

**HOUSE BILL NO. 1358**

Introduced by

Representatives Beadle, D. Anderson, D. Johnson, M. Johnson, Lefor, Schreiber-Beck

Senators Casper, Oban

1 A BILL ~~for an Act to create and enact eight new sections to chapter 15.1-02 of the North Dakota~~  
2 ~~Century Code, relating to authorization for the creation of a North Dakota education foundation;~~  
3 ~~to provide for a report to the legislative management; and to provide an expiration date.~~for an  
4 Act to provide for a legislative management study of the use of open educational resources in  
5 the elementary and secondary school system.

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

7 ~~— **SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created~~  
8 ~~and enacted as follows:~~

9 ~~— **North Dakota education foundation - Creation - Authorization.**~~

10 ~~— The superintendent of public instruction may create the North Dakota education foundation,~~  
11 ~~subject to the requirements of sections 1 through 8 of this Act.~~

12 ~~— **SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created~~  
13 ~~and enacted as follows:~~

14 ~~— **Membership.**~~

15 ~~— 1. The North Dakota education foundation is composed of seven members, appointed by~~  
16 ~~the superintendent of public instruction with the advice and consent of at least four~~  
17 ~~from among the following: the majority and minority leader of the house of~~  
18 ~~representatives, the majority and minority leader of the senate, the president pro~~  
19 ~~tempore of the senate, and the speaker of the house of representatives.~~

20 ~~— 2. The foundation members must be selected to be a balanced and representative group,~~  
21 ~~consisting of individuals who are residents of this state and who by training and~~  
22 ~~experience have a familiarity with educational delivery at all levels and an~~  
23 ~~understanding of its impact on agriculture, the arts, commerce and finance,~~  
24 ~~manufacturing, mineral extraction, natural resources, and the professions.~~

1 — ~~**SECTION 3.** A new section to chapter 15.1-02 of the North Dakota Century Code is created~~  
2 ~~and enacted as follows:~~

3 — ~~**Terms of office.**~~

4 — ~~1. The term of office for each member of the foundation begins January first and has a~~  
5 ~~duration of two years. The initial terms must be staggered by lot so that no fewer than~~  
6 ~~three terms expire each year.~~

7 — ~~2. An individual may not serve more than two consecutive terms.~~

8 — ~~3. If an individual is appointed to fill a vacancy, that service is not counted as a term for~~  
9 ~~purposes of this section unless that service exceeds one year.~~

10 — ~~**SECTION 4.** A new section to chapter 15.1-02 of the North Dakota Century Code is created~~  
11 ~~and enacted as follows:~~

12 — ~~**Foundation officers - Chairman.**~~

13 — ~~1. Annually, the foundation members shall elect from among themselves a chairman, a~~  
14 ~~vice chairman, a secretary, and a treasurer.~~

15 — ~~2. The chairman shall call all meetings of the foundation and shall call a special meeting~~  
16 ~~within seven days, if petitioned to do so by at least five of the members.~~

17 — ~~3. A chairman may not serve more than two consecutive terms in that role.~~

18 — ~~**SECTION 5.** A new section to chapter 15.1-02 of the North Dakota Century Code is created~~  
19 ~~and enacted as follows:~~

20 — ~~**Quorum.**~~

21 — ~~A majority of the appointed members of the committee constitutes a quorum for the purpose~~  
22 ~~of conducting business.~~

23 — ~~**SECTION 6.** A new section to chapter 15.1-02 of the North Dakota Century Code is created~~  
24 ~~and enacted as follows:~~

25 — ~~**Compensation.**~~

26 — ~~Each member of the foundation is entitled to receive compensation in the amount~~  
27 ~~established by the foundation, but not exceeding the amount per diem established for members~~  
28 ~~of the legislative assembly in accordance with section 54-03-20, plus reimbursement for~~  
29 ~~expenses as provided by law for state officers, if the member is attending meetings or~~  
30 ~~performing duties as directed by the foundation.~~

1 — **SECTION 7.** A new section to chapter 15.1-02 of the North Dakota Century Code is created  
2 and enacted as follows:

3 — **Duties – Acceptance of moneys – Consent – Report.**

4 — ~~1. The foundation shall pursue and distribute private sector moneys for use in  
5 education-related activities, except before the foundation may accept moneys under  
6 this section, the foundation shall:~~

7 — ~~a. Obtain from the benefactor a detailed statement indicating the purpose for the  
8 contribution, the expected results, and the time frame within which the expected  
9 results are to be achieved;~~

10 — ~~b. Present the statement required under subdivision a to:~~

11 — ~~(1) The legislative assembly during a regular or a special session; or~~

12 — ~~(2) The budget section of the legislative management, if the legislative  
13 assembly is not in session; and~~

14 — ~~c. Obtain the consent of the legislative assembly or the budget section of the  
15 legislative management.~~

16 — ~~2. Moneys distributed under this section are not public moneys for any purpose and are  
17 not subject to section 12 of article X of the Constitution of North Dakota.~~

18 — ~~3. The foundation may retain up to one percent of any moneys received under this  
19 section for administrative purposes.~~

20 — ~~4. The foundation, together with the superintendent of public instruction, shall provide a  
21 report to the legislative management, at the time and in the manner directed by the  
22 legislative management, regarding distributions made under this section. The report  
23 must include direct and indirect benefits to school districts.~~

24 — **SECTION 8.** A new section to chapter 15.1-02 of the North Dakota Century Code is created  
25 and enacted as follows:

26 — **Administrative services – Expenses.**

27 — ~~The superintendent of public instruction shall provide administrative services to the  
28 foundation and is responsible for all costs incurred in its operation, including the compensation  
29 and reimbursement of its members, until the administrative fees retained by the foundation in  
30 accordance with section 7 of this Act are sufficient to fund the operating costs.~~

1 ~~SECTION 9. EXPIRATION DATE -- RETURN OF UNSPENT MONEYS. This Act is effective~~  
2 ~~through June 30, 2019, and after that date is ineffective. Any moneys not distributed by the~~  
3 ~~foundation as of June 30, 2019, must be returned to the benefactor.~~

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - KINDERGARTEN THROUGH**  
5 **GRADE TWELVE OPEN EDUCATIONAL RESOURCES USAGE AND DEVELOPMENT.**

6 During the 2017-18 interim, the legislative management shall consider studying the use of open  
7 educational resources in the elementary and secondary school system. The study must include  
8 an analysis of potential cost savings for school districts and the department of public instruction;  
9 the availability of private sector partnerships that can aid in the development, adoption,  
10 implementation, and funding of open educational resources; and the steps necessary to  
11 establish North Dakota as a #GoOpen state with the United States department of education.  
12 The legislative management shall report its findings and recommendations, together with any  
13 legislation required to implement the recommendations, to the sixty-sixth legislative assembly.