

Legislative Review

A Look at Higher Education in Week 9: Mar. 02-06, 2009



**Friday,
March 13**

**Deadline for
re-referral of
bills in the
second house to
Appropriations
Committees**

American Recovery and Reinvestment Act Expenditure Bill Heard in Senate

HB 1487, a bill prohibiting expenditure of federal economic stimulus funds unless appropriated by the Legislative Assembly, was heard in the Senate Appropriations Committee Monday, March 2.

Chancellor Bill Goetz testified the bill would negatively impact the ability of the campuses to apply for and receive federal stimulus funding. He cited several specific concerns about requiring legislative approval of American Recovery and Reinvestment Act funding, including the potential loss of funds because of the timeliness of a state approval process.

Goetz described the facility and infrastructure master plans used by the SBHE to evaluate campus capital projects and said that, since at least 1995, the Legislature has provided the NDUS broad authority to accept and expend federal funding during a biennium.

Both the House and Senate appropriations committees met early Thursday morning for an update on the economic stimulus plan by the Office of Management and Budget. North Dakota is expected to receive \$573.5 million in federal stimulus money.

Showcasing the University System



Mayville State University photo

Legislators, state employees and visitors to the Capitol attended the NDUS Legislative Showcase March 4. All 11 campuses and several system groups were represented at the event in Memorial Hall. The showcase provided an opportunity to share some of the exciting programs and opportunities now available on North Dakota's public college campuses. Pictured in the center are members of the MiSU Minot Strings performing during the lunch hour. The NDSU BisonArts Singers and Alison Jenson, a VCSU marimba soloist, also performed.

House Appropriations Hears SB 2003 Campus and NDUS Office Budgets

NDUS Office and campus testimony in support of **SB 2003**, the NDUS budget bill, was provided to the House Appropriations Committee, Education and Environment Division, Monday, March 2 through Friday, March 6.

In the opening testimony on Monday, Chancellor Bill Goetz said the college and university presentations would be framed in the context of the budget as a tool for bringing forward issues and initiatives critical to the future of the system and its role in shaping the future of our state. Goetz told the committee the University System is operating as intended, and great progress has been made and will continue.

A House Appropriations higher education subcommittee on SB 2003 has been named. Members are Reps. Skarphol, Martinson and Williams.

Committee Hears Bill on Increasing SBHE Cap on Approval of Non-State Funded Projects

SB 2076, a bill that would increase to \$550,000 the cost of non-state funded projects the SBHE could approve without legislative approval, was heard in the House Education Committee Monday, March 2.

NDUS Legal Counsel Pat Seaworth testified in support of the bill. SB 2076 would enable NDUS institutions to proceed more quickly with small projects using funding other than state funds.

As introduced at the SBHE's request, SB 2076 increased this amount from \$385,000 to \$750,000. A Senate amendment reduced the proposed cap from \$750,000 to \$550,000.

The committee did not take action on the bill.

Senate Appropriations Hears Searchable Database Bill

HB 1377, a bill mandating creation of a searchable database of state expenditures by the Office of Management and Budget, was heard in the Senate Appropriations Committee Monday, March 2.

NDUS CIO Randall Thursby testified in opposition to the bill, but said the NDUS does not oppose the idea or purpose behind the legislation. Thursby said the University System's opposition is based on the lack of funding to develop and sustain the database, the frequency of reporting requirements and the possibility that this project could be incorporated into the NDUS data warehouse now being developed.

The committee has not taken action on the bill.

Three UND SMHS Bills Heard; Two Receive Unanimous "Do Pass" Recommendations

SB 2077, SB 2079 and SB 2081, three UND School of Medicine and Health Sciences bills introduced at the request of the SBHE, were heard in the House Appropriations Committee, Education and Environment Division, Monday, March 2. SB 2077 and SB 2079 received unanimous "do pass" recommendations March 4.

UND SMHS Executive Dean Joshua Wynne and Bruce Levi, a member of the Medical Center Advisory Council, testified in support of the bills. A brief description of each follows:

- **SB 2077:** Updates SMHS revolving loan fund provisions to address recommendations from a performance audit by the Office of the State Auditor
- **SB 2079:** Updates the mission of the SMHS
- **SB 2081:** Updates the role of the SMHS Advisory Council

No action has been taken on SB 2081.

Deficiency Appropriations Bill Heard

HB 1023, the state agency and entity deficiency appropriations bill, was heard in the Senate Appropriations Committee Monday, March 2.

The SBHE supports the NDUS portion of this bill, which includes funding for NDSU and UND. UND Interim Vice President Alice Brekke and NDSU Vice President John Adams provided an overview of the projects included in their campus deficiency requests.

No committee action was taken.

Centers of Excellence Funding Considered

SB 2018, the Department of Commerce appropriation bill that includes funding for Economic Development Centers of Excellence, was heard in the House Appropriations Committee, Government Operations Division, Tuesday, March 3.

Vice Chancellor Marsha Krotseng told the committee the NDUS deeply appreciates the Legislature's previous investment in the centers and supports the \$20 million included in SB 2018 to establish new centers in 2009-11. Krotseng said the centers clearly demonstrate the power of partnerships and collaboration. She said they have become sources of innovation in North Dakota, and the pace will continue to accelerate as additional centers become fully operational.

The committee did not take action.

Endowed Chair Bill Heard

HB 1434, a bill providing a \$500,000 general fund appropriation to create endowed chairs, was heard in the Senate Education Committee Tuesday, March 3.

The SBHE supports this bill after full funding of the board budget request. Vice Chancellor Laura Glatt testified that endowed chairs and professorships recognize outstanding scholars. She said they also improve faculty recruitment and retention, both of which are becoming increasingly difficult in today's competitive hiring market.

As introduced, HB 1434 included \$10 million. Glatt said funding beyond the \$500,000 currently included in the bill would be appreciated so that endowed positions could be created at all 11 institutions.

The committee did not take action.

Fraudulent Degree Bill Passes

SB 2080, a bill to protect against accreditation mills and false academic degrees, was heard in the House Education Committee Tuesday, March 3 and approved by the House on a vote of 91-1 Wednesday, March 4.

The SBHE supports this bill sponsored by the Department of Career and Technical Education. Vice Chancellor Mike Hillman provided testimony recognizing the importance of establishing and maintaining educational standards and high-quality business practices to protect consumers of higher education in North Dakota. He said passage of this bill provides protections from fraudulent accreditation mill operations.

WSC Virtual Center Bill Heard

HB 1230, the WSC virtual career and technical education center bill, was heard in the Senate Education Committee Tuesday, March 3.

As amended, funding for the project would include \$3 million in federal stimulus funds and \$3 million in special funds and other income, thus creating a one-to-one match.

WSC President Joe McCann urged the committee to amend the bill to appropriate \$3 million from the Permanent Oil and Gas Trust Fund with the match from either federal stimulus funding or other non-state funding. Proposed by the Great North West Education Cooperative, McCann said WSC supports the project if it does not erode support for the SBHE's capital construction priorities, including renovation of WSC's science labs and bonding authority for a new dormitory.

The committee has not taken action on the bill.

Veteran Resident Tuition Rates Bill Heard

SB 2082, a bill expanding the definition of "resident" to make all veterans eligible for in-state tuition rates, was heard in the House Education Committee Tuesday, March 3.

NDUS Legal Counsel Pat Seaworth testified in support of this bill, which was introduced at the request of the SBHE. SB 2082 would make all veterans eligible for resident tuition rates, regardless of legal residency.

The committee did not take action on the bill.

Tribal College Funding Bill Heard in Senate Education

HB 1394, a bill to provide an appropriation for financial assistance to tribally controlled community colleges, was heard in the Senate Education Committee Wednesday, March 4.

The bill includes \$700,000 from the Permanent Oil Trust Fund to be administered by the NDUS Office. Chancellor Bill Goetz told the committee the NDUS supports the bill with continued funding for the program expected to come from oil and gas tax revenues generated on the Ft. Berthold Reservation.

In 2007, the Legislative Assembly passed landmark legislation providing state funding to tribal colleges in recognition of their service to non-tribal member students. No action has been taken by the committee.

Open Records Law Exemption Bill Heard

SB 2087 was heard in the House Education Committee Wednesday, March 4. This bill would exempt applicants for the positions of chancellor and campus president from the Open Records Law during early stages of the search process.

SB 2087 was introduced at the request of the SBHE. Chancellor Bill Goetz testified in support of the bill and said it resulted from suggestions by recent search committee members and consultants. He said sitting presidents are reluctant to apply for positions in North Dakota because applicants are publicly identified early in the search process, potentially jeopardizing their current positions without the assurance of a reasonable chance of getting the new position.

The committee has not taken action on the bill.

Failed Bills

- SCR 4017** Proposed a study of space and facility needs in the State Capitol and related state agency space needs
- SCR 4024** Proposed an interim study of consolidation of government business applications, forms and registrations

Passed Bills

- HB 1031** Adds a definition of “hard-to-fill occupation” for state recruitment and retention bonus program
- HB 1104** Designates risk management records as exempt records
- HB 1138** Redefines “tuition” for national guard tuition program
- HB 1144** Provides for confidentiality of Department of Human Service records, including social security numbers
- HB 1156** Classifies security deposits not claimed for one year as abandoned
- SB 2142** Updates IT powers and duties and revises IT plan provisions

On the Week 10 Schedule

- HB 1400 Mon., March 9, 8:30 a.m., S-EDU:** Increases K-12 calendar days from 173 to 180, requires one counselor for every 380 students, changes high school units and career advisors
- HB 1347 Mon., March 9, 9 a.m., S-JUD:** Expands the definition of political purposes in a law prohibiting use of state property or services to include initiated or referred measures and constitutional amendments
- SB 2062 Mon., March 9, 10 a.m., H-EDU:** Creates North Dakota Opportunity Grant Program
- SB 2038 Mon., March 9, 2 p.m., H-EDU:** Provides the NDUS flexibility with accountability; an amendment adds additional reporting requirements
- SB 2155 Tue., March 10, 9 a.m., H-EDU:** Provides \$200,000 general fund appropriation to the North Dakota School for Deaf for grants to NDUS institutions for services for hard of hearing students
- SB 2412 Tue., March 10, 10 a.m., H-HUMSER:** Appropriates \$369,900 in general funds to the North Dakota Department of Health for a grant to the UND Fetal Alcohol Syndrome Center
- SB 2389 Tues., March 10, 2 p.m., H-EDU:** Changes MiSU-B name to Dakota College at Bottineau
- HB 1350 Tues., March 10, 2:45 p.m., S-APPR:** Provides a \$5 million appropriation to the Dept. of Commerce for construction of a great plains applied energy research center at BSC
- SB 2020 Wed., March 11, 9 a.m., H-APPEDU:** Provides the NDSU Research and Extension appropriation
- HB 1273 Wed., March 11, 9 a.m., S-EDU:** Expands eligibility for dual-credit option to 10th grade students
- SB 2266 Wed., March 11, 9 a.m., H-EDU:** Provides a \$4.9 million general fund appropriation to UND to fund a nursing simulation lab initiative
- HB 1348 Thur., March 12, 2 p.m., S-GVA:** Permits weapons at NDUS campus student apartments