

1999 HOUSE EDUCATION

HB 1186

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1186

House Education Committee

Conference Committee

Hearing Date 1-13-99

Tape Number	Side A	Side B	Meter #
#1	x		0.1 to 16.9
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

CHAIRMAN KELSCH: Open the hearing on HB 1186. There is a fiscal note attached.

PAT SEAWORTH: see written testimony attached.

REP HANSON: Why do you refer to normal school, and normal school degrees, do you want to clean that up too.

SEAWORTH: They are sections we are reviewing.

REP DROVDAL: In section 2 and 7 does this change the responsibility of duties or authority from the presidents to the institution?

SEAWORTH: Not the intended to do that. IF that is a concern, keep in the statute the words to act in consultation with the president.

REP DROVDAL: Even in 2 is reads to have supervision now reads to have control.

SEAWORTH: That was not the intent.

REP BRUSEGAARD: Confidentiality of records, the States Open Records law.

SEAWORTH: That section applies generally to all agencies of the state.

REP BRUSEGAARD: What would be an example

SEAWORTH: Limited to the records defined in section 44-04-18.2.

REP BRUSEGAARD: Moving to the repeals, one to repeal is 15-10-23. Lease of building sites on educational grounds. The University do they lease lands to student clubhouses.

SEAWORTH: That is correct. This section is unnecessary.

CHAIRMAN KELSCH: Any other questions. Anyone else that wishes to testify in support of HB 1186? Anyone wishing to testify in opposition of HB 1186?

JACK MCDONALD: see written testimony attached. Any questions?

REP HANSON: Does NDSU have to pay to put the notice in local papers?

MCDONALD: I am not sure, I think the cost is shared, the county and NDSU.

REP HANSON: What is the cost.

MCDONALD: It has been once a year and the cost varies.

CHAIRMAN KELSCH: Anyone else who wishes to testify in opposition of HB 1186 ? CLOSE
THE HEARING on HB 1186.

COMMITTEE ACTION HB 1186 1-20-99 tape #1 side b meter no. 1.9 to 5.0

Chairman R. Kelsch : We have an amendment that was purposed by Jack McDonald.

Rep Brusegaard : McDonald amendment dealt with repeals to publish.

Chairman R. Kelsch : We have two purposed amendments, McDonald's and Seaworth. Or you can adopt none. (see attached)

Rep. Nowatzki : Regarding McDonald purposed amendments, publishing quarterly in the county newspaper. Check with the director of the Extention Service Sharon Anderson, they would just as soon be allowed to market a their publications. Fifty percent of the cost is paid by the extension service and the rest by the county. They were in favor of the amendments.

Rep Mueller: Madam are they the same.

Chairman R. Kelsch : No different sections.

Rep. Hanson : Do have the figure on what it costs the counties to publish?

Chairman R. Kelsch : Nothing on the fiscal note.

Rep. Hanson : Sure that Jack McDonald wants the amendments so the newspapers of North Dakota can have some revenue.

Chairman R. Kelsch : What are the wishes of the committee?

Rep. Nowatzki : Move to accept Jack McDonald's amendments.

Rep. Grumbo : second

Vice-Chair Drovdal : Discussion. Called for a voice vote, called for a division of the vote, roll call vote. Amendment passed by 8 Yes 7 No 0 Absent.

Vice-Chair Drovdal : Moved to adopt Seaworth amendments

Rep. Lundgren : second.

Chairman R. Kelsch : Discussion. Voice vote. Motion carried. What are the wishes of the committee.

Rep Brusegaard : Move a DO PASS as amended.

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House Education Committee
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Rep. Nelson : second.

Chairman R. Kelsch : Discussion. Clerk call the roll. Motion passes as DO PASS as amended.

14 Yes 4 No 0 Absent Floor assignment Rep Brusegaard.

FISCAL NOTE

(Return original and 10 copies)

Resolution No.: HB 1186 Amendment to: _____
 Requested by Legislative Council Date of Request: 1-4-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative:

No fiscal impact. Legislation cleans up outdated statutory references.

2. State fiscal effect in dollar amounts:

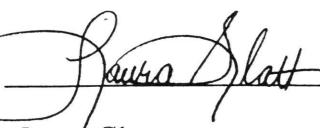
	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						

3. What, if any, is the effect of this measure on the budget for your agency or department:

- a. For rest of 1997-99 biennium: None
(Indicate the portion of this amount included in the 1999-2001 executive budget:)
- b. For the 1999-2001 biennium: None
(Indicate the portion of this amount included in the 1999-2001 executive budget:)
- c. For the 2001-03 biennium: None

4. County, city, and school district fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

Signed: 

Typed Name: Laura Glatt

Department: North Dakota University System

Phone Number: 328-4116

Date Prepared: 1-4-99

PROPOSED AMENDMENTS TO HOUSE BILL 1186

Page 1, line 5, remove "15-11-19,"

Page 8, line 7, remove "15-11-19,"

Renumber accordingly

VK
1/25/99

HOUSE AMENDMENTS TO HOUSE BILL NO. 1186 **Edu 1-25-99**

Page 1, line 5, remove "15-11-19,"

Page 1, line 6, remove "15-12-11, 15-12-12,"

Page 1, line 11, remove "supervision of law school library,"

Page 1, line 14, remove "publications furnished to the"

Page 1, remove line 15

HOUSE AMENDMENTS TO HOUSE BILL NO. 1186 Edu 1-25-99

Page 8, line 6, replace "15-20-23" with "15-10-23"

Page 8, line 7, remove "15-11-19,"

Page 8, line 8, remove "15-12-11, 15-12-12,"

Renumber accordingly

on amendments - Jack McDonald amendment

Date: 1-20-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1186

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Drovdal Seconded By Sundgren

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson		✓	Rep. Dorvan Solberg		✓
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg		✓			
Rep. Thomas T. Brusegaard	✓				
Rep. C. B. Haas		✓			
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad		✓			
Rep. Laurel Thoreson		✓			
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson		✓			
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 8 No 7

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1-20-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1186

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Brusegaard Seconded By Nelson

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg		✓
Rep. David Drovdal-Vice Chair		✓			
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard	✓				
Rep. C. B. Haas		✓			
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson		✓			
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 11 No 4

Absent 0

Floor Assignment Brusegaard

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1186: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "15-11-19,"

Page 1, line 6, remove "15-12-11, 15-12-12,"

Page 1, line 11, remove "supervision of law school library,"

Page 1, line 14, remove "publications furnished to the"

Page 1, remove line 15

Page 8, line 6, replace "15-20-23" with "15-10-23"

Page 8, line 7, remove "15-11-19,"

Page 8, line 8, remove "15-12-11, 15-12-12,"

Renumber accordingly

1999 SENATE EDUCATION

HB 1186

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1186

Senate Education Committee

Conference Committee

Hearing Date March 3, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-1845
Committee Clerk Signature <i>Jinola Christman</i>			

Minutes:

SENATOR FREBORG opened the hearing on HB1186. All senators were present.

Testimony in Favor: Pat Seaworth, General Counsel for North Dakota University System.

Written testimony attached. HB1186 is intended to update and clarify a number of statutes and repeal other statutes relating to the state board of higher education. Statutes that are outdated or no longer needed. Briefly summarized the main provisions of the bill.

SENATOR FREBORG : No substantial changes at all in here then, except simply sections that are not necessary, language changes.

Pat: That is correct.

SENATOR WANZEK : The tuition assistance grant program is that mostly targeted toward public colleges, I mean its initial intent.

Pat: Yes, as the initial intent but since 1987 the state grant program has expanded to include private institutions in the state and the tribal colleges. Every year there is an allocation of funds appropriated for this state grant program made by the board and they set aside a certain percentage of funds. Right now I think it is something like 17 or 18%. A certain percent is set aside for students at private colleges and a certain percent is set aside for students at the tribal colleges based loosely on the number of students that go to those institutions relative to the number of all of the students in the state. A little more goes to the private institutions and tribal colleges that there would be if it was based on exact numbers.

SENATOR WANZEK : That is if there is any money in it.

Pat: What happened was that program changed in 1987, the funds had been separately appropriated for the tuition assisted grant program were transferred and included in the appropriation for the state grants program, there are three separate programs. State grant program for students at state colleges, and the personal assistant grant program. All the funds were appropriated and included in the one program, the state grant program and the board was directed to allocate funds to public, private, and tribal colleges.

SENATOR WANZEK : I thought there was no money funding for that program since 1987.

Pat: There has not been any separate funding for the tuition assistance grant program but there has been funding. The legislature has funded the state grant program and continues to fund the state grant program and directed the board to allocate those funds to state, private and tribal colleges. There is an advisory board created by statute that advises the board and that board meets each year and reviews the enrollment numbers at all the institutions and then they establish guidelines for allocation in funding. I believe that the amount that they appropriate every year,

you have been using the MN reciprocity payment to actually fund the state grant program. There have also been some federal funds although those funds have been reduced and are going away. The main source of the funding for the state grant program right now is MN reciprocity payments. MN has been paying in the most recent biennium I think it is about 7 million dollars. I think about 3 million of that is appropriated to the state grant program.

SENATOR REDLIN : Section 15-11-07 says the university must be opened to students of both sexes. When was that put into the law and how long has that been there.

Pat: Late 1800's or early 1900's.

SENATOR FLAKOLL : On the last page of your hand out relating to 15-12-17 referencing published reports of the agriculture experiment station. Can you tell me what that was referring to in the original intent.

Pat: No one knows, they just stopped doing it.

SENATOR FLAKOLL : Under 16-11-21 the Supreme Court, law schools and counties were to receive copies, are they currently receiving copies of the Supreme Court rulings.

Pat : No.

SENATOR REDLIN : 15-11-02 colleges may be united with university. We're not eliminating that possibility are we.

Pat: No

SENATOR REDLIN : So they are doing something about it this session, like the bill we just heard.

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Senate Education Committee

Bill/Resolution Number HB1186

Hearing Date March 3, 1999

Pat: Correct. The Workforce Training legislation. Language in there that specifically provides that these 4 two year campuses mentioned will be independent institutions. That is the case where the legislature is asking to undo something that the legislature had acted on before.

Closed the hearing on HB1186.

SENATOR WANZEK : I move a DO PASS on HB1186.

SENATOR FLAKOLL : 2nd.

Vote: 7 Yes 0 No

CARRIER: SENATOR O'CONNELL

REPORT OF STANDING COMMITTEE (410)
March 4, 1999 8:07 a.m.

Module No: SR-39-3984
Carrier: O'Connell
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1186, as engrossed: **Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1186 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1186



NORTH DAKOTA UNIVERSITY SYSTEM

Testimony of Pat Seaworth, General Counsel
North Dakota University System
HB 1186
House Education Committee
January 13, 1999

Chairman Kelsch and members of the House Education Committee:

HB 1186 is intended to update and clarify a number of statutes and repeal other statutes that are outdated or no longer needed relating to the state board of higher education and its institutions.

Section 1 updates NDCC section 15-10-14.1 to reflect enactment several years ago of section 15-10-14.2, relating to the board's comprehensive report.

Section 2 removes unnecessary or outdated language in section 15-10-17, relating to the powers of the board. For example, revised subsection 2 states in less than 6 lines essentially the same thing that is now stated in 12 lines in that subsection plus 37 lines in section 15-10-17.1, which will be repealed. Another example is renumbered subsection 9 (page 4), where 5 words replace current subsections 10 and 11. In renumbered subsection 11 (pages 4-5), outdated language is removed. In renumbered subsection 14 (page 14) language granting the board authority to adopt rules to protect confidential information is updated to include a reference to a pertinent statute.

Section 3 updates language in section 15-62.3-01 (chapter 15-62.3 relates to the tuition assistance grant program, which has not been funded since 1987, when those funds were included in the state grant program. You may wish to consider repealing that chapter, including sections 15-62.3-01 through 15-62.3-06).

The bill repeals statutes that are outdated or no longer necessary. I have attached a copy of those statutes. For example, section 15-10-17.1, relating to conduct of students, is unnecessary because all the authority the board of higher education needs is stated in subsection 2 of section 15-10-17. Section 15-10-18.1, providing for waivers for a limited number of youth correctional center graduates, was enacted when that facility had custody of youths until age 21. Since facility residents are now age 18 or younger, that statute appears to be unnecessary. Section 15-10-20 is repealed because there are no longer any model schools. The other repealed statutes are likewise outdated or unnecessary.

The state board of higher education requests favorable consideration of this bill.

State Capitol - 600 East Boulevard, Bismarck, North Dakota 58505-0230 - (701) 328-2960

Fax 701.328.2961 - Internet NDUS_office@prairie.nodak.edu

STATUTES REPEALED

15-10-17.1. Conduct of students and others and use of facilities of state colleges and universities. The board of higher education shall regulate the use of the grounds, buildings, equipment, and facilities of the state colleges and universities and the conduct of the students, staff, faculty, and visitors to the campus so that law and order are maintained and the college or university may pursue its educational objectives and programs in an orderly manner. The board of higher education shall adopt regulations for the conduct of the students, faculty, visitors, and staff, and may provide for the ejection from college or university property, suspension, or expulsion of a person who violates such regulations. Such regulations must provide for the expulsion of any student who willfully damages property of any state college or university or who willfully obstructs the normal administration of a state college or university and hereby prevents or hinders other students from pursuing their academic programs. Any student expelled under said regulations must be deemed to have been expelled solely for the protection of the property of the institution and the maintenance of its functions, and not as a criminal punishment. All such regulations must be published in a manner reasonably designed to come to the attention of, and be available to, all faculty, staff, visitors, and students. In any case where property of a state college or university has been willfully damaged or where the administration of a state college or university has been willfully obstructed, the board of higher education shall sue or cause to be sued for appropriate damages in civil court all persons whom such board deems responsible for such property damage or such obstruction of college or university administration, or both. The board by its regulations may delegate to the chief executive officer of each institution, or the faculty, or any administration committee, or any combination of such persons, the power of carrying out and enforcing any such regulations.

The board of higher education shall provide for the administration and enforcement of its regulations and may authorize the use of special policemen to assist in enforcing the regulations and the law on the campus of a college or university, which special policemen shall have concurrent jurisdiction with other law enforcement officers in the enforcement of such laws and regulations. The board of higher education, or appropriate officials of such college or university when the authority to do so has been delegated by the board of higher education, may seek the assistance of other appropriate law enforcement officers to enforce the regulations and to enforce laws for the preservation of good order on the campus, and to prevent the disruption of the educational functions of the college or university. It is the duty of the president or the administrative head of each institution of higher learning to sign criminal complaints against any person for willfully damaging any property of the state college or university or willfully obstructing the normal administration of a state college or university or preventing or hindering other students from pursuing their academic programs.

Violation of any such regulation by any member of the staff or faculty of any college or university must be deemed to constitute a breach of contract on his part, and subjects him to dismissal and termination of his contract; but no such dismissal or cancellation may be ordered unless and until he has had an opportunity for a fair hearing upon the charges, before such persons, officers, committees, or administrators as the regulations may designate, or before the board itself, if the regulations so provide. The regulations of the board of higher education may not restrict freedom of speech nor the right of persons on the campus to assemble peacefully.

Statutes repealed

15-10-18.1. Waiver of tuition at state institutions for North Dakota youth correctional center graduates. Upon the recommendation of the superintendent of the North Dakota youth correctional center no registration, matriculation, or tuition fees may be charged for the attendance at any state educational institution referred to in section 15-10-01 of five qualified graduates of such youth correctional center with whose care the superintendent is charged. The superintendent shall determine if a graduate is qualified and in so doing shall take into consideration such graduate's scholastic ability, character, financial need, personal-social characteristics, capacity, and willingness to take advantage of such college privileges, and the graduate's record or level of achievement.

15-10-20. Tuition at model schools in higher educational institutions - Attendance authorized by district school board. Tuition in an amount specified by the state board of higher education within the limitations provided in this section must be paid for all students attending any model high, graded, or elementary school which is operated in connection with the state university, any normal school, or other publicly maintained institution of higher education in which members of the faculty or student body of such institution of higher education teach. When an application is made to the governing board of any school district by a parent or guardian of a child residing in such district for the payment by the district of the tuition mentioned in this section, the board, at its next regular or special meeting, shall consider the application and allow or reject it. The board shall make a record of its action upon the application in the minutes of its proceedings. If the application is rejected, the district is not liable for any tuition at the institution of higher education for the child named in the application. If the application is allowed, the district is liable for such tuition. The tuition as fixed by the state board of higher education under this section must be not less than two and one-half dollars per month in a model high school and not less than two dollars per month in a model graded or elementary school for each pupil for each month during which such pupil is registered in such school. Tuition due under this section is payable at the close of each term or semester.

15-10-23. Lease of building sites on educational institution grounds. The state board of higher education may grant leases of portions of the campus of any state institution of learning under its control to any student or graduate student organization for the purpose of erecting and maintaining a student clubhouse or dormitory if such organization is incorporated under the laws of this state and has submitted to the board plans and specifications of the building proposed to be erected. The lease must be granted on the condition that the conduct and behavior of the organization and of its members in and about the premises, and the use to be made of the buildings and premises in each instance, is subject to the management and control of the board and of the faculty of the institution upon the campus of which the leased premises are situated. The premises and the improvements thereon must remain at all times under the absolute and exclusive control of the state, and the state or the board may revoke the lease at any time.

Statutes repealed

15-10-25.1. Out-of-state travel by persons employed by the institutions under the control of the board of higher education. For the purpose of reimbursement for travel expenses incurred, presidents of state institutions of higher learning shall obtain written approval from the board of higher education prior to any out-of-state travel. For the purpose of reimbursement for travel expenses incurred, written approval for out-of-state travel must be obtained by other persons employed by the institutions under the control of the board of higher education from their supervisor and the president of the institution before traveling out of state. Written approvals received must be attached to the itemized travel voucher submitted to the office of the budget.

15-10-34. Authorization of contingency funds at institutions under the board of higher education. Upon approval by the director of the office of management and budget, the state auditor, and the state treasurer, any institution under the board of higher education may maintain a local contingency fund from funds appropriated by the legislative assembly in an amount and method approved by the director of the office of management and budget from which it can make disbursements or refunds for the immediate use of the payee in instances where timely payment cannot be made under regular expenditure procedures. When such local contingency funds are so depleted as to require replenishment, a voucher must be drawn upon the state treasurer, subject to the approval of the office of the budget, for the amount necessary to replenish such fund. Such voucher, or an accompanying abstract, must itemize the purpose for which funds have been expended, the name of the payee, and the amounts paid.

15-11-02. Colleges may be united with university. The state board of higher education, if it deems it expedient to do so, may unite with the state university, as a branch thereof, any college in the state, upon the application of the governing board of such college. When so united, the college becomes a branch of the university and is subject to the supervision and control of the state board of higher education.

15-11-05. Courses of instruction. The courses of instruction offered in the various colleges, schools, and departments of the university must be the courses generally offered in similar colleges, schools, and departments as approved by the state board of higher education.

15-11-07. Persons eligible as students. The university must be open to students of both sexes under such regulations and restrictions as the state board of higher education may deem proper.

15-11-21. Board of higher education to furnish supreme court reports to law school. The state board of higher education shall purchase fifty copies of the official reports of the opinions of the supreme court of North Dakota as the same are printed. The board shall pay for such reports the same price paid by the different counties of the state, and shall cause the reports to be delivered to the university for the use of the university law library and for exchange purposes.

Statutes repealed

15-11-23. Alumni building - Application for site - Duty of state board of higher education. The selection of ground for an alumni building must be evidenced by a formal application of the alumni association to the state board of higher education setting forth the particular description of the ground desired, the nature and character of the building to be erected thereon, the estimated cost thereof, the manner of its contemplated operation, and the kind of supervision and control to be exercised thereover. The state board of higher education shall investigate the application, and, if satisfied that it, or any amendment thereof made with the advice of the board, should be granted for the best interests of the university, it may consent to the use and control by the alumni association of the ground designated in the application, or the amendment thereof, for the purpose specified in the application. The consent must be recorded formally in the minutes of the proceedings of the board.

15-11-24. Alumni building - Authority as to building on campus - Rules and regulations. If the application described in section 15-11-23 is granted, the alumni association shall be authorized to erect upon the ground so selected an alumni building, in accordance with the provisions of section 15-11-22, to equip and furnish the same, and to exercise dominion and control over the ground, building, its appurtenances and furnishings, subject to the rules and regulations of the state board of higher education.

15-11-25. Alumni building - Contract for heat and light. The state board of higher education may make a contract with the alumni association for the furnishing of heat and light for an alumni building at rates which the board deems reasonable and proper.

15-11-31. Assembly hall on university campus. The state board of higher education is hereby authorized and empowered to provide for the erection upon the campus of the state university of North Dakota a building for use as an assembly hall, for musical, forensic, and dramatic productions, as a meeting place, and as a classroom for large classes, the cost thereof to be paid solely from donated funds, and net receipts from student activities not otherwise allocated, now or hereafter available, and on hand at the university of North Dakota.

15-12-05. Faculty - Annual report to board. The faculty shall make an annual report to the state board of higher education on such date of each year as may be fixed by the board. The report must show the condition of the school, agricultural experiment station, and farm, and the results of farm experiments, and must contain such recommendations as the welfare of the institution demands.

15-12-11. List of North Dakota state university publications furnished to county auditor. The North Dakota state university of agriculture and applied science shall furnish to each county auditor in the state, on or before the fifteenth day of May of each year, a list containing titles of every publication published by it for free distribution, and shall specify in the list the name and address of the department from which each publication may be obtained upon application.

Statutes repealed

15-12-12. North Dakota state university services and publications - Publication of information. Each county commission shall, jointly with the county extension agent, publish quarterly in the official county newspaper an advertisement, approximately 3 x 10 SAU in size, describing the free publications available from the cooperative extension service of North Dakota state university and the services available through the county extension office. The cost of the advertisement, based upon the legal advertising rate provided in section 46-05-03, must be determined in consultation with the North Dakota newspaper association and must be shared equally by the county and the cooperative extension service of North Dakota state university. The county auditor shall furnish the advertisement to the newspaper from information furnished by the county extension agent.

15-12-13. Economic survey to be made on completion of topographic maps. Following the completion of topographic maps of this state, an economic survey must be made, including a complete account of all economic resources of agricultural importance, the character and value of soil for agricultural purposes, the nature and extent of water supplies, both surface and artesian, together with the analysis of soils and waters, the collecting and tabulating of meteorological data necessary in explaining climatic variations, and such other investigations as naturally belong to an economic survey.

15-12-14. Who shall be state director of economic survey. The professor of geology of the North Dakota state university of agriculture and applied science shall act as state director of the economic survey under the direction of the state board of higher education.

15-12-15. State director to collect samples. The state director of the economic survey shall collect samples of all rocks, soils, coals, clays, minerals, fossils, plants, woods, skins, and skeletons of native animals, and such other products of economic or scientific interest discovered during this survey, which, properly secured and labeled, must be placed on exhibition in the museum of the North Dakota state university of agriculture and applied science.

15-12-16. Economic maps to be published. The state director of such survey shall arrange with the directors of the government surveys for the publication of economic maps resulting from the survey, which must be similar in design to, and uniform with, the publication now made by these surveys, accompanied by a written description of the formations and economic resources, which must constitute a report embodying and setting forth all useful information developed during these investigations.

15-12-17. Publish reports of North Dakota agricultural experiment station. There must be published from time to time, as bulletins of the North Dakota agricultural experiment station, preliminary reports of such survey, as the work progresses, showing the results of the survey and investigations conducted, together with preliminary maps, showing the areas covered, and these preliminary reports must be sent gratis to all citizens of this state making application.

Statutes repealed

15-12-19. Name of survey. The economic survey authorized by this chapter must be known as the North Dakota state university of agriculture and applied science survey of North Dakota.

15-13-05. Annual report of normal school president. The president of each state normal school shall make an annual report to the state board of higher education which must be filed on or before such date of each year as may be fixed by the board. The report must show the condition of the school at the time of the report and throughout the previous year, and must contain such recommendations as the welfare of the school demands, a complete financial statement, and information concerning the various matters pertaining to the welfare of the students.

15-13-06. Degrees - Diplomas. The state board of higher education and the faculty of each normal school may confer the bachelor of arts degree in education and may issue diplomas of appropriate grade to all persons who complete any of the courses of study leading thereto, who are known to possess good moral character, and who have met all other requirements prescribed by the board and faculty. The diplomas must set forth the appropriate facts and must be designated state normal school diplomas.

15-13-07. Separate funds for allocations to several normal schools. All moneys arising from interest and income, appropriations, taxation, or in any other manner, and belonging to any of the several schools, must be deposited with the state treasurer and kept by him in separate funds to be known by the names of the respective normal schools to which they belong and to be used exclusively for the benefit of such schools.

15-13-08. State normal school students' loan fund. The state board of higher education, upon application of the president of a state normal school and within the limits of appropriations made by the legislative assembly from time to time for such purpose, may create a fund in connection with such school to be used for the purpose of making loans to students in the institution. The fund must be known as the "students' loan fund".

15-13-09. Administration of students' loan fund. The students' loan fund of any state normal school must be administered by a local board consisting of three persons appointed by the state board of higher education from the locality in which the institution is situated. The president of the institution must be a member of such board.

15-13-10. Participation in students' loan fund - Loans limited. Loans from a students' loan fund must be made to deserving students who are residents of the state and who are studying for the profession of teaching to enable them to complete their studies. Loans must be made without interest until after the completion of the course of study, and may not exceed the sum of twenty-five dollars in any one month nor an aggregate of three hundred dollars to any student.

15-13-11. Board of higher education to make rules governing students' loan funds. The state board of higher education shall make such rules, not inconsistent with the provisions of this chapter, as may be necessary for the safeguarding of a students' loan fund.

Statutes repealed

15-13-12. Authorization to pledge rentals. The state teachers college at Mayville, North Dakota, is authorized to pledge future rentals from faculty residential units and from the men's dormitory to be converted from the college president's residence, for the purpose of paying any loan or loans for the building of a new president's residence and for remodeling the old president's residence into a men's dormitory at the state teachers college at Mayville.

January 13, 1999

HOUSE EDUCATION COMMITTEE
HB 1186

CHAIRMAN KELSCH AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing today on behalf of The North Dakota Newspaper Association. We oppose that portion of **HB 1186** that repeals provisions requiring the publication and advertising of NDSU agricultural publications.

These publications have proven very valuable and popular in the past, and we feel they should be continued. Many of our members indicate that readers tell them they clip out the ads for the publications and keep them posted at their house throughout the year.

We would urge you to delete those repeals through the attached amendment.

If you have any questions, I'll be happy to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENT TO HB 1186

Page 1, line 6, delete "15-12-11, 15-12-12,"

Page 1, line 14, delete "publications furnished to the"

Page 1, line 15, delete the entire line

Page 8, line 8, delete "15-12-11, 15-12-12"

And renumber accordingly



NORTH DAKOTA UNIVERSITY SYSTEM

January 15, 1999

Chairman Rae Ann Kelsch
House Education Committee

Re: HB 1186

Chairman Kelsch:

Jack McDonald, on behalf of the ND Newspaper Association, requested amendments to HB 1186 removing from the bill the repeal of NDCC sections 15-12-11 and 15-12-12. The university system supports that request. The statutes relate to advertising of NDSU publications. NDSU will continue to freely distribute the publications and make them available to anyone upon request whether the statutes are repealed or not. However, some constituents may be accustomed to checking newspapers to find out what may be available and so NDSU will also continue to publish that information.

Also, the university system requests removal from the repeal section of another statute, section 15-11-19, relating to supervision of the UND law library by the law school dean. Such supervision is required to maintain law school accreditation. That may be addressed in board of higher education and UND policies; nevertheless, there is a concern that if the law is repealed it may be interpreted as a change in the status quo, rather than simply a repeal of a statute that is unnecessary. Accordingly, the university system requests the following additional amendments:

Page 1, line 5, remove "15-11-19,"

Page 8, line 7, remove "15-11-19,"

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Patrick Seaworth".

H. Patrick Seaworth

encl.

c: Committee members
Jack McDonald

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just add to notes

NORTH DAKOTA UNIVERSITY SYSTEM

January 20, 1999

Chairman Rae Ann Kelsch
House Education Committee

Re: HB 1186

Dear Chairman Kelsch:

NDSU has requested another minor amendment to HB 1186. The amendment removes the requirement in NDCC section 36-08-09 requiring that cooperative grazing associations file with the dean of the school of agriculture copies of grazing district maps. Apparently, these maps have not been filed or, if they have, college of agriculture officials have no record of such filing and don't have the maps. NDSU officials don't believe the filing requirement serves any useful purpose.

A copy of the proposed amendment is enclosed. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Patrick Seaworth".

H. Patrick Seaworth
General Counsel

Enclosure

c: Committee members

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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1186

Page 1, line 1, delete the second "and" and after "15-62.3-01" insert ", and 36-08-09"

Page 1, line 3, delete the first "and" and after "program" insert ", and filing of grazing district maps"

Page 8, after line 11, insert:

Section 4. Amendment. Section 36-08-09 of the North Dakota Century Code is amended and reenacted as follows:

36-08-09. Grazing district map. Any cooperative grazing association organized under the provisions of this chapter, upon completion of its organization and incorporation, shall file with the register of deeds of the county ~~and with the dean of the school of agriculture of the North Dakota state university of agriculture and applied science~~; a map or plat of the grazing district proposed to be created and the subdivisions therein. Whenever any incorporated grazing association shall enlarge or reduce the area included within its district, or change or modify its boundaries or subdivisions, it shall file with the register of deeds ~~and the dean of the school of agriculture of the state university of agriculture and applied science~~ a map or plat indicating such changed boundaries.

And renumber accordingly.



NORTH DAKOTA UNIVERSITY SYSTEM

Testimony of Pat Seaworth, General Counsel
North Dakota University System
HB 1186
Senate Education Committee
March 3, 1999

Chairman Freborg and members of the Senate Education Committee:

HB 1186 is intended to update and clarify a number of statutes and repeal other statutes relating to the state board of higher education and its institutions that are outdated or no longer needed.

Section 1 updates NDCC section 15-10-14.1 to reflect enactment several years ago of section 15-10-14.2, relating to the board's comprehensive report.

Section 2 removes unnecessary or outdated language in section 15-10-17, relating to the powers of the board. For example, revised subsection 2 states in less than 6 lines essentially the same thing that is now stated in 12 lines in that subsection plus 37 lines in section 15-10-17.1, which will be repealed. Another example is renumbered subsection 9 (page 4), where 5 words replace current subsections 10 and 11. In renumbered subsection 11 (pages 4-5), outdated language is removed. In renumbered subsection 14 (page 6) language granting the board authority to adopt rules to protect confidential information is updated to include a reference to the pertinent statute.

Section 3 updates language in section 15-62.3-01 (chapter 15-62.3 relates to the tuition assistance grant program, which has not been funded since 1987, when those funds were included in the state grant program).

The bill repeals statutes that are outdated or no longer necessary. I have attached a copy of those statutes. For example, section 15-10-17.1, relating to conduct of students, is unnecessary because all the authority the board of higher education needs is stated in subsection 2 of section 15-10-17. Section 15-10-18.1, providing for waivers for a limited number of youth correctional center graduates, was enacted when that facility had custody of youths until age 21. Since facility residents are now age 18 or younger, that statute appears to be unnecessary. Section 15-10-20 is repealed because there are no longer any model schools. The other repealed statutes are likewise outdated or unnecessary.

The state board of higher education requests favorable consideration of this bill.

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