

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 amend
6 and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the
7 superintendent of public instruction; to repeal section 15.1-13-33 of the North Dakota Century
8 Code, relating to the national board certification fund; to provide an exemption; to provide for a
9 transfer; to amend and reenact sections 54 and 59 of chapter 175 of the 2009 Session Laws,
10 relating to funds appropriated for transportation and state school aid; to amend and reenact
11 section 16 of chapter 13 of the 2009 Session Laws, relating to contingent supplemental
12 transportation aid payments; to provide a statement of legislative intent; to provide for reports to
13 the budget section and sixty-third legislative assembly; and to declare an emergency.

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

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

22 Subdivision 1.

23

DEPARTMENT OF PUBLIC INSTRUCTION

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		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Salaries and wages	\$13,504,455	\$904,845	\$14,409,300
4	Operating expenses	30,770,801	(1,019,614)	29,751,187
5	<u>Operating expenses</u>	<u>30,770,801</u>	<u>(1,087,614)</u>	<u>29,683,187</u>
6	Grants - State school aid	722,725,958	196,733,520	919,459,478
7	<u>Grants - State school aid</u>	<u>722,725,958</u>	<u>190,033,520</u>	<u>912,759,478</u>
8	Grants - Special education contracts	15,500,000	500,000	16,000,000
9	Grants - Supplemental one-time	85,644,337	(85,644,337)	0
10	Grants - Supplemental operations	16,795,584	(16,795,584)	0
11	Grants - Transportation	43,500,000	5,000,000	48,500,000
12	Grants - Other grants	245,203,721	57,760,261	302,963,982
13	Grants - Mill levy reduction	295,000,000	46,790,000	341,790,000
14	<u>Grants - Other grants</u>	<u>245,203,721</u>	<u>64,180,672</u>	<u>309,384,393</u>
15	<u>Grants - Mill levy reduction</u>	<u>295,000,000</u>	<u>(295,000,000)</u>	<u>0</u>
16	<u>ATCS review panel</u>	<u>0</u>	<u>300,000</u>	<u>300,000</u>
17	Education jobs fund	0	21,517,716	21,517,716
18	Transportation efficiency	30,000	0	30,000
19	National board certification	<u>102,500</u>	<u>82,500</u>	<u>185,000</u>
20	Total all funds	\$1,468,777,356	\$225,829,307	\$1,694,606,663
21	Less estimated income	360,597,766	432,395,657	792,993,423
22	Total general fund	\$1,108,179,590	(\$206,566,350)	\$901,613,240
23	<u>Total all funds</u>	<u>\$1,468,777,356</u>	<u>(\$116,008,282)</u>	<u>\$1,352,769,074</u>
24	<u>Less estimated income</u>	<u>360,597,766</u>	<u>90,605,657</u>	<u>451,203,423</u>
25	<u>Total general fund</u>	<u>\$1,108,179,590</u>	<u>(\$206,613,939)</u>	<u>\$901,565,651</u>
26	Full-time equivalent positions	99.75	0.00	99.75
27	Subdivision 2.			
28	STATE LIBRARY			
29			Adjustments or	
30		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
31	Salaries and wages	\$3,193,791	\$256,568	\$3,450,359

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1	Operating expenses	1,482,573	213,153	1,695,726
2	Grants	<u>1,852,500</u>	<u>400,000</u>	<u>2,252,500</u>
3	Total all funds	\$6,528,864	\$869,721	\$7,398,585
4	Less estimated income	<u>1,927,836</u>	<u>206,774</u>	<u>2,134,610</u>
5	Total general fund	\$4,606,028	\$662,947	\$5,263,975
6	Full-time equivalent positions	29.75	0.00	29.75

7 Subdivision 3.

8 SCHOOL FOR THE DEAF

9			Adjustments or	
10		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11	Salaries and wages	\$5,429,998	\$502,640	\$5,932,638
12	Operating expenses	1,572,603	61,308	1,633,911
13	Capital assets	327,745	712,485	1,040,230
14	Grants	<u>200,000</u>	<u>0</u>	<u>200,000</u>
15	Total all funds	\$7,530,346	\$1,276,433	\$8,806,779
16	Less estimated income	<u>1,331,450</u>	<u>756,557</u>	<u>2,088,007</u>
17	Total general fund	\$6,198,896	\$519,876	\$6,718,772
18	Full-time equivalent positions	43.94	0.00	43.94

19 Subdivision 4.

20 VISION SERVICES - SCHOOL FOR THE BLIND

21			Adjustments or	
22		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
23	Salaries and wages	\$3,531,264	\$284,561	\$3,815,825
24	Operating expenses	667,006	84,500	751,506
25	Capital assets	<u>39,500</u>	<u>25,500</u>	<u>65,000</u>
26	Total all funds	\$4,237,770	\$394,561	\$4,632,331
27	Less estimated income	<u>815,902</u>	<u>19,189</u>	<u>835,091</u>
28	Total general fund	\$3,421,868	\$375,372	\$3,797,240
29	Full-time equivalent positions	29.50	0.00	29.50

30 Subdivision 5.

31 BILL TOTAL

		Adjustments or	
	Base Level	Enhancements	Appropriation
Grand total general fund	\$1,122,401,382	(\$205,008,155)	\$917,393,227
Grand total special funds	\$364,672,954	\$433,378,177	\$798,051,131
Grand total all funds	\$1,487,074,336	\$228,370,022	\$1,715,444,358
<u>Grand total general fund</u>	<u>\$1,122,401,382</u>	<u>(\$205,055,744)</u>	<u>\$917,345,638</u>
<u>Grand total special funds</u>	<u>\$364,672,954</u>	<u>\$101,588,177</u>	<u>\$466,261,131</u>
<u>Grand total all funds</u>	<u>\$1,487,074,336</u>	<u>(\$103,467,567)</u>	<u>\$1,383,606,769</u>

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

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

<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
Department of public instruction		
IT application rewrite and maintenance	\$500,000	\$384,000
National board certification fund	500,000	0
Federal fiscal stimulus - School aid	85,644,337	0
Federal fiscal stimulus - Other	67,379,051	0
Geographic alliance endowment	<u>226,000</u>	<u>0</u>
Total department of public instruction - All funds	\$154,249,388	\$384,000
Total department of public instruction -	<u>153,023,388</u>	<u>0</u>
Estimated income		
Total department of public instruction -	\$1,226,000	\$384,000
General fund		
School for the deaf		
Virtual services business plan	\$25,000	\$0
Facility master plan	41,000	0
Extraordinary repairs	0	103,800
Trades building remodel	<u>1,670,000</u>	<u>0</u>
Total school for the deaf - All funds	\$1,736,000	\$103,800

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

19 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the
 20 2013-15 biennium. The department of public instruction, school for the deaf, and school for the
 21 blind - vision services shall report to the appropriations committees of the sixty-third legislative
 22 assembly on the use of this one-time funding for the biennium beginning July 1, 2011, and
 23 ending June 30, 2013.

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

30 **SECTION 4. APPROPRIATION.** There is appropriated from special funds derived from
 31 federal funds the sum of \$30,000,000, or so much of the sum as may be necessary, to the

1 superintendent of public instruction for grants for the period beginning with the effective date of
2 this Act and ending June 30, 2011.

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

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

14 **SECTION 6. STATE SCHOOL AID AND SPECIAL EDUCATION CONTRACTS**

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

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

- 25 1. In order to receive a grant under this section, each regional education association
26 must:
- 27 a. Enter a contract with an individual to serve as a coordinator, on a full-time or a
28 part-time basis, for a duration of at least twelve months; and
- 29 b. Provide from other revenue sources at least thirty percent of the total
30 compensation payable to the coordinator.

- 1 2. The maximum grant payable to a regional education association under this section
2 during each year of the biennium is the lesser of \$50,000 or seventy percent of the
3 total compensation payable to the coordinator.

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

5 **CENTER GRANTS.** The sum of \$500,000, or so much of the sum as may be necessary, made
6 available under section 18 of this Act, must be used by the department of public instruction for
7 providing adult education learning center grants, for the biennium beginning July 1, 2011, and
8 ending June 30, 2013. The department may provide grants of up to \$250,000 during the first
9 year of the biennium only if federal funding available to the state for adult education is less than
10 \$900,000 in federal fiscal year 2012. Funding provided in the first year of the biennium is limited
11 to the difference between federal funding available in federal fiscal year 2012 and \$900,000.
12 The department may use any remaining funds for adult education learning center grants during
13 the second year of the biennium.

14 **SECTION 9. CONTINUING EDUCATION GRANTS - FUNDING - DISTRIBUTION.** The

15 sum of \$100,000, or so much of the sum as may be necessary, included in the grants - other
16 grants line item in subdivision 1 of section 1 of this Act is provided for continuing education
17 grants, for the biennium beginning July 1, 2011, and ending June 30, 2013.

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

1 distribute that amount as an additional per student payment on a prorated basis,
2 according to the latest available average daily membership of each school district.

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

4 ~~DISTRIBUTION.~~ The sum of \$460,000, included in the grants—other education line item in
5 subdivision 1 of section 1 of this Act must be distributed for the purpose of providing payments
6 to eligible school districts that offer alternative education programs to students in grades six
7 through eight, for the biennium beginning July 1, 2011, and ending June 30, 2013. In order to
8 determine the payment per student, the superintendent of public instruction shall multiply the
9 number of full-time equivalent students in grades six through eight who are enrolled during the
10 2012-13 school year in an average of at least fifteen hours per week of alternative education
11 programming by a weighting factor that may not exceed 0.20.

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

14 1. The sum of \$800,000, included in the grants - state school aid line item in
15 subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts
16 or special education units for gifted and talented programs upon the submission of an
17 application that is approved in accordance with guidelines adopted by the
18 superintendent of public instruction. The superintendent of public instruction shall
19 encourage cooperative efforts for gifted and talented programs among school districts
20 and special education units.

21 2. State school aid payments for special education must be reduced by the amount of
22 matching funds required to be paid by school districts or special education units for
23 students participating in the medicaid program. Special education funds equal to the
24 amount of the matching funds required to be paid by the school district or special
25 education unit must be paid by the superintendent of public instruction to the
26 department of human services on behalf of the school district or unit.

27 ~~SECTION 10. TEACHER OF THE YEAR PROGRAM.~~ The department of public instruction
28 shall administer a teacher of the year program for the biennium beginning July 1, 2011, and
29 ending June 30, 2013. The department of public instruction shall assign responsibility to its
30 department staff to coordinate the annual event, including preparation of application materials,
31 distribution of materials to the selection committee, publicity, and planning of the event at which

1 ~~the recipient of the award is announced. The selection committee appointed by the department~~
2 ~~of public instruction may not include more than one representative from any education-related~~
3 ~~organization or association.~~

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

6 **SECTION 12. STATE AID TO PUBLIC LIBRARIES.** The line item entitled grants in
7 subdivision 2 of section 1 of this Act includes \$1,500,000 for aid to public libraries, of which no
8 more than one-half is to be expended during the fiscal year ending June 30, 2012.

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

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

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

- 27 1. The school for the deaf shall develop a formula to determine the grant amount for
28 which an institution is eligible. The formula must be based on a uniform hourly
29 reimbursement.
- 30 2. To obtain a grant under this section, an institution shall submit to the school for the
31 deaf, at the time and in the manner directed by the school, invoices showing the

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

11 ~~**SECTION 16. CONTINGENT APPROPRIATION – SCHOOL DISTRICT DEFERRED**~~
12 ~~**MAINTENANCE AND PHYSICAL PLANT IMPROVEMENT GRANTS.**~~

- 13 ~~1. There is appropriated out of any moneys in the general fund in the state treasury, not~~
14 ~~otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be~~
15 ~~necessary, to the superintendent of public instruction for the purpose of awarding to~~
16 ~~eligible school districts deferred maintenance and physical plant improvement grants,~~
17 ~~in accordance with the provisions of this section, for the biennium beginning July 1,~~
18 ~~2011, and ending June 30, 2013.~~
- 19 ~~2. If the office of management and budget determines by April 30, 2012, that the~~
20 ~~June 30, 2012, ending balance of the state general fund will be more than~~
21 ~~\$30,000,000 in excess of the amount predicted by the office of management and~~
22 ~~budget at the conclusion of the 2011 legislative session, the superintendent of public~~
23 ~~instruction shall forward to each eligible school district:~~
- 24 ~~a. Ten thousand dollars; plus~~
- 25 ~~b. The school district's pro rata share of the remaining appropriation, calculated by~~
26 ~~using the latest available average daily membership of each school district.~~
- 27 ~~3. If the general fund balance requirements of subsection 2 are not met and if the office~~
28 ~~of management and budget determines by April 30, 2013, that the June 30, 2013,~~
29 ~~ending balance of the state general fund will be more than \$30,000,000 in excess of~~
30 ~~the amount predicted by the office of management and budget at the conclusion of the~~

- 1 2011 legislative session, the superintendent of public instruction shall forward to each
2 eligible school district:
- 3 ~~a. Ten thousand dollars; plus~~
- 4 ~~b. The school district's pro rata share of the remaining appropriation, calculated by~~
5 ~~using the latest available average daily membership of each school district.~~
- 6 ~~4. Each school district accepting funds under this section shall apply those funds toward~~
7 ~~deferred maintenance and physical plant improvements and shall, by June 30, 2014:~~
- 8 ~~a. Submit to the superintendent of public instruction documentation indicating the~~
9 ~~appropriate expenditure of the funds; or~~
- 10 ~~b. Return the funds to the superintendent of public instruction for deposit in the~~
11 ~~general fund.~~
- 12 ~~5. For purposes of this section, an "eligible school district" is a school district that:~~
- 13 ~~a. Has a general fund levy equal to at least one hundred fifty mills, before any~~
14 ~~reduction for property tax allocations under chapter 57-64;~~
- 15 ~~b. Is not precluded from receiving state aid by the provisions of section~~
16 ~~15.1-27-35.3; and~~
- 17 ~~c. Provides an equal monetary match for any amount received under this section.~~

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

20 **SECTION 16. CONTINGENT APPROPRIATION - SUPPLEMENTAL**
21 **TRANSPORTATION AID PAYMENTS.**

- 22 1. There is appropriated out of any moneys in the general fund in the state treasury,
23 not otherwise appropriated, the sum of ~~\$5,000,000~~\$2,500,000, or so much of the
24 sum as may be necessary, to the superintendent of public instruction for the
25 purpose of providing supplemental transportation aid payments, for the biennium
26 beginning July 1, 2009, and ending June 30, 2011.
- 27 2. If the office of management and budget determines by July 31, 2010, that the
28 June 30, 2011, ending balance of the state general fund will be more than
29 \$30,000,000 in excess of the amount predicted by the office of management and
30 budget at the conclusion of the 2009 legislative session, the superintendent of

1 public instruction shall provide ~~\$5,000,000~~\$2,500,000 as supplemental
2 transportation aid payments to school districts.

3 3. If the general fund balance requirements of subsection 2 are not met and if the
4 office of management and budget determines by April 30, 2011, that the June 30,
5 2011, ending balance of the state general fund will be more than \$30,000,000 in
6 excess of the amount predicted by the office of management and budget at the
7 conclusion of the 2009 legislative session, the superintendent of public instruction
8 shall provide ~~\$5,000,000~~\$2,500,000 as supplemental transportation aid
9 payments to school districts.

10 4. The superintendent of public instruction shall pro rate the supplemental
11 transportation payments according to the percentage of the total transportation
12 formula amount that each school district is entitled to receive under 2009 House
13 Bill No. 1400 as approved by the sixty-first legislative assembly.

14 **SECTION 17. AMENDMENT.** Section 54 of chapter 175 of the 2009 Session Laws is
15 amended and reenacted as follows:

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

- 17 1. During each year of the 2009-11 biennium, the superintendent of public
18 instruction shall calculate the payment to which each school district is entitled
19 based on the state transportation formula as it existed on June 30, 2001, except
20 that the superintendent shall provide reimbursement at the rate of:
- 21 a. Ninety-two cents per mile for schoolbuses having a capacity of ten or more
22 passengers;
 - 23 b. Forty-four cents per mile for vehicles having a capacity of nine or fewer
24 passengers; and
 - 25 c. Twenty-four cents per student for each one-way trip.
- 26 2. The superintendent of public instruction shall use the latest available student
27 enrollment count in each school district in applying the provisions of the
28 transportation formula as it existed on June 30, 2001.
- 29 3. If any moneys provided for transportation payments in the grants - transportation
30 line item in the appropriation bill for the superintendent of public instruction, as
31 approved by the sixty-first legislative assembly, remain after application of the

1 formula provided for in this section, the superintendent of public instruction shall
2 prorate;

3 a. Reserve the first one million dollars, which is not subject to the provisions of
4 section 54-44.1-11 and must be used to provide per student payments
5 during the biennium beginning July 1, 2011, and ending June 30, 2013.

6 b. Prorate the remaining amounts according to the percentage of the total
7 transportation formula amount to which each school district is entitled.

8 4. This section does not authorize the reimbursement of any costs incurred in
9 providing transportation for student attendance at extracurricular activities or
10 events.

11 **SECTION 18. AMENDMENT.** Section 59 of chapter 175 of the 2009 Session Laws is
12 amended and reenacted as follows:

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

14 1. In determining the availability of contingent money under this section, the
15 superintendent of public instruction shall first add to the money in the grants -
16 state school aid line item in the appropriation bill for the superintendent of public
17 instruction, as approved by the sixty-first legislative assembly, any money that
18 was appropriated to the superintendent for special education contracts and which
19 remains after the superintendent complied with all statutory special education
20 contract payment obligations imposed for the biennium beginning July 1, 2009,
21 and ending June 30, 2011.

22 2. If any money that was appropriated to the superintendent of public instruction for
23 grants - state aid payments to school districts or added to the grants - state
24 school aid line item in accordance with subsection 1 remains after the
25 superintendent complies with all statutory payment obligations imposed for the
26 biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent
27 shall use:

28 a. Reserve the first eight million dollars, which is not subject to the provisions
29 of section 54-44.1-11 and must be used to provide per student payments
30 during the biennium beginning July 1, 2011, and ending June 30, 2013.

1 b. Reserve the next five hundred thousand dollars, which is not subject to the
2 provisions of section 54-44.1-11 and must be used in accordance with
3 section 8 of this Act.

4 c. Use the money to provide additional per student payments on a prorated
5 basis according to the latest available average daily membership of each
6 school district.

7 **SECTION 19. TRANSFER - NATIONAL BOARD CERTIFICATION FUND - GENERAL**

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

12 **SECTION 20. LEGISLATIVE INTENT - 2013-15 SCHOOL FOR THE DEAF**

13 **APPROPRIATION BILL.** It is the intent of the sixty-second legislative assembly that the
14 governor include the recommended funding for the school for the deaf in a separate draft
15 appropriations act for introduction to the sixty-third legislative assembly.

16 **SECTION 21. REPORT TO THE BUDGET SECTION AND THE SIXTY-THIRD**

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

22 **SECTION 22. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-02-02. Salary.**

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

28 **SECTION 23. REPEAL.** Section 15.1-13-33 of the North Dakota Century Code is repealed.

29 **SECTION 24. EMERGENCY.** Sections ~~3, 17, and 18~~4, 16, 17, and 18 of this Act and
30 \$21,517,716 appropriated in the education jobs fund line item in subdivision 1 of section 1 of
31 this Act are declared to be an emergency measure.

