

**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, 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 or in the alternative to  
4 amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary  
5 of the superintendent of public instruction.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
8 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
9 the state treasury, not otherwise appropriated, and from special funds derived from federal  
10 funds and other income, to the department of public instruction, the school for the deaf, the  
11 school for the blind, and the state library for the purpose of defraying the expenses of their  
12 various divisions, for the biennium beginning July 1, 1999, and ending June 30, 2001, as  
13 follows:

14 Subdivision 1.

15 DEPARTMENT OF PUBLIC INSTRUCTION

16	Salaries and wages	\$11,825,653
17	Operating expenses	10,457,032
18	Equipment	591,036
19	Grants - Foundation aid and transportation	475,906,259
20	Grants - Revenue supplement payments	3,100,000
21	Grants - Tuition apportionment	53,528,217
22	Grants - Special education	44,600,000
23	Grants - Other grants	132,007,469
24	Geographic education	50,000

Fifty-sixth  
Legislative Assembly

1	SENDIT network	546,669
2	National board certification	<u>398,000</u>
3	Total all funds	\$733,010,335
4	Less estimated income	<u>193,694,209</u>
5	Total general fund appropriation	\$539,316,126

6 Subdivision 2.

7 STATE LIBRARY

8	Salaries and wages	\$1,968,936
9	Operating expenses	1,109,782
10	Equipment	40,000
11	Grants	<u>1,453,745</u>
12	Total all funds	\$4,572,463
13	Less estimated income	<u>1,594,268</u>
14	Total general fund appropriation	\$2,978,195

15 Subdivision 3.

16 SCHOOL FOR THE DEAF

17	Salaries and wages	\$4,347,330
18	Operating expenses	1,015,458
19	Equipment	39,224
20	Capital improvements	<u>136,327</u>
21	Total all funds	\$5,538,339
22	Less estimated income	<u>658,177</u>
23	Total general fund appropriation	\$4,880,162

24 Subdivision 4.

25 SCHOOL FOR THE BLIND

26	Salaries and wages	\$2,415,801
27	Operating expenses	678,059
28	Equipment	70,500
29	Capital improvements	<u>51,790</u>
30	Total all funds	\$3,216,150
31	Less estimated income	<u>863,400</u>

1	Total general fund appropriation	\$2,352,750
2	Grand total general fund appropriation S.B. 2013	\$549,527,233
3	Grand total special funds appropriation S.B. 2013	\$196,810,054
4	Grand total all funds appropriation S.B. 2013	\$746,337,287

5           **SECTION 2. APPROPRIATION - TUITION APPORTIONMENT.** The sum of  
6 \$53,528,217, or such greater or lesser sums as become available, included in the grants -  
7 tuition apportionment and estimated income line items in subdivision 1 of section 1 of this Act,  
8 are hereby appropriated to the department of public instruction out of any moneys in the state  
9 tuition fund in the state treasury to the public schools of this state as provided in section 2 of  
10 article IX of the Constitution of North Dakota and chapter 15-44 for the biennium beginning  
11 July 1, 1999, and ending June 30, 2001.

12           **SECTION 3. LEGISLATIVE INTENT - EXPENDITURE AUTHORITY.** The  
13 superintendent of public instruction may expend funds appropriated in the grants - foundation  
14 aid and transportation and grants - special education line items in subdivision 1 of section 1 of  
15 this Act in payment of grants for education services that were due in the 1997-99 biennium but  
16 which were not filed, claimed, or properly supported by the education provider in question until  
17 after June 30, 1999.

18           **SECTION 4. LEGISLATIVE INTENT - NATIONAL BOARD CERTIFICATION.** It is the  
19 intent of the legislative assembly that the amount of \$398,000, or so much of the sum as may  
20 be necessary, included in the national board certification and total general fund appropriation  
21 line items in subdivision 1 of section 1 of this Act be distributed by the department of public  
22 instruction to the education standards and practices board for the implementation of the  
23 national board certification program.

24           **SECTION 5. LEGISLATIVE INTENT - DISTRIBUTION OF SPECIAL EDUCATION**  
25 **AID.** It is the intent of the legislative assembly that the amount included in the grants - special  
26 education line item in subdivision 1 of section 1 of this Act be distributed as follows:

- 27           1. Ten million dollars to reimburse school districts or special education units for  
28           excess costs incurred relating to contracts for students with disabilities.
- 29           2. Four hundred thousand dollars to reimburse school districts or special education  
30           units for gifted and talented programs upon the submission of an application that is  
31           approved in accordance with guidelines adopted by the superintendent of public

1 instruction. The superintendent of public instruction shall encourage cooperative  
2 efforts for gifted and talented programs among school districts and special  
3 education units.

4 3. Any amount remaining in the grants - special education line item must be  
5 distributed on a per student basis as required by section 15-40.1-07.6, excluding  
6 reimbursements for student contracts, boarding care, and gifted and talented  
7 programs. State special education payments distributed as required by section  
8 15-40.1-07.6 must be reduced by the amount of matching funds required to be paid  
9 by school districts or special education units for students participating in the  
10 medicaid program. Special education funds equal to the amount of the matching  
11 funds required to be paid by the school district or special education unit must be  
12 paid by the superintendent of public instruction to the department of human  
13 services on behalf of the school district or unit.

14 **SECTION 6. LEGISLATIVE INTENT - TECHNOLOGY GRANTS.** It is the intent of the  
15 legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act include  
16 six million dollars for grants to schools for technology or teacher professional development  
17 related expenditures. The educational telecommunications council shall determine the  
18 maximum amount to which each school district is entitled by dividing the number of elementary  
19 and secondary students in average daily membership in this state into the funds appropriated in  
20 subdivision 1 of section 1 of this Act for technology grants and then multiplying the result by the  
21 number of students in average daily membership in each district.

22 **SECTION 7. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS.**  
23 Payments to school districts educating limited English proficient students, as required by  
24 section 15-40.1-07.7, must be paid up to \$300,000 of the amount appropriated in subdivision 1  
25 of section 1 of this Act for foundation aid and transportation grants.

26 **SECTION 8. INDIRECT COST ALLOCATION.** Notwithstanding section 54-44.1-15,  
27 the department of public instruction may deposit indirect cost recoveries in its operating  
28 account.

29 **SECTION 9. DISPLACED HOMEMAKER FUND.** The amount of \$250,000, or so  
30 much of the sum as may be necessary, included in the estimated income line item in  
31 subdivision 1 of section 1 of this Act is from the displaced homemaker fund for the purpose of

1 providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium  
2 beginning July 1, 1999, and ending June 30, 2001.

3 **SECTION 10. GRANTS.** The grants line item in subdivision 2 of section 1 of this Act  
4 includes \$888,745 for aid to public libraries of which no more than one-half is to be expended  
5 during the fiscal year ending June 30, 2000.

6 **SECTION 11. FEES DEPOSITED IN OPERATING FUND.** Any moneys included in the  
7 estimated income line item in subdivision 4 of section 1 of this Act, collected for subscription  
8 fees or braille fees, must be deposited in the school for the blind operating fund in the state  
9 treasury and must be spent subject to appropriation by the legislative assembly.

10 **SECTION 12. EXEMPTION.** The department of public instruction appropriation  
11 contained in subdivision 1 of section 1 of chapter 13 of the 1997 Session Laws is not subject to  
12 the provisions of section 54-44.1-11 for up to an amount of \$70,400, and any unexpended  
13 funds from this appropriation are available for continued operating costs for the accreditation  
14 program during the biennium beginning July 1, 1999, and ending June 30, 2001.

15 **SECTION 13. AMENDMENT.** If House Bill No. 1034 does not become effective,  
16 section 15-21-02 of the 1997 Supplement to the North Dakota Century Code is amended and  
17 reenacted as follows:

18 **15-21-02. Salary and traveling expenses.** The annual salary of the superintendent of  
19 public instruction is ~~fifty-six~~ sixty-seven thousand ~~five~~ two hundred ~~sixty-eight~~ twenty-six dollars  
20 through June 30, ~~1998~~ 2000, and ~~fifty-eight~~ sixty-nine thousand two hundred ~~seventy-two~~  
21 forty-three dollars thereafter. The superintendent is also entitled to reimbursement for  
22 expenses incurred in the discharge of official duties, such expenses to be paid monthly on a  
23 warrant prepared by the office of management and budget and signed by the state auditor,  
24 upon the filing of an itemized and verified statement of expenses.

25 **SECTION 14. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code  
26 as created by House Bill No. 1034, as approved by the fifty-six legislative assembly, is  
27 amended and reenacted as follows:

28 **15.1-02-02. Salary and traveling expenses.** The annual salary of the superintendent  
29 of public instruction is ~~fifty-eight~~ sixty-seven thousand two hundred ~~seventy-two~~ twenty-six  
30 dollars through June 30, 2000, and sixty-nine thousand two hundred forty-three dollars  
31 thereafter.