

**FIRST ENGROSSMENT
with Conference Committee Amendments**

Sixty-first
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, North Dakota vision services - school for the blind,
3 and the state library; to provide an appropriation; to provide for the distribution of funding for
4 gifted and talented programs and other grants; to provide a contingent appropriation; to provide
5 for the development and implementation of a future services plan for the school for the deaf; to
6 amend and reenact section 15.1-02-02 and subsection 6 of section 15.1-29-14 of the North
7 Dakota Century Code, relating to the salary of the superintendent of public instruction and
8 special education cost reimbursements; to provide legislative intent; to provide an exemption;
9 and to declare an emergency.

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

11 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
12 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
13 treasury, not otherwise appropriated, and from special funds derived from federal funds
14 including federal fiscal stimulus funds made available to the governor under the federal
15 American Recovery and Reinvestment Act of 2009 and other income, to the department of
16 public instruction, the school for the deaf, North Dakota vision services - school for the blind,
17 and the state library for the purpose of defraying the expenses of those agencies, for the
18 biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

19 Subdivision 1.

20 DEPARTMENT OF PUBLIC INSTRUCTION

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
21				
22				
23	Salaries and wages	\$11,415,534	\$1,936,388	\$13,351,922
24	Operating expenses	19,738,294	11,313,692	31,051,986

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1	Grants - State school aid	726,165,879	82,204,416	808,370,295
2	Grants - Special education contracts	17,500,000	(2,000,000)	15,500,000
3	Grants - Supplemental one-time	0	85,644,337	85,644,337
4	Grants - Supplemental operations	0	16,795,584	16,795,584
5	Grants - Transportation	33,500,000	10,000,000	43,500,000
6	Grants - Other grants	227,701,806	15,287,915	242,989,721
7	Transportation efficiency	30,000	0	30,000
8	National board certification	<u>40,000</u>	<u>62,500</u>	<u>102,500</u>
9	Total all funds	\$1,036,091,513	\$221,244,832	\$1,257,336,345
10	Less estimated income	<u>325,668,238</u>	<u>120,187,517</u>	<u>445,855,755</u>
11	Total general fund	\$710,423,275	\$101,057,315	\$811,480,590
12	Full-time equivalent positions	94.75	5.00	99.75

13 Subdivision 2.

14 STATE LIBRARY

15			Adjustments or	
16		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17	Salaries and wages	\$2,628,494	\$565,297	\$3,193,791
18	Operating expenses	1,477,772	4,801	1,482,573
19	Grants	<u>1,752,500</u>	<u>100,000</u>	<u>1,852,500</u>
20	Total all funds	\$5,858,766	\$670,098	\$6,528,864
21	Less estimated income	<u>1,881,253</u>	<u>46,583</u>	<u>1,927,836</u>
22	Total general fund	\$3,977,513	\$623,515	\$4,601,028
23	Full-time equivalent positions	29.75	0.00	29.75

24 Subdivision 3.

25 SCHOOL FOR THE DEAF

26			Adjustments or	
27		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
28	Salaries and wages	\$4,765,173	\$664,825	\$5,429,998
29	Operating expenses	1,514,283	124,320	1,638,603
30	Capital assets	50,000	1,849,140	1,899,140
31	Deferred maintenance	<u>0</u>	<u>98,605</u>	<u>98,605</u>

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1	Total all funds	\$6,329,456	\$2,736,890	\$9,066,346
2	Less estimated income	<u>1,039,018</u>	<u>1,127,432</u>	<u>2,166,450</u>
3	Total general fund	\$5,290,438	\$1,609,458	\$6,899,896
4	Full-time equivalent positions	43.94	0.00	43.94

5 Subdivision 4.

6 VISION SERVICES - SCHOOL FOR THE BLIND

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Salaries and wages	\$2,978,895	\$552,369	\$3,531,264
10	Operating expenses	640,798	39,854	680,652
11	Capital assets	142,100	(115,100)	27,000
12	Deferred maintenance	<u>0</u>	<u>64,500</u>	<u>64,500</u>
13	Total all funds	\$3,761,793	\$541,623	\$4,303,416
14	Less estimated income	<u>843,857</u>	<u>(27,955)</u>	<u>815,902</u>
15	Total general fund	\$2,917,936	\$569,578	\$3,487,514
16	Full-time equivalent positions	28.00	1.50	29.50

17 Subdivision 5.

18 BILL TOTAL

19			Adjustments or	
20		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21	Grand total general fund	\$722,609,162	\$103,859,866	\$826,469,028
22	Grand total special funds	\$329,432,366	\$189,058,976	\$518,491,342
23	Grand total all funds	\$1,052,041,528	\$292,918,842	\$1,344,960,370

24 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
 25 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
 26 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the
 27 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

28	<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
29	Department of public instruction		
30	STARS school data collection system rewrite	\$0	\$500,000
31	Geographic alliance endowment	<u>0</u>	<u>226,000</u>

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1	Total department of public instruction - General fund	\$0	\$726,000
2	School for the deaf		
3	Deferred maintenance	\$100,000	\$0
4	Facility master plan	0	41,000
5	Trades building remodel	0	835,000
6	Virtual services business plan	<u>0</u>	<u>25,000</u>
7	Total school for the deaf - General fund	\$100,000	\$901,000
8	School for the blind - Vision services		
9	Equipment	\$0	\$39,200
10	Window replacement	<u>0</u>	<u>31,000</u>
11	Total school for the blind - Vision services - General fund	\$0	\$70,200
12	Grand total - General fund	\$100,000	\$1,697,200

13 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
 14 2011-13 biennium. The department of public instruction, school for the deaf, and school for the
 15 blind - vision services shall report to the appropriations committees of the sixty-second
 16 legislative assembly on the use of this one-time funding for the biennium beginning July 1,
 17 2009, and ending June 30, 2011.

18 **SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**

19 **ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the
 20 funds as may be necessary, are appropriated from federal funds made available to the state
 21 under the federal American Recovery and Reinvestment Act of 2009, not otherwise
 22 appropriated, to the superintendent of public instruction, for the period beginning with the
 23 effective date of this Act and ending June 30, 2011, as follows:

24	Title I - Part A	\$27,415,262
25	Title I - School improvement	7,145,000
26	Title II - Part D - Technology	3,209,375
27	Individuals With Disabilities Education Act	27,413,988
28	McKinney-Vento Homeless Assistance Act	150,000
29	National school lunch program	230,000
30	The emergency food assistance program	85,426
31	Clean diesel (passthrough from the state)	1,730,000

1 department of health) _____
2 Total federal funds \$67,379,051

3 The superintendent of public instruction may seek emergency commission and budget
4 section approval under chapter 54-16 for authority to spend any additional federal funds
5 received under the federal American Recovery and Reinvestment Act of 2009 in excess of the
6 amounts appropriated in this section, for the period beginning with the effective date of this Act
7 and ending June 30, 2011.

8 Any federal funds appropriated under this section are not a part of the agency's 2011-13
9 base budget. Any program expenditures made with these funds will not be replaced with state
10 funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer
11 available.

12 **SECTION 4. APPROPRIATION - FEDERAL FISCAL STABILIZATION - OTHER**

13 **GOVERNMENT SERVICES - ADDITIONAL FUNDING APPROVAL.** The funds provided in
14 this section, or so much of the funds as may be necessary, are appropriated from federal fiscal
15 stabilization - other government services funds made available to the governor under the
16 federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the
17 superintendent of public instruction, for the period beginning with the effective date of this Act
18 and ending June 30, 2011, as follows:

19 Department of public instruction administrative	\$326,348
20 costs relating to federal fiscal stimulus payment	
21 to schools, including salaries (\$152,533) and	
22 operating expenses (\$173,815)	
23 Early childhood learning council operating expenses	<u>20,000</u>
24 Total federal funds from governor's office	\$346,348

25 Any federal funds appropriated under this section are not a part of the agency's 2011-13 base
26 budget. Any program expenditures made with these funds will not be replaced with state funds
27 after the federal American Recovery and Reinvestment Act of 2009 funds are no longer
28 available.

29 **SECTION 5. SUPERINTENDENT'S SALARY - LINE ITEM TRANSFERS - SCHOOL**

30 **FOR THE DEAF.** The monthly salary for the superintendent of the school for the deaf for the
31 2009-11 biennium may not exceed the monthly salary level in effect for this position in January

1 2009. Notwithstanding section 54-16-04, the director of the office of management and budget
2 and the state treasurer shall transfer funds from the salaries and wages line item to the
3 operating expenses line item contained in subdivision 3 of section 1 of this Act of up to
4 \$100,000 and to the capital assets line item as requested by the superintendent of public
5 instruction to provide funding for a future services plan and implementation for the school for
6 the deaf and for the remodel of the trades building, for the biennium beginning July 1, 2009,
7 and ending June 30, 2011.

8 **SECTION 6. DEFERRED MAINTENANCE - TRANSFERS - SCHOOL FOR THE**
9 **DEAF.** The school for the deaf is authorized to transfer from the deferred maintenance line to
10 the capital assets line, contained in subdivision 3 of section 1 of this Act, amounts necessary to
11 address extraordinary repair needs. Any amounts transferred must be reported to the director
12 of the office of management and budget.

13 **SECTION 7. DEFERRED MAINTENANCE - TRANSFERS - SCHOOL FOR THE**
14 **BLIND - VISION SERVICES.** The school for the blind - vision services is authorized to transfer
15 from the deferred maintenance line to the capital assets line, contained in subdivision 4 of
16 section 1 of this Act, amounts necessary to address extraordinary repair needs. Any amounts
17 transferred must be reported to the director of the office of management and budget.

18 **SECTION 8. APPROPRIATION.** There is appropriated from special funds derived
19 from federal funds and other income the sum of \$20,000,000, or so much of the sum as may be
20 necessary, to the superintendent of public instruction for grants for the period beginning with
21 the effective date of this Act and ending June 30, 2009.

22 **SECTION 9. APPROPRIATION - TUITION APPORTIONMENT.** The sum of
23 \$86,300,000, included in the grants - state school aid line item in subdivision 1 of section 3 of
24 this Act, is from the state tuition fund in the state treasury. Any additional amount in the state
25 tuition fund that becomes available for distribution to public schools is appropriated to the
26 department of public instruction for that purpose for the biennium beginning July 1, 2009, and
27 ending June 30, 2011.

28 **SECTION 10. STATE SCHOOL AID AND SPECIAL EDUCATION CONTRACTS**
29 **EXPENDITURE AUTHORITY.** The superintendent of public instruction may expend funds
30 included in the grants - state school aid and grants - special education contracts line items in
31 subdivision 1 of section 1 of this Act in payment of grants for educational services that were

1 due in the 2007-09 biennium but which were not filed, claimed, or properly supported by the
2 education provider until after June 30, 2009.

3 **SECTION 11. GIFTED AND TALENTED PROGRAM - FUNDING - DISTRIBUTION.**

4 The sum of \$800,000, included in the grants - state school aid line item in subdivision 1 of
5 section 1 of this Act, must be distributed to reimburse school districts or special education units
6 for gifted and talented programs upon the submission of an application that is approved in
7 accordance with guidelines adopted by the superintendent of public instruction. The
8 superintendent of public instruction shall encourage cooperative efforts for gifted and talented
9 programs among school districts and special education units. State school aid payments for
10 special education must be reduced by the amount of matching funds required to be paid by
11 school districts or special education units for students participating in the medicaid program.
12 Special education funds equal to the amount of the matching funds required to be paid by the
13 school district or special education unit must be paid by the superintendent of public instruction
14 to the department of human services on behalf of the school district or unit.

15 **SECTION 12. TEACHER OF THE YEAR PROGRAM - FUNDING.** The department of
16 public instruction shall administer a teacher of the year program for the biennium beginning
17 July 1, 2009, and ending June 30, 2011. The department of public instruction shall assign
18 responsibility to its department staff to coordinate the annual event, including preparation of
19 application materials, distribution of materials to the selection committee, publicity, and
20 planning of the event at which the recipient of the award is announced. The selection
21 committee appointed by the department of public instruction may not include more than one
22 representative from any education-related organization or association.

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

26 **SECTION 14. STATE AID TO PUBLIC LIBRARIES.** The line item entitled grants in
27 subdivision 2 of section 1 of this Act includes \$1,300,000 for aid to public libraries, of which no
28 more than one-half is to be expended during the fiscal year ending June 30, 2010.

29 **SECTION 15. FEES DEPOSITED IN VISION SERVICES - SCHOOL FOR THE BLIND**
30 **OPERATING FUND.** Any moneys included in the estimated income line item in subdivision 4
31 of section 1 of this Act, collected for subscription fees or braille fees, must be deposited in the

1 North Dakota vision services - school for the blind operating fund in the state treasury and may
2 be spent subject to appropriation by the legislative assembly.

3 **SECTION 16. CONTINGENT APPROPRIATION - SUPPLEMENTAL**

4 **TRANSPORTATION AID PAYMENTS.**

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

27 **SECTION 17. FUTURE SERVICES PLAN AND IMPLEMENTATION - SCHOOL FOR**

28 **THE DEAF.** The department of public instruction and school for the deaf shall develop a plan
29 for future services to be offered by the school for the deaf and begin implementing the plan for
30 the biennium beginning July 1, 2009, and ending June 30, 2011. As part of the plan, the
31 department of public instruction and school for the deaf shall:

- 1 1. Review the needs of all deaf and hearing-impaired persons throughout the state
2 and develop a plan to provide comprehensive outreach services to all North
3 Dakota citizens who are deaf or hearing-impaired.
- 4 2. Explore the development of partnerships with other states relating to the provision
5 of residential and educational services to individuals who are deaf or
6 hearing-impaired.
- 7 3. Review current research and national trends in the provision of services to
8 students who are deaf or hearing-impaired.
- 9 4. Meet regularly with a transition team appointed by the superintendent of public
10 instruction consisting of representation from the legislative assembly, parents of
11 school for the deaf students, school for the deaf employees, members of the Devils
12 Lake community, school for the deaf alumni, and others.
- 13 5. Explore the feasibility of implementing revenue-generating activities at the school
14 for the deaf.
- 15 6. Develop a long-range site and facility plan for the school for the deaf campus.

16 **SECTION 18. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **15.1-02-02. Salary.** The annual salary of the superintendent of public instruction is
19 ~~eighty-seven~~ ninety-five thousand one hundred ~~three~~ sixteen dollars through June 30, ~~2008~~
20 2010, and ~~ninety~~ ninety-nine thousand ~~five~~ eight hundred ~~eighty-seven~~ seventy-two dollars
21 thereafter.

22 **SECTION 19. AMENDMENT.** Subsection 6 of section 15.1-29-14 of the North Dakota
23 Century Code is amended and reenacted as follows:

- 24 6. a. An amount equal to the state average per student elementary or high school
25 cost, depending on the student's grade of enrollment, is payable to the
26 admitting district or facility as part of the cost of educating the student for the
27 school year. The payment may not exceed the actual per student cost
28 incurred by the admitting district or facility.
- 29 b. The remainder of the actual cost of educating the student not covered by
30 other payments or credits must be paid by the state, within the limits of
31 legislative appropriations, from funds appropriated for the payment of special

1 education contract charges in the case of a student with disabilities or from
2 state aid payments to schools in all other cases. For purposes of this
3 subdivision, "actual costs" includes the cost of a summer program if the
4 program is a condition of placement at a residential facility that has been
5 determined by a placing agency or entity to be an appropriate placement for a
6 student.

7 **SECTION 20. BANK OF NORTH DAKOTA LOAN AUTHORIZATION.** The school for
8 the deaf may borrow the sum of \$835,000, or so much of the sum as may be necessary, from
9 the Bank of North Dakota, which is appropriated in subdivision 3 of section 1 of this Act for the
10 purpose of remodeling the trades building on the campus of the school for the deaf for the
11 period beginning with the effective date of this Act and ending June 30, 2011.

12 **SECTION 21. EXEMPTION.** The amount appropriated for the school for the deaf in
13 subdivision 3 of section 3 of chapter 40 of the 2007 Session Laws is not subject to section
14 54-44.1-11 and any unexpended funds relating to this amount are available for the remodel of
15 the trades building during the biennium beginning July 1, 2009, and ending June 30, 2011.

16 **SECTION 22. EMERGENCY.** The amount of \$1,670,000, of which \$835,000 is from
17 the general fund, included in the capital assets line item in subdivision 3 of section 1 of this Act
18 and sections 3, 4, 8, 20, and 21 of this Act are declared to be an emergency measure.