

Fifty-seventh
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; to
3 provide statements of legislative intent; to amend and reenact subsection 4 of section
4 15-40.1-07.8 or in the alternative to amend and reenact subsection 4 of section 15.1-27-11, and
5 section 15.1-02-02 of the North Dakota Century Code, relating to supplemental payments and
6 the salary of the superintendent of public instruction; and to declare an emergency.

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

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

14 Subdivision 1.

15 DEPARTMENT OF PUBLIC INSTRUCTION

16 Salaries and wages	\$12,170,316
17 Operating expenses	17,031,193
18 Equipment	534,140
19 Capital improvements	55,000
20 Grants - Foundation aid and transportation	461,035,668
21 Grants - Teacher compensation payments	46,640,055
22 Grants - Revenue supplement payments	3,450,000
23 Grants - Tuition apportionment	67,239,025
24 Grants - Special education	49,898,695

1	Less estimated income	<u>1,357,821</u>
2	Total general fund appropriation	\$2,048,791
3	Grand total general fund appropriation H.B. 1013	\$580,623,148
4	Grand total special funds appropriation H.B. 1013	\$241,097,257
5	Grand total all funds appropriation H.B. 1013	\$821,720,405

6 **SECTION 2. APPROPRIATION - TUITION APPORTIONMENT.** The sum of
7 \$67,239,025, or such greater or lesser sums as become available, included in the grants -
8 tuition apportionment and estimated income line items in subdivision 1 of section 1 of this Act,
9 are appropriated to the department of public instruction out of any moneys in the state tuition
10 fund in the state treasury to the public schools of this state as provided in section 2 of article IX
11 of the Constitution of North Dakota and chapter 15-44 for the biennium beginning July 1, 2001,
12 and ending June 30, 2003.

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

18 **SECTION 4. LEGISLATIVE INTENT - NATIONAL BOARD CERTIFICATION.** It is the
19 intent of the legislative assembly that the amount of \$20,000, or so much of the sum as may be
20 necessary, included in the national board certification and total general fund appropriation line
21 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. NATIONAL BOARD CERTIFICATION - USE OF FUNDS**
25 **APPROPRIATED BY THE FIFTY-SIXTH LEGISLATIVE ASSEMBLY.** Notwithstanding
26 section 4 of chapter 35 of the 1999 Session Laws, the education standards and practices board
27 may use up to \$7,000 of the amount appropriated by the fifty-sixth legislative assembly for the
28 national board certification program to provide stipends to teachers receiving national board
29 certification during the biennium beginning July 1, 1999, and ending June 30, 2001.

30 **SECTION 6. LEGISLATIVE INTENT - POSITION TRANSFERS - DIVISION OF**
31 **INDEPENDENT STUDY.** It is the intent of the fifty-seventh legislative assembly that for the

1 biennium beginning July 1, 2001, and ending June 30, 2003, the department of public
2 instruction be authorized to have no more than 130.95 full-time equivalent positions and that no
3 more than 37.7 of these positions be allocated to the division of independent study. The
4 department of public instruction may not transfer any positions between the division of
5 independent study and other divisions of the department without first obtaining approval of the
6 budget section of the legislative council.

7 **SECTION 7. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS.** It is
8 the intent of the fifty-seventh legislative assembly that the department of public instruction base
9 budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, include no
10 more than 129.95 full-time equivalent positions.

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

- 14 1. Twelve million six hundred sixty-five thousand dollars to reimburse school districts
15 or special education units for excess costs incurred relating to contracts for
16 students with disabilities.
- 17 2. Four hundred thousand dollars to reimburse school districts or special education
18 units for gifted and talented programs upon the submission of an application that is
19 approved in accordance with guidelines adopted by the superintendent of public
20 instruction. The superintendent of public instruction shall encourage cooperative
21 efforts for gifted and talented programs among school districts and special
22 education units.
- 23 3. Any amount remaining in the line item must be distributed on a per student basis
24 as required by section 15-40.1-07.6 or 15.1-27-10, excluding reimbursements for
25 student contracts, boarding care, and gifted and talented programs. State special
26 education payments distributed as required by section 15-40.1-07.6 or 15.1-27-10
27 must be reduced by the amount of matching funds required to be paid by school
28 districts or special education units for students participating in the medicaid
29 program. Special education funds equal to the amount of the matching funds
30 required to be paid by the school district or special education unit must be paid by

1 the superintendent of public instruction to the department of human services on
2 behalf of the school district or unit.

3 **SECTION 9. LEGISLATIVE INTENT - TECHNOLOGY GRANTS.** It is the intent of the
4 legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act include
5 \$4,037,500 for grants to schools for technology or teacher professional development-related
6 expenditures. These grants must be administered under the direction of the educational
7 telecommunications council.

8 **SECTION 10. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS.**
9 Payments to school districts educating limited English proficient students, as required by
10 section 15-40.1-07.7 or 15.1-27-12, must be paid using up to \$450,000 of the amount
11 appropriated in subdivision 1 of section 1 of this Act for grants - foundation aid and
12 transportation.

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

16 **SECTION 12. DISPLACED HOMEMAKER FUND.** The amount of \$251,747, or so
17 much of the sum as may be necessary, included in the estimated income line item in
18 subdivision 1 of section 1 of this Act is from the displaced homemaker fund for the purpose of
19 providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium
20 beginning July 1, 2001, and ending June 30, 2003.

21 **SECTION 13. GRANTS.** The line item entitled grants in subdivision 2 of section 1 of
22 this Act includes \$888,745 for aid to public libraries of which no more than one-half is to be
23 expended during the fiscal year ending June 30, 2002.

24 **SECTION 14. FEES DEPOSITED IN OPERATING FUND.** Any moneys included in
25 estimated income in subdivision 4 of section 1 of this Act, collected for subscription fees or
26 braille fees, must be deposited in the school for the blind operating fund in the state treasury
27 and must be spent subject to appropriation by the legislative assembly.

28 **SECTION 15. AMENDMENT.** If House Bill No. 1045 does not become effective,
29 subsection 4 of section 15-40.1-07.8 of the 1999 Supplement to the North Dakota Century
30 Code is amended and reenacted as follows:

1 4. Multiply the result determined under subsection 3 by ~~thirty percent~~ a factor
2 determined by the superintendent of public instruction. The result is the
3 supplemental payment to which a high school district is entitled, in addition to any
4 other amount provided under chapter 15-40.1.

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

7 **15.1-02-02. Salary.** The annual salary of the superintendent of public instruction is
8 ~~fifty-nine~~ sixty-nine thousand ~~four~~ six hundred ~~thirty-seven~~ forty-eight dollars through ~~June 30,~~
9 ~~2000~~ December 31, 2001, ~~sixty~~ seventy-five thousand ~~six~~ nine hundred ~~twenty-six~~ sixteen
10 dollars through ~~December 31, 2000~~ June 30, 2002, and ~~sixty-seven~~ seventy-seven thousand
11 ~~six~~ four hundred ~~nineteen~~ thirty-four dollars thereafter.

12 **SECTION 17. AMENDMENT.** Subsection 4 of section 15.1-27-11 of the North Dakota
13 Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative
14 assembly, is amended and reenacted as follows:

15 4. Multiply the result determined under subsection 3 by ~~thirty percent~~ a factor
16 determined by the superintendent of public instruction. The result is the
17 supplemental payment to which a high school district is entitled, in addition to any
18 other amount provided under chapter 15.1-27.

19 **SECTION 18. EMERGENCY.** Sections 5, 15, and 17 of this Act are declared to be an
20 emergency measure.