Fifty-seventh Legislative Assembly of North Dakota

## SENATE BILL NO. 2042

Introduced by

Legislative Council

(Higher Education Committee)

- 1 A BILL for an Act to amend and reenact sections 15-10-17, 15-11-15, 15-11-32, 15-11-35,
- 2 15-11-36, and 15-12-22 of the North Dakota Century Code, relating to the powers and duties of
- 3 the state board of higher education, state mineral tests, the child welfare research bureau, the
- 4 fetal alcohol syndrome center, and the economic feasibility institute; and to repeal sections
- 5 15-10-14, 15-10-15, 15-10-25, 15-11-03, 15-11-19, 15-11-27, 15-11-28, 15-11-34, 15-11-37,
- 6 15-12-03, 15-12-04, and 15-13-04 and chapters 15-62.3 and 47-28 of the North Dakota Century
- 7 Code, relating to university system faculty, accounts and records, budget requests, expenditure
- 8 abstracts, patents, university presidents, the university law library, the university radio station,
- 9 hockey admission receipts, gifts and grants, and the tuition assistance grant program.

## 10 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- SECTION 1. AMENDMENT. Section 15-10-17 of the 1999 Supplement to the North
  Dakota Century Code is amended and reenacted as follows:
  - **15-10-17.** Specific powers and duties of <u>the state</u> board of higher education. The state board of higher education has all the powers and shall perform all the duties necessary to the control and management of the institutions described in this chapter, <u>including</u>. In addition to the powers and duties specified in section 6 of article VIII of the Constitution of North Dakota,
- 17 the board may:

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1. To appoint and remove the president or other faculty head, and the professors,

instructors, teachers, officers, and other employees of the several institutions under

its control, and to fix their salaries within the limits of legislative appropriations

therefor, and to fix the terms of office and to prescribe the duties thereof, provided

that the consideration of the appointment or removal of any such personnel shall

be Meet in executive session if the board chooses to consider the appointment or

removal of a university system employee, unless the person or persons individual

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<del>10.</del>

its control.

1 involved request requests that the meeting shall be open to other persons or 2 individuals or to the public. 3 2. To control the grounds, buildings, and all other property of such institutions, 4 regulate the conduct of students, staff, faculty, and visitors, and authorize 5 Authorize the employment of law enforcement officers, with having concurrent 6 jurisdiction with other law enforcement officers to enforce laws and regulations at 7 its institutions. 8 3. To adopt rules and regulations for the government of each of the institutions and of 9 all their departments and branches. 10 To determine the qualifications of applicants for admission to the various courses 11 of instruction, to prescribe by rule criteria for the admission of students, and to 12 ensure that the criteria for admission are applied to all applicants in a uniform and 13 nondiscriminatory manner, regardless of the school or educational setting from 14 which an applicant obtained a high school diploma or its equivalent. No instruction, 15 either sectarian in religion or partisan in politics, shall ever be allowed in any 16 department of such institutions, and no sectarian or partisan test shall ever be 17 allowed or exercised in the election of professors, teachers, or other officers of the 18 institutions, or in the admission of students, or for any other purpose. 19 To prescribe courses of instruction and to confer such degrees and grant such 20 certificates or diplomas for the work done as are usual or appropriate in similar 21 institutions. 22 To delegate to institution officers and faculty the power to suspend or expel 23 students for misconduct or for other causes prescribed in such bylaws. 24 <del>7.</del> To provide for the needs and proper development of each institution in harmony 25 with the best interests of the people of the state, and to improve higher and 26 technical education in the state. 27 To coordinate and correlate the work in the different institutions to prevent wasteful 28 duplication and to develop cooperation among the institutions. 29 9. To fix Set tuition and fees.

To make recommendations in regard to needed legislation for the institutions under

1 <del>11.</del> 4. a. To establish Establish a retirement program as an alternative to chapter 2 15-39.1 for university system employees of institutions under its control 3 subject to the following guidelines: 4 (1) Benefits under the program must be provided through annuity contracts a. 5 purchased by the board but which become the property of the 6 participants: 7 (2) The cost of the annuity contracts must be defrayed by contributions b. 8 made pursuant to rules of the state board of higher education; 9 Eligible employees appointed before July 1, 1973, shall participate in С. (3) 10 the alternate retirement program only by their individual election. When 11 the electing eligible employee is a member of the teachers' fund for 12 retirement, the employee's assessments and employer's contributions 13 together with interest credited at the current rate for one-year 14 certificates then being paid by the Bank of North Dakota must be 15 transferred to the employee's account in the alternate program. The 16 election must be made before July 1, 1980, and shall relinquish all 17 rights the eligible employee or the employee's beneficiary may have to 18 benefits provided in chapters 15-39 and 15-39.2; and 19 <del>d.</del> (4) Employees of institutions under the control of the state board of higher 20 education the university system who are members of the public 21 employees retirement system and who become entitled to participate in 22 the alternate retirement program are entitled to a special annuity 23 purchase in the alternate retirement program in accordance with this 24 subdivision. An eligible employee who consents to have that 25 employee's contribution included is entitled to have that employee's 26 contribution and employer's contribution, with interest, in the public 27 employees retirement system fund, used by the retirement board of the 28 public employees retirement system to purchase for that employee an 29 annuity in the alternate retirement program in lieu of any other rights 30 under the public employees retirement fund. However, before the 31 employer's contribution may be used for an annuity purchase, the

1 employee's combined years of service with the public employees 2 retirement system and the alternate retirement program must equal or 3 exceed the years of service necessary to be eligible for retirement 4 benefits under the public employees retirement system. An employee 5 who transferred from the public employees retirement system before 6 March 30, 1987, and who received a refund of that employee's 7 contribution is entitled to have the employer's contribution, with interest, 8 used to purchase an annuity even if that employee did not purchase an 9 annuity in the alternate employee program with the employee's 10 contribution. If an employee makes the election allowed under this 11 subdivision, that employee relinquishes all rights the employee or any 12 of the employee's beneficiaries may have had to benefits provided 13 under chapter 54-52. 14 The board shall provide Provide for the administration of the alternate b. 15 retirement program and establish rules for the program consistent with this 16 subsection. This subsection does not derogate any existing retirement 17 programs approved by the board. 18 To determine Determine policy for purchasing by the institutions of higher <del>12.</del> <u>5.</u> 19 education university system in coordination with the office of management and 20 budget as provided by law. 21 <del>13.</del> 6. To establish Establish by rule an early retirement program for faculty and officers 22 of the board as defined by the board. The limitations on severance pay pursuant to 23 section 54-14-04.3 and on requiring the employee to pay contributions to continue 24 on the state uniform group insurance program upon retirement or upon termination 25 of employment pursuant to section 54-52.1-03 shall do not apply to the early 26 retirement program. 27 <del>14.</del> 7. To adopt Adopt rules to protect the confidentiality of student records, medical records, and, consistent with section 44-04-18.4, trade secret, proprietary, 28 29 commercial, and financial information. 30 <del>15.</del> 8. To authorize Authorize and encourage institutions of higher education under its 31 control university system entities to enter into partnerships, limited liability

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- companies, joint ventures, or other contractual arrangements with private business and industry for the purpose of business or industrial development or fostering basic and applied research or technology transfer.
- 9. Adopt rules promoting research, encouraging development of intellectual property and other inventions and discoveries by university system employees, and protecting and marketing the inventions and discoveries. The rules must govern ownership or transfer of ownership rights and distribution of income that may be derived from an invention or discovery resulting from research or employment in the university system. The rules may provide for transfer of ownership rights or distribution of income to a private, nonprofit entity created for the support of the university system or one of its institutions.

**SECTION 2. AMENDMENT.** Section 15-11-15 of the North Dakota Century Code is amended and reenacted as follows:

15-11-15. Tests of state mineral and other resources - Duty of state board of higher education - Bulletins published. The state board of higher education shall provide at the university of North Dakota suitable means for experimentation and practical testing of the mineral and other allied resources of the state in order to demonstrate their fitness for mining and manufacturing industries. The dean of the school of mines shall make, or cause to be made, as rapidly as may be, exhaustive and practical tests of all mineral and allied resources of the state. Investigations and practical tests must be made to obtain a cheap and efficient method of lignite coal briquetting and to show, by actual tests, the best methods of burning lignite, to determine the possibility of utilizing lignite as a gas producing material and for power and lighting, to determine the value of sandstones and other stones for building material, to test clays for tableware, earthenware, stoneware, sewer pipe, and other products, and to make practical tests of other resources as opportunity is afforded. Bulletins may be published from time to time by the school of mines announcing the progress and results of all tests and investigations and giving as much aid as possible relative to the best methods of mining, handling, treating, and manufacturing the various mineral products of the state. A biennial report must be issued.

**SECTION 3. AMENDMENT.** Section 15-11-32 of the North Dakota Century Code is amended and reenacted as follows:

1	15-11-3	2. Child welfare research bureau - Establishment - Director.
2	<del>1.</del> A	child welfare research bureau is hereby established to. The bureau must be
3	ad	ministered and funded by and in conjunction with the university of North Dakota.
4	<del>2.</del> A	The university shall appoint a director must be appointed by the university. The
5	dir	ector shall manage the bureau, hire necessary personnel, and prepare a
6	bio	ennial budget. The university shall fix the salaries of the director and bureau
7	<del>pe</del>	rsonnel, and may remove the director for cause.
8	SECTIO	ON 4. AMENDMENT. Section 15-11-35 of the 1999 Supplement to the North
9	Dakota Century	Code is amended and reenacted as follows:
10	15-11-3	5. Fetal alcohol syndrome center established.
11	<u>1.</u> Th	ere is established in the department of neuroscience at the university of North
12	Da	akota school of medicine a fetal alcohol syndrome center.
13	<u>2.</u> Th	e state board of higher education shall appoint a person from the department of
14	ne	uroscience as director of the fetal alcohol syndrome program and that person.
15	<u>Th</u>	e director shall prepare an annual report on the status of fetal alcohol syndrome
16	in	North Dakota.
17	<u>3.</u> Th	e fetal alcohol syndrome center shall develop prevention activities in groups that
18	are	e at high risk for fetal alcohol syndrome. The center may enlist the aid of other
19	ag	encies, persons, or organizations in its activities.
20	<u>4.</u> Th	e responsibilities of the fetal alcohol syndrome program include:
21	<del>1.</del> <u>a.</u>	To develop Developing incidence and prevalence data on fetal alcohol
22		syndrome in this state.
23	<del>2.</del> <u>b.</u>	To conduct Conducting research on prevention and management of fetal
24		alcohol syndrome and maternal alcohol ingestion during pregnancy.
25	<del>3.</del> <u>c.</u>	To develop Developing a center for the evaluation of children with fetal
26		alcohol syndrome from this state in cooperation with the child evaluation and
27		treatment program at the medical center rehabilitation hospital at the
28		university of North Dakota medical center and to operate operating followup
29		clinics as funding allows.
30	<del>4.</del> <u>d.</u>	To provide Providing consultation and training across the state on fetal
31		alcohol syndrome.

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1 <del>5.</del> To conduct Conducting other activities as may be directed by a state fetal e. 2 alcohol syndrome task force. 3 5. The fetal alcohol syndrome center shall coordinate a study of the prevalence of 4 fetal alcohol syndrome in school-age children in this state. The study must review 5 the prevalence of fetal alcohol syndrome in both rural and urban North Dakota 6 communities, including North Dakota Indian reservations. 7 SECTION 5. AMENDMENT. Section 15-11-36 of the North Dakota Century Code is 8 amended and reenacted as follows: 9 15-11-36. Evaluation of children with fetal alcohol syndrome. The child evaluation 10 and treatment program at the university of North Dakota medical center rehabilitation hospital 11 shall develop a clinic to provide both initial diagnostic assessment and reevaluation of children 12 with fetal alcohol syndrome. The diagnostic assessment must include a comprehensive 13 multidisciplinary assessment of psychological, speech and language, educational, occupational 14 therapy, physical therapy, optometric, and audiological evaluations. Reevaluations must be 15 individualized according to a child's needs. The center shall provide consultative services to 16 schools, community agencies, and parents to assist in serving children diagnosed with fetal 17 alcohol syndrome. 18 **SECTION 6. AMENDMENT.** Section 15-12-22 of the North Dakota Century Code is 19 amended and reenacted as follows: 20 15-12-22. Economic feasibility institute - Establishment - Director. 21 An There is established an economic feasibility institute is established to be 22 administered in conjunction with North Dakota state university of agriculture and 23 applied science. 24 The university shall appoint a director of the economic feasibility institute. 25 However, the university shall appoint as the institute's first director the functioning 26 professor in charge of the existing economic feasibility unit within the agricultural

economics department of North Dakota state university of agriculture and applied

science. The director shall manage the institute, hire and compensate necessary

personnel within the limits of legislative appropriations and other funding sources,

and prepare a biennial budget. The university shall fix the salary of the director,

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1	within the limits of legislative appropriations, and may remove the director for
2	<del>cause.</del>
3	SECTION 7. REPEAL. Sections 15-10-14, 15-10-15, 15-10-25, 15-11-03, 15-11-19,
4	15-11-27, 15-11-28, 15-11-34, 15-11-37, 15-12-03, 15-12-04, and 15-13-04 and chapters
5	15-62.3 and 47-28 of the North Dakota Century Code are repealed.