

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED SENATE BILL NO. 2251

Introduced by

Senators Robinson, Solberg, Wardner

Representatives Ekstrom, Lemieux, B. Thoreson

1 A BILL for an Act to create and enact two new sections to chapter 54-59 of the North Dakota
2 Century Code, relating to the establishment, powers, and duties of an educational technology
3 council; to amend and reenact sections 15-19-02 and 15-19-06, subsection 1 of section
4 15.1-02-07, subdivision h of subsection 2 of section 28-32-01, and subsection 1 of section
5 54-07-01.2 of the North Dakota Century Code, relating to the administration of the division of
6 independent study and the appointment of members of the educational telecommunications
7 council; to repeal chapter 15.1-05 of the North Dakota Century Code, relating to the educational
8 telecommunications council; to provide for a transfer of funds; and to provide for reports to the
9 legislative council.

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

11 **SECTION 1. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15-19-02. Administration - Director of division of independent study -**
14 **Appointment and duties.** The program of and all activities related to the division of
15 independent study are the responsibility of and under the supervision of the ~~superintendent of~~
16 ~~public instruction~~ educational technology council. The educational technology council shall hire
17 a state director of the division of independent study must be appointed by the superintendent of
18 ~~public instruction~~ who must be classified under the state personnel merit system. The director,
19 ~~under the supervision of the superintendent of public instruction~~ shall carry out the director's
20 responsibilities in the administration of the division of independent study in the manner
21 approved by the state board of public school education. ~~The board shall determine the~~
22 ~~director's qualifications and fix his compensation within limits of legislative appropriations. The~~
23 ~~director is responsible to and must carry out all policies and directives of the state board of~~

1 ~~public school education in the administration of the program of the division of independent~~
2 ~~study.~~

3 **SECTION 2. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15-19-06. Special funds - Deposit of collections - Transfers from general fund**
6 **appropriations.**

- 7 1. A special operating fund for the division of independent study must be maintained
8 within the state treasury and all income and fees collected by the division of
9 independent study from any source must be remitted monthly by the director to the
10 state treasurer and credited to ~~such the~~ the special operating fund. All expenditures
11 from ~~such the~~ the fund must be within the limits of legislative appropriations and must
12 be made upon vouchers, signed and approved by the ~~superintendent of public~~
13 ~~instruction~~ technology director appointed by the educational technology council.
14 Upon approval of ~~such the~~ the vouchers by the office of the budget, warrant-checks
15 must be prepared by the office of management and budget. The state treasurer
16 shall make periodic transfers upon order of the director of the office of
17 management and budget from the division of independent study general fund
18 appropriation to ~~such the~~ the special operating fund whenever its balance falls so low
19 as to require supplementation.
- 20 2. The ~~superintendent of public instruction~~ educational technology council may
21 establish an administrative operational fund, of not to exceed ten thousand dollars,
22 out of the special operating fund for the division of independent study. The
23 administrative operational fund must be deposited in the Bank of North Dakota and
24 may be drawn upon by the state director of the division of independent study for
25 the payment of necessary expenses in the administration and operation of the
26 division of independent study within the limits and rules prescribed by the
27 ~~superintendent of public instruction~~ educational technology council. The director
28 shall submit a full, minute, and itemized statement of every expenditure made
29 during the month to the ~~superintendent of public instruction~~ council in accordance
30 with the rules adopted by the ~~superintendent of public instruction~~ council, and
31 thereafter the ~~superintendent of public instruction~~ council may periodically

1 authorize additional transfers to the administrative operational fund, but the
2 balance in ~~such~~ the fund may never exceed ten thousand dollars, and any
3 unencumbered balance ~~therein~~ at the end of any biennium must revert to the state
4 treasury. The administrative operational fund may not be used to pay salaries or
5 expenses of the director. The ~~superintendent of public instruction~~ council shall
6 determine the amount of the bond to be posted by the director.

7 3. The state board of public school education may establish a scholarship fund to
8 provide financial grants to students enrolled in courses offered through the division
9 of independent study. The scholarship fund may consist only of those funds
10 specifically appropriated by the legislative assembly and property received by the
11 board or the division of independent study as a gift, devise, or bequest. Any gift,
12 devise, or bequest of property received by the board or division of independent
13 study which is designated by the board and donor for the scholarship fund must be
14 deposited in the scholarship fund at the Bank of North Dakota. The state director
15 of the division of independent study may draw only on the interest earned by the
16 scholarship fund for the award of scholarships within the limits and rules adopted
17 by the state board of public school education. The interest earned by the
18 scholarship fund is ~~hereby~~ appropriated to the division of independent study.

19 4. ~~Repealed by S.L. 1989, ch. 199, § 4.~~

20 **SECTION 3. AMENDMENT.** Subsection 1 of section 15.1-02-07 of the 1999
21 Supplement to the North Dakota Century Code is amended and reenacted as follows:

22 1. The superintendent of public instruction may lease surplus portions of real
23 property, including buildings and improvements, owned by the state and
24 administered by the superintendent of public instruction at the school for the blind;
25 and the school for the deaf, ~~and the division of independent study.~~

26 **SECTION 4. AMENDMENT.** Subdivision h of subsection 2 of section 28-32-01 of the
27 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

28 h. The educational ~~telecommunications~~ technology council.

29 **SECTION 5. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the 1999
30 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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- 1 1. Notwithstanding sections 2-05-01, 4-18.1-04, 4-27-04, 6-01-03, 6-09-02.1,
2 12-55.1-02, 12-59-01, 15-38-17, 15-39.1-05.1, 15.1-01-01, ~~15.1-05-02~~, 20.1-02-23,
3 23-01-02, 23-25-02, 36-01-01, 37-18.1-01, 50-06-05.6, 50-06.1-16, 54-34.3-10,
4 54-54-02, 55-01-01, 55-06-01, 61-02-04, and 61-28-03, all members of the
5 following boards and commissions must, subject to the limitations of this section,
6 be considered to have resigned from such boards and commissions effective
7 January first of the first year of each four-year term of the governor:
- 8 a. The aeronautics commission.
 - 9 b. The milk marketing board.
 - 10 c. The dairy promotion commission.
 - 11 d. The state banking board.
 - 12 e. The state credit union board.
 - 13 f. The advisory board of directors to the Bank of North Dakota.
 - 14 g. The pardon advisory board.
 - 15 h. The state parole board.
 - 16 i. The state board of public school education.
 - 17 j. The education standards and practices board and the administrator's
18 professional practices board.
 - 19 k. The board of trustees for the teachers' fund for retirement.
 - 20 l. ~~The educational telecommunications council.~~
 - 21 ~~m.~~ The state game and fish advisory board.
 - 22 ~~n.~~ m. The health council.
 - 23 ~~o.~~ n. The air pollution control advisory council.
 - 24 ~~p.~~ o. The board of animal health.
 - 25 ~~q.~~ p. The administrative committee on veterans' affairs.
 - 26 ~~r.~~ q. The committee on aging.
 - 27 ~~s.~~ r. The committee on employment of people with disabilities.
 - 28 ~~t.~~ s. The commission on the status of women.
 - 29 ~~u.~~ t. The North Dakota council on the arts.
 - 30 ~~v.~~ u. The state historical board.
 - 31 ~~w.~~ v. The Yellowstone-Missouri-Fort Union commission.

1 ~~w.~~ w. The state water commission.

2 ~~y.~~ x. The state water pollution control board.

3 **SECTION 6.** A new section to chapter 54-59 of the North Dakota Century Code is
4 created and enacted as follows:

5 **Educational technology council - Meetings - Compensation.**

6 1. The educational technology council is responsible for coordinating educational
7 technology initiatives for elementary and secondary education.

8 2. The educational technology council consists of:

9 a. The chief information officer.

10 b. The superintendent of public instruction or the superintendent's designee.

11 c. The commissioner of higher education or the commissioner's designee.

12 d. A representative appointed by the state board for vocational and technical
13 education.

14 e. A representative appointed by the governor from a list of three nominees
15 submitted by the North Dakota association of technology leaders.

16 f. A representative appointed by the governor from a list of three nominees
17 submitted by the North Dakota council of educational leaders.

18 g. A representative appointed by the governor from a list of three nominees
19 submitted by the North Dakota school boards association.

20 h. A representative appointed by the governor from a list of three nominees
21 submitted by the North Dakota association of special education directors.

22 i. Two representatives of school districts, one of which has an enrollment in
23 kindergarten through grade twelve of fewer than four hundred, appointed by
24 the governor.

25 j. The director of technology for the department of public instruction.

26 k. A representative appointed by the governor from a list of three nominees
27 submitted by the state association of non public schools, who is a nonvoting
28 member.

29 3. The council shall select a chairman from among its members.

30 4. The term of office for the members appointed by the governor is four years.

1 5. The members of the educational technology council appointed by the governor are
2 entitled to receive as compensation sixty-two dollars and fifty cents per day and to
3 reimbursement of expenses as provided by law for state officers while attending
4 meetings of the council.

5 **SECTION 7.** A new section to chapter 54-59 of the North Dakota Century Code is
6 created and enacted as follows:

7 **North Dakota educational technology council - Powers and duties.** The
8 educational technology council shall:

- 9 1. Coordinate the use of technology and the development of technology systems to
10 enhance educational opportunities for elementary and secondary education.
- 11 2. Cooperate with state agencies and other organizations to develop statewide
12 educational technology systems.
- 13 3. Adopt bylaws for the conduct of its affairs.
- 14 4. Publish the informational material it deems necessary.
- 15 5. Conduct a continuing study to assess the needs, resources, and facilities that are
16 available or which may be required to establish educational technology systems
17 throughout the state.
- 18 6. Solicit and receive moneys from public and private sources and expend the
19 moneys for educational technology.
- 20 7. Appoint a technology director who shall serve at the will of the council.
- 21 8. Hire the director of the division of independent study.

22 **SECTION 8. REPEAL.** Chapter 15.1-05 of the North Dakota Century Code is
23 repealed.

24 **SECTION 9. TRANSFER OF FUNDS.** Any funds appropriated by the fifty-seventh
25 legislative assembly to or for the purposes of the division of independent study, SENDIT
26 technology services, and the center for innovation in instruction must be transferred to the
27 information technology department for use by the educational technology council on the
28 effective date of this Act.

29 **SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION TO REPORT TO**
30 **LEGISLATIVE COUNCIL.** During the 2001-03 biennium, the superintendent of public
31 instruction shall vigorously pursue grant funds for projects and initiatives relating to the use of

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- 1 technology in elementary and secondary education. The superintendent of public instruction
- 2 shall report to the legislative council, when requested by the legislative council, at least once
- 3 every five months during the 2001-02 interim.