

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2404

2007 SENATE EDUCATION

SB 2404

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2404

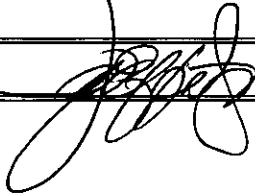
Senate Education Committee

Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 2384, 2388

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on SB 2404, a bill to provide financial assistance to tribally controlled colleges. All members were present.

Senator Marcellais introduced the bill. (Written testimony attached)

Representative Froehlich testified in favor of the bill. He has first hand experience with this; Sitting Bull College is in his district. They offer two year programs and four year programs. He has watched the college grow since infancy. The reservations are poverty stricken and the colleges offer a lot of social programs. If we are going to help the best way is through education. Sitting Bull College does not discriminate and they do educate non-enrolled members. If these students would go into the state university system, it would cost the state more money.

Representative Boucher testified in favor of the bill. (Written testimony attached)

Senator Gary Lee said we have heard the tribal colleges get little or no payment for non-beneficiary students. What is very little?

Representative Boucher said the can charge tuition but there is no assistance for staff, building, maintenance. These costs at the state campuses are covered by state dollars and tuition.

Senator Flakoll asked if some students at the tribal colleges are eligible for the grant program.

Representative Boucher said he thinks so but again, they do not get state dollars.

Senator Flakoll said there was \$4 million put into a grant program for higher education, based on need.

Representative Boucher said he would defer to the campus presidents for an answer.

Representative Charging testified in favor of the bill. Her district is the home of Fort Berthold Community College. She has watched the college grow from humble beginnings to a state of the art facility. Two new programs are nursing and an energy program. This is an opportunity to expand enrollment. This is also a way to offer non tribal citizens a service. The five nations are scattered across North Dakota and they have opened their doors to others in the community.

Jim Davis, President, Turtle Mountain Community College, testified in favor of the bill. (Written testimony attached)

Senator Gary Lee asked how many students are non-beneficiary students.

Dr. Davis said 175 – 180.

Senator Gary Lee asked how they came up with the \$700,000 figure.

Dr. Davis said it could be more. If it were like the funding they receive for their own enrolled students, it would be \$5000 per student. Because of the history of coming to the legislature for funding (they have tried 5 or 6 times) they thought this was a good place to start. It amounts to about \$2000/FTE/year.

Senator Taylor asked if they had ever considered two-tiered tuition.

Dr. Davis said they have never considered that. Last year they had a tuition increase of \$112, from \$888 per semester to \$1000 per semester, the lowest tuition in the state of North Dakota. They have an open door policy. If a student cannot afford to pay, the college will fully or

partially waive tuition for both enrolled and non-beneficiary students. The state system does not do that.

Senator Taylor asked what percentage of students receives a waiver.

Dr. Davis said he does not have those figures. Close to 100% of their students qualify for assistance.

Dr. Laurel Vermillion, President, Sitting Bull Community College, testified in favor of the bill.

(Written testimony attached) She is a product of the Tribal College system. She began her education at what was then Standing Rock Community College. The schools have to be in places where they are accessible. Many of their top notch students leave the community to go to a mainstream college only to return with low grade point averages. They suffer from culture shock and miss the family environment. Their staff helps them regain their self confidence and improve their grades. Their tuition is \$1500 per semester. Through grant writing, they were able to open a new science technology center in January, 2006. In March, 2006, they opened a new family support center that houses their education department and day care center. They have a tribal education consortium of the principals and superintendents from the surrounding schools that meet monthly to discuss important issues such as best practices and retention. They are an information hub for the community. They provide continuing education. Dr. Kathryn Froelich, Education Department Chair at Sitting Bull Community College, testified in favor of the bill. Meter 42:09. She too is a product of a tribal college. She taught elementary school for 15 years. They have 4 year programs in education with articulation with South Dakota schools. They have 40 students in their 4 year special education program and 25% (10) are non-beneficiary students. They do their best to serve the community. They provide professional development for No Child Left Behind. They are the resource in their community.

Dr. Cynthia Lindquist Mala, President, Caddeska Cikana Community College, testified in favor of the bill. (Written testimony attached) Meter 47:00. The tribal colleges are resourceful. She is amazed by what they can accomplish. Their tuition is \$85/credit hour and they are considering an increase to \$90/credit hour. Non-member students feel disenfranchised. The college does not discriminate. They are very good at what they do. In the past, their bills have not gotten out of committee; there is a lot of misunderstanding. They are very accountable; her school has had a clean audit for 4 years. 36% of their graduates transfer to the state university system. Affordability and access are issues. It is hard for some of her people to leave the reservation. 90% of their graduates stay in North Dakota.

David Gipp, President of United Tribes Technical College, testified in favor of the bill. (Written testimony attached) Meter 54:40

Eddie Dunn, Chancellor of the North Dakota University System, testified in favor of the bill. (Written testimony attached)

Chairman Freborg asked what the status of HB 1395 is.

Dr. Dunn said it is being considered this morning.

Senator Flakoll asked if this would count towards the 21%.

Dr. Dunn said no and he has discussed this with the tribal presidents.

Cheryl Bergian, North Dakota Human Rights Coalition, testified in favor of the bill. She asked the committee to help dispel misconceptions and to help with the bill on the floor.

Chairman Freborg closed the hearing on senate bill 2404.

Senator Flakoll reviewed the amendment presented by Dr. Davis to change the definition of a tribal college.

Senator Flakoll moved the amendment presented by Dr. Davis. Senator Taylor seconded the motion. The motion passed 5-0-0.

Senator Flakoll moved a Do Pass As Amended and Rerefer to Appropriations, second by Senator Taylor. The motion passed 5-0-0. Senator Bakke will carry the bill.

Senator Gary Lee asked if this will be matched up with the house bill.

Chairman Freborg said he thought so.

**Proposed Amendments to SB 2404:**

On Page 1, Section 1, lines 8-11, substitute for the definition contained in those lines the following definition:

3. "Tribally controlled community college" means an institution of higher education in this state which is formally controlled or has been formally sanctioned or chartered by the governing bed Indian tribe or by any combination of any federally recognized Indian tribes.

On page 1, Section 2, lines 13-15, after the word "for" in line 13, insert the following:

"nonbeneficiary", and strike the remainder of the Section to the period. The section would therefore read as follows:

**SECTION 2. Institutions eligible for grant assistance.** Any tribally controlled community college located in this state is eligible to receive supplemental grant assistance for nonbeneficiary students ~~who do not qualify for federal assistance under the provisions of the Tribally Controlled Community College Assistance Act of 1978.~~

On page 1, Section 3, lines 18-19: After the word "students", strike the remainder of the sentence through the period on line 19. The Section would read as follows:

**SECTION 3. Grant authorization.** The state board of higher education shall make grants to tribally controlled community colleges to defray the costs of education associated with enrollment of nonbeneficiary students ~~for whom federal subsidies are unavailable under the Tribally Controlled Community College Assistance Act of 1978.~~ Grants made pursuant to this section must go directly to the recipient institutions.

On Page 2, Section 5, line 6, after the words "of the" insert the following words:

"expenditures of the grant funds received by the institution under this Act and a copy of the institution's latest audit report"

On Page 2, line 6, delete the words:

~~"institution's operating and maintenance expenses"~~

*adopted  
5-0  
11/31/07*

Section 5, after these amendments, would read as follows:

**SECTION 5. Reporting by recipient institutions.** Each institution receiving a grant under this Act shall annually provide to the state board of higher education an accurate and detailed account of the expenditures of the grant funds received by the institution under this Act and a copy of the institution's latest audit report ~~institution's operating and maintenance expenses~~ and documentation of the enrollment status and ethnic status of each student on whose account financial assistance under this Act is sought.

*Jim Davis*



Date: 1/31/07  
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2404

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number Proposed amendment by Jim Davis

Action Taken Move Amendment

Motion Made By Sen Flakoll Seconded By Sen Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Flakoll	✓		Senator Bakke	✓	
Senator Gary Lee	✓				

Total Yes 5 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

*Change definition of tribal college*

Date: 1/31/07  
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2404

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended + Rerefer to Appropriators

Motion Made By Sen. Flakoll Seconded By Sen Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Flakoll	✓		Senator Bakke	✓	
Senator Gary Lee	✓				

Total Yes 5 No 0

Absent 0

Floor Assignment Sen. Bakke

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

**REPORT OF STANDING COMMITTEE**

**SB 2404: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2404 was placed on the Sixth order on the calendar.**

Page 1, line 9, replace "except that no more than one institution" with "or by any combination of any federally recognized Indian tribes."

Page 1, remove line 10

Page 1, line 12, after "for" insert "nonbeneficiary"

Page 1, line 13, replace "who do not qualify for federal assistance under the provisions of the Tribally Controlled" with an underscored period

Page 1, remove line 14

Page 1, line 17, remove "for whom federal subsidies are unavailable under the"

Page 1, line 18, remove "Tribally Controlled Community College Assistance Act of 1978"

Page 2, line 12, replace "institution's operating and maintenance expenses" with "expenditures of the grant funds received by the institution, a copy of the institution's latest audit report."

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2404

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2404

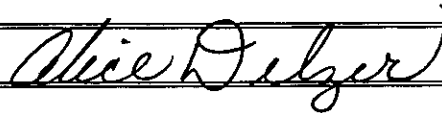
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-12-07

Recorder Job Number: 3375

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on SB 2404 on February 12, 2007 in reference to Financial Assistance to Tribally Controlled Community Colleges. He asked how many people are here to testify in favor of the bill today and how many are here to testify in opposition of the bill. Later during testimony **Vice Chairman Bowman** presided over the hearing.

**Jim Davis, President of Turtle Mountain Community College and President for the North Dakota Association of Tribal Colleges** presented written testimony (1) and oral testimony in support of SB 2404.

**Senator Bowman** asked if "Nonbeneficiary Students" pay anything to the colleges.

**Jim Davis** stated they pay whatever they can. That varies from college to college. If they are entitled to pell grants, or if they pay out of their own pocket, keep in mind that in these communities the jobs and income are not always that great. He gave an example regarding Turtle Mountain Community College stating sometimes tuition fees have been waived for some of those "Nonbeneficiary Students" because we have an open door policy and they are a part of the community.

**Senator Christmann** Where are most of your 'Nonbeneficiary Students' from?

**Jim Davis** stated they are probably about 20 or 25 miles within the area of the Turtle Mountain College. The exception would probably be for the United Tribes Technical College in

Bismarck, ND. They draw from a number of different states. But how many of those students from out of state are nonbeneficiary students I don't know.

**Written testimony (2) was submitted from Cheryl Crazy Bull, President of Northwest Indian College and American Indian Higher Education Consortium** in support of SB 2404.

**Mike Hillman, Vice Chancellor for Academic and Student Affairs of the North Dakota University System** presented written testimony (3) and gave oral testimony in support of SB 2404.

**Senator Christmann** asked if we didn't have the money for this and chose to take it out of the 5 hundred million that is still in the general fund in the University System would you be opposed to it.

**Mike Hillman** said the priority of the State Board of Higher Education is to fund our requests first and that would be the 63 million dollar increase. I don't think the general funds are at 500 million dollars.

**Pam Sharp, Director of the Office of Management and Budget (OMB)** I just want to testify through a line technical item in this bill. Should you chose to fund this bill, this bill requires that Higher Education administer the program but OMB distribute the money and I just think it would be more efficient if all of this was done within the same place. Higher Ed is more equipped, the staff is familiar with these kind of plans and OMB is not, and right now, I honestly don't know if it would pass like this if it would require additional FTE or not because I don't know how much work would be involved.

**David Gipp, President of United Tribes Technical College** presented written testimony (4) and gave oral testimony in support of SB 2404.

**Senator Mathern** had questions regarding the amendments handed out by Dr. Davis.

**Cynthia Lindquist Mala, President of Cankdeska Cikana Community College, Ft Totten,**

**Spirit Lake Tribe,** gave oral testimony in support of SB 2404. She referred to testimony (2) and gave information stating the average age of her students is 27 years old, they are typically single parents and they typically are working full time. Most of our students are eligible for student aid in pall grants and many are living below the poverty level. She also explained more fully who the "Nonbeneficiary Students" are. Typically they are residents of a reservation, they are farm and ranch families, they are our neighbors and we try to support each other. Our institutions are very affordable and acceptable for people to get an education. It has been quoted nationally in publications that tribal colleges are under funded challenged. They are miracles in Indian country and in the states we reside and we truly are. We are very resourceful about what we do, we are accredited by the same body that accredits mainstream institutions. We need your help at our state institutions to provide an education for our students who are state citizens. We are asking for a very modest investment of state resources.

**Laura Vermillion, President of Sitting Bull College, Fort Yates, ND** gave oral testimony in support of SB 2404. She shared about Sitting Bull College stating they were chartered and opened their doors in 1973. At that time they were know as Standing Rock Community College. You can look at me if you want to see what happens to students that attend tribal colleges. I got my teaching degree, got my administrative degree and now have a PHD. It is very easy for me to talk to my students about what they need to do to finish their career. Sitting Bull College has about 300 students and about 25 of them are "Nonbeneficiary Students" and that is not a big number but it means a lot..

**Russell Mason, Jr. President of Fort Totten Community College**, gave oral testimony in support of SB 2404. He has been president for two years. He spoke about the need for these students. They had a nursing program several years ago, but that program had to be discontinued because of lack of funding.

**LeAnn Nelson, Director of Professional Development Program In the North Dakota Education Association (NDEA)** gave oral testimony in support of SB 2404.

**Vice Chairman Bowman** asked for further testimony. Seeing none, the hearing closed on SB 2404.



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2404**

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: **February 12, 2007**

Recorder Job Number: **3421**

Committee Clerk Signature

*Janet Pirks*

Minutes:

Is there any way to find out what's to be pushed out up there? If they're sitting there just final, copies of 2003 or isn't there a way to track that?

. Mr Chairman, we do have 2003 now.

Ok, well, we're doing 2404 first.

Motion for a DO PASS S Krauter

Second S Seymour

This is a straight up bill if you've been here before, we've had a bill of this variety.

. I think there are some amendments to adopt first, they were on Dr. Davis' testimony.

. Withdraw my motion

. I move to amend 2404 with those amendments.

The amendments are attached to the testimony and Becky, you don't have it and you didn't adopt these, so they need to be put into right style form.

. I spoke to Kim Sharp about them, and she said they were in the order that she agreed on.

Discussion on Amendments, all in favor "aye" – AYE –[no nay]

Move to DO PASS AS AMENDED from S Krauter

Second by S Mathern

Straight forward, you either agree or you don't agree.

Page 2  
Senate Appropriations Committee  
Bill/Resolution No. **SB 2404**  
Hearing Date: **February 12, 2007**

Vote on DO PASS AS AMENDED – 7 – 7 tie

I will make a motion for WITHOUT COMMITTEE RECOMMENDATION

Motion by S Mathern

Second: S Tallackson

Roll Call on WITHOUT COMMITTEE RECOMMENDATION SB 2404 – 9 – 5 Passed

Carrier: S. Mathern

It goes back to education, it's an education bill.

Date: 2/12/07  
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO 2404

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass w amend

Motion Made By Krauter Seconded By Seymour Mathern

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm		✓	Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm		✓	Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm		✓	Senator Tim Mathern	✓	
Senator Randel Christmann		✓	Senator Larry J. Robinson	✓	
Senator Tom Fischer		✓	Senator Tom Seymour	✓	
Senator Ralph L. Kilzer		✓	Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach		✓			
Senator Rich Wardner	✓				

Total (Yes) 7 No 7

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Mathern  
Carry amend

Date: 2/12/07  
 Roll Call Vote #: 2

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2404**

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken WO Comm Rec

Motion Made By Mathern Seconded By Tallackson

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter		✓
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern		✓
Senator Randel Christmann	✓		Senator Larry J. Robinson		✓
Senator Tom Fischer	✓		Senator Tom Seymour		✓
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		✓
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Edu

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

*Mathern  
Carry amend*

**REPORT OF STANDING COMMITTEE**

**SB 2404, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING).** Engrossed SB 2404 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "office of management and budget" with "state board of higher education"

Page 1, line 20, replace "office of" with "board shall distribute to each tribally controlled community college, during each year of the biennium, four thousand five hundred eighty-one dollars for each nonbeneficiary student on a full-time equivalent basis. If the amount appropriated is insufficient, the board shall distribute a prorated amount per nonbeneficiary student on a full-time equivalent basis."

Page 1, remove lines 21 through 24

Page 2, remove lines 1 through 7

Page 2, line 9, replace "office of management and budget" with "state board of higher education"

Page 2, line 15, replace "office of management and budget" with "state board of higher education"

Renumber accordingly

2007 HOUSE EDUCATION

SB 2404

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2404**

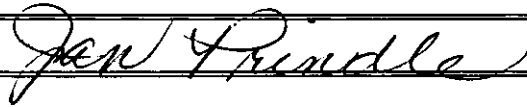
## House Education Committee

Check here for Conference Committee

Hearing Date: **7 March 2007**

Recorder Job Number: **4519 (morning) 4520 (afternoon)**

Committee Clerk Signature



Minutes:

**Chairman Kelsch opened the hearing of SB 2404.**

**Senator Richard Marcellais, District 9, introduced the bill.** I am here to provide testimony on behalf of the tribal community colleges in the state of ND. There are five colleges operating in the state of ND and there are 35 colleges nationwide. ND is the home of 15% of our tribal colleges. They are fully accredited, culturally rich, and 95% of our graduates stay in the state of ND. SB 2404 would provide funding over a two-year period to subsidize non-beneficiary students attending ND tribal colleges. By non-beneficiary students, I mean non-enrolled students—non-Native students that are attending our colleges. The presidents of the tribal colleges urge the State Legislature to make an investment in their tribal colleges by passing SB 2404. Thank you for allowing me to appear before you.

**Representative Karls:** How is this bill different from HB 1395 which we passed?

**Senator Marcellais:** They differ by the funding source. This will take the funding source out of the general fund and the prior bill takes it out of the university system budget.

**Representative Rod Froelich, District 31, spoke on behalf of the bill.** Sitting Bull College is in my district and my wife works at Sitting Bull College and would probably get fired if I didn't get up here and speak. You have heard this bill before and are aware of it. It's still alive in the Senate so between the two of them I think we should be able to work something out.

**Jim Davis, chairman of the board and president, Turtle Mountain Community College, testified in favor of the bill. (Testimony Attached.)**

**Representative Mueller:** In your testimony one of the charts about the amount of money coming from, I assume the federal government which ended up at \$4447. I suppose the attempt was to compare that to ND state appropriation to the ND State University System of \$5602 per student.

**Davis:** There are a couple of things about that: One would be that matching amount would be equivalent to what we receive for our Native students. There is no way that is going to happen. With the number of students that we were referring to is 200 students divided by \$350.0 per year, it going to be \$2.0 per student or less.

**Representative Mueller:** Is that \$4447 the extent of any money then that comes from Washington DC for the efforts of educating your young folks in the colleges.

**Davis:** No. That amounts to about 1/3 of our budget. We work very; very hard to secure grants from the federal government and private sources otherwise we wouldn't be where we are today.

**Representative Mueller:** Can you give us a sense of what the \$4447 would be if you included those federal government grants. What would it be taking those grants in to account for the students that you have at your college?

**Davis:** In our case and probably the case in most colleges because of what we do, it would probably be around \$12.0 per student.

**Representative Mueller:** You have 45 students at Turtle Mountain CC, of those 45 what has history shown would go on to the ND University System?

**Davis:** About 60% of our Native students that would normally not attend a university or college, roughly 10 of those students. In our case we have not kept good documentation as



far as transferring our students. We know that those students that are in a four-year program will transfer. About half of our programs are in that category. Some get in to the certificate, the one year-program or the two-year program not intending to go to a four-year institution, but we have a number only have the intention of coming in to take a one-year program and they get interested in a college life and what it can do for them and they end up in the four-year program. That's an important point to make here because the accessibility and the affordability for these students once they get acclimated to college life and what it is all about and sometimes despite their age, they become interested in a career that is going to provide them a better lifestyle whether it be our Native students or our non-Native students.

**Representative Hanson:** You have two bills here that are just about identical. Do you have a preference?

**Davis:** We don't have a preference.

**Vice Chairman Meier:** Have the tribally controlled college received their federal funding yet.

**Davis:** We have received some—maybe half of what we think we are entitled to.

**Representative Hunskor:** Do you find an increase of non-beneficiary students attending your colleges as your system improves and gets larger? Is that number stable?

**Davis:** It varies. Looking back for the past five years in our case, it has varied from 7% to 16%. As we do a better job of collaborating with the university system that could go up a little bit. That's fine if we can provide that service. We can educate those students at a lesser cost.

**Mike Hillman, vice chancellor for Academic and Student Affairs of the North Dakota University System, testified in favor of the bill. (Testimony Attached.)** The tribal

colleges have the same accreditation standards as the other university system colleges. They serve niches and areas in the state that we are not particularly good at serving and so we think

