

Legislative Review

A Look at Higher Education in Week 8: Feb. 28-March 4, 2011



March 7

Deadline for study resolutions and proposed constitutional amendments to be reported out of committee

SBHE Reviews Position on Key Bills, Opposes New HCR 3046

The SBHE reviewed and discussed higher education legislation at the March 1, 2011, board meeting. Bills approved in the house of origin now have crossed over to the second chamber.

Many bills have been amended; however, the board position on most bills remains the same. One exception is **HB 1263**, which deals with the UND Fighting Sioux nickname and logo. The SBHE voted to oppose this legislation.

Board members cited concerns, including the constitutionality of the bill, impact on the campus of delaying the transition process now underway and the potential repercussions for UND athletics.

The SBHE voted to support the amended version of **HB 1353** related to the UND SOMHS. The amended bill changes the composition of the medical school advisory council and revises the SOMHS mission

statement. However, the board continues to support additional funding in **HB 1003** for added student enrollment and residency positions.

The SBHE also voiced opposition to **HCR 3046**, which was introduced Feb. 23. The concurrent resolution would dramatically revamp the state's public education system. An overview of the resolution and its impacts follows on Page 2.

A Perspective on the Legislative Process

"In the first half of the session, legislators look at all bills from a very broad point of view; during the second half, they take a closer look at the impact and implications of the bills that remain.

Historically, budgets are scrutinized more carefully after crossover. During this process, there will be a lot of direct communication about the University System's budget bill involving legislative leadership, the executive branch and the University System Office. Then the final details of the budget will be worked out in a conference committee made up of both House and Senate members.

I'm looking forward to the opportunity to engage in a positive dialogue about the University System's dedication to creating student success and the system's contribution to our state and its economy. I'm also looking forward to discussing our budget plan and responding directly to the questions and concerns of legislators.

The legislative process creates an increased, but important, workload for many staff members throughout the University System, and I'm very appreciative of the efforts of these hard-working, dedicated employees."

-- Chancellor Bill Goetz

March 9

NDUS
Legislative
Showcase

House Concurrent Resolution 3046: Key Components and Impacts

If **HCR 3046** is approved by the Legislative Assembly, an amendment to the state constitution eliminating the State Board of Higher Education, the North Dakota University System chancellor and the superintendent of public instruction would go before the people of North Dakota for a vote.

Key Components:

- Effective Jan. 1, 2015, a single department of education would oversee and administer public education in the state, including early childhood, K-12 and higher education.
- A director/CEO would be appointed by the governor to a three-year term.
- An 11-member education council would provide advice and guidance to the director, but would have no governance authority.
 - ◆ Council members would be appointed by the governor to three-year terms with the advice and consent of legislative leadership.
 - ◆ Legislative leadership is defined as the majority and minority party House and Senate leaders

and the Senate president pro tempore; consent would require, at a minimum, three of five votes.

- The higher education sites would include the 11 current University System campus locations, but the missions of the institutions are not defined.

Impacts:

- The Legislative Assembly would have governance or policy-making authority for higher education, replacing governance by an autonomous board with authority to manage the University System independent of political interference.
- Except for the reference to overseeing and administering public education, HCR 3046 does not identify higher education powers and duties of the director; presumably, the Legislature would enact legislation for that purpose.
- The measure does not mention authority for appointment of institution presidents and other employees; the Legislature could decide governance structure, appointing authority, reporting

relationships, etc., or delegate this authority to the director.

- The Legislature could decide higher education institution missions and programs or could delegate such authority to the director.
- Constitutional language requiring needs-based budget requests would be repealed, and all spending authority would be dictated by the Legislature.
- The Legislature could replace state statute references to the superintendent of public instruction's duties and responsibilities with references to the director or otherwise revise those statutes.
- Presumably, unless the Legislature decides otherwise, the director's rule-making authority would be subject to NDCC Chapter 28-32, meaning rules or policies would be subject to legislative review and approval.
- Higher education governance and policy-making authority would be in the hands of the Legislature or dictated by the Legislature.

Week Nine Agenda

HB 1263 Mon., March 7, 8 a.m., S-EDU: Prohibits discontinuance of UND nickname, logo

SB 2056 Mon., March 7, 9 a.m., H-EDU: Establishes an electronic portfolio system pilot program at select campuses

HB 1307 Mon., March 7, 9 a.m., S-JUD: Permits minors in bars for meals

SB 2133 Mon., March 7, 9 a.m., H-JUD: Authorizes retailers to seize false IDs used in an attempt to or purchase of alcoholic beverages

HB 1019 Mon., March 7, 10:30 a.m., S-APPR: Includes \$3 million in workforce training funding for CTE

SB 2057 Mon., March 7, 2:15 p.m., H-APPEDU: Includes a total of \$20 million funding for research, entrepreneurship and workforce COEs

SCR 4026 Tue., March 8, 9 a.m., S-EDU: Studies the state higher education institution contracts with companies offering student aid refund financial services

SB 2278 Tue., March 8, 10 a.m., H-EDU: Requires high schools to annually provide names, addresses and phone numbers of 10th and 11th grade students to the NDUS and the NDUS must provide information to in-state colleges

HB 1034 Tue., March 8, 10:30 a.m., S-APPR: Relates to NDUS carryover authority (Interim HE Committee "flexibility with accountability" bill)

HB 1363 Tue., March 8, 10:30 a.m., S-EDU: Provides non-beneficiary student payments to tribal colleges of \$10,000 for the first 10 students, \$7,500 for next 10 students, and the balance prorated; provides \$1 million in permanent oil tax trust funding appropriation

HB 1035 Tue., March 8, 10:45 a.m. S-APPR: Relates to the NDUS continuing appropriation of non-state funds authority (Interim HE Committee "flexibility with accountability" bill)

(Continued on Page 3)

- HB 1033 Tue., March 8, 11 a.m., S-APPR:** Continues NDUS block grant appropriations (Interim HE Committee “flexibility with accountability” bill)
- HB 1369 Tue., March 8, 11:15 a.m., S-APPR:** Adds new accountability measures related to nonresident students, tuition and fee revenues, program costs
- HB 1003 Wed., March 9, 8:30 a.m., S-APPR:** Provides an appropriation for the North Dakota University System
- SB 2013 Wed., March 9, 9 a.m., H-APPEDU:** Includes \$200,000 in general funds for NDUS interpreters, real-time captioning - School for the Deaf appropriation
- HB 1129 Wed., March 9, 9 a.m., S-EDU:** Deals with regulation of private post-secondary institutions
- SB 2323 Wed., March 9, 9 a.m., H-EDU:** Requires monthly project variance reports to OMB for NDUS improvement projects over \$250,000
- SB 2351 Wed., March 9, 10 a.m., H-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
- HB 1385 Wed., March 9, 10:45 a.m., S-EDU:** Provides tuition and fee waivers for people 55 and older
- SB 2013 Wed., March 9, 2:15 p.m., H-APPEDU:** Includes \$200,000 in general funds for NDUS interpreters, real-time captioning - School for the Deaf appropriation
- SB 2065 Thu., March 10, 9 a.m., H-GVA:** Permits consolidated payment and exemption from per diem limits for athletic team and other organized group meals (SBHE bill)
- SB 2108 Thu., March 10, 9:30 a.m., H-GVA:** Provides a 2 percent increase in employee retirement contributions on 1/1/12 and 1/1/13 (50 percent employer, 50 percent employee)
- HB 1396 Thu., March 10, 11 a.m., S-GVA:** Allows public libraries, archives or museums to designate records as exempt at the donor’s request
- HB 1020 Thu., March 10, 1:30 p.m., S-APPR:** Provides funding for NDSU Extension and Research - Upper Great Plains Transportation Institute
- HB 1020 Thu., March 10, 2 p.m., S-APPR:** Provides funding for NDSU Extension and Research - North Dakota Forest Service
- SB 2023 Thu., March 10, 2:30 p.m., H-APPR:** Provides deficiency appropriation including \$58,904 for VCSU
- SB 2211 Thu., March 10, 3 p.m., H-GVA:** Exempts athletic team coaches from veteran’s preference
- SB 2296 Fri., March 11, 9 a.m., H-POLSUB:** Establishes an energy usage database and requires information from all state entities

Senate Appropriations Hearing Schedule

HB 1003 and HB 1020 Updated March 3, 2011

Wednesday, March 9, 2011

8:30 - 10:00 a.m.	Overview of the North Dakota University System
10:00 - 10:45 a.m.	Valley City State University
10:45 - 11:30 a.m.	North Dakota State College of Science
1:30 - 2:15 p.m.	Lake Region State College
2:15 - 3:00 p.m.	Minot State University
3:00 - 3:45 p.m.	Dakota College at Bottineau
3:45 - 4:30 p.m.	Dickinson State University

Thursday, March 10, 2011

8:30 - 9:30 a.m.	University of North Dakota
9:30 - 10:30 a.m.	North Dakota State University
11:00 - noon	UND School of Medicine and Health Sciences
1:30 - 2:00 p.m.	Upper Great Plains Transportation Institute
2:00 - 2:30 p.m.	North Dakota Forest Service
2:30 - 4:00 p.m.	Main Research & Branch Stations and Extension Service
4:00 - 4:30 p.m.	Agronomy Seed Farm
4:30 - 5:00 p.m.	Northern Crops Institute

Friday, March 11, 2011

8:30 - 9:15 a.m.	NDUS Office, including EPSCoR
9:15 - 10:00 a.m.	Williston State College
10:15 - 11:00 a.m.	Mayville State University
11:00 - 11:45 a.m.	Bismarck State College