

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1034

Page 1, line 4, after "sections" insert "15-65-01, 15-65-02, 15-65-03, 15-65-06,"

Page 1, line 6, after "to" insert "the educational telecommunications council and"

Page 1, line 7, remove "and" and after "sections" insert "15-65-04,"

Page 1, line 8, after "to" insert "the educational telecommunications council and"

Page 1, line 9, after "division" insert "; to provide a statement of legislative intent; and to provide an appropriation"

Page 1, after line 10, insert:

**"SECTION 1. AMENDMENT.** Section 15-65-01 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-01. North Dakota educational telecommunications council - Creation - Purpose.** The North Dakota educational telecommunications council shall encourage and ~~direct~~ promote the ~~creation of educational telecommunication programs and~~ use of technology for educational purposes and the development of technology systems to improve educational opportunity within the state. The educational telecommunications council shall perform its duties as provided in this chapter in cooperation with the information technology management division established in chapter 54-35.

**SECTION 2. AMENDMENT.** Section 15-65-02 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-02. Membership - Appointment - Term - No compensation - Expenses - Organization.** The North Dakota educational telecommunications council consists of:

1. The commissioner of higher education or the commissioner's designee.
2. The superintendent of public instruction or the superintendent's designee.
3. ~~One citizen member appointed by the governor giving preference to users of a telecommunications system.~~
4. The director of the information ~~services~~ technology management division of the ~~office of management and budget~~ legislative council.
5. ~~A representative of prairie public broadcasting, appointed by the governor.~~
- 6- 4. A representative of the telephone industry, appointed by the governor.
7. ~~A representative of the North Dakota association of telephone cooperatives, appointed by the governor.~~
8. ~~A representative of the North Dakota cable television association, appointed by the governor.~~

- ~~9-~~ 5. A school board member, appointed by the governor.
- ~~10-~~ 6. A school administrator, appointed by the governor.
- ~~11-~~ 7. A schoolteacher, appointed by the governor.

The term of office of the appointed members is three years, ~~except that of the original appointees, three shall serve one year, three shall serve two years, and two shall serve three years, which appointees to be determined by lot.~~ At all times either the school board member or the school administrator must be from a school with an enrollment of less than five hundred students.

The ~~two citizen~~ members, ~~the school board member, the school administrator, and the schoolteacher~~ appointed by the governor must be reimbursed for actual necessary expenses incurred in the performance of their duties as members of the council at the same rates as provided by law for other state officers and employees. The costs incurred in reimbursing the ~~two citizen~~ members of the council for their actual necessary expenses must be paid by the ~~superintendent of public instruction~~ legislative council. The other members of the council are not entitled to any compensation or reimbursement for expenses incurred in performing their duties. ~~The superintendent of public instruction shall call the initial meeting of the council at which time the council shall elect its chairman and other officers and take such other action as it deems appropriate.~~

**SECTION 3. AMENDMENT.** Section 15-65-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-03. Powers and duties.** The council shall:

1. ~~Direct the implementation of telecommunication systems that are compatible and that can be connected with each other~~ Promote the use of technology and the development of technology systems to enhance educational opportunities within the state.
2. ~~Develop a comprehensive written plan for the development of telecommunications in this state~~ Cooperate with state agencies and other organizations to develop statewide educational technology systems.
3. ~~Be concerned with the development and use of statewide educational telecommunication programs and systems.~~
4. ~~Hold coordinating authority for the development of such statewide educational telecommunication programs and systems as may be required to serve the entire state.~~
5. ~~Assist any organization, state agencies, or both in the preparation, filing, and prosecution before federal agencies such applications, reports, or other documents or requests of any kind that may be necessary or appropriate to achieve the purposes of this chapter.~~
6. ~~Receive gifts and contributions from public and private sources to be expended to provide educational telecommunication programs and systems.~~
7. ~~Be concerned with the activation of educational broadcasting channels presently assigned to North Dakota, or the reallocation or addition of the channels, or both, as are determined to be in the best interests of the people of the state.~~

- 8- ~~Actively cooperate with the state department of public instruction and the state board of higher education and other agencies and private organizations for the purpose of developing statewide educational telecommunication projects.~~
- 9- Adopt bylaws for the conduct of its affairs.
- 10- 4. Publish the informational material it deems necessary.
- 44- 5. ~~Carry on~~ Conduct a continuing study ~~relating to~~ assess the needs, resources, and facilities which are available or may be required to establish educational ~~telecommunication programs and~~ technology systems throughout the entire state.
- 12- 6. ~~Contract with eligible applicants to build and operate public television stations in this state. Eligible applicants are those licensed by the federal communications commission to operate noncommercial public television stations. Operational contracts may not exceed the amount raised within the preceding fiscal year by the applicant from nontax sources in this state~~ Receive gifts and grants from private and public sources to be expended for educational technology projects.

**SECTION 4. AMENDMENT.** Section 15-65-06 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-06. Plan for statewide system of ~~interactive telecommunications~~ educational technology - Solicitation of grants.** In developing and implementing a plan for a statewide system of ~~interactive telecommunications~~ educational technology, the educational telecommunications council shall solicit grants to be used in conjunction with moneys appropriated by the legislative assembly for ~~telecommunications~~ educational technology. Any moneys appropriated by the legislative assembly for ~~telecommunications~~ educational technology, unless specifically provided otherwise, and any grants received in accordance with this section must be used to implement the plan developed by the educational telecommunications council pursuant to this chapter."

Page 10, line 12, after "Sections" insert "15-65-04,"

Page 10, after line 14, insert:

**"SECTION 15. LEGISLATIVE INTENT - GRANTS FOR THE CENTER FOR INNOVATION IN INSTRUCTION AND SENDIT.** It is the intent of the fifty-fifth legislative assembly that the funds appropriated in section 19 of this Act for grants to the Center for Innovation in Instruction and the SENDIT network be distributed by the educational telecommunications council to support teacher and school staff training in educational technology through the Center for Innovation in Instruction and to support the electronic connectivity and networking of schools through the SENDIT network.

**SECTION 16. LEGISLATIVE INTENT - MYRDAL FUND FOR TECHNOLOGY IN CURRICULUM AND STAFF DEVELOPMENT.** It is the intent of the fifty-fifth legislative assembly that the funds appropriated in section 19 of this Act for the Myrdal fund for technology in curriculum and staff development be used for grants to school districts to encourage the integration of technology into school curriculum and to support staff development programs relating to the use of technology. The Myrdal fund for technology in curriculum and staff development board of directors, as provided in House Bill No. 1476 as approved by the fifty-fifth legislative assembly, shall distribute any moneys in the Myrdal fund for technology in curriculum and staff development in cooperation with the educational telecommunications council, to avoid duplication in the distribution of grant funds for educational technology projects.

**SECTION 17. LEGISLATIVE INTENT - PRAIRIE PUBLIC BROADCASTING - MATCHING GRANTS.** It is the intent of the fifty-fifth legislative assembly that prairie public broadcasting receive grants from the educational telecommunications council. The grants are to be distributed four times each year, in July, October, January, and April. The grants must be fifty cents for each dollar raised by prairie public broadcasting during the three-month period ending in the month immediately preceding the month in which the grants must be distributed. In determining the amount of the grant, revenue from the following sources must be considered: membership contributions for prairie public television and prairie public radio from North Dakota residents, program underwriting contributions raised from organizations doing business in North Dakota, and fees received for the prairie on-line program. Grants may not exceed \$475,000 during any state fiscal year. If, as of June thirtieth of any year, the amount of grants distributed during the preceding twelve months is less than \$475,000, the undistributed amount available for that fiscal year must be deposited in the state general fund.

**SECTION 18. LEGISLATIVE INTENT - TECHNOLOGY REIMBURSEMENT PAYMENTS.** It is the intent of the fifty-fifth legislative assembly that the funds appropriated in section 19 of this Act for technology reimbursement payments be used for reimbursing school districts for technology-related expenditures. The educational telecommunications council shall determine the maximum amount to which each school district is entitled by dividing the number of elementary and secondary students in average daily membership in this state into the funds appropriated in section 19 of this Act for technology reimbursement payments and then multiplying the result by the number of students in average daily membership in each district. Upon receiving substantiating documentation from a school district indicating the expenditure of funds on or after July 1, 1996, for the acquisition of computer technology for student uses or instructional purposes, interactive television, or teacher inservice programs related to the use of computer technology in classroom instruction, the educational telecommunications council shall provide reimbursement to the school district in an amount equal to that expended but not exceeding that to which the school district is entitled.

**SECTION 19. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income, to the educational telecommunications council for grants for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

|  |             |
|--|-------------|
| Grants - educational telecommunications council<br>discretionary grants    | \$1,000,000 |
| Grants - center for innovation in instruction                              | 297,250     |
| Grants - prairie public broadcasting                                       | 950,000     |
| Grants - Myrdal fund for technology in curriculum<br>and staff development | 1,300,000   |
| Grants - SENDIT  | 876,000     |
| Grants - technology reimbursement payments                                 | 3,800,000   |
| Total all funds  | \$8,223,250 |
| Less estimated income  | 196,000     |
| Total general fund appropriation   | \$8,027,250 |

**SECTION 20. APPROPRIATION.** The fund provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the legislative council for the purpose of defraying the expenses of the information technology management division for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

|                    |           |
|--------------------|-----------|
| Salaries and wages | \$750,528 |
| Operating expenses | 66,248    |

Equipment  
Total general fund appropriation

31,500  
\$848,276"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 160 - LEGISLATIVE COUNCIL

HOUSE - This amendment changes the membership of the Educational Telecommunications Council to include the director of the Legislative Council's Information Technology Management Division and requires that the Educational Telecommunications Council perform its duties in cooperation with the Information Technology Management Division. This amendment requires that reimbursement for members of the Educational Telecommunications Council be paid by the Legislative Council. This amendment changes the powers and duties of the Educational Telecommunications Council to reflect an emphasis on developing statewide educational technology systems.

This amendment provides legislative intent regarding grants for the Center for Innovation in Instruction, the SENDIT network, the Myrdal fund for technology in curriculum and staff development, Prairie Public Broadcasting, and technology reimbursement payments.

This amendment also appropriates \$8,223,250 (\$8,027,250 general fund, \$196,000 other funds) to the Educational Telecommunications Council for grants. Of this amount \$1 million is for grants to be distributed as determined by the Educational Telecommunications Council. This amendment also provides a general fund appropriation of \$848,276, including seven FTE positions for the Information Technology Management Division as follows:

|                                     | 1997-99<br>BIENNIUM |
|-------------------------------------|---------------------|
| Salaries and wages:                 |                     |
| Director                            | \$178,332           |
| Planner                             | 107,220             |
| Planner                             | 107,220             |
| Standards/research position         | 93,000              |
| Auditor                             | 93,000              |
| Auditor                             | 85,878              |
| Auditor                             | <u>85,878</u>       |
| Total salaries and wages            | \$750,528           |
| Operating expenses                  | 66,248              |
| Equipment (office renovation costs) | <u>31,500</u>       |
| Total                               | \$848,276           |