

# Legislative Review

A Look at Higher Education in Week 5: Feb. 2-6, 2009



**Tuesday, Feb. 17**

*Bills and most resolutions must be reported out of committee in the house of origin by this date.*

*This also is the deadline for legislators to introduce resolutions that propose amendments to the state constitution or propose Legislative Council studies.*

## Bill Giving Tuition and Fee Authority to Legislature Heard

**HB 1447**, a bill giving the Legislature authority to set tuition and fee rates, was heard in the House Education Committee Wednesday, Feb. 4.

The SBHE opposes this bill. Chancellor Bill Goetz told the committee the board has had long-standing authority to set fee rates and, with limited exceptions such as non-resident tuition rates, also has been delegated authority to set tuition rates. He said the proposed change would be inconsistent with practices across the country.

The current state, student and institutional shares of the cost of higher education are defined in the board's Long-Term Finance

Plan adopted in 2001, but Goetz said the SBHE's annual workplan includes a study of tuition and fee rates. He said the board takes its tuition and fee-setting responsibility very seriously.

The SBHE concluded a comprehensive review is needed because of the complex and changing nature of delivering post-secondary education. The review also will consider opportunities for the NDUS to serve as a greater engine for economic growth and will address the increasing cost of higher education.

The committee has not taken action on the bill.

## Certified Technology Parks Bill Receives "Do Not Pass"

The Senate Finance and Taxation Committee heard **SB 2390**, a bill authorizing the Department of Commerce to designate certified technology parks, Tuesday, Feb. 3. The bill received a unanimous "Do Not Pass" recommendation Feb. 5.

The bill includes criteria that would indicate support for a certified technology park by a higher education institution. The SBHE has not taken a position on SB 2390, and a neutral position was expressed by Vice Chancellor Marsha Krotseng. The University System strongly supports the concept of our universities working in tandem with private-sector businesses in high tech-based research parks, she told the committee. She then posed some questions related to various sections of the bill that the committee might want to clarify.

The bill's Senate sponsors and research officials at UND and NDSU are working to clarify some of the language in the bill.

## "Do Not Pass" on Virtual University Bill

**SB 2407**, a bill providing a \$100,000 general fund appropriation to create an NDUS virtual university, was heard in the Senate Education Committee Tuesday, Feb. 3. The committee recommended "Do Not Pass" on a vote of 4-1 Feb. 4.

The SBHE opposes this bill. Chancellor Bill Goetz testified that SB 2407 is not necessary and may be difficult and expensive to implement. He also said it would not meet the needs of today's students who enroll simultaneously in online and face-to-face courses.

BSC President Larry Skogen told the committee the bill would negatively impact the creative and innovative approaches now used to overcome the demographic challenges facing the state and University System. Skogen discussed the weaknesses of looking at face-to-face instruction as the only type of real education. He highlighted the importance and strength of online education at BSC and throughout the nation.

## “Do Not Pass” on Bill to Prohibit State Employee Participation

The House Judiciary Committee heard **HB 1285** Monday, Feb. 2. The bill would prohibit state employees from participating in closed meetings of national, regional or state associations if public funds are used to pay dues and the meetings would be open if conducted by a public entity in North Dakota.

NDUS Legal Counsel Pat Seaworth testified in opposition to the bill as did several state agency representatives. Opponents testified that the legislation would effectively exclude North Dakotans from leadership positions in numerous national and other organizations that provide important benefits to participants and the agencies they represent.

Typically, an association or organization has a governing board or executive committee and other committees that have authority to meet privately to conduct certain business. If HB 1285 was adopted, North Dakota public employees could not serve in leadership positions in these organizations.

On Feb. 3, the committee recommended “Do Not Pass” on a vote of 12-1.

## Committee Votes “Do Pass” on Fetal Alcohol Syndrome Bill

**SB 2412** was heard in the Senate Human Services Committee Tuesday, Feb. 3. This bill would grant \$369,900 in general funds to the North Dakota Department of Health for a grant to the UND Fetal Alcohol Syndrome Center.

The SBHE supports this bill only after full funding of the board budget request. At the hearing, Dr. Larry Burd, professor of pediatrics at the UND School of Medicine and Health Sciences, provided information about the effects of Fetal Alcohol Syndrome and how it can be prevented.

The committee gave the bill a unanimous “Do Pass” recommendation Feb. 5.

## Deficiency Appropriations Bill Heard

**HB 1023**, the state agency and entity deficiency appropriations bill, was heard in the House Appropriations Committee Thursday, Feb. 5.

The SBHE supports the NDUS portion of this bill. UND Interim Vice President Alice Brekke and NDSU Vice President John Adams and Controller Gary Wawers provided an overview of the projects included in their campus deficiency requests.

No committee action has been taken.

## Unanimous “Do Pass” on MiSU–B Name Change Bill

**SB 2389**, a bill to change the name of MiSU-B to Dakota College at Bottineau, received a unanimous “Do Pass” recommendation from the Senate Education Committee Wednesday, Feb. 4.

The SBHE approved the name change at its Jan. 15, 2009, meeting. MiSU President David Fuller and MiSU-B Dean Ken Grosz testified in support of the bill. They said the name change has been under consideration for more than two years and has been discussed at campus and community forums where it has received wide local acceptance. The current name causes confusion about the school’s location and implies that it is a university, Fuller said.

## UND/NDSU Football Game Bill Receives “Do Not Pass”

**HB 1507**, a bill requiring an annual UND/NDSU football game, received a 12-1 “Do Not Pass” recommendation from the House Education Committee Feb. 5.

NDSU Vice President Keith Bjerke testified against the bill, but said the football rivalry will resume – it’s just a question of when. UND Coach Chris Mussman said, when the rivalry does resume, he wants to play the game annually. NDSU Athletic Director Gene Taylor said the earliest the football teams are likely to play again is 2012; the Bison schedule is nearly set through 2012.

## Low-Income Grants Bill Receives “Do Not Pass” Recommendation

**SB 2303** was heard in the Senate Education Committee Tuesday, Feb. 3. This bill would provide a \$100,000 general fund appropriation for grants to NDUS institutions to support retention of students from low-income families and first-generation students.

The bill was amended to direct the funding to existing programs. Once amended, it received a “Do Not Pass” recommendation on a vote of 3-2 on Feb. 4.

The SBHE position on the bill is to support the concept, but after full funding of the SBHE budget request. Vice Chancellor Laura Glatt said about 50 percent of low-income students enroll in college immediately after high school compared to 80 percent of high-income students.

Glatt also told the committee about the federal TRIO Program available at DSU, LRSC, NDSU and UND. TRIO is designed to motivate and support students from disadvantaged backgrounds. She identified additional ways this funding could be used to support low-income students across the University System.

## Committee Hears Minimum Construction Cost Bill

**SB 2401** was heard in the Senate Political Subdivisions Committee Thursday, Feb. 5. This bill would increase from \$100,000 to \$200,000 the minimum construction cost at which architect services, bids, bonds and multiple prime bids are required.

An amendment offered by one of the bill sponsors at the hearing would turn the bill into a mandatory interim study. Representatives of the Construction Leaders Coalition volunteered to assist in the study, in the same way they assisted in re-writing much of Chapter 48 in the 2007 Legislative Session.

No action was taken by the committee.

## Bills Failed This Week

**HB 1058** Provided tribal college grants and increased the per student grant maximum from \$4,581 to \$5,304 (A similar bill, HB 1394, is still under consideration.)

**HB 1079** Authorized use of non-state funds, up to an additional 20 percent over legislative authorization to meet unanticipated costs

**HB 1081** Established a P-20 education council

**HB 1212** Created Dept. of Commerce rules for construction standards

**HB 1250** Charged Dept. of Commerce with calculating Centers of Excellence impact on state tax revenues

**HB 1532** Mandated collection of recyclable materials on state property and facilities

**HB 1557** Required the Legislature to meet in even-numbered years for budget adjustments

**SB 2187** Provided private employers authority to withhold payment for accrued time off in certain circumstances

## On the Week Six Agenda

**HB 1394** **Mon., Feb. 9, 10 a.m., H-APPEDU:** Creates a Tribal College Assistance Grant program, including \$700,000 from the Permanent Oil Trust Fund

**HCR 3016** **Mon., Feb. 9, 11:30 a.m., H-EDU:** Urges school districts to offer students a financial literacy course

**SB 2226** **Mon., Feb. 9, 3 p.m., S-APPR:** Increases the STEM/technology occupations program funding to \$2,000; increases the state grant maximum to \$2,000 (replace § 17 of SB 2003)

**SB 2272** **Mon., Feb. 9, 4:30 p.m., S-APPR:** Adds prosthetics coverage to PERS health insurance plan; adds \$.90 per month per health insurance contract without additional funding for NDUS

**SB 2064** **Tues., Feb. 10, 8:30 a.m., S-APPR:** Increases state lodging reimbursement to \$60; OMB sets mileage rate based on federal rate

**SB 2412** **Wed., Feb. 11, 10:30 a.m., S-APPR:** Provides a \$369,900 general fund appropriation to the North Dakota Department of Health for a grant to the UND Fetal Alcohol Syndrome Center

**SB 2062** **Wed., Feb. 11, 11:15 a.m., S-APPR:** Establishes an Opportunity Grant Program; \$25 million appropriation July 1, 2009