act is from the displaced homemaker fund for the purpose of providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 7. GRANTS.** The line item entitled grants in subdivision 2 of section 1 of this Act includes \$935,521 for aid to public libraries of which no more than one-half is to be expended during the fiscal year ending June 30, 1998.

**SECTION 8. FEES DEPOSITED IN OPERATING FUND.** Any moneys included in estimated income in subdivision 4 of section 1 of this Act, collected for subscription fees or braille fees, must be deposited in the school for the blind operating fund in the state treasury and must be spent subject to appropriation by the legislative assembly.

**SECTION 9. AMENDMENT.** Section 15-21-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1           **15-21-02. Salary and traveling expenses.** The annual salary of the superintendent of  
2 public instruction is ~~forty-three~~ forty-six thousand ~~eight~~ five hundred ~~forty-eight~~ sixty-eight dollars  
3 through June 30, ~~1996~~ 1998, and ~~forty-four~~ forty-eight thousand ~~nine~~ two hundred ~~twenty-five~~  
4 seventy-two dollars thereafter. The superintendent is also entitled to reimbursement for  
5 expenses incurred in the discharge of official duties, such expenses to be paid monthly on a  
6 warrant prepared by the office of management and budget and signed by the state auditor,  
7 upon the filing of an itemized and verified statement of expenses.