Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011

SENATE BILL NO. 2351
(Senators Schneider, Flakoll)
(Representatives Dahl, Heilman, R. Kelsch, Mock)

AN ACT to create and enact chapter 15-10.3 of the North Dakota Century Code, relating to student fees at institutions of higher education under the control of the state board of higher education; to provide for a legislative management study; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 15-10.3 of the North Dakota Century Code is created and enacted as follows:

15-10.3-01. Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Fee" means any monetary charge, other than tuition, that a student is assessed for a specific purpose or supplemental service.

2. "Tuition" means the monetary charge that a student is assessed in order to be enrolled in a class or program for which a student generally earns academic credit.

15-10.3-02. Mandatory fees - Fees for optional purposes or services - Publication for comparison purposes.

The state board of higher education shall publish on its website in a clear and comprehensible form that allows for ease of comparison among all institutions under its control:

1. The amount of mandatory fees that each institution has determined it shall assess each full-time and part-time student during the ensuing academic year, together with a breakdown of the fees by purpose or service;

2. The amount of any program-specific fees that each institution has determined it shall assess each student in a particular program during the ensuing academic year; and

3. The amount of fees for optional purposes or services that each institution has determined it may assess a full-time or a part-time student during the ensuing academic year, together with a breakdown of the fees by purpose or service.

15-10.3-03. Mandatory fees - Limitation on increases - Exemption.

The total amount of mandatory fees, other than program-specific fees, which an institution under the control of the state board of higher education assesses each full-time and part-time student, may not increase from one academic year to the ensuing academic year by more than one percent of the latest available average full-time, resident, on-campus, undergraduate tuition rate at that institution, unless the state board determines that an exemption from the requirements of this section is necessitated as a result of:

1. Documented extraordinary circumstances; or

2. Student demand, as evidenced by a campuswide student election or formal action by an institution's student governing board or committee.

15-10.3-04. Mandatory fee increases - Criteria - Explanation.

1. Before the state board of higher education may approve an institution's request to increase a mandatory fee, other than a program-specific fee, the institution shall provide to the board the following information:

   a. The estimated revenue collection to be generated by the proposed fee increase;

   b. The specific purpose to which the generated revenue will be allocated;

   c. Other anticipated tuition and fee increases;

   d. A delineation of fee increases during the preceding five-year period and the revenues collected as a result of each increase;

   e. The extent to which students were allowed to participate in the decisionmaking process that preceded and resulted in the request for a fee increase; and

   f. The approximate number of students that would be assessed the fee each year.

2. The board shall examine the information provided by the requesting institution and shall support its decision to grant or deny a request for a mandatory fee increase with specific reference to each piece of information required by this section.

SECTION 2. STUDENT FEES - LEGISLATIVE MANAGEMENT STUDY. The legislative management shall consider studying, during the 2011-12 interim, the assessment of mandatory fees and fees for optional purposes or services by institutions under the control of the state board of higher education, including the manner in which such fees are determined, identified, and justified and whether the programs, purposes, services, and activities supported by such fees should in fact be supported by tuition dollars, legislative appropriations, or other public or private funding sources. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 3. EXPIRATION DATE. Section 15-10.3-03 is effective through June 30, 2013, and after that date is ineffective.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2351.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 92	Nays 0	Absent 2

Secretary of the Senate

Received by the Governor at _____M. on _____, 2011.

Approved at _____M. on _____, 2011.

Governor

Filed in this office this _____day of _____, 2011,

at _____ o'clock _____M.

Secretary of State