

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE BILL NO. 1013
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the department of public instruction, the division of independent study, the school for the deaf, the school for the blind, the state library, and the state board for vocational and technical education; to provide statements of legislative intent; and to amend and reenact subsection 1 of section 15-40.1-16 or in the alternative to amend and reenact subsection 1 of section 15.1-27-26, and section 15.1-02-02 of the North Dakota Century Code, relating to transportation payments and the salary of the superintendent of public instruction.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of public instruction, the division of independent study, the school for the deaf, the school for the blind, and the state library for the purpose of defraying the expenses of their various divisions, for the biennium beginning July 1, 2001, and ending June 30, 2003, as follows:

Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

Salaries and wages	\$8,985,148
Operating expenses	15,310,080
Equipment	344,140
Grants - Foundation aid and transportation	473,971,648
Grants - Teacher compensation payments	35,036,000
Grants - Revenue supplement payments	2,200,000
Grants - Tuition apportionment	67,239,025
Grants - Special education	49,898,695
Grants - Other grants	149,420,263
Geographic education	100,000
Total all funds	\$802,504,999
Less estimated income	232,691,705
Total general fund appropriation	\$569,813,294

Subdivision 2.

DIVISION OF INDEPENDENT STUDY

Salaries and wages	\$3,257,968
Operating expenses	1,718,498
Equipment	190,000
Capital improvements	55,000
Total all funds	\$5,221,466
Less estimated income	4,353,250
Total general fund appropriation	\$868,216

Subdivision 3.

STATE LIBRARY

Salaries and wages	\$2,084,108
Operating expenses	1,135,660
Equipment	40,000

Grants	<u>1,453,745</u>
Total all funds	\$4,713,513
Less estimated income	<u>1,598,857</u>
Total general fund appropriation	\$3,114,656

Subdivision 4.

SCHOOL FOR THE DEAF

Salaries and wages	\$4,888,058
Operating expenses	1,156,267
Equipment	60,190
Capital improvements	<u>45,410</u>
Total all funds	\$6,149,925
Less estimated income	<u>1,095,624</u>
Total general fund appropriation	\$5,054,301

Subdivision 5.

SCHOOL FOR THE BLIND

Salaries and wages	\$2,725,158
Operating expenses	662,238
Equipment	60,000
Capital improvements	<u>25,416</u>
Total all funds	\$3,472,812
Less estimated income	<u>1,357,821</u>
Total general fund appropriation	\$2,114,991
Grand total general fund appropriation H.B. 1013	\$580,978,458
Grand total special funds appropriation H.B. 1013	\$241,097,257
Grand total all funds appropriation H.B. 1013	\$822,075,715

SECTION 2. APPROPRIATION - TUITION APPORTIONMENT. The sum of \$67,239,025, or such greater or lesser sums as become available, included in the grants - tuition apportionment and estimated income line items in subdivision 1 of section 1 of this Act, are appropriated to the department of public instruction out of any moneys in the state tuition fund in the state treasury to the public schools of this state as provided in section 2 of article IX of the Constitution of North Dakota and chapter 15-44 for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 3. EXPENDITURE AUTHORITY. The superintendent of public instruction may expend funds appropriated in the foundation aid and transportation and special education grants line items in subdivision 1 of section 1 of this Act in payment of grants for education services that were due in the 1999-2001 biennium but which were not filed, claimed, or properly supported by the education provider in question until after June 30, 2001.

SECTION 4. RED RIVER VALLEY WRITING PROJECT. The operating expenses line item in subdivision 1 of section 1 of this Act includes \$20,000 from the general fund which must be used to support the Red River valley writing project during the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. STANDARDS-BASED STUDENT TESTING. The operating expenses line item in subdivision 1 of section 1 of this Act includes \$1,217,928 from the general fund which must be used to develop and administer student tests aligned with the state content standards and to report the results of the tests during the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 6. COMPENSATION PAYMENTS TO TEACHERS AT STATE INSTITUTIONS. In addition to amounts otherwise appropriated for salary increases for teachers at the division of independent study, the school for the deaf, and the school for the blind, the amounts appropriated for salaries and wages in subdivisions 2, 4, and 5 of section 1 of this Act include the following general fund amounts which must be used to increase teacher compensation by \$1,000 per year the first year of the biennium and by an additional \$2,000 per year the second year of the biennium:

Division of independent study	\$72,800
School for the deaf	\$74,000
School for the blind	\$56,200

SECTION 7. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS. It is the intent of the fifty-seventh legislative assembly that the department of public instruction base budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, include no more than 94.25 full-time equivalent positions.

SECTION 8. LEGISLATIVE INTENT - DISTRIBUTION OF SPECIAL EDUCATION AID. It is the intent of the legislative assembly that the amount included in the grants - special education line item in subdivision 1 of section 1 of this Act be distributed as follows:

1. Twelve million six hundred sixty-five thousand dollars to reimburse school districts or special education units for excess costs incurred relating to contracts for students with disabilities.
2. Four hundred thousand dollars to reimburse school districts or special education units for gifted and talented programs upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction. The superintendent of public instruction shall encourage cooperative efforts for gifted and talented programs among school districts and special education units.
3. Any amount remaining in the line item must be distributed on a per student basis as required by section 15-40.1-07.6 or 15.1-27-10, 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 or 15.1-27-10 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 school district or unit.

SECTION 9. LEGISLATIVE INTENT - TECHNOLOGY GRANTS. It is the intent of the legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act include \$4,037,500 for grants to schools for technology or teacher professional development-related expenditures.

SECTION 10. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS. Payments to school districts educating limited English proficient students, as required by section 15-40.1-07.7 or 15.1-27-12, must be paid using up to \$650,000 of the amount appropriated in subdivision 1 of section 1 of this Act for grants - foundation aid and transportation.

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

SECTION 12. DISPLACED HOMEMAKER FUND. The amount of \$251,747, 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, 2001, and ending June 30, 2003.

SECTION 13. GRANTS. The line item entitled grants in subdivision 3 of section 1 of this Act includes \$888,745 for aid to public libraries of which no more than one-half is to be expended during the fiscal year ending June 30, 2002.

SECTION 14. FEES DEPOSITED IN OPERATING FUND. Any moneys included in estimated income in subdivision 5 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 15. AMENDMENT. If House Bill No. 1045 does not become effective, subsection 1 of section 15-40.1-16 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. There must be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school, the following amounts:
 - a. For schoolbuses and school vehicles transporting students who live outside the incorporated limits of the city in which the students' school is located, a sum equal to twenty-five cents per mile [1.61 kilometers] for vehicles having a capacity of nine or fewer students and sixty-seven cents per mile [1.61 kilometers] for schoolbuses having a capacity of ten or more students ~~and~~, for schoolbuses and school vehicles having a capacity of nine or fewer students and transporting students who live within the incorporated limits of a city in which the students' school is located, a sum equal to twenty-five cents per mile [1.61 kilometers], and for schoolbuses and school vehicles having a capacity of ten or more students and transporting students who live within the incorporated limits of a city in which the students' school is located, a sum equal to thirty-five cents per mile [1.61 kilometers]. School districts qualifying for payments for buses having a capacity of ten or more students are entitled to an amount equal to forty cents per day for each public school student living outside the city limits who is transported in such buses.
 - b. For students who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city within which the school that the students attend is located, a sum equal to twenty cents per student per one-way trip.

The mileage payments provided for in this subsection must be made to each school district for transporting students to and from school. Payments may be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to compliance with the laws of this state in regard to schoolbuses and their drivers must be made in such manner and detail as the superintendent of public instruction may require at the time an application is made for payments provided under this subsection.

SECTION 16. AMENDMENT. Section 15.1-02-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15.1-02-02. Salary. The annual salary of the superintendent of public instruction is ~~fifty-nine~~ sixty-nine thousand ~~four~~ six hundred ~~thirty-seven~~ forty-eight dollars through ~~June 30, 2000~~ December 31, 2001, ~~sixty~~ sixty-seven thousand ~~six~~ nine hundred ~~twenty-six~~ thirty-four dollars through ~~December 31, 2000~~ June 30, 2002, and ~~sixty-seven~~ sixty-eight thousand ~~six~~ four hundred ~~nineteen~~ thirty-four dollars thereafter.

SECTION 17. AMENDMENT. Subsection 1 of section 15.1-27-26 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

1. Each school district providing transportation to students in contract schoolbuses or in district-owned and operated schoolbuses, and each school district with students riding commercial buses to and from school is entitled to receive the following amounts:

- a. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of nine or fewer students and transporting students who reside outside the incorporated limits of the city in which the students' school is located.
- b. Sixty-seven cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of ten or more students and transporting students who reside outside the incorporated limits of the city in which the students' school is located.
- c. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of nine or fewer students and transporting students who reside within the incorporated limits of a city in which the students' school is located.
- d. Thirty-five cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of ten or more students and transporting students who reside within the incorporated limits of a city in which the students' school is located.
- e. Twenty cents for each one-way trip by a student who rides a schoolbus or a commercial bus to or from school and who resides within the incorporated limits of the city in which the student's school is located.

SECTION 18. APPROPRIATION - STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$13,000, or so much of the sum as may be necessary, to the state board for vocational and technical education for the purpose of providing grants to support vocational education programs for the biennium beginning July 1, 2001, and ending June 30, 2003.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1013.

House Vote: Yeas 92 Nays 0 Absent 6

Senate Vote: Yeas 47 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State