

June 2009

TITLE 15

Education

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 15. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

HIGHER EDUCATION

Senate Bill No. 2003 appropriates \$794,860,507 to the North Dakota University System. Of that amount, \$593,296,143 is from the general fund. The bill also limits tuition increases to no more than four percent, unless the State Board of Higher Education receives Budget Section approval.

Senate Bill No. 2020 appropriates \$211,808,429 to the North Dakota State University Extension Service, the Northern Crops Institute, the Upper Great Plains Transportation Institute, the Main Research Center, branch research centers, and the Agronomy Seed Farm. Of that amount, \$114,444,662 is from the general fund.

Senate Bill No. 2038 extends by two years the effective date of several North Dakota Century Code sections pertaining to the acceptance of gifts and bequests by the State Board of Higher Education and block grants for the University System.

House Bill No. 1386 authorizes the Veterinary Diagnostic Laboratory at North Dakota State University to conduct rabies tests, as required by Section 23-36-03.

Senate Bill No. 2018 limits an institution of higher education under the control of the State Board of Higher Education from submitting more than two applications per campus for each round of centers of excellence funding.

Senate Bill No. 2266 directs that the University of North Dakota's Nursing Education Consortium advise University of North Dakota officials regarding strategies to address common concerns in nursing education which produce obstacles in meeting the state's current and future nursing needs, the specific needs of rural communities, and the development of a strategic plan for the ongoing activities of the simulation laboratory initiative. The bill also appropriates \$500,000 from funds made available to the Governor under the federal American Recovery and Reinvestment Act of 2009 to the University of North Dakota for the purpose of funding the costs of a simulation laboratory initiative.

UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES

Senate Bill No. 2079 provides that the primary purpose of the University of North Dakota School of Medicine and Health Sciences is to educate physicians and other health professionals and to enhance the quality of life in North Dakota. Additional purposes include the discovery of knowledge that benefits the people of this state and enhances the quality of their lives. The bill also replaces references to the "North Dakota State Medical Center" with references to the "University of North Dakota School of Medicine and Health Sciences."

Senate Bill No. 2077 makes loans from the School of Medicine and Health Sciences loan fund available to all eligible medical students enrolled at the University of North Dakota School of Medicine and Health Sciences and to all eligible dental students enrolled at an accredited school of dentistry, not just to upperclassmen. The bill also raises the loan cap from \$6,000 to \$10,000 per year.

Senate Bill No. 2081 enlarges the University of North Dakota School of Medicine and Health Sciences Advisory Council by including a representative of the University of North Dakota Center for Rural Health and three additional members selected by the dean of the University of North Dakota School of Medicine and Health Sciences. The council is charged with making recommendations regarding the strategic plan, programs, and facilities of the University of North Dakota School of Medicine and Health Sciences.

TUITION AND FINANCIAL ASSISTANCE

Senate Bill No. 2082 extends resident student tuition to the child or stepchild of a veteran who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided

the child's other parent establishes residency in this state and maintains that residency for a period of five years immediately preceding the child's or stepchild's enrollment at an institution under the control of the State Board of Higher Education.

Senate Bill No. 2166 extends the student financial assistance program to students enrolled in for-profit as well as nonprofit private postsecondary institutions located in this state and offering programs of instruction at least equal in length to two academic years.

UNIVERSITY AND SCHOOL LANDS

Senate Bill No. 2013 appropriates \$13,792,561 from special funds to the commissioner of university and school lands and directs the distribution of \$82,060,000 from the state's permanent funds to the common schools and various state institutions.

Senate Bill No. 2085 updates various statutory sections to align with the amendment of Article IX, Sections 1 and 2, of the Constitution of North Dakota which required that the state's permanent trust funds be managed to preserve purchasing power and to provide a stable distribution to the beneficiaries.

House Bill No. 1139 authorizes the Board of University and School Lands to request that the State Geologist determine the quantity and description of all lands under the board's control on which coal exists.

CAREER AND TECHNICAL EDUCATION

Senate Bill No. 2019 appropriates \$25,891,008 from the general fund to the State Board for Career and Technical Education and directs that the State Board of Higher Education study the status of the training activities provided by the four institutions of higher education assigned primary responsibility for workforce training in the state.

House Bill No. 1400 establishes the funding formula for kindergarten through grade 12 education. The bill also directs the State Board for Career and Technical Education to develop a program leading to a certificate in career development facilitation. Certificate holders are to be known as "career advisors."

House Bill No. 1475 appropriates \$50,000 to the Department of Career and Technical Education for the purpose of providing additional funding for innovation grants.

TEACHERS' FUND FOR RETIREMENT

Senate Bill No. 2277 provides that if an individual retired before January 1, 2009, and receives benefits from the Teachers' Fund for Retirement, that individual is entitled to receive a supplemental payment equal to an amount determined by taking \$20 multiplied by the member's number of years of service credit plus \$15 multiplied by the number of years since the member's retirement as of January 1, 2009. The supplemental payment may not exceed the greater of 10 percent of the member's annual annuity or \$750.

House Bill No. 1080 provides that Teachers' Fund for Retirement benefits may not exceed the maximum benefits specified under section 415 of the Internal Revenue Code, as of August 1, 2009, for governmental plans. The bill also allows for the disclosure of confidential retirement benefit records to the member's spouse or former spouse, that individual's legal representative, and the judge presiding over a dissolution proceeding; beneficiaries designated by a participating member or a former participating member to receive benefits after the member's death; the general public if the board has been unable to locate a member for more than two years; any person if the disclosure is necessary for treatment, operational, or payment purposes; and to a person if the information relates to an employer service purchase.

House Bill No. 1360 provides that individuals employed by regional education associations have the same statutory rights as those accorded to individuals employed by school districts. The bill specifically adds regional education associations to the sections governing the Teachers' Fund for Retirement.

INDIAN EDUCATION

House Bill No. 1394 appropriates \$700,000 from the permanent oil tax trust fund to the State Board of Higher Education for the purpose of providing to tribally controlled community colleges \$5,304 per full-time equivalent non-beneficiary student. A nonbeneficiary student is a student who is a resident of this state, is enrolled in a tribally controlled community college, and is not an enrolled member of a federally recognized Indian tribe nor a biological child of a living or deceased member of an Indian tribe.

House Bill No. 1566 directs the commissioner of higher education to conduct an interim study of the interplay between the University System and tribally controlled community colleges.

House Bill No. 1399 creates the American Indian Language Preservation Committee and directs that it develop a process for the orderly preservation of American Indian languages. The bill also appropriates \$18,000 from funds available to the Governor under the American Recovery and Reinvestment Act of 2009 for the purpose of providing the committee with 3-to-1 matching funds.

Senate Bill No. 2080 prohibits the operation in this state of an accrediting entity that is not recognized by the United States Department of Education or the State Board for Career and Technical Education. It also exempts American Indian colleges operating in this state from governance by the State Board for Career and Technical Education.

MISCELLANEOUS

Senate Bill No. 2389 changes the name of the School of Forestry at Bottineau to Dakota College at Bottineau.

House Bill No. 1436 changes statutory references from the Legislative Council to Legislative Management.