

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

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

17 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
18 as may be necessary, are appropriated out of any moneys in the general fund in the state
19 treasury, not otherwise appropriated, and from special funds derived from federal funds and
20 other income, to the department of public instruction, the school for the deaf, North Dakota
21 vision services - school for the blind, and the state library for the purpose of defraying the
22 expenses of those agencies, for the biennium beginning July 1, 2011, and ending June 30,
23 2013, as follows:

24 Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$13,504,455	\$904,845	\$14,409,300
Operating expenses	30,770,801	(1,019,614)	29,751,187
<u>Operating expenses</u>	<u>30,770,801</u>	<u>(1,087,614)</u>	<u>29,683,187</u>
Grants - State school aid	722,725,958	196,733,520	919,459,478
<u>Grants - State school aid</u>	<u>722,725,958</u>	<u>190,033,520</u>	<u>912,759,478</u>
Grants - Special education contracts	15,500,000	500,000	16,000,000
Grants - Supplemental one-time	85,644,337	(85,644,337)	0
Grants - Supplemental operations	16,795,584	(16,795,584)	0
Grants - Transportation	43,500,000	5,000,000	48,500,000
Grants - Other grants	245,203,721	57,760,261	302,963,982
Grants - Mill levy reduction	295,000,000	46,790,000	341,790,000
<u>Grants - Other grants</u>	<u>245,203,721</u>	<u>64,180,672</u>	<u>309,384,393</u>
<u>Grants - Mill levy reduction</u>	<u>295,000,000</u>	<u>(295,000,000)</u>	<u>0</u>
<u>ATCS review panel</u>	<u>0</u>	<u>300,000</u>	<u>300,000</u>
Education jobs fund	0	21,517,716	21,517,716
Transportation efficiency	30,000	0	30,000
National board certification	<u>102,500</u>	<u>82,500</u>	<u>185,000</u>
Total all funds	\$1,468,777,356	\$225,829,307	\$1,694,606,663
Less estimated income	360,597,766	432,395,657	792,993,423
Total general fund	\$1,108,179,590	(\$206,566,350)	\$901,613,240
<u>Total all funds</u>	<u>\$1,468,777,356</u>	<u>(\$116,008,282)</u>	<u>\$1,352,769,074</u>
<u>Less estimated income</u>	<u>360,597,766</u>	<u>90,605,657</u>	<u>451,203,423</u>
<u>Total general fund</u>	<u>\$1,108,179,590</u>	<u>(\$206,613,939)</u>	<u>\$901,565,651</u>
Full-time equivalent positions	99.75	0.00	99.75
Subdivision 2.			
	STATE LIBRARY		

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		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
1			
2			
3	Salaries and wages	\$256,568	\$3,450,359
4	Operating expenses	213,153	1,695,726
5	Grants	<u>400,000</u>	<u>2,252,500</u>
6	Total all funds	\$869,721	\$7,398,585
7	Less estimated income	<u>206,774</u>	<u>2,134,610</u>
8	Total general fund	\$662,947	\$5,263,975
9	Full-time equivalent positions	0.00	29.75

10 Subdivision 3.

11 SCHOOL FOR THE DEAF

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
12			
13			
14	Salaries and wages	\$502,640	\$5,932,638
15	Operating expenses	61,308	1,633,911
16	Capital assets	712,485	1,040,230
17	Grants	<u>0</u>	<u>200,000</u>
18	Total all funds	\$1,276,433	\$8,806,779
19	Less estimated income	<u>756,557</u>	<u>2,088,007</u>
20	Total general fund	\$519,876	\$6,718,772
21	Full-time equivalent positions	0.00	43.94

22 Subdivision 4.

23 VISION SERVICES - SCHOOL FOR THE BLIND

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
24			
25			
26	Salaries and wages	\$284,561	\$3,815,825
27	Operating expenses	84,500	751,506
28	Capital assets	<u>25,500</u>	<u>65,000</u>
29	Total all funds	\$394,561	\$4,632,331
30	Less estimated income	<u>19,189</u>	<u>835,091</u>
31	Total general fund	\$375,372	\$3,797,240

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1 Full-time equivalent positions 29.50 0.00 29.50

2 Subdivision 5.

3 BILL TOTAL

4 Adjustments or
5 Base Level Enhancements Appropriation

6 ~~Grand total all funds \$1,487,074,336 \$228,370,022 \$1,715,444,358~~

7 ~~Grand total general fund \$1,122,401,382 (\$205,008,155) \$917,393,227~~

8 ~~Grand total special funds \$364,672,954 \$433,378,177 \$798,051,131~~

9 Grand total general fund \$1,122,401,382 (\$205,055,744) \$917,345,638

10 Grand total special funds \$364,672,954 \$101,588,177 \$466,261,131

11 Grand total all funds \$1,487,074,336 (\$103,467,567) \$1,383,606,769

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

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

16	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
17	Department of public instruction		
18	IT application rewrite and maintenance	\$500,000	\$384,000
19	National board certification fund	500,000	0
20	Federal fiscal stimulus - School aid	85,644,337	0
21	Federal fiscal stimulus - Other	67,379,051	0
22	Geographic alliance endowment	<u>226,000</u>	<u>0</u>
23	Total department of public instruction - All funds	\$154,249,388	\$384,000
24	Total department of public instruction -	<u>153,023,388</u>	<u>0</u>
25	Estimated income		
26	Total department of public instruction -	\$1,226,000	\$384,000
27	General fund		
28	School for the deaf		
29	Virtual services business plan	\$25,000	\$0
30	Facility master plan	41,000	0
31	Extraordinary repairs	0	103,800

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1	Trades building remodel	<u>1,670,000</u>	<u>0</u>
2	Total school for the deaf - All funds	\$1,736,000	\$103,800
3	Total school for the deaf - Estimated income	<u>835,000</u>	<u>0</u>
4	Total school for the deaf - General fund	\$901,000	\$103,800
5	School for the blind - Vision services		
6	Equipment	\$39,200	\$25,500
7	Window replacement	31,000	0
8	Contingency	0	300,000
9	Facility master plan	0	20,000
10	Instructional equipment	<u>0</u>	<u>24,500</u>
11	Total school for the blind - All funds	\$70,200	\$370,000
12	<u>Total school for the blind - All funds</u>	<u>\$70,200</u>	<u>\$70,000</u>
13	Total school for the blind - Estimated income	<u>0</u>	<u>0</u>
14	Total school for the blind - General fund	\$70,200	\$370,000
15	Grand total - All funds	\$156,055,588	\$857,800
16	<u>Total school for the blind - General fund</u>	<u>\$70,200</u>	<u>\$70,000</u>
17	<u>Grand total - All funds</u>	<u>\$156,055,588</u>	<u>\$557,800</u>
18	Grand total - Estimated income	\$153,858,388	\$0
19	Grand total - General fund	\$2,197,200	\$857,800
20	<u>Grand total - General fund</u>	<u>\$2,197,200</u>	<u>\$557,800</u>

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

26 **SECTION 3. APPROPRIATION - LANDS AND MINERALS TRUST FUND - STATE**
 27 **BOARD OF HIGHER EDUCATION.** There is appropriated out of any moneys in the lands and
 28 minerals trust fund in the state treasury, not otherwise appropriated, the sum of \$10,000,000, or
 29 so much of the sum as may be necessary, to the state board of higher education for the
 30 purpose of providing North Dakota academic and career and technical education scholarships,
 31 for the biennium beginning July 1, 2011, and ending June 30, 2013.

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

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

10 ~~**SECTION 5. MILL LEVY REDUCTION GRANTS - FUNDING FROM PROPERTY TAX**~~
11 ~~**RELIEF FUND.** The grants - mill levy reduction and estimated income line items contained in~~
12 ~~subdivision 1 of section 1 of this Act include \$341,790,000 from the property tax relief~~
13 ~~sustainability fund which is appropriated to the department of public instruction for the purpose~~
14 ~~of providing mill levy reduction grants to school districts during the biennium beginning July 1,~~
15 ~~2011, and ending June 30, 2013.~~

16 **SECTION 6. STATE SCHOOL AID AND SPECIAL EDUCATION CONTRACTS**
17 **EXPENDITURE AUTHORITY.** The superintendent of public instruction may expend funds
18 included in the grants - state school aid and grants - special education contracts line items in
19 subdivision 1 of section 1 of this Act in payment of grants for educational services that were due
20 in the 2009-11 biennium but which were not filed, claimed, or properly supported by the
21 education provider until after June 30, 2011.

22 **SECTION 7. REGIONAL EDUCATION ASSOCIATIONS - GRANTS.** During the 2011-13
23 biennium, the superintendent of public instruction shall expend up to \$800,000 from the grants -
24 state school aid line item in subdivision 1 of section 1 of this Act for the purpose of providing an
25 annual grant to each eligible regional education association in order to assist each association
26 with the cost of compensating a coordinator.

- 27 1. In order to receive a grant under this section, each regional education association
28 must:
- 29 a. Enter a contract with an individual to serve as a coordinator, on a full-time or a
30 part-time basis, for a duration of at least twelve months; and

- 1 b. Provide from other revenue sources at least thirty percent of the total
- 2 compensation payable to the coordinator.
- 3 2. The maximum grant payable to a regional education association under this section
- 4 during each year of the biennium is the lesser of \$50,000 or seventy percent of the
- 5 total compensation payable to the coordinator.

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

7 **CENTER GRANTS.** The sum of \$500,000, or so much of the sum as may be necessary, made
8 available under section 19 of this Act, must be used by the department of public instruction for
9 providing adult education learning center grants, for the biennium beginning July 1, 2011, and
10 ending June 30, 2013. The department may provide grants of up to \$250,000 during the first
11 year of the biennium only if federal funding available to the state for adult education is less than
12 \$900,000 in federal fiscal year 2012. Funding provided in the first year of the biennium is limited
13 to the difference between federal funding available in federal fiscal year 2012 and \$900,000.
14 The department may use any remaining funds for adult education learning center grants during
15 the second year of the biennium.

16 **SECTION 9. CONTINUING EDUCATION GRANTS - FUNDING - DISTRIBUTION.** The
17 sum of \$100,000, or so much of the sum as may be necessary, included in the grants - other
18 grants line item in subdivision 1 of section 1 of this Act is provided for continuing education
19 grants, for the biennium beginning July 1, 2011, and ending June 30, 2013.

- 20 1. The superintendent of public instruction shall award grants in amounts up to \$1,200 to
- 21 eligible recipients in chronological order, based on the date of an individual's
- 22 application. An eligible recipient must:
 - 23 a. (1) Be licensed to teach by the education standards and practices board;
 - 24 (2) Have taught in this state during each of the last three school years; and
 - 25 (3) Be enrolled at an institution of higher education in this state in either a
 - 26 master of education program in educational leadership or a program leading
 - 27 to a specialist diploma in educational leadership;
 - 28 b. Be pursuing the requirements for a certificate in career development facilitation;
 - 29 or
 - 30 c. Be pursuing a school counselor credential.

2. If any of the amount appropriated for this purpose remains after the superintendent of public instruction has awarded grants to all eligible recipients, the superintendent shall distribute that amount as an additional per student payment on a prorated basis, according to the latest available average daily membership of each school district.

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

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

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

1. The sum of \$800,000, included in the grants - state school aid line item in subdivision 1 of section 1 of this Act, must be distributed 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.

2. State school aid payments for special education 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 10. TEACHER OF THE YEAR PROGRAM. The department of public instruction shall administer a teacher of the year program for the biennium beginning July 1, 2011, and ending June 30, 2013. The department of public instruction shall assign responsibility to its~~

~~department staff to coordinate the annual event, including preparation of application materials, distribution of materials to the selection committee, publicity, and planning of the event at which the recipient of the award is announced. The selection committee appointed by the department of public instruction may not include more than one representative from any education-related organization or association.~~

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

SECTION 13. FEES DEPOSITED IN VISION SERVICES - SCHOOL FOR THE BLIND OPERATING FUND. Any moneys included in the estimated income line item in subdivision 4 of section 1 of this Act, collected for subscription fees or braille fees, must be deposited in the North Dakota vision services - school for the blind operating fund in the state treasury and may be spent subject to appropriation by the legislative assembly.

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

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

1. The school for the deaf shall develop a formula to determine the grant amount for which an institution is eligible. The formula must be based on a uniform hourly reimbursement.

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

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

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

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

30 ~~**SECTION 16. CONTINGENT APPROPRIATION – SCHOOL DISTRICT DEFERRED-**~~
31 ~~**MAINTENANCE AND PHYSICAL PLANT IMPROVEMENT GRANTS.**~~

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

1 ~~a. Has a general fund levy equal to at least one hundred fifty mills, before any~~
2 ~~reduction for property tax allocations under chapter 57-64;~~

3 ~~b. Is not precluded from receiving state aid by the provisions of section~~
4 ~~15.1-27-35.3; and~~

5 ~~c. Provides an equal monetary match for any amount received under this section.~~

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

8 **SECTION 16. CONTINGENT APPROPRIATION - SUPPLEMENTAL**
9 **TRANSPORTATION AID PAYMENTS.**

- 10 1. There is appropriated out of any moneys in the general fund in the state treasury,
11 not otherwise appropriated, the sum of ~~\$5,000,000~~\$2,500,000, or so much of the
12 sum as may be necessary, to the superintendent of public instruction for the
13 purpose of providing supplemental transportation aid payments, for the biennium
14 beginning July 1, 2009, and ending June 30, 2011.
- 15 2. If the office of management and budget determines by July 31, 2010, that the
16 June 30, 2011, ending balance of the state general fund will be more than
17 \$30,000,000 in excess of the amount predicted by the office of management and
18 budget at the conclusion of the 2009 legislative session, the superintendent of
19 public instruction shall provide ~~\$5,000,000~~\$2,500,000 as supplemental
20 transportation aid payments to school districts.
- 21 3. If the general fund balance requirements of subsection 2 are not met and if the
22 office of management and budget determines by April 30, 2011, that the June 30,
23 2011, ending balance of the state general fund will be more than \$30,000,000 in
24 excess of the amount predicted by the office of management and budget at the
25 conclusion of the 2009 legislative session, the superintendent of public instruction
26 shall provide ~~\$5,000,000~~\$2,500,000 as supplemental transportation aid
27 payments to school districts.
- 28 4. The superintendent of public instruction shall pro rate the supplemental
29 transportation payments according to the percentage of the total transportation
30 formula amount that each school district is entitled to receive under 2009 House
31 Bill No. 1400 as approved by the sixty-first legislative assembly.

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

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

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

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

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

- 2 1. In determining the availability of contingent money under this section, the
3 superintendent of public instruction shall first add to the money in the grants -
4 state school aid line item in the appropriation bill for the superintendent of public
5 instruction, as approved by the sixty-first legislative assembly, any money that
6 was appropriated to the superintendent for special education contracts and which
7 remains after the superintendent complied with all statutory special education
8 contract payment obligations imposed for the biennium beginning July 1, 2009,
9 and ending June 30, 2011.
- 10 2. If any money that was appropriated to the superintendent of public instruction for
11 grants - state aid payments to school districts or added to the grants - state
12 school aid line item in accordance with subsection 1 remains after the
13 superintendent complies with all statutory payment obligations imposed for the
14 biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent
15 shall use:
- 16 a. Reserve the first eight million dollars, which is not subject to the provisions
17 of section 54-44.1-11 and must be used to provide per student payments
18 during the biennium beginning July 1, 2011, and ending June 30, 2013.
- 19 b. Reserve the next five hundred thousand dollars, which is not subject to the
20 provisions of section 54-44.1-11 and must be used in accordance with
21 section 8 of this Act.
- 22 c. Use the money to provide additional per student payments on a prorated
23 basis according to the latest available average daily membership of each
24 school district.

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

26 **FUND.** The office of management and budget shall transfer any balance remaining in the
27 national board certification fund at the end of the 2011-13 biennium to the general fund. For
28 purposes of this section, "at the end of the 2011-13 biennium" means after cancellation of
29 unexpended appropriations under section ~~54-44.1-1-11~~54-44.1-11.

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

31 **APPROPRIATION BILL.** It is the intent of the sixty-second legislative assembly that the

1 governor include the recommended funding for the school for the deaf in a separate draft
2 appropriations act for introduction to the sixty-third legislative assembly.

3 **SECTION 22. REPORT TO THE BUDGET SECTION AND THE SIXTY-THIRD**

4 **LEGISLATIVE ASSEMBLY.** The superintendent of public instruction shall provide a report to
5 the budget section by September 30, 2012 and to the sixty-third legislative assembly on the
6 development of alternative teacher compensation plans. The report must include use of the
7 funding, number of plans developed, summary of plan variances, criteria for teacher
8 performance review, and recommendations.

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

11 **15.1-02-02. Salary.**

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

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

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