

### NDCC Sections Referenced in Bill Draft No. 17.0043.01000

**Section 1. 10-04-05. Exempt securities.** Sections 10-04-04, 10-04-07.1, 10-04-08, and 10-04-08.4 do not apply to any of the following securities:

14. Securities issued by the North Dakota education association dues credit trust to members of the North Dakota education association.

**Section 2. 10-04-06. Exempt transactions.** Except as hereinafter in this section expressly provided, sections 10-04-04, 10-04-07.1, 10-04-08, 10-04-08.4, and 10-04-10 do not apply to any of the following transactions:

14. The offer or sale of a security issued by the North Dakota education association dues credit trust to members of the North Dakota education association.

### Section 3. 15-39.1-04. Definitions.

For purposes of this chapter, unless the context or subject matter otherwise requires:

12. "Teacher" means:
  - a. All persons licensed by the education standards and practices board who are contractually employed in teaching, supervisory, administrative, or extracurricular services by a state institution, multidistrict special education unit, area career and technology center, regional education association, school board, or other governing body of a school district of this state, including superintendents, assistant superintendents, business managers, principals, assistant principals, and special teachers. For purposes of this subdivision, "teacher" includes persons contractually employed by one of the above employers to provide teaching, supervisory, administrative, or extracurricular services to a separate state institution, state agency, multidistrict special education unit, area career and technology center, regional education association, school board, or other governing body of a school district of this state under a third-party contract.
  - b. The superintendent of public instruction, assistant superintendents of public instruction, county superintendents, assistant superintendents, supervisors of instruction, the professional staff of the department of career and technical education, the professional staff of the center for distance education, the executive director and professional staff of the North Dakota education association who are members of the fund on July 1, 1995, the professional staff of an interim school district, and the professional staff of the North Dakota high school activities association who are members of the fund on July 1, 1995.
  - c. The executive director and professional staff of the North Dakota council of school administrators who are members of the fund on July 1, 1995, and licensed staff of teachers centers, but only if the person was previously a member of and has credits in the fund.

- d. Employees of institutions under the control and administration of the state board of higher education who are members of the fund on July 16, 1989.

**Section 4. 15-39.1-05.1. Board composition - Terms - Voting.**

1. The authority to set policy for the fund rests in a board of trustees composed as follows:
  - a. The governor shall appoint, from a list of three nominees submitted to the governor by the North Dakota education association, two board members who are actively employed in full-time positions not classified as school administrators. A board member appointed under this subdivision who terminates employment may not continue to serve as a member of the board.
  - b. The governor shall appoint, from a list of three nominees submitted to the governor by the North Dakota council of educational leaders, one board member who is actively employed as a full-time school administrator. A board member appointed under this subdivision who terminates employment may not continue to serve as a member of the board.
  - c. The governor shall appoint, from a list of three nominees submitted to the governor by the North Dakota retired teachers association, two board members who are the retired members of the fund.
  - d. The state treasurer and the superintendent of public instruction.
2. All current appointees of the board shall serve the remainder of their terms as members of the board until their terms expire and their successors are appointed. The first newly appointed board member under subdivision a of subsection 1 must be appointed to serve an initial term of four years. The first newly appointed board member under subdivision c of subsection 1 must be elected to serve an initial term of five years. Newly appointed board members shall serve a term of five years. Each newly appointed term begins on July first.
3. Each board member is entitled to one vote, and four members constitute a quorum. Four votes are required for resolution or action by the board.

**Section 5. 15.1-01-01. State board of public school education - Composition.**

1. The state board of public school education consists of the superintendent of public instruction and:
  - a. An individual representing Barnes, Cass, Grand Forks, Griggs, Nelson, Steele, and Traill Counties;
  - b. An individual representing Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties;
  - c. An individual representing Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, and Sargent Counties;
  - d. An individual representing Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman, and Wells Counties;
  - e. An individual representing Burke, Divide, McKenzie, Mountrail, Ward, and Williams Counties; and
  - f. An individual representing Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties.
2. All board members other than the superintendent of public instruction must be qualified electors and must reside in one of the counties they represent.
3. The governor shall appoint new board members from a list of names submitted by a committee consisting of the president of the North Dakota education association, the president of the North Dakota council of educational leaders, and the president of the North Dakota school boards association. Two of the state board members must be members of the North Dakota school boards association.
4. Appointees serve for six-year terms, staggered so that the terms of two members expire on June thirtieth of each even-numbered year.
5. If a vacancy occurs, the governor shall appoint an individual to serve for the duration of the unexpired term.
6. Each member of the board is entitled to receive, from the biennial appropriation for the superintendent of public instruction, compensation in the amount of sixty-two dollars and fifty cents per day and reimbursement for expenses, as provided by law for state officers, if the member is attending board meetings or performing duties directed by the board. The compensation provided for in this section may not be paid to any member who receives a salary

or other compensation as an employee or official of this state if the individual is serving on the board by virtue of the individual's state office or state employment.

7. The superintendent of public instruction shall serve as the executive director and secretary of the board. The superintendent shall call meetings as necessary, carry out the policies of the board, and employ personnel necessary to perform the board's duties.
8. The board shall annually elect one member to serve as the chairman.

**Section 6. 15.1-02-21. North Dakota teacher of the year award - Selection - Announcement.**

1. Annually, the superintendent of public instruction shall accept nominations for the North Dakota teacher of the year award.
2. The superintendent of public instruction shall develop and publish the criteria by which all nominees must be considered and shall appoint an eight-member committee to review the nominations and select the North Dakota teacher of the year. **The committee must consist of:**
  - a. A former North Dakota teacher of the year award recipient;
  - b. A representative of the North Dakota council of educational leaders;
  - c. A representative of the North Dakota department of career and technical education;
  - d. A representative of the North Dakota department of public instruction;
  - e. **A representative of the North Dakota education association;**
  - f. A representative of the North Dakota school boards association; and
  - g. A representative of nonpublic schools in this state.
3. By September thirtieth of each year, the governor and the superintendent of public instruction shall jointly announce the award recipient and serve as the exclusive hosts of a ceremony and reception honoring the teacher of the year. The ceremony and reception must take place in the memorial hall of the state capitol or, if requested by the award recipient, at a location in the municipality within which the recipient resides or works.

**Section 7. 15.1-06-18. School report - Review.**

1. Annually, each public school principal shall complete a school report on forms provided by the superintendent of public instruction and submit the report to the school district superintendent.
2. The school district superintendent shall collect the completed reports and forward them to the superintendent of public instruction, who shall submit the reports to the governor.
3. Upon receiving the completed reports, the governor shall convene an ad hoc committee to review the information and to make any necessary changes in the information-gathering format.
4. The governor or a designee of the governor shall serve as the chairman of the ad hoc committee.
5. The membership of the ad hoc committee must include:
  - a. Two individuals selected by the governor from a list of five nominees proposed by the North Dakota council of educational leaders.
  - b. Two individuals selected by the governor from a list of five nominees proposed by the North Dakota education association.
  - c. Two individuals selected by the governor from a list of five nominees proposed by the North Dakota school boards association.
  - d. Two individuals selected by the governor from a list of five nominees proposed by the North Dakota parent-teachers association.
  - e. Two parents of school-age children selected by the governor.
  - f. Two high school students selected by the governor. g. The superintendent of public instruction or a designee of the superintendent.

**Section 8. 15.1-32-23. Special education teachers - Credentialing process.** The superintendent of public instruction may not change the credentialing process for special education teachers as it is in effect on July 1, 2001, without first convening a meeting to include representatives of the North Dakota council of education leaders, the council of exceptional children, the North Dakota education association, and the North Dakota school boards association. The purpose of the meeting is to receive comments regarding the proposed changes, the applicability of the proposed changes, including the scheduling, the manner of implementation, associated costs, and the short-term and long-term effects of the proposed changes. If, within thirty days after the date of the meeting, members of any two representative groups present at the meeting object in writing to the proposed changes, the superintendent may not implement the proposed changes before July 1, 2003.

**Section 6 of Article VIII of the Constitution of North Dakota:**

1. A board of higher education, to be officially known as the state board of higher education, is hereby created for the control and administration of the following state educational institutions, to wit:
  - a. The state university and school of mines, at Grand Forks, with their substations.
  - b. The state agricultural college and experiment station, at Fargo, with their substations.
  - c. The school of science, at Wahpeton.
  - d. The state normal schools and teachers colleges, at Valley City, Mayville, Minot, and Dickinson.
  - e. The school of forestry, at Bottineau.
  - f. And such other state institutions of higher education as may hereafter be established.
  
2.
  - a. The state board of higher education consists of eight members. The governor shall appoint seven members who are qualified electors and taxpayers of the state, and who have resided in this state for not less than five years immediately preceding their appointments. These seven appointments are subject to confirmation by the senate. The governor shall appoint as the eighth member of the board a full-time resident student in good academic standing at an institution under the jurisdiction of the state board. Except for the student member, no more than two persons holding a bachelor's degree from a particular institution under the jurisdiction of the state board of higher education may serve on the board at any one time. Except for the student member, no person employed by any institution under the control of the board shall serve as a member of the board and no employee of any such institution may be eligible for membership on the state board of higher education for a period of two years following the termination of employment. The governor shall nominate from a list of three names for each position, selected by action of four of the following five persons: the president of the North Dakota education association, the chief justice of the supreme court, the superintendent of public instruction, the president pro tempore of the senate, and the speaker of the house of representatives and, with the consent of a majority of the members-elect of the senate, shall appoint from the list to the state board of higher education seven members. The governor shall ensure that the board membership is maintained in a balanced and representative manner. The term of office of members appointed to fill vacancies at the expiration of said terms shall be for four years, and in the case of vacancies otherwise arising, appointments shall be made only for the balance of the term of the members whose places are to be filled. A member may not be appointed to serve for more than two terms. If a member is appointed to fill a vacancy and serves two or more years of that term, the member is deemed to have served one full term.
  - b. In the event any nomination made by the governor is not consented to and confirmed by the senate, the governor shall again nominate a candidate selected from a new list. The nomination shall be submitted to the senate for confirmation and the proceedings shall continue until an appointee has been confirmed by the senate or the session of the legislature has adjourned.

- c. If a term expires or a vacancy occurs when the legislature is not in session, the governor may appoint from a list selected as provided, a member who shall serve until the opening of the next session of the legislature, at which time the appointment must be certified to the senate for confirmation. If the appointee is not confirmed by the thirtieth legislative day of the session, the office shall be deemed vacant and the governor shall nominate another candidate for the office. The same proceedings shall be followed as are set forth in this section. If the legislature is in session at any time within six months prior to the date of the expiration of the term of any member, the governor shall nominate a successor from a list selected as above set forth, within the first thirty days of the session and upon confirmation by the senate the successor shall take office at the expiration of the incumbent's term. No person who has been nominated and whose nomination the senate has failed to confirm is eligible for an interim appointment. On or before July first of each year, beginning in 1995, the governor shall appoint a student member from a list of names recommended by the executive board of the North Dakota student association for a term of one year, beginning on July first. A student member may not serve more than two consecutive terms. . . .