

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to create and enact seven new sections to chapter 15.1-02 of the North
2 Dakota Century Code, relating to authorization for the creation of a North Dakota education
3 foundation; and to provide for a report to legislative management.

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

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

7 **North Dakota education foundation - Creation - Authorization.**

8 The superintendent of public instruction may create the North Dakota education foundation,
9 subject to the requirements of sections 1 through 7 of this Act.

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

12 **Membership.**

- 13 1. The North Dakota education foundation is composed of eleven members, appointed
14 by the superintendent of public instruction with the advice and consent of at least four
15 from among the following: the majority and minority leader of the house of
16 representatives, the majority and minority leader of the senate, the president pro
17 tempore of the senate, and the speaker of the house of representatives.
- 18 2. The foundation members must be selected to be a balanced and representative group,
19 consisting of individuals who by training and experience have a familiarity with
20 educational delivery at all levels and an understanding of its impact on agriculture, the
21 arts, commerce and finance, manufacturing, mineral extraction, natural resources, and
22 the professions.

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

1 **Terms of office.**

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

5 2. An individual may not serve more than two consecutive terms.

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

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

10 **Foundation officers - Chairman.**

11 1. Annually, the foundation members shall elect from among themselves a chairman, a
12 vice chairman, a secretary, and a treasurer.

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

15 3. A chairman may not serve more than two consecutive terms in that role.

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

18 **Compensation.**

19 Each member of the foundation is entitled to receive compensation in the amount
20 established by the foundation, but not exceeding one hundred thirty-five dollars per day plus
21 reimbursement for expenses as provided by law for state officers, if the member is attending
22 meetings or performing duties as directed by the foundation.

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 **Duties - Report.**

26 1. a. The foundation shall pursue and distribute private sector moneys for use in
27 education-related activities. Moneys distributed under this section are not public
28 moneys for any purpose and are not subject to section 12 of article X of the
29 Constitution of North Dakota.

30 b. The foundation, together with the superintendent of public instruction, shall
31 provide a report to the legislative management, at the time and in the manner

1 directed by the legislative management, regarding distributions made under this
2 section. The report must include direct and indirect benefits to school districts.
3 2. The foundation shall provide advice and guidance to the superintendent of public
4 instruction, in all matters pertaining to the administration and delivery of education in
5 this state, including academic standards, accountability, budgetary and financial
6 matters, managerial and operational matters, and regulatory and legislative matters.
7 The foundation may form work groups, task forces, and subcommittees to seek
8 additional information and outside expertise in order to fully and adequately perform
9 the functions with which the foundation is charged.

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

12 **Administrative services - Expenses.**

13 The superintendent of public instruction shall provide administrative services to the
14 foundation and is responsible for all costs incurred in its operation, including the compensation
15 and reimbursement of its members.