

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2251
(Senators Robinson, Solberg, Wardner)
(Representatives Ekstrom, Lemieux, B. Thoreson)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

1. A special operating fund for the division of independent study must be maintained within the state treasury and all income and fees collected by the division of independent study from any source must be remitted monthly by the director to the state treasurer and credited to ~~such~~ the special operating fund. All expenditures from ~~such~~ the fund must be within the limits of legislative appropriations and must be made upon vouchers, signed and approved by the ~~superintendent of public instruction~~ technology director appointed by the educational technology council. Upon approval of ~~such~~ the vouchers by the office of the budget, warrant-checks must be prepared by the office of management and budget. The state treasurer shall make periodic transfers upon order of the director of the office of management and budget from the division of independent study general fund appropriation to ~~such~~ the special operating fund whenever its balance falls so low as to require supplementation.

2. The ~~superintendent of public instruction~~ educational technology council may establish an administrative operational fund, of not to exceed ten thousand dollars, out of the special operating fund for the division of independent study. The administrative operational fund must be deposited in the Bank of North Dakota and may be drawn upon by the state director of the division of independent study for the payment of necessary expenses in the administration and operation of the division of independent study within the limits and rules prescribed by the ~~superintendent of public instruction~~ educational technology council. The director shall submit a full, minute, and itemized statement of every expenditure made during the month to the ~~superintendent of public instruction~~ council in accordance with the rules adopted by the ~~superintendent of public instruction~~ council, and thereafter the ~~superintendent of public instruction~~ council may periodically authorize additional transfers to the administrative operational fund, but the balance in ~~such~~ the fund may never exceed ten thousand dollars, and any unencumbered balance ~~therein~~ at the end of any biennium must revert to the state treasury. The administrative operational fund may not be used to pay salaries or expenses of the director. The ~~superintendent of public instruction~~ council shall determine the amount of the bond to be posted by the director.
3. The state board of public school education may establish a scholarship fund to provide financial grants to students enrolled in courses offered through the division of independent study. The scholarship fund may consist only of those funds specifically appropriated by the legislative assembly and property received by the board or the division of independent study as a gift, devise, or bequest. Any gift, devise, or bequest of property received by the board or division of independent study which is designated by the board and donor for the scholarship fund must be deposited in the scholarship fund at the Bank of North Dakota. The state director of the division of independent study may draw only on the interest earned by the scholarship fund for the award of scholarships within the limits and rules adopted by the state board of public school education. The interest earned by the scholarship fund is ~~hereby~~ appropriated to the division of independent study.
4. ~~Repealed by S.L. 1989, ch. 199, § 4.~~

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

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

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

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

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

1. Notwithstanding sections 2-05-01, 4-18.1-04, 4-27-04, 6-01-03, 6-09-02.1, 12-55.1-02, 12-59-01, 15-38-17, 15-39.1-05.1, 15.1-01-01, ~~45.1-05-02~~, 20.1-02-23, 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, 54-54-02, 55-01-01, 55-06-01, 61-02-04, and 61-28-03, all members of the following boards and commissions must, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:
 - a. The aeronautics commission.
 - b. The milk marketing board.

- c. The dairy promotion commission.
- d. The state banking board.
- e. The state credit union board.
- f. The advisory board of directors to the Bank of North Dakota.
- g. The pardon advisory board.
- h. The state parole board.
- i. The state board of public school education.
- j. The education standards and practices board and the administrator's professional practices board.
- k. The board of trustees for the teachers' fund for retirement.
- l. ~~The educational telecommunications council.~~
- ~~m.~~ The state game and fish advisory board.
- ~~n.~~ m. The health council.
- ~~o.~~ n. The air pollution control advisory council.
- ~~p.~~ o. The board of animal health.
- ~~q.~~ p. The administrative committee on veterans' affairs.
- ~~r.~~ q. The committee on aging.
- ~~s.~~ r. The committee on employment of people with disabilities.
- ~~t.~~ s. The commission on the status of women.
- ~~u.~~ t. The North Dakota council on the arts.
- ~~v.~~ u. The state historical board.
- ~~w.~~ v. The Yellowstone-Missouri-Fort Union commission.
- ~~x.~~ w. The state water commission.
- ~~y.~~ x. The state water pollution control board.

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

Educational technology council - Meetings - Compensation.

1. The educational technology council is responsible for coordinating educational technology initiatives for elementary and secondary education.
2. The educational technology council consists of:
 - a. The chief information officer.
 - b. The superintendent of public instruction or the superintendent's designee.
 - c. The commissioner of higher education or the commissioner's designee.

- d. A representative appointed by the state board for vocational and technical education.
 - e. A representative appointed by the governor from a list of three nominees submitted by the North Dakota association of technology leaders.
 - f. A representative appointed by the governor from a list of three nominees submitted by the North Dakota council of educational leaders.
 - g. A representative appointed by the governor from a list of three nominees submitted by the North Dakota school boards association.
 - h. A representative appointed by the governor from a list of three nominees submitted by the North Dakota association of special education directors.
 - i. Two representatives of school districts, one of which has an enrollment in kindergarten through grade twelve of fewer than four hundred, appointed by the governor.
 - j. The director of technology for the department of public instruction.
 - k. A representative appointed by the governor from a list of three nominees submitted by the state association of non public schools.
- 3. The council shall select a chairman from among its members.
 - 4. The term of office for the members appointed by the governor is four years.
 - 5. The members of the educational technology council appointed by the governor are entitled to receive as compensation sixty-two dollars and fifty cents per day and to reimbursement of expenses as provided by law for state officers while attending meetings of the council.

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

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

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

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

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

SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION TO REPORT TO LEGISLATIVE COUNCIL. During the 2001-03 biennium, the superintendent of public instruction shall vigorously pursue grant funds for projects and initiatives relating to the use of technology in elementary and secondary education. The superintendent of public instruction shall report to the legislative council, when requested by the legislative council, at least once every five months during the 2001-02 interim.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2251.

Senate Vote: Yeas 47 Nays 1 Absent 1

House Vote: Yeas 90 Nays 3 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State