

**FIRST ENGROSSMENT
with Conference Committee Amendments**

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 division of independent study, the school for the deaf, the school for the
3 blind, the state library, and the state board for vocational and technical education; to provide
4 statements of legislative intent; and to amend and reenact subsection 1 of section 15-40.1-16
5 or in the alternative to amend and reenact subsection 1 of section 15.1-27-26, and section
6 15.1-02-02 of the North Dakota Century Code, relating to transportation payments and the
7 salary of the superintendent of public instruction.

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

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

16 Subdivision 1.

17 DEPARTMENT OF PUBLIC INSTRUCTION

18	Salaries and wages	\$8,985,148
19	Operating expenses	15,310,080
20	Equipment	344,140
21	Grants - Foundation aid and transportation	473,971,648
22	Grants - Teacher compensation payments	35,036,000
23	Grants - Revenue supplement payments	2,200,000
24	Grants - Tuition apportionment	67,239,025

Fifty-seventh
Legislative Assembly

1	Grants - Special education	49,898,695
2	Grants - Other grants	149,420,263
3	Geographic education	<u>100,000</u>
4	Total all funds	\$802,504,999
5	Less estimated income	<u>232,691,705</u>
6	Total general fund appropriation	\$569,813,294

7 Subdivision 2.

8 DIVISION OF INDEPENDENT STUDY

9	Salaries and wages	\$3,257,968
10	Operating expenses	1,718,498
11	Equipment	190,000
12	Capital improvements	<u>55,000</u>
13	Total all funds	\$5,221,466
14	Less estimated income	<u>4,353,250</u>
15	Total general fund appropriation	\$868,216

16 Subdivision 3.

17 STATE LIBRARY

18	Salaries and wages	\$2,084,108
19	Operating expenses	1,135,660
20	Equipment	40,000
21	Grants	<u>1,453,745</u>
22	Total all funds	\$4,713,513
23	Less estimated income	<u>1,598,857</u>
24	Total general fund appropriation	\$3,114,656

25 Subdivision 4.

26 SCHOOL FOR THE DEAF

27	Salaries and wages	\$4,888,058
28	Operating expenses	1,156,267
29	Equipment	60,190
30	Capital improvements	<u>45,410</u>
31	Total all funds	\$6,149,925

Fifty-seventh
Legislative Assembly

1	Less estimated income	<u>1,095,624</u>
2	Total general fund appropriation	\$5,054,301
3	Subdivision 5.	
4	SCHOOL FOR THE BLIND	
5	Salaries and wages	\$2,725,158
6	Operating expenses	662,238
7	Equipment	60,000
8	Capital improvements	<u>25,416</u>
9	Total all funds	\$3,472,812
10	Less estimated income	<u>1,357,821</u>
11	Total general fund appropriation	\$2,114,991
12	Grand total general fund appropriation H.B. 1013	\$580,978,458
13	Grand total special funds appropriation H.B. 1013	\$241,097,257
14	Grand total all funds appropriation H.B. 1013	\$822,075,715

15 **SECTION 2. APPROPRIATION - TUITION APPORTIONMENT.** The sum of
16 \$67,239,025, or such greater or lesser sums as become available, included in the grants -
17 tuition apportionment and estimated income line items in subdivision 1 of section 1 of this Act,
18 are appropriated to the department of public instruction out of any moneys in the state tuition
19 fund in the state treasury to the public schools of this state as provided in section 2 of article IX
20 of the Constitution of North Dakota and chapter 15-44 for the biennium beginning July 1, 2001,
21 and ending June 30, 2003.

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

27 **SECTION 4. RED RIVER VALLEY WRITING PROJECT.** The operating expenses line
28 item in subdivision 1 of section 1 of this Act includes \$20,000 from the general fund which must
29 be used to support the Red River valley writing project during the biennium beginning July 1,
30 2001, and ending June 30, 2003.

1 **SECTION 5. STANDARDS-BASED STUDENT TESTING.** The operating expenses
2 line item in subdivision 1 of section 1 of this Act includes \$1,217,928 from the general fund
3 which must be used to develop and administer student tests aligned with the state content
4 standards and to report the results of the tests during the biennium beginning July 1, 2001, and
5 ending June 30, 2003.

6 **SECTION 6. COMPENSATION PAYMENTS TO TEACHERS AT STATE**
7 **INSTITUTIONS.** In addition to amounts otherwise appropriated for salary increases for
8 teachers at the division of independent study, the school for the deaf, and the school for the
9 blind, the amounts appropriated for salaries and wages in subdivisions 2, 4, and 5 of section 1
10 of this Act include the following general fund amounts which must be used to increase teacher
11 compensation by \$1,000 per year the first year of the biennium and by an additional \$2,000 per
12 year the second year of the biennium:

13 Division of independent study	\$72,800
14 School for the deaf	\$74,000
15 School for the blind	\$56,200

16 **SECTION 7. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS.** It is
17 the intent of the fifty-seventh legislative assembly that the department of public instruction base
18 budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, include no
19 more than 94.25 full-time equivalent positions.

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

- 23 1. Twelve million six hundred sixty-five thousand dollars to reimburse school districts
24 or special education units for excess costs incurred relating to contracts for
25 students with disabilities.
- 26 2. Four hundred thousand dollars to reimburse school districts or special education
27 units for gifted and talented programs upon the submission of an application that is
28 approved in accordance with guidelines adopted by the superintendent of public
29 instruction. The superintendent of public instruction shall encourage cooperative
30 efforts for gifted and talented programs among school districts and special
31 education units.

1 3. Any amount remaining in the line item must be distributed on a per student basis
2 as required by section 15-40.1-07.6 or 15.1-27-10, excluding reimbursements for
3 student contracts, boarding care, and gifted and talented programs. State special
4 education payments distributed as required by section 15-40.1-07.6 or 15.1-27-10
5 must be reduced by the amount of matching funds required to be paid by school
6 districts or special education units for students participating in the medicaid
7 program. Special education funds equal to the amount of the matching funds
8 required to be paid by the school district or special education unit must be paid by
9 the superintendent of public instruction to the department of human services on
10 behalf of the school district or unit.

11 **SECTION 9. LEGISLATIVE INTENT - TECHNOLOGY GRANTS.** It is the intent of the
12 legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act include
13 \$4,037,500 for grants to schools for technology or teacher professional development-related
14 expenditures.

15 **SECTION 10. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS.**
16 Payments to school districts educating limited English proficient students, as required by
17 section 15-40.1-07.7 or 15.1-27-12, must be paid using up to \$650,000 of the amount
18 appropriated in subdivision 1 of section 1 of this Act for grants - foundation aid and
19 transportation.

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

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

28 **SECTION 13. GRANTS.** The line item entitled grants in subdivision 3 of section 1 of
29 this Act includes \$888,745 for aid to public libraries of which no more than one-half is to be
30 expended during the fiscal year ending June 30, 2002.

1 **SECTION 14. FEES DEPOSITED IN OPERATING FUND.** Any moneys included in
2 estimated income in subdivision 5 of section 1 of this Act, collected for subscription fees or
3 braille fees, must be deposited in the school for the blind operating fund in the state treasury
4 and must be spent subject to appropriation by the legislative assembly.

5 **SECTION 15. AMENDMENT.** If House Bill No. 1045 does not become effective,
6 subsection 1 of section 15-40.1-16 of the 1999 Supplement to the North Dakota Century Code
7 is amended and reenacted as follows:

8 1. There must be paid from state funds to each school district providing schoolbus
9 transportation in contract schoolbuses or in district-owned and operated
10 schoolbuses, and to school districts with students riding commercial buses to and
11 from school, the following amounts:

12 a. For schoolbuses and school vehicles transporting students who live outside
13 the incorporated limits of the city in which the students' school is located, a
14 sum equal to twenty-five cents per mile [1.61 kilometers] for vehicles having a
15 capacity of nine or fewer students and sixty-seven cents per mile [1.61
16 kilometers] for schoolbuses having a capacity of ten or more students ~~and~~, for
17 schoolbuses and school vehicles having a capacity of nine or fewer students
18 and transporting students who live within the incorporated limits of a city in
19 which the students' school is located, a sum equal to twenty-five cents per
20 mile [1.61 kilometers], and for schoolbuses and school vehicles having a
21 capacity of ten or more students and transporting students who live within the
22 incorporated limits of a city in which the students' school is located, a sum
23 equal to thirty-five cents per mile [1.61 kilometers]. School districts qualifying
24 for payments for buses having a capacity of ten or more students are entitled
25 to an amount equal to forty cents per day for each public school student living
26 outside the city limits who is transported in such buses.

27 b. For students who ride schoolbuses or commercial buses to or from school
28 and who live within the incorporated limits of the city within which the school
29 that the students attend is located, a sum equal to twenty cents per student
30 per one-way trip.

1 The mileage payments provided for in this subsection must be made to each
2 school district for transporting students to and from school. Payments may be
3 made only to school districts operating schoolbuses in accordance with the laws of
4 this state relating to standards for schoolbuses, and to the qualifications of
5 schoolbus drivers. Certification as to compliance with the laws of this state in
6 regard to schoolbuses and their drivers must be made in such manner and detail
7 as the superintendent of public instruction may require at the time an application is
8 made for payments provided under this subsection.

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

11 **15.1-02-02. Salary.** The annual salary of the superintendent of public instruction is
12 ~~fifty-nine~~ sixty-nine thousand ~~four~~ six hundred ~~thirty-seven~~ forty-eight dollars through ~~June 30,~~
13 ~~2000~~ December 31, 2001, ~~sixty~~ seventy-five thousand ~~six~~ nine hundred ~~twenty-six~~ sixteen
14 dollars through ~~December 31, 2000~~ June 30, 2002, and ~~sixty-seven~~ seventy-seven thousand
15 ~~six~~ four hundred ~~nineteen~~ thirty-four dollars thereafter.

16 **SECTION 17. AMENDMENT.** Subsection 1 of section 15.1-27-26 of the North Dakota
17 Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative
18 assembly, is amended and reenacted as follows:

- 19 1. Each school district providing transportation to students in contract schoolbuses or
20 in district-owned and operated schoolbuses, and each school district with students
21 riding commercial buses to and from school is entitled to receive the following
22 amounts:
- 23 a. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school
24 vehicle having a capacity of nine or fewer students and transporting students
25 who reside outside the incorporated limits of the city in which the students'
26 school is located.
- 27 b. Sixty-seven cents per mile [1.61 kilometers] for each schoolbus and school
28 vehicle having a capacity of ten or more students and transporting students
29 who reside outside the incorporated limits of the city in which the students'
30 school is located.

- 1 c. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school
2 vehicle having a capacity of nine or fewer students and transporting students
3 who reside within the incorporated limits of a city in which the students' school
4 is located.
- 5 d. Thirty-five cents per mile [1.61 kilometers] for each schoolbus and school
6 vehicle having a capacity of ten or more students and transporting students
7 who reside within the incorporated limits of a city in which the students' school
8 is located.
- 9 e. Twenty cents for each one-way trip by a student who rides a schoolbus or a
10 commercial bus to or from school and who resides within the incorporated
11 limits of the city in which the student's school is located.

12 **SECTION 18. APPROPRIATION - STATE BOARD FOR VOCATIONAL AND**
13 **TECHNICAL EDUCATION.** There is appropriated out of any moneys in the general fund in the
14 state treasury, not otherwise appropriated, the sum of \$13,000, or so much of the sum as may
15 be necessary, to the state board for vocational and technical education for the purpose of
16 providing grants to support vocational education programs for the biennium beginning July 1,
17 2001, and ending June 30, 2003.