

# Legislative Review

A Look at Higher Education in Week 5: Feb. 7-11, 2011



**Feb. 22**  
Deadline for  
Completion of  
Committee Work

## “Do Not Pass” Recommendation on Non-Resident Tuition Bills

Carried over from Feb. 2, House Education heard testimony on **HB 1444** and **HB 1445** Feb. 7 and recommended “do not pass” on both bills Feb. 8.

The SBHE opposes both bills. HB 1444 would set non-resident tuition at not less than the average

cost per student. It would prohibit waivers on non-resident tuition, but would exempt from this provision students covered under the Minnesota reciprocity agreement.

As amended, HB 1445 would require the NDUS

to return to the general fund an amount equal to 50 percent of the state per-student funding for each newly enrolled non-resident student effective Fall 2011, except reciprocity students.

### *Higher Education Funding Commission Bill Heard*

**SB 2300**, a bill to create a commission on higher education funding, was heard in Senate Education Feb. 9.

The primary function of the commission would be to examine alternative methods for funding higher education. A list of desired outcomes is included in the legislation.

Bill Goetz, NDUS chancellor, testified in support of the bill and told the committee the work of the commission would align closely with the objectives of the NDUS Strategic Plan.

Makeup of the commission also is specified in the legislation; members would be appointed by the governor. Funding for operation of the commission would come from the NDUS Office budget.

The committee did not take action on the bill.

### *Committee Votes “Do Pass” on Staff Advisor Bill*

**HB 1213**, a bill to add a member of the NDUS Staff Senate to the SBHE as a non-voting member, was heard in House Education Feb. 7 and reported out of committee Feb. 8 on a “do pass” vote of 14-1.

The SBHE position on this bill is neutral. Aaron Berg, NDSCS campus police lieutenant and president of the NDUS Staff Senate, spoke in support of adding this position to the board. Also testifying in support of the bill were Janice Hoffarth, UND administrative assistant and past president of the NDUS Staff Senate; Josh Jeffers, BSC financial aid program coordinator and vice president of the NDUS Staff Senate; William Woodworth, BSC student and NDSA legislative lobbyist; Robert Vallie, NDSU student senator; and Stuart Savelkoul, NDPEA executive director.

NDUS faculty members currently have a non-voting position on the board.

## House Education Acts on Consumer Protection Bills

**HB 1128** and **HB 1129**, two higher education consumer protection bills, have been acted upon by House Education.

On Feb. 8, the committee recommended “do not pass” on **HB 1128**, a bill that would create a new commission under the SBHE to review and approve out-of-state higher education institutions and programs operating in North Dakota.

On Feb. 9, the committee recommended “do pass” on **HB 1129**, a bill that would split responsibilities between CTE and the SBHE. If approved, CTE will be responsible for regulation of offerings at the A.A.S. level and below. The SBHE will be responsible for offerings at the A.A. level and above. The bill was amended to exclude institutions operating in the state prior to July 1, 1977. **HB 1129** was re-referred to House Appropriations.

Both bills were proposed by CTE with the support of the SBHE.

## Juvenile Court Record Access Bill Heard

**SCR 4017**, a concurrent resolution requiring a study related to allowing school officials access to juvenile court records, was heard in Senate Judiciary Feb. 7.

The SBHE supports this resolution with an amendment to include higher education. At the present time, student juvenile criminal histories are self-reported and cannot be verified against juvenile court records.

## Deficiency Appropriations Bill Approved

**SB 2023**, the state agency deficiency appropriations bill, received a “do pass” recommendation from Senate Appropriations Feb. 10 on a vote of 13-0.

The bill includes \$58,904 for VCSU for 2010 flood-related costs. The SBHE supports this portion of the bill.

## House Passes Bill Permitting Minors Access to Bars

**HB 1307**, a bill that would allow minors access to bars for meals, was approved by the House Feb. 7 on a vote of 50-42. The bill had been reported out of House Human Services Feb. 3 with a “do not pass” recommendation of 10-3.

The SBHE’s position on this bill is neutral.

## Library Archives Bill Heard

**HB 1396**, a bill allowing public libraries, archives and museums to designate records as exempt at the donor’s request, was heard in House Government and Veterans Affairs Feb. 11.

Testifying in support of the bill were Wilbur Stolt, UND director of libraries; John Bye, NDSU archivist and director of the Institute for Regional Studies and University Archives; and Ann Jenks, archivist for the North Dakota Historical Society. The SBHE supports this bill.

The committee did not take action on the bill.

## SBHE Member Confirmation Hearings

Four SBHE member Senate confirmation hearings were held Feb. 9 and 10. Each prospective board member appeared before a separate committee of four senators.

Kirsten Diederich and Duaine Espegard met with Senate confirmation committees Feb. 9. They were appointed by Gov. Hoven to four-year terms, which began in July 2010. Espegard is the current chair of the board’s Budget, Audit and Finance Committee and was first appointed to the SBHE in March 2007.

Terry Hjelmstad and Grant Shaft met with confirmation committees Feb. 10. If confirmed, their terms will begin July 2011. Shaft is the current SBHE vice president and was first appointed to the board in July 2007. Hjelmstad and Shaft were appointed by Gov. Dalrymple.

Senate votes on each of the confirmation hearing proceedings are expected next week.

## Age 55 Tuition and Fee Waiver Bill Amended

**HB 1385**, a bill to provide free tuition and fees to “mature” students, was amended by House Education and reported out of the committee Feb. 10 on a vote of 15-0.

THE SBHE opposes this bill. As amended, the bill would apply to students ages 65 and older. Also as amended, it would allow them to enroll for credit or to audit courses, but would not include free online education.

## Week Six Agenda

- SB 2323** Tue., Feb. 15., 9 a.m., S-EDU: Requires submission to OMB of copies of invoices and other cost and progress documentation for NDUS improvements for which the cost exceeds \$100,000 [*Oppose*]
- SB 2108** Wed., Feb. 16, 8:30 a.m., S-APPR: Permits a 2 percent increase in employee retirement contributions (50 percent employer, 50 percent employee) [*Support*]
- SB 2351** Wed Feb. 16, 9 a.m. S-EDU: Requires posting of student fees; during 2011–13, limits total mandatory fee increases to not more than 1 percent of average undergraduate tuition, with guidelines for limited exceptions [*Oppose*]

## Failed Bills

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| <p><b>HB 1231:</b> Would have required the UND president to notify the EERC director of intent to occupy the old Engelstad arena or surrounding land and prohibited use if the EERC director objected</p> | <p><b>SB 2144:</b> Would have provided matching grants for NDUS applied research to increase oil recovery rates; required industry match; \$10 million appropriation to the Industrial Commission from the Permanent Oil Tax Trust Fund</p> | <p><b>SB 2335:</b> Would have provided a \$2 million Human Services appropriation for child care assistance to caretakers pursuing degrees</p>  |
| <p><b>HB 1301:</b> Would have appropriated \$26.5 million in general funds to freeze tuition rates at all campuses</p>  | <p><b>SB 2269:</b> Would have provided North Dakota tax liability credit equal to 15 percent of the federal education tax credit</p>  | <p><b>SB 2358:</b> Would have permitted NDPERS health plan participation by private sector employees and others</p> <p><b>SCR 4004:</b> Would have amended constitution to provide Academic/CTE scholarship funding from foundation aid stabilization</p> |