

MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1395

2007 HOUSE EDUCATION

HB 1395

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB1395**

House Education Committee

Check here for Conference Committee

Hearing Date: **23 January 2007**

Recorder Job Number: **1627**

Committee Clerk Signature



Minutes:

Representative Jim Kasper, District 46, introduced the bill. I have had the pleasure in my four terms here in the ND Legislature to serve on the IBL Committee. One of the areas we work in is economic development and job creation and education to help our citizens to succeed in business and to provide a state partnership to provide opportunities for new businesses to come and for our current businesses to grow. We have put together economic packages that encourage job growth. One of the parts of those packages is to reach out to the tribes of ND and to work with them in a cooperative basis to help them to create business and jobs and opportunities on their reservations. The tribes have colleges just like the rest of the colleges in ND with the exception that a lot of the funding for those students who attend those colleges is not there. They need help. The funding that has been missing is for non Native American students who do not qualify under the formula for tribal colleges. This bill works for fairness and equity for tribal colleges as well as the other colleges throughout the ND higher education system. In my private career, I've had the privilege to work with Turtle Mountain CC administration. I've seen the excitement and enthusiasm in these colleges. They are educating kids that would not normally go to college. They come from the surrounding areas. Some of those students do not qualify under the formula for financial aid in the state of ND. This bill would provide a mechanism to appropriate \$700.0 for the biennium to

begin to solve that inequity. After all, the students that attend tribal colleges are also ND citizens. In the drafting of the bill United Tribes College was inadvertently left out. That was not the intent at all so there is an amendment offered. There is also an amendment offered to clarify the process of reporting. I support those amendments.

Senator Rich Wardner, District 37, testified in favor of the bill. The Indian population is the most growing population in the state of ND and whatever we can do to support their educational system; I think we need to do that.

Senator Tim Flakoll, District 44, testified in favor of the bill. In ND we have developed a culture where education is valued and higher educational levels are encouraged. This bill helps a number of non beneficiary students to attend tribal colleges in the state of ND. Let's make no mistake—the 5 campuses in question are public colleges. If these students went to our other public campuses in the ND state university system we would be expected to bear the appropriate cost of them attending those campuses. These campuses receive about \$5.0 in federal support for Native American students, but these funds are not a slam dunk. HB 1395 would provide some measure of support from the state. This bill covers about 175 of our students at rate of about \$4.5 per students. We think the work of the Round Table of Higher Education and P-16 Task Force have provisions that align very closely with what we find before us in this bill and with legislation that has been passed in years by the legislature and signed by the governor. This bill, along with other bills similar to this, helps people with a career. I also find amazing the retention rate of these students in this state. At our university system campuses we feel that if 60% of the students from ND stay in the state upon graduation, we have done fairly well. As I understand the data, these campuses covered by this bill have a retention rate of 95% and in some cases higher. It is incumbent upon us to make sure these people are afforded the educational opportunities to become engaged,

productive members of our society. He distributed a handout that shows data about earning power, healthy life choices, and risk factors of educated citizens. **(Attached)**

Representative Tracy Boe, District 9, testified in support of the bill. I am fortunate to have one of these colleges in my district—Turtle Mountain CC.

Representative Dawn Charging, District 4, testified in favor of the bill. I'm proud to say that I do come from a community that has a tribal college and it is a wildly successful place. I have had the privilege of watching that college grow from a very small facility to brand new state of the art facility. I rise to say this is a great bill. It is something that will benefit our citizens across the state. A couple of things that are special as well is the addition of an energy program. We talk about not having enough work force and how better is there to address that issue. Not everyone can travel.

Representative Merle Boucher, District 9, testified in favor of the bill. **(Testimony Attached.)**

Representative Rod Froelich, District 31, testified in favor of the bill. I have first hand knowledge of Sitting Bull College because my wife works there. I watched this college grow from shoebox. I've watched them students. It used to be a 2-year college, now a lot of their programs are 4-year. They don't just educate Native American students. They educate all students. We all know that reservations have a high poverty level. When you start educating people pride goes with it. Students that come out of there are going back into the local system where they understand the culture. This is a great thing and only part of it.

Most of the college presidents here have gone through the system and got their doctorates.

Eddie Dunn, chancellor, ND University System, testified in favor of the bill. **(Testimony Attached.)** The State Board of Higher Education has taken a position in support of HB1395.

Dr. Jim Davis, president of the Turtle Mountain Community College, testified in favor of the bill. **(Testimony Attached.)** His testimony included an amendment and letters of support

from all the other tribal college presidents as well as some newspaper articles in support of the bill. Community colleges have the lowest tuition in the state, they are friendly, have a small student to faculty ratio and offer quality programs and articulate with all universities throughout the state.

Representative Wall: Could you explain why non beneficiary students are not charged higher tuition.

Dr. Davis: In not being discriminatory to anyone that attends our colleges, we don't see why we should be doing that. Just as in your state institutions, why would you want to charge anyone in state a different tuition rate? I don't think that happens.

Representative Hanson: Are any of the tribal schools accredited by North Central?

Dr. Davis: All of them are. Any program we have that requires state approval, we obtain that. For example, the nursing program that is starting this fall, we are going through the same process that UND would go through with the same standards and same expectations and we hope we can do it even better than UND.

Representative Herbel: Do you turn away any non beneficiary students because of enrollment constraints.

Dr. Davis. No we don't. Not at all. I don't think any other college does that. We waived \$10.0 in tuition fees for those students.

Representative Mueller: Can you give us an idea of what the average total cost to pay for the education of a student at one of these tribal colleges. Where does that money come from?

Dr. Davis: I'll give you an example from my college and I think it is representative of the four other colleges. The money we get from the federal government is about one-third of our budget. In our case, the other funds come from grants that we write for. We don't have any foundations or endowments that have been established. We are beginning to do that. The

other funds come from federal grants that we actively pursue just like the other institutions like UND or NDSU. We compete against them in terms of some of those federal funds.

Representative Mueller: Are any of these TUCAA funds that come through from the federal government made available to students who attend the UND or Dickinson State University?

Dr. Davis: No. They have to be actively enrolled in our college to receive those funds. None of those funds follow the student to any other state institution.

Cynthia Linqvist Mala, president of Cankdeska Cikana Community College, testified in favor of the bill. She is also a member of the National Advisory Council on Indian Education, a presidential appointment. It is a 15-member council serving as advisors to White House and Department of Education on Indian Education issues in general. (Letter of support in packet presented by Dr. Davis.) I want to share with you the passion I have found in being home and being president of a tribal college. One of the newspaper articles you have says that tribal colleges are an under funded miracle, and they truly are. We are those little gems out in the middle of nowhere that a lot of people don't even know about. I love my job and I love the challenges that come with that job. At the same time it gets to be frustrating and heartbreaking because there is still much to be done. I'm really, really pleased that the sponsors of this bill have come forward on their own. They actually approached us to present this issue to the ND legislators. I'm honored that they chose to do this. To me, it sends a sentiment or message that someone else out there who is not Indian, is getting it.

Representative Kasper in his opening remarks said that Indian country is vital, we're growing, and we're an important aspect and member of the ND community. We want to continue to foster and promote that membership and how we can work together better. To me this legislation is about that. It's a new way of conducting business—working together cooperatively for the benefit of all of our people in ND. At tribal colleges we also provide services to non-Indians. We do have open enrollment, we do not discriminate and anybody

can come into our door. We try to provide opportunity to them. I do have a letter of support from the chairperson of my tribal council. The tribal council does support my college financially. I have a resolution of support that is negotiated on an annual basis. It is significant to us. We do rely on Tribal College funding and right now we have not received our appropriation from the federal government so we are operating under a CR (continuing resolution). Usually by December of each year I have 90-95% of my funding, but it's been piecemealed to us since Oct 1 because of the CR. Because of that I have to watch my budget every day. I'd like to tell you a little about my students. This fall we had a record enrollment of 233. My students are primarily female with the average age of 27-28 years old. They all work full time and most of them are single parents. That's a generic profile that's typical of all the tribal colleges. What is wonderful is that you can walk around my institution and you can really feel a sense of hope, a sense of optimism about higher education, about vocational training that they are acquiring at our institution. You can feel the energy. They have hopes and aspirations about improving themselves and subsequently improving their families and then our communities. I have approximately 50 employees and 72% are Native Americans, primarily Spirit Lake Dakota. I have about 25% non natives at my college who are employed as staff and faculty. I could use more help. I really believe that your support in this legislation would really foster a new dynamic to higher education. One of the previous speakers said there were 11 higher education institutions in ND and I beg to differ—there are 16. We are fully accredited by the same body that accredits the major institutions, we have the same accountability and evaluation process. I remember the last time tribal colleges brought this forward and it died in committee. That's very disappointing. It's been tried before. I think we are presenting today in a different light and in a different capacity in that we are all very unified and we do have relationships with the state institutions. Hopefully with your support and

better understanding, you can help us foster that optimism and that hope that is with our students. I thank you for your consideration.

Representative Mueller: Does your institution provide scholarships for non beneficiary students?

Mala: We have a few small pots through fund raising efforts available to all our students. All offer federal financial aid. Most of our students do qualify for PELL grants. We make sure they apply and have access to those programs.

Vice Chairman Meier: When do perceive receiving all your federal funds?

Mala: Congress is trying to pass a permanent CR. We are watching it very closely. Our congressional delegation very much support tribal colleges and have been leaders at the national level. I don't know, we'll have to watch and see.

Representative Herbel: You mentioned you have 16 faculty members in your institution. How competitive are you with other state higher education in terms of salaries?

Mala: I think we're comparable. We might in some cases be a little higher. Some of my faculty is funded through grants. I think we're very competitive. Most of us are doing salary surveys to try to make sure that our salary scale and ranges are competitive and hopefully enticing. It is challenging to bring qualified faculty to our institutions.

David Gipp, president of United Tribes Technical College, spoke in favor of the bill. (His testimony is attached in packet presented by Dr. Davis.) He distributed a copy of their newsletter and a recent return on investment projection done by the college. The college has been in existence for about 38 years and serves over 1000 adult students and about 400 children in our early childhood center and K - 8 elementary school. We are still growing. We have acquired land to the south of us and are planning on building additional facilities including a new apartment house and other facilities that will allow for expansion to serve over 2000 student in the course of the next 4 or 5 years. We have experienced very rapid growth in the

past several years. We do not receive funds under TCCUAA (Tribally Controlled College or University Assistance Act). We do receive federal appropriations through congress and the Bureau of Indian Affairs. We have about a 20 to 1 return on every dollar invested in UTTC in terms of our students' future as taxpaying citizens when they go out on a job. About 20% of our students at UTTC are non beneficiaries so they would benefit from the legislation. The request is under what the actual cost of a non beneficiary student. What is received for each Indian student is about \$4,500 and what is being asked for each non beneficiary student will average about \$2,000. It's a bargain basement request in terms of the actual cost we incur. I would also mention that we are the fastest growing population segment in ND. About 51% or better of our population in ND are now under the age of 25 and we continue to grow. A high percentage either stays in ND or wants to stay in ND. We also see a high rate of transfer from our institution to the 11 public institutions that are funded under the university system.

Dr. Laurel Vermillion, president of Sitting Bull College, spoke in favor of the bill. (Letter of support included in Dr. Davis' packet) I would like to share with you the passion I have for our students and what we do for our community. I come from the Standing Rock Sioux Tribe. I have lived on the Standing Rock reservation all my life. I am an alumnus of the college back in 1973 when the college first started. I know how much the college has grown. We have come from a shoebox to two new buildings in January. We are doing some phenomenal things at Standing Rock. The tribe is working very closely with us. We offer 18 associate degrees. We also offer two 4-year programs. Currently we are preparing for a visit from the state and they are going to certify our program. We do have to go through state certification. We are looking at offering a secondary science degree because we know there is a huge need for science teachers. We are serving the needs of our communities and our students. Our non beneficiary student count is 25. These students come from farms and ranches near us and we feel they would not have an opportunity to go elsewhere. We have an average

enrollment of about 300 students per semester. These students fit right in with the rest of our students. She introduced **Myra Pearson, chair of the Spirit Lake Tribe**, who did not speak but whose testimony is attached.

Russell Mason, president, Fort Berthold Community College, testified in favor of the bill.

(Testimony Attached.)

Gloria Lokken, president of NDEA, testified in favor of the bill. We feel the bill would help fill the need in staffing our schools across the state with quality educators and also provide an opportunity for students across the state to attend higher education institutions.

Opposition: None.

Chairman Kelsch closed the hearing of HB 1395

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1395**

House Education Committee

Check here for Conference Committee

Hearing Date: **31 January 2007**

Recorder Job Number: **2395 & 2481**

Committee Clerk Signature

Jan Prindle

Minutes

Chairman Kelsch opened discussion of HB 1395. This bill provides funding for non-Native students to attend tribal colleges.

Representative Haas: There is a line item for in-state grants in the higher education budget and these tuition payments fall into that area.

Representative Wall: In that case, this would come out of the higher education budget.

Representative Haas: Yes, it is a scholarship grant item. This could be a part of that line item. It is a needs based grant and allows the student to go to any in-state school of their choice.

Representative Wall: If that scholarship exists, why do we have this bill before us?

Representative Haas: That particular grant allows only \$600 per student. There was discussion to raise it to \$1000, but the Board of Higher Education chose to leave it at \$600.

This bill requires \$4500 per pupil payment.

Representative Mueller: If we run this through that system, are we going to send it through appropriations.

Representative Haas: We could indicate it come from there. There have been enough funds remaining in that line item to easily fund this bill.

Chairman Kelsch: Yes, it needs to go through appropriations and they would find the dollars.

It may not necessarily come from that line item.

Representative Haas: I Move Do Pass and Rerefer to Appropriations.

Representative Herbel: I second.

A roll call vote was taken: Yes: 11, No: 2, Absent: 0

Representative Karls will carry the bill.

At a later time again opened discussion on this bill.

Representative Haas: I make a motion to Reconsider our Action

Representative Herbel: I second.

A voice vote was taken and the motion to reconsider was approve.

Representative Haas: I Move the Amendment as attached Dr. Davis' testimony. This would include United Tribes Technical Colleges in the bill. The bill speaks to the Community College Assistance Act of 1978. UTTC not included in that act because only one college sponsored by each tribe could qualify under that act. UTTC is sponsored by five tribes.

Representative Meier: I second.

A voice vote was taken and the amendment was accepted.

Representative Haas: I move Do Pass as amended and rerefer to Appropriations.

Representative Johnson: I Second

A roll call vote was taken: Yes: 11, No: 2, Absent: 0

Representative Karls will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 04/23/2007

Amendment to: Reengrossed
 HB 1395

1A. **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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$700,000		
Appropriations				\$700,000		

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

Provides a \$700,000 appropriation from the permanent oil trust fund for payments to the tribal colleges for students who attend tribal colleges who are not an enrolled member of a federally recognized Indian tribe.

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.*

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.*

The fiscal note on SB2419 does not estimate any revenue collections, due to the need to negotiate agreements and therefore, the impact of Section 7 can be estimated at this time.

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.*

\$700,000 in allocations to the tribal colleges in 2007-09. It is not clear whether this appropriation and expenditure are intended to continue into 2009-11.

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 is also included in the executive budget or relates to a continuing appropriation.*

Section 6 provides an appropriation of \$700,000 from the permanent oil trust fund.

Name:	Laura Glatt	Agency:	NDUS
Phone Number:	328-4116	Date Prepared:	04/23/2007

Date: 31 Jan 07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1395

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass + re refer to Appropriations

Motion Made By Haas Seconded By Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep Hanson	✓	
V Chairman Meier	✓		Rep Hunskor	✓	
Rep Haas	✓		Rep Mueller		✓
Rep Herbel	✓		Rep Myxter	✓	
Rep Johnson	✓		Rep Solberg	✓	
Rep Karls	✓				
Rep Sukat	✓				
Rep Wall		✓			

Total Yes 11 No 2

Absent 0

Floor Assignment Karls

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

Date: 31 Jan
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1395

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number. _____

Action Taken Reconsidered Motion

Motion Made By Haas Seconded By Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep Hanson		
V Chairman Meier			Rep Hunskor		
Rep Haas			Rep Mueller		
Rep Herbel			Rep Myxter		
Rep Johnson			Rep Solberg		
Rep Karls					
Rep Sukat					
Rep Wall					

Total Yes 13 No 0

Absent _____

Floor Assignment _____

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

Passed

Date: 31 Jan 07
Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1395

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend to include United Tribes Technical College

Motion Made By Haas Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep Hanson		
V Chairman Meier			Rep Hunskor		
Rep Haas			Rep Mueller		
Rep Herbel			Rep Myxter		
Rep Johnson			Rep Solberg		
Rep Karls					
Rep Sukat					
Rep Wall					

Total Yes 13 No 0

Absent _____

Floor Assignment _____

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

Incl United Tribes
+ clarify reporting requirements

Date: 31 Jan 07
Roll Call Vote #: 4

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1395

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do Pass as amended + re.ref. to appropriation

Motion Made By Haas Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep Hanson	✓	
V Chairman Meier	✓		Rep Hunsakor	✓	
Rep Haas	✓		Rep Mueller		✓
Rep Herbel	✓		Rep Myxter	✓	
Rep Johnson	✓		Rep Solberg	✓	
Rep Karls	✓				
Rep Sukat	✓				
Rep Wall		✓			

Total Yes 11 No 2

Absent 0

Floor Assignment Karls

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

REPORT OF STANDING COMMITTEE

HB 1395: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1395 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "except that no more than one institution" with "or any combination of federally"

Page 1, line 11, remove "may be" and replace "with respect to any one tribe" with "Indian tribes"

Page 1, line 13, after "for" insert "nonbeneficiary"

Page 1, line 14, remove "who do not qualify for federal assistance under the provisions of the Tribally Controlled"

Page 1, line 15, remove "Community College Assistance Act of 1978"

Page 1, line 18, remove "for whom federal subsidies are unavailable under the"

Page 1, line 19, remove "Tribally Controlled Community College Assistance Act of 1978"

Page 2, line 6, replace "institution's operating and maintenance expenses" with "expenditures of the grant funds received by the institution under sections 1 through 5 of this Act and a copy of the institution's latest audit report"

Renumber accordingly

2007 HOUSE APPROPRIATIONS

HB 1395

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1395

House Appropriations Committee

Check here for Conference Committee

Hearing Date: February 12, 2007

Recorder Job Number: 3406

Committee Clerk Signature

Shirley Branning

Minutes:

Chm. Svedjen called the meeting to order to take up amendment .0301 of engrossed HB 1395, a bill relating to financial assistance to tribally controlled community colleges, by calling on Rep. **Raeanne Kelsch**, District 34.

Rep. Kelsch: This amendment shifts funding from the general fund to the State Board of Higher Education for the purpose of providing grant assistance payments to students attending tribal colleges who are non native. The Amendment takes \$700,000 out of the University System line item, which is called the state grant program. The state grant program has \$5.98m in it. A student could apply for a grant of p to \$1,000. Students attending the two private institutions can also receive money. Of the \$66,000, the funds can go to native and non native.

Rep. Gulleason: How many students would this cover?

Rep. Kelsch: About 200.

Rep. Wald: Are we covering non enrolled tribal members?

Rep. Kelsch: This covers tuition for non native students.

Rep. Martinson: There is already grant money available to the Tribal colleges. There is money specifically set aside for American Indian students.

Rep. Kelsch: Yes, in the '06-07 budget, \$66,000 is set aside for native and non native as long as they are attending one of the tribal colleges. That one grants about 270 students per year at \$700 and they have to have a 3.0 GPA. There are two separate programs.

Rep. Kempenich moved for the adoption of amendment .0301. Rep. Thoreson seconded the motion.

Rep. Carlson: If there is \$5.9m in the grant item and we are taking \$700,000 out, what is not being funded?

Rep. Kelsch: This is the 07-09 committee recommendation. There is an increase of \$2.1m for the higher education budget so they were looking to increase the number of students who would apply for that. The students who apply can be going to the tribal colleges, any one of the 11 colleges or universities or any of the 2 private institutions. You'd have \$2.1m left in there to be distributed in grants.

The Do Pass motion to adopt Amendment .0301 passed on a voice vote.

Rep. Thoreson moved a Do Pass to amendment .0301 to engrossed HB 1395. Rep. Guleson seconded the motion. The Do Pass motion carried by a roll call vote of 19 yeas, 5 nays, 0 absent. Rep. Kelsch will be the carrier of the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1395

Page 1, line 1, remove "; and"

Page 1, line 2, remove "to provide an appropriation"

Page 2, replace lines 9 and 10 with:

"SECTION 6. GRANT ASSISTANCE - SOURCE. The state board of higher education shall use \$700,000, or so much of the sum as may be necessary, from the student financial assistance grants line item in section 3 of House Bill No. 1003, as approved by the sixtieth legislative assembly,"

Page 2, line 11, remove "of the sum as may be necessary, to the state board of higher education"

Page 2, line 13, replace "one-half of this appropriation" with "\$350,000"

Page 2, line 14, after "expended" insert "for this purpose"

Renumber accordingly

