

Legislative Review

A Look at Higher Education in Week 4: Jan. 26-30, 2009



Thursday, Feb. 5

The deadline for re-referrals of bills in the house of origin to Appropriations Committees

Concealed Weapons Bill Heard, Opposed

HB 1348, a bill to permit concealed weapons at public events and places, including NDUS campuses, was heard in the House Government and Veterans Affairs Committee Friday, Jan. 30.

The SBHE opposes this bill unless it is amended to exclude the NDUS. Chancellor Bill Goetz said current law and campus policies prohibit firearms at NDUS campuses. He cited statistics showing that the incidence of shootings on college campuses around the country are rare and NDUS campuses - where firearms are banned, except those carried by law enforcement officers - are among

the safest places in the country. Goetz told the committee that, according to law enforcement sources, arming students, employees and campus visitors is not likely to prevent events such as the shootings at Virginia Tech and may make campuses less safe.

Several students testified in opposition to the bill, including NDSA President Frank Michael. Ray Boyer, NDSU Director of Safety and Police, presented a campus law enforcement and security perspective in opposition to the bill.

The committee did not act on the bill.

Committee Hears “Flexibility with Accountability” Bill

SB 2038, a bill to continue the “flexibility with accountability” recommended by the Roundtable on Higher Education, was re-referred to and heard in Senate Appropriations Tuesday, Jan. 27.

Submitted by the Interim Higher Education Committee, the bill is supported by the SBHE. Chancellor Bill Goetz asked the appropriations committee to extend the provisions through June 30, 2011. He outlined the benefits of the legislation and said the increased flexibility has created a new culture and environment on the campuses and has allowed the NDUS to be more flexible and responsive to student and state needs.

Goetz provided an overview of the fiscal impacts and benefits of SB 2038 and endorsed the accountability measures updates recommended by the interim committee. No action was taken on the bill.

School District Funding Bill Heard in House Education

HB 1400, the K-12 school district funding plan, was heard in the House Education Committee Monday, Jan. 26.

Vice Chancellor Mike Hillman testified in support of the Commission on Education Improvement recommendations as addressed in HB 1400. In addition to the funding plan, key components of the bill include increased career counseling, additional K-12 calendar days and an increase in the number of high school units required for graduation.

Section 13 of the bill would require the SBHE to provide \$750 per semester scholarships to students who complete the technical and academic honors requirements specified elsewhere in the bill; an amendment may be proposed that would add a 2012 effective date to this provision.

No action was taken on the bill.

Collection of Recyclable Materials Bill Heard

HB 1532, a bill that mandates collection of recyclable materials on state property and facilities, was heard in the House Government and Veteran Affairs Committee Thursday, Jan. 29.

Laura Glatt testified in support of recycling and pointed out that recycling initiatives are already underway at several campuses. The University System's biggest concern is its ability to find vendors who are willing to take or buy the collected recycled materials. Along with the director of the state parks, the NDUS suggested that perhaps a study would be appropriate to further clarify the requirements, the availability of vendor options and potential costs and implications.

The committee has not taken action on the bill.

Foster Care Tuition and Fee Waiver Bill Heard

SB 2302, a bill mandating tuition and fee waivers for children in foster care, was heard in the Senate Education Committee Tuesday, Jan. 27.

Vice Chancellor Laura Glatt testified that, while the NDUS endorses the opportunity for foster children to obtain post-secondary education, an appropriation to offset the cost would be requested. The estimated cost of the program is \$722,300 for the 2009-11 biennium and \$1.572 million for 2011-13, assuming 40 new freshmen per year.

Glatt also told the committee foster children are eligible for up to \$5,000 per year through a special federal program called the Chaffee Education and Training Grant Program as well as PELL and SEOG grants, the total of which covers most, if not all, of the cost of higher education.

The committee did not take action on the bill.

ESBP Mentorship Program Considered

HB 1480, a bill to establish an ESPB mentorship grant program, was heard by the House Education Committee Monday, Jan. 26.

Vice Chancellor Mike Hillman testified in support of the bill and said the NDUS has partnered in previous teacher mentoring efforts collaborated by the joint boards of education. Hillman told the committee a large number of P-12 teachers will retire in the next few years, and a teacher mentoring program will be an important part of replacing this talent. He said teacher mentoring programs have the potential to improve both student achievement and teacher retention.

No action was taken on the bill.

Tuition Freeze Bill Considered

SB 2238, a bill appropriating \$26.5 million to the NDUS to freeze 2009-11 tuition rates, was heard in the Senate Education Committee Mon., Jan. 26.

The SBHE supports passage of this bill, after full funding of the board's 2009-11 budget request. Vice Chancellor Laura Glatt told the committee the board's budget request included \$8.2 million to freeze 2009-11 tuition at the two-year colleges and limit increases to no more than 4 percent per year at the four-year universities. This budget item, however, was not included in the executive budget plan.

While cost increases in areas such as health insurance, utilities and technology have resulted in tuition increases of more than 50 percent in the past five years, NDUS tuition and fees are still less than regional counterparts, except at the two-year colleges, Glatt said. She also discussed the cost-sharing approach included in the NDUS Long-Term Finance Plan, which establishes funding shares for the state, students and the institutions.

The committee did not take action on the bill.

STEM and State Grant Award Increase Bill Heard

SB 2226, a bill to increase state grant program and STEM/technology occupations grants from \$1,000 to \$2,000, was heard in the Senate Education Committee Wednesday, Jan. 28.

Increasing the maximum grant awards to \$2,000 was included in the SBHE's budget proposal and the executive budget, according to testimony provided by Vice Chancellor Laura Glatt.

The committee has not taken action on the bill.

NDUS Requests Exemption from Economic Stimulus Expenditure Prohibitions

HB 1487, a bill that prohibits expenditure of federal economic stimulus or recovery funds unless appropriated by the Legislature, was heard in the House Appropriations Committee, Wednesday, Jan. 28 and unanimously recommended for passage Jan. 29.

The SBHE requested exemption from this bill because of the flexibility needed for timely compliance with stimulus package requirements for capital grants to state higher education agencies. Chancellor Bill Goetz asked the committee for continuation of the University System's broad authority to accept and expend federal and other funds, which has been in place since at least 1995.

Nursing Simulation Lab Bill Heard

SB 2266, a bill to provide a \$4.9 million general fund appropriation to UND for a nursing simulation laboratory initiative, was heard Monday, Jan. 26 in the Senate Human Services Committee.

Chancellor Bill Goetz testified in support of the bill, if additional resources are available. He said, however, this initiative is not included in the SBHE budget request or the governor's budget plan. He urged the legislature to fund the SBHE's needs-based budget as the first priority.

Goetz also expressed concerns about the administrative structure of the nursing consortium and proposed an amendment to make the group an advisory body to UND officials.

The committee did not take action on the bill.

Committee Votes "Do Pass" on Tribal College Funding Bill

HB 1394, a bill to provide an appropriation for financial assistance to tribally controlled community colleges, was reported out of the House Education Committee Wednesday, Jan. 28 with a unanimous "Do Pass" as amended recommendation.

In Jan. 27 testimony to the committee, Chancellor Bill Goetz said the NDUS supports continued funding for the program with the Permanent Oil Tax Trust Fund as the funding source. Funding for the program is expected to come from oil and gas tax revenues generated on the Ft. Berthold Reservation. Section 6 of the bill prorates all funds so that the full funding amount (\$700,000) is expended in the 2009-11 biennium.

Goetz also provided several examples of the University System's strong and growing relationships with the tribal colleges.

The amendments to HB 1394 deal with reporting requirements.

Energy Policy Commission Bill Heard

On Friday, Jan. 30, the House Natural Resources Committee heard **HB 1322**, a bill creating an energy policy commission and an interim study of livestock feeding facilities and the use of byproducts from biofuels as feedstock.

Vice Chancellor Mike Hillman testified in support of the bill concept and requested higher education representation on the commission.

The committee has not taken action on the bill.

Opportunity Grant Program Has First Hearing

SB 2062, a bill to create the North Dakota Opportunity Grant Program, was heard in the House Education Committee Tuesday, Jan. 27. The SBHE supports this bill after full funding of the board's 2009-11 budget request.

In testimony to the committee, Chancellor Bill Goetz discussed the importance of accessible and affordable higher education to providing a well-educated workforce for the state. He said this has been a key topic of discussion for the Interim Higher Education Committee, the Roundtable on Higher Education and the SBHE. Goetz also acknowledged the importance of SB 2062 provisions that call for rigorous high school coursework and address the demand for more students to obtain the career and technical education needed for the state's workforce.

The committee has not taken action on the bill.

Endowed Chair Bill Heard

HB 1434, a bill to appropriate funding for endowed chairs at each NDUS campus, was heard in the House Education Committee Wednesday, Jan. 28. The SBHE supports this bill after full funding of the board's 2009-11 budget request.

Vice Chancellor Laura Glatt testified that the NDUS supports the concept of using one-time revenues available to the state to match private donations for ongoing economic growth. She told the committee that recruiting and retaining accomplished scholars is becoming increasingly difficult in a competitive hiring market and that endowed chairs or professorships provide opportunities to recognize outstanding scholars. This proposal, she said, would provide a permanent source of funding to create continued prosperity for the people of North Dakota.

No committee action was taken.

Bill to Prohibit Use of State Resources Heard

HB 1347, a bill prohibiting the use of state property, equipment, services or funds to advocate for or against initiated or referred measures or constitutional amendments, was heard in the House Judiciary Committee Monday, Jan. 26.

The SBHE opposes this bill. NDUS Legal Counsel Pat Seaworth testified that, because the SBHE can act only in a public meeting for which public funds, equipment, employee time, etc., are required, the board would be prohibited from stating an official position on any measures, even those that directly impact the NDUS.

The committee did not take action on the bill.

Committee Recommends “Do Pass” on Dual-Credit Bill

HB 1273, a bill to expand eligibility for dual-credit courses to 10th grade students, received a unanimous “Do Pass” recommendation from the House Education Committee Wednesday, Jan. 28.

Supported by the SBHE, on Jan. 27, Vice Chancellor Mike Hillman told the committee HB 1273 would provide students more options to take challenging courses in high school and enter college having already earned credits toward their degrees.

Committee Hears Great Plains Applied Energy Research Center Bill

HB 1350, a bill to provide a \$5 million appropriation to the Department of Commerce for construction of a Great Plains Applied Energy Research Center at BSC, was heard in the House Natural Resources Committee Friday, Jan. 30.

The SBHE supports passage of this bill, after full funding of the board’s 2009-11 budget request. Chancellor Bill Goetz testified that this project may provide opportunities to connect the energy programs at BSC with the energy expertise at UND and NDSU, resulting in an enhanced statewide energy research effort.

No action has been taken on the bill.

Committee Recommends “Do Pass” on NDUS and Tribal College Interaction Bill

HB 1566, a bill requiring the NDUS to study ways to improve interaction with the tribal colleges, was heard in the House Education Committee Tuesday, Jan. 27 and received a unanimous “Do Pass” recommendation Jan. 28.

Vice Chancellor Mike Hillman responded to questions from the committee. He expressed support for continued enhancement of NDUS relationships and joint initiatives with tribal colleges in the state.

Committee Votes “Do Not Pass” on P–20 Council

HB 1081, the SBHE-sponsored bill to create a P–20 council, was heard by the House Education Committee Jan. 14. The committee indicated support for the P–20 concept, but committee members questioned the need for another group defined in legislation, given the existing role of the Commission on Education Improvement and the new Early Childhood Learning Council.

The bill received a unanimous “Do Not Pass” recommendation on Jan. 29 with the expectation that the council would continue as a joint boards initiative.

Bills Failed This Week

- HB 1049** Authorized a peace officers’ standards and training board to determine minimum certification requirements for special ops units
- HB 1119** Provided reimbursement of actual in-state lodging rates, when state-rate room rates are not available
- HB 1120** Changed the non-Medicare retiree PERS health insurance rate from 150 percent to 130 percent of the single rate
- HB 1315** Provided grants to dental school grads to establish practices
- HB 1406** Added a DoC position to recruit individuals and businesses to install/operate private wind turbines
- SB 2084** Required criminal background checks for all student teachers and licensure applicants
- SB 2273** Increased to \$750,000 the minimum cost of construction projects requiring architects

On the Week Five Agenda

- HB 1285 Mon., Feb. 2, 9 a.m., H-JUD:** Limits participation by state employees in closed national, regional or state association meetings
- SB 2373 Mon., Feb. 2, 9:30 a.m., S-FINTAX:** Establishes a grape and wine program funded by wine taxes; funds to be appropriated to NDSU for research and marketing
- SB 2407 Tues., Feb. 3, 9 a.m., S-EDU:** Provides a \$100,000 general fund appropriation for creating an NDUS virtual university; specifies enrollment reporting requirements
- SB 2390 Tues., Feb. 3, 9 a.m., S-FINTAX:** Authorizes the DoC to designate certified technology parks; designates criteria for required support from higher education institutions
- SB 2303 Tues., Feb. 3, 10:30 a.m., S-EDU:** Provides a \$100,000 general fund appropriation to the NDUS for grants to institutions to support retention of students from low-income families
- SB 2412 Tues., Feb. 3, 10:45 a.m., S-HUMSER:** Appropriates \$369,900 in general funds to the North Dakota Department of Health for a grant to the UND Fetal Alcohol Syndrome Center
- HB 1507 Wed., Feb. 4, 8 a.m., H-EDU:** Requires an annual UND-NDSU football game
- SB 2389 Wed., Feb. 4, 9:30 a.m. S-EDU:** Changes the name of MiSU-B to Dakota College at Bottineau
- HB 1023 Thurs., Feb. 5, 8:30 a.m., H-APPR:** Provides deficiency appropriations for all state agencies and entities
- SB 2401 Thurs., Feb. 5, 10:15 a.m., S-POLSUB:** Increases to \$200,000 the minimum construction cost at which architect services, bids, bonds and multiple prime bids are required