

FISCAL NOTE
Requested by Legislative Council
03/31/2015

Amendment to: SB 2150

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2013-2015 Biennium | | 2015-2017 Biennium | | 2017-2019 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | \$257,000 | | \$273,000 | |
| Appropriations | | | \$257,000 | | \$273,000 | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2013-2015 Biennium | 2015-2017 Biennium | 2017-2019 Biennium |
|-------------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

15.0596.04000 permits students and student organizations to retain attorneys or non-attorney advocate who may "fully participate" in disciplinary proceedings that could lead to suspension or expulsion.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Amended version 15.0596.04000 would potentially expand the legal workload of each institution, particularly at UND and NDSU, for disciplinary hearings. During the 2013-2014 academic year, there were 2,757 disciplinary hearings related to alcohol (1,899), other drugs (173), violence (45), sexual misconduct (8), property damage (41), and other (3). If disciplinary hearings related to other drugs, violence, sexual misconduct, and property damage could lead to suspension or expulsion, there is the potential of about 250 disciplinary proceedings each academic year, but the actual number involving attorneys who fully participate could be far less than 250. To accommodate the expected additional workload, one additional attorney could be required.

"Fully participate" is defined to include "the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the accuser or accused with support, guidance, and advice." Although the amended version states that it "does not require an institution to use formal rules of evidence in institutional disciplinary proceedings," the amended version also requires the institution to "make good faith efforts to include relevant evidence and exclude evidence which is neither relevant or probative" - which would require the establishment of evidentiary guidelines for the proceedings and a law-trained presiding officer (such as an administrative law judge) to rule on evidentiary issues and preside when attorneys are representing students.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

One additional attorney could be required, dependent on the caseload volume. The workload will be carefully monitored and staffing adjustments made accordingly.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Additional state appropriation required to cover the cost of up to one additional attorney position, including salaries, benefits, operating and equipment.

Name: Laura Glatt

Agency: ND University System Office

Telephone: 7013284116

Date Prepared: 04/01/2015