

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2/20

2005 SENATE EDUCATION

SB 2120

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2120

Senate Education Committee

☐ Conference Committee

Hearing Date 1/10/05

Tape Number	Side A	Side B	Meter #
1	x		-5,288
		x	400
Committee Clerk Signature <i>Patty Wilkins</i>			

**Minutes: Relating to fees provided to the state board for career and technical education for authorizations to operate private post secondary institutions.**

**Senator Layton Freborg**, Chairman called the meeting to order on SB 2120

**Testimony in support of the Bill:**

**Debra Huber**, State Board for Career and Technical Education, Administrator for Educational Equity and Private Postsecondary Institutions.

**See attached: written testimony**

**Senator Freborg** : How are these funds appropriated? Is there a direct appropriation somewhere?

**Debra Huber** : (meter 6220) receiving fees into office and go directly into, actually what make this possible for us to do is that we don't currently have funding for in order to carry out the

mandates in the section. We would be using these application fees for the purpose for caring out the mandates in the statute.

**Senator G. Lee :** In section 2 would you eliminate that, does not apply to post secondary educational with low degree granting #'s and so on. Is the accreditation process intended to assure that the places proving the education are of high quality, and if you are eliminating someone, is the student, how do we know the student is getting what they are paying for? Is that just between the student and the school, what they are getting is appropriate and what they were expected to get and so on?

**Debra Huber :** It wouldn't be so simple as that. The organizations in ? would still need to come before the board to speak in authorization to operate. (meter side B 80)

**Senator Flakoll :** Were not eliminating anything that would require someone who gains some skill in life or health related facts or studies or anything like that. (meter side B 150)

**Debra Huber :** No

**Senator Flakoll :** Does qualifications of 10 people, was that a # just polled somewhere?

**Debra Huber :** I believe that was the # that was proposed by our department attorney LeAnn Schnider some yrs ago, simply because no agreement could be reached as to what this description should be. I think that in the on ensuing yrs we have figured it out. That's why we are proposing it, as a more precise definition for your consideration today.

**Testimony in opposition of Bill:**

no opposition

There was no further discussion

**Senator Freborg :** closed the hearing on SB 2120

**Senator Flakoll :** With the fiscal note, of other funds, do we need to slide this down the hall.

**Senator Freborg :** I need to find out if there is a continuing appropriation written in so, if it has a fiscal impact however of course, I believe that only has to be \$5000.00, direct appropriation \$50,000.00. I will find out. Normally I would say it has to go, cause it does have a fiscal impact, but there seems to be a continuing appropriation in place right now.

**Senator Freborg :** We will not take action on the bill. 1/10/05

There was no other discussion

The meeting was adjourned.

**Senator Flakoll,** Made a motion for a do pass on SB 2120, Seconded By, Senator Taylor. This action took place on 1/12/05 see attached additional minutes.

There being no other discussion roll call vote was taken. vote: 6-0-0, vote was unanimous

**Senator Seymour,** will carry the bill.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2120

Senate Education Committee

☐ Conference Committee

Hearing Date 1/12/05

Tape Number	Side A	Side B	Meter #
1			
		x	2650-2770
Committee Clerk Signature <i>Patty Wilkens</i>			

**Minutes: relating to fees provided to the state board for career and technical education for authorizations to operate private postsecondary institutions.**

**Senator Layton Freborg**, Chairman called the meeting to order on SB 2120

all members present

**Senator Flakoll** : The reason why we didn't act on SB 2120 was because I believe we had a bill right after it. We didn't really ask to hold it, I am prepared to make a motion on it.

**Senator Freborg** : closed the hearing on SB

**Senator Flakoll**, Made a motion for a do pass on SB , Seconded By, Senator Taylor .

There was no further discussion

There being no other discussion roll call vote was taken. vote: 6-0-0, vote was unanimous

**Senator Seymour**, will carry the bill.

**Senator Seymour** : Will this bill need to go to appropriations?

Page 2

Senate Education Committee

Bill/Resolution Number SB 2120

Hearing Date 1/12/05

**Senator Freborg :** I don't believe it does.

The meeting was adjourned.

# FISCAL NOTE

Requested by Legislative Council  
03/23/2005

Amendment to: SB 2120

**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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$15,000		\$15,000
Expenditures				\$15,000		\$15,000
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Fees are currently collected but are not available to the agency to offset the cost of approving private postsecondary institutions to operate in the state.

**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.*

Revenues are fees collected from private postsecondary institutions seeking authorization to operate. \$1,000 for initial authorization and \$500 annual thereafter. There are currently 12 private postsecondary institutions operating in the state. Funds received will be placed in special funds.

**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.*

All expenditures will be out of operating expenses, such as travel, equipment, and professional services. No salaries will be funded.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The total appropriation for 05/07 is \$15,000. Funds will be received and placed in special funds. The agency currently does not have an appropriation for this amount, the funds are placed in the state general fund.

<b>Name:</b>	Wayne Kutzer	<b>Agency:</b>	Dept of Career and Technical Education
<b>Phone Number:</b>	328-2259	<b>Date Prepared:</b>	03/24/2005

**FISCAL NOTE**  
**Requested by Legislative Council**  
12/23/2004

Bill/Resolution No.: SB 2120

**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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$15,000		\$15,000
<b>Expenditures</b>				\$15,000		\$15,000
<b>Appropriations</b>						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Fees are currently collected but are not available to the agency to offset the cost of approving private postsecondary institutions to operate in the state. This bill will appropriate those funds to the agency on a continuing basis.

**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.*

Revenues are fees collected from private postsecondary institutions seeking authorization to operate. \$1,000 for initial authorization and \$500 annual thereafter. There are currently 12 private postsecondary institutions operating in the state. Funds received will be placed in special funds.

**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.*

All expenditures will be out of operating expenses, such as travel, equipment, and professional services. No salaries will be funded.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The total appropriation for 05/07 is \$15,000. Funds will be received and placed in special funds. The agency currently does not have an appropriation for this amount, the funds are placed in the state general fund.

<b>Name:</b>	Wayne Kutzer	<b>Agency:</b>	Dept of Career and Technical Education
<b>Phone Number:</b>	328-2259	<b>Date Prepared:</b>	12/29/2004

1/12/05 acted on  
Date: 1/10/05  
Roll Call Vote #: /

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2120**

Senate SENATE EDUCATION Committee

☐ Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Flakoll Seconded By Taylor

Senators	Yes	No	Senators	Yes	No
CH- SENATOR FREBORG	✓		SENATOR SEYMOUR	✓	
V-CH- SENATOR G. LEE	✓		SENATOR TAYLOR	✓	
SENATOR ERBELE	✓				
SENATOR FLAKOLL	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Seymour

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

**REPORT OF STANDING COMMITTEE (410)**  
January 12, 2005 1:34 p.m.

**Module No: SR-07-0356**  
**Carrier: Seymour**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2120: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the  
Eleventh order on the calendar.

2005 HOUSE EDUCATION

SB 2120

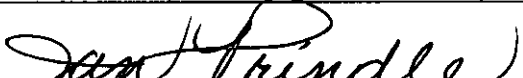
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2120

House Education Committee

☐ Conference Committee

Hearing Date **14 February 2005**

Tape Number	Side A	Side B	Meter #
X	X		2700- 4300
Committee Clerk Signature 			

Minutes:

**Debra Huber, State Board for Career and Technical Education, Administrator for Educational Equity and Private Postsecondary Institutions**, testified on behalf of the SB 2120. (Testimony attached.)

**Rep. Sitte:** What sorts of institutions that you now licensing?

**Huber:** Private, postsecondary institutions that are currently authorized in this state range from a very small school such as massage therapy through four year degree granting institutions and actually postsecondary of higher degrees such as master's and doctoral degrees offered in institutions on our air bases--Emory Riddle, Aeronautical University, Park University for example. It's the full gamut.

**Sitte:** Could you give us some examples of schools that have been operating with 10 or fewer students that would be affected by this legislation? Some that have been turned down by your board?

**Huber:** The exemption for 10 or fewer students was actually only used several years ago when there was a school of saddle making here in Bismarck. As far as I know, they are not continuing to operate. We have no schools now that currently meet that definition. The reason for the change is to make sure that we don't have a situation where someone is operating a digital degree mill and enroll ten students and then changes who they are and then enrolls another ten students and changes again. It makes sense and in sync with the legislation that we passed in 2003 declaring that we didn't want these kinds of practices here in the state of ND. What it does do is gives the board the authority for a school that takes one or two taxidermy students at a time. They could come to the board, they could be authorized and the board would collect from them a surety bond protecting student's tuition but yet they would not compel that taxidermy school to go ahead and become accredited because if you only have two students at a time there simply are not enough students to spread that cost.

**Rep. Sitte:** I was thinking specifically of Dr. Bartlett. I received an email from him and I was interested in having you share his story.

**Huber:** This was last August a Dr. James Bartlett came before the board inquiring whether his concept to offer a family university network could be authorized to operate in ND. His concept consisted of having individual families responsible for various disciplines. His family would have been responsible for the College of Engineering. Another family responsible for the College of Medicine, another family for the discipline of law as I recall from his application. He wanted to offer this training that would not culminate in any kind of credential or actual degree

or diploma. What he wanted to do was to prepare people in these various disciplines so they could be set up to operate home based businesses. That was his concept.

**Sitte:** My understanding was that he was going to prepare people in a Christian world view so they could go out and pursue degree. He was not in any way wanting to grant a degree. He was going to prepare people so they could then pursue a degree in any one of these areas. He was just giving a sort of background. He wanted to move to MT saying ND is very unfriendly to these small groups that want to get going. I'm curious why your board decided that as long as he wasn't granting a degree anyway, why couldn't he operate in ND.

**Huber:** What it came down to is a rather interesting point. Although he was not intending to offer a standard credential, what he wanted to offer students was the opportunity to put together a professional portfolio. As we know in today's environment that can be converted to credit at any number of institutions particularly if coming from an accredited institution. Dr. Bartlett had no intention whatsoever of complying with any kinds of requests for accreditation. This ultimately led the board to believe that the investment would not be a good thing for young potential students that didn't understand that what they were doing was probably investing a great deal of time in a professional program, not ending up a degree, but with a professional portfolio instead.

**Rep. Herbel:** Last week we heard from the medical transcriptionists. How do they fit into this?

**Huber:** The medical transcriptionists have always been authorized to operate by the State Board for Career and Technical Education. As far as what we are proposing here, I don't see it as being a very good fit because of the fact of that the same document that you see here as far as employment job service predictions, you can see that we have about 450 medical transcriptionists

Page 4

House Education Committee

Bill/Resolution Number **SB 2120**

Hearing Date **14 Feb 05**

already employed in the state and that number is to projected to grow at least another 50 through the year 2010. So unless there was something specific that addressed that particular instance, this particular bill was designed to accommodate the kind of people that would enroll and then result that number of people as an essential occupation in ND.

**There being no further testimony on SB 2120, Chairman Kelsch closed the hearing.**

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2120

House Education Committee

☐ Conference Committee

Hearing Date 15 February 2005

Tape Number	Side A	Side B	Meter #
x	X		5,080 - end
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes:

**Chairman Kelsch** opened discussion of SB 2120. She asked the wishes of the Committee.

**Rep. Norland:** Would you provide us with leadership on this particular bill?

**Chairman Kelsch:** I think it's okay. The problem I have is we are going to have to refer this to appropriations. The problem is the continuing appropriation. That's the big issue. I don't think the bill itself is all that bad. That continuing appropriation is something that will get ripped out of there anyway.

**Rep. Norland:** So we could just as well do it here and save appropriations some time.

**Chairman Kelsch:** We can remove Section 1. Take away the continuing appropriation. I don't know if the rest of the language is all that necessary or not. I don't know that we can't just defeat the whole bill.

**Rep. Sitte:** I'm of sort of that mind. After I heard about the professor that moved his home school college to Montana. I thought why would be shutting people out. He wasn't degree

granting anyway. He was just giving kids background in engineering with a theological perspective. I don't understand.

**Chairman Kelsch:** I wasn't really excited about the bill in the first place. It's up to you Committee members. We can sit on it until after crossover if you would like to think about it. I've heard that there are 200 continuing appropriations out there and we have to rein them in. I know that would be the first thing taken out of here.

**Rep. Mueller:** The continuing appropriation is based on the fees that come in to this. What's the issue?

**Chairman Kelsch:** It's because of the words "continuing appropriation." It's because they have control of the money. If you will recall there were a couple of little bills yesterday on the house floor and apparently the majority, which was bipartisan by the way, thinks that micro managing is not a bad idea.

**Rep. Meier:** I move a Do Not Pass

**Rep. Norland:** I second

**Rep. Haas:** The continuing appropriation thing is like having a petty cash fund. It doesn't flow through the rest of the process of appropriations and funding. It is a separate pot of money. It's discretionary on the part of the agency. That's the objection to it. I'm not saying I agree with that.

On the second page where we talk about minimum standards and the exceptions. Is it important that this does not apply to post secondary institutions in the state that do not grant degrees, etc., etc.

**Chairman Kelsch:** They were addressing those like the saddle makers.

Page 3

House Education Committee

Bill/Resolution Number SB 2120

Hearing Date 15 Feb 05

**Chairman Kelsch:** Why don't we hold on to this and wait until after crossover. I think what we ought to do is get rid of the continuing appropriation in the bill. Let's check in to it a little bit more and see how necessary that language is on the second page. Rep. Norland would you investigate that? Would you see how important that language is?

**Rep. Meier:** I Withdraw my Motion to Do Not Pass.

**Chairman Kelsch:** Rep. Solberg and Rep. Meier would you help Rep. Norland in his investigation? (They agreed to do so.)

**Adjourned.**

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2120

House Education Committee

☐ Conference Committee

Hearing Date **2 March 2005**

Tape Number	Side A	Side B	Meter #
3	X		360 - 875
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes:

**Chairman Kelsch** opened discussion of SB 2120.

**Vice Chairman Johnson:** Wayne Kutzer had an amendment for the Career and Technical Education. Page 1, line 11, remove the word "a."

**Rep. Hawken:** That doesn't make sense. Margaret, English person, read line 11 and see if you can take out that "a."

**Rep. Sitte:** No. You can't.

**Rep. Norland:** He must want the word "fee" out of there because there are two of those.

**Chairman Kelsch:** We'll call him and find out what he wants.

**Rep. Norland:** In trying to get more information concerning "continuing basis" in the appropriation. The crux of the bill for their department is, if you look on the bottom of the fiscal note, the money they generate each biennium is about \$15,000. That money has always gone into the state general fund. Basically, what they want is a special fund so they can have the

money. That's really the nucleus of the bill. The other parts are they got rid of the number of students. Up to 10 students would qualify for a certain category. They got rid of that. They just make a determination. The reason for that is like the things like being a farrier school or a saddle making school, that went out. Then they just talk about how they spend that \$15,000 which would be on quality business practices, expertise, educational authorities. But I guess the whole thing is they want the money rather than it go into the state general fund. That's what we have to make a decision on whether we want to let them have the \$15,000 for the biennium or keep it the way it is and put it in the general fund.

**Chairman Kelsch:** It makes it a lot easier for the state board to have the money. The problem is that the House has always been a little more concerned about having special funds or continuing appropriations. I would like to sit down with Wayne to see if there is something else that we can come up with. If they want to keep this and take the risk, we can talk to Rep. Svedjan and perhaps have a meeting about it. I'd like to talk to Rep. Svedjan about it first. As far as I am concerned for this situation it's probably not a bad idea. I don't want to lose some of these bills if we can avoid it. We'll just hang on to this for now.

Discussion closed.

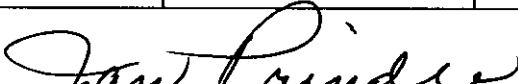
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2120

House Education Committee

☐ Conference Committee

Hearing Date 7 Mar 05

Tape Number	Side A	Side B	Meter #
1		X	0 - 570
Committee Clerk Signature 			

Minutes:

**Chairman Kelsch opened discussion of SB 2120.** Rep. Johnson has checked the previously submitted amendment with the Attorney General's office and it is correct. Removing the word "a" from line 11 would make it read "operate fee fund."

**Rep. Johnson:** I move the amendment: on line 11 remove "a."

**Rep. Meier:** I second.

**A voice vote was taken. Carried.**

**Chairman Kelsch:** We now have amended SB 2120 before us and the proper motion would be to pass as amended and rerefer to Appropriations.

**Rep. Hawken:** I so move.

**Rep. Johnson:** I second.

**Rep. Sitte:** I'm still concerned about a couple of different things. That whole idea of giving them a continuing appropriation. A total of \$15,000 in fees. I think they would be able to go to

Page 2

House Education Committee

Bill/Resolution Number SB 2120

Hearing Date 7 Mar 05

appropriations and get that much money in their budget some other way instead of having their own little slush fund. On page 2 on subsection 2, because we heard earlier that there are some sort of questionable activities there. I think it's imperative to study this whole area. If someone is operating out there with a few students, I would say let them go. I think they are expanding their area. I will oppose the bill as I see no need for it.

**A roll call vote was taken.**

**Yes: 13    No: 1    Absent: 0**

Rep. Johnson will carry the bill.

Date: 15 Feb 05  
Roll Call Vote #: 1

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2120**

House Education Committee

☐ Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Deier

Seconded By Norland

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Johnson			Rep. Hunsakor		
Rep. Haas			Rep. Mueller		
Rep. Hawken			Rep. Solberg		
Rep. Herbel					
Rep. Horter					
Rep. Meier					
Rep. Norland					
Rep. Sitte					
Rep. Wall					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent Hawken Hunsakor

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

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

*Withdrawn*

Date: 7 Mar  
Roll Call Vote #: 7

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2120**

House Education Committee

☐ Check here for Conference Committee

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

Action Taken Amend per attached

Motion Made By Johnson Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Johnson			Rep. Hunsakor		
Rep. Haas			Rep. Mueller		
Rep. Hawken			Rep. Solberg		
Rep. Herbel					
Rep. Horter					
Rep. Meier					
Rep. Norland					
Rep. Sitte					
Rep. Wall					

Total (Yes) Passed No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

Date: 7 Mar  
Roll Call Vote #: 2

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2120**

House Education Committee

☐ Check here for Conference Committee

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

Action Taken Do pass as amend + refer to Approp

Motion Made By Hawken Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunsakor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	✓				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte		✓			
Rep. Wall	✓				

Total (Yes) 13 No 1

Absent \_\_\_\_\_

Floor Assignment Johnson

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

**REPORT OF STANDING COMMITTEE (410)**  
March 8, 2005 8:29 a.m.

Module No: HR-42-4365  
Carrier: D. Johnson  
Insert LC: 58087.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2120: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.**

Page 1, line 11, remove "a"

Renumber accordingly

2005 HOUSE APPROPRIATIONS

SB 2120

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2120  
Career and Technological Education

House Appropriations Full Committee

☐ Conference Committee

Hearing Date March 15, 2005

Tape Number	Side A	Side B	Meter #
2	X		#9.9 - #18.7
Committee Clerk Signature <i>Chris Alexander</i>			

Minutes:

**Rep. Ken Svedjan, Chairman** opened the discussion on SB2120.

**Rep Dennis Johnson** explained that this bill deals with a fee fund that would be established in the board of career and technical education. Rep Johnson distributed proposed amendments that changed some cumbersome language.

**Rep. Ken Svedjan, Chairman** explained that the language changed was to correct a grammatical error, not to change the policy.

**Rep Dennis Johnson** continued to explain that this bill allows the board to establish this fee fund. There are 12 schools of higher education that need to be accredited through the board and the fee for this \$500. These fees would go into this fund and the board would use these fees to check on the schools to make sure the colleges are doing what they need to be doing to be accredited. We will see in the future if these fee are enough to do this work.

**Rep. Ken Svedjan, Chairman** asked if there were any continuing appropriations

**Rep Dennis Johnson** answered that the continuing appropriation would be the annual renewal of the \$500 for these institutions that are non-degree granting programs.

**Rep. Bob Skarphol** explained that the words "to operate" in line 10 needed to be removed, but saw that this was taken care of in the amendment.

**Rep. Jeff Delzer** asked why there was a need for the continuing appropriation. Does this board come before this committee with continuing appropriation authority and for this little bit of money why can't we appropriate the money in the budget and then track whether these fees are appropriate for the amount of work need to be done.

**Rep. Ken Svedjan, Chairman** commented that this should be looked at in section and see if there is another way of handling this outside of a continuing appropriation.

**Rep. David Monson** asked about line 14 on page 2 asking what was a "reasonable application fee." (meter Tape #2, side A, #14.9)

**Rep Dennis Johnson** answered that there was a \$500 fee when colleges apply for accreditation.

**Rep. Francis J. Wald** asked if this was a revenue measure or a licensing bill.

**Rep Dennis Johnson** answered that this \$500 fee has been in place for a while and all this bill does is create a fund to collect these fees rather than them being deposited in the general fund..

**Rep. Ken Svedjan, Chairman** clarified that these fees are already in place and no one is objecting to them. What the board is asking is for a fund to collect these fees so that they can service these institutions to ensure that they are doing what they are supposed to. The other part of this is the continuing appropriation for a small amount.

**Rep Dennis Johnson** commented that nothing new was being created here but the fund.

**Rep. Jeff Delzer** commented that what was being done here is money being taken out of general funds and put into a continuing appropriation that will never be looked at again.

**Rep. Bob Skarphol** commented that there was a hand written note on the bill in our book that says "ignore 'something' it is not needed." He asked Rep Johnson what this meant and Rep Johnson could not answer. Rep Skarphol then suggested that this bill ought to go to the education subcommittee to help decipher this note on the bill and to have them review the amendment #0102.

**Rep. Ken Svedjan, Chairman** stated that this bill would be sent to the Education and Environment subcommittee for further review and closed the discussion on SB2120.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2120

House Appropriations Committee  
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date March 17, 2005

Tape Number	Side A	Side B	Meter #
1	X		7.5-9.2

Committee Clerk Signature *Robin Purkey*

**Minutes: Chairman Martinson** opened hearing on SB2120.

**Rep. Wald** I believe Pam has some amendments for that. She consented to carry that. As you recall in the hearing, there was a little bit of heartburn about the continuing appropriation on this bill and so the amendment removes the continuing appropriation and makes is a regular, normal standardized bill, whatever you want to call it. That's all the amendment does. I move amendment .0103 on SB2120.

**VOICE VOTE on amendment passed.**

**Rep. Gulleon** That was really the concern in the larger committee with this bill. This is the bill which gives them the authority to operate a fee fund in order to deposit those dollars that they get from registering and providing the credentials for those 12 schools that are not within the State Board of Career and Technical authority but need credentialing. I would move a Do Pass As Amended on SB2120.

Page 2

Education and Environment Division

Bill/Resolution Number SB2120

Hearing Date March 17, 2005

**Rep. Rennerfeldt** Second.

**VOTE 6 YES 0 NO with 0 absent and not voting. Rep. Gulleason will carry to the full committee.**

**Chairman Martinson** closed hearing on SB2120.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2120  
Fees to Career and Technical Education

House Appropriations Full Committee

☐ Conference Committee

Hearing Date March 21, 2005

Tape Number	Side A	Side B	Meter #
1	X		#0 - #7.5
Committee Clerk Signature <i>Chris Alexander</i>			

Minutes:

**Rep. Ken Svedjan, Chairman** opened the discussion on SB2120.

**Rep. Ken Svedjan, Chairman** summarized that this bill we discussed earlier. This bill allows the board to establish a fee fund in the Career and Technical Education area. This fund is generated from the \$500 application fee that non degree granting institutions pay in order to be authorized to do business. There are 12 institutions involved. This bill also sets up a continuing appropriation for the use of the funds that they generate from these application fees. A question came up concerning notations on the standing committee report and we said we would delay discussion on this bill until we found out what those notations meant. The notation looks as if it says "Ignore fiscal note as it is not needed."

**Rep. Pam Gulleeson** explained that this bill was amended (#0103) in subcommittee and removed the continuing appropriation and makes this pursuant to legislative appropriations.

**Rep. Pam Gulleeson** moved to adopt amendment #0103 to SB2120

Page 2  
House Appropriations Committee  
Bill/Resolution Number SB2120  
Hearing Date March 21, 2005

**Rep. Francis J. Wald** seconded

**Rep. Ken Svedjan, Chairman** clarified that this also incorporates that changes needed to correct the grammatical errors in the original bill, and called for a voice vote on the motion to adopt amendment #0103 to SB2120. Motion carried.

**Rep. Francis J. Wald** moved a Do Pass As Amended motion to SB2120

**Rep. Pam Gulleon** seconded

**Rep. Jeff Delzer** asked if anything was discussed concerning the level of the fees and whether it is appropriate to charge \$500 for fees even to schools who only have 2 students participating.

**Rep. Pam Gulleon** answered that the committee spoke with Mr. Wayne Kutzer from the vocational schools and in order to be consistent, they felt that the fee structure was appropriate. The goal is always to recruit more students.

**Rep. Ken Svedjan, Chairman** called for a roll call vote on the Do Pass As Amended motion for SB2120. Motion carried with a vote of 21 yeas, 1 nay and 1 absence. Rep Gulleon will carry the bill to the house floor.

**Rep. Ken Svedjan, Chairman** closed the discussion on SB2120. (meter Tape #1, side A, #7.5)

Date: 3.17.05  
Roll Call Vote #: \_\_\_\_\_

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2120**

House Appropriations Education and Environment

☐ Check here for Conference Committee

Legislative Council Amendment Number 58087.0103

Action Taken Do Pass As Amended

Motion Made By Rep. Gulleeson Seconded By Rep. Rennerfeldt

Representatives	Yes	No	Representatives	Yes	No
Chairman Martinson			Rep. Aarsvold		
Vice Chairman Brusegaard			Rep. Gulleeson		
Rep. Rennerfeldt					
Rep. Wald					

Total 6 (Yes) 6 No 0

Absent 0

Floor Assignment Rep. Gulleeson

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

Date: March 21, 2005  
Roll Call Vote #: 1

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB2120**

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 58087.0103

Action Taken DO PASS AS AMENDED

Motion Made By Rep Wald Seconded By Rep Gulleeson

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	AB		Rep. Jeff Delzer		X
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Gulleeson	X		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes 21 No 1

Absent 1

Floor Assignment Rep Gulleeson

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

**REPORT OF STANDING COMMITTEE**

**SB 2120: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 943 of the House Journal, Senate Bill No. 2120 is amended as follows:

Page 1, line 6, remove "; and to provide a continuing appropriation"

Page 1, line 10, remove "to operate" and remove "- Continuing appropriation"

Page 1, line 11, remove "to operate a" and after "board" insert "upon application for authorization to operate a postsecondary educational institution"

Page 1, line 12, replace "are" with "may be spent by the board pursuant to legislative appropriation"

Page 1, line 13, remove "appropriated to the board on a continuing basis to be used"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the continuing appropriation from the State Board for Career and Technical Education for the fee fund and provides that the fund may only be spent by the board pursuant to legislative appropriation.

2005 TESTIMONY

SB 2120

Testimony Before the Senate Education Committee regarding SB 2120

January 10, 2005

Chairman Freborg

Members of the Committee

Good Morning,

My name is Debra Huber and I am employed by the State Board for Career and Technical Education as Administrator for Educational Equity and Private Postsecondary Institutions. The State Board for Career and Technical Education is responsible for the administration of Chapter 15-20.4 of the North Dakota Century Code, pertaining to the regulation of postsecondary educational institutions in the state. The purpose of the chapter is to establish and maintain educational standards and quality business practices for the protection of the citizens of North Dakota.

At its meeting on November 15, 2004, the State Board endorsed the changes to the law proposed for your consideration as described in Senate Bill 2120. The rationale for the proposed changes is as follows:

The first change described in section 1 of the bill: 15-20.4-03.1, Authorization to operate fee fund – Continuing appropriation, would create a mechanism for the board to retain and use the application fees collected by the board from private postsecondary institutions. Application fees are currently set by the Board at \$1000 for an institution seeking an initial authorization to operate

and \$500 for those seeking to renew such authorization. Over a biennium, these fees have typically generated no more than \$15,000.

It is a common practice in other states to use application fee revenue to underwrite expenses associated with the mandate to maintain educational standards and quality business practices. Examples include using such revenues to acquire the expertise of educational authorities when a private school seeks to add a program in which departmental staff lack expertise, or using such revenues to determine whether an applicant with a foreign degree meets the standard of "foreign equivalency" required in 15-20.4-15 (4)(a).

Application revenue could also be used to maintain quality business practices, as in the acquisition of audit expertise to ensure that schools are compliant with the statutory business practices contained in NDCC chapter 15-20.4. One example is NDCC section 15-20.4-07 regarding the negotiation of promissory instruments, requiring an institution to refrain from negotiating tuition payments prior to completion of one-half of the educational services a student has paid to receive. Given the growth of private lending for educational purposes, this is an area of increasing concern.

Section 2 of the bill changes the language describing the kind of private institution that should be exempt from the state's requirement for accreditation by removing the phrase "and enrolling ten or fewer students" and adding language so the law states "this section does not apply to postsecondary educational institutions operating in this state that do not grant degrees and that offer mainly hands-on training in low census occupations, as determined by the board."

"Degree" as used in this subsection, means a document that provides evidence or demonstrates completion of a course of instruction that results in the attainment of a rank or level of associate or higher. This language would apply to schools teaching saddle-making, farrier skills, and the like; skills of great value to the state, but programs where there are so few students that North Dakota's current requirement for accreditation is too economically burdensome for such programs to operate. Although there is little doubt that a legitimate accreditor can be found for almost any educational program leading to occupations classified by the Department of Labor, it is simply impractical to ask an organization with only one or two students to comply with the accreditation requirement.

Further, the proposed language changes the basis for the exemption from the number of students, "ten or fewer", and focuses on the kind of organization for which exemption from accreditation may be acceptable. In today's environment where a digital degree mill can change its website in less than an hour, a more precise definition of the kinds of private schools eligible to operate in the state without accreditation would be prudent.

Section 3 of this bill removes a requirement dating back to the inception of this act for schools to retain a set fee of \$25.00 for students withdrawing from an educational program. Instead, it allows schools to determine a reasonable application fee that may be retained by the school in the event a student chooses to withdraw. As private postsecondary institutions are required to divulge their

fees in application and renewal procedures, the board will continue to maintain oversight of application fee levels.

Section 4 of the bill changes the word "of" to "or" in the phrase, "To obtain a promotion of higher compensation in employment", correcting an error in the previous legislation.

I will be happy to answer any questions you may have.

SB 2120  
14 Feb 05

Testimony Before the House Education Committee regarding SB 2120

February 14, 2005

Chairperson Kelsch

Members of the Committee

Good Morning,

My name is Debra Huber and I am employed by the State Board for Career and Technical Education as Administrator for Educational Equity and Private Postsecondary Institutions. The State Board for Career and Technical Education is responsible for the administration of Chapter 15-20.4 of the North Dakota Century Code, pertaining to the regulation of postsecondary educational institutions in the state. The purpose of the chapter is to establish and maintain educational standards and quality business practices for the protection of the citizens of North Dakota.

At its meeting on November 15, 2004, the State Board endorsed the changes to the law proposed for your consideration as described in Senate Bill 2120. The rationale for the proposed changes is as follows:

The first change described in section 1 of the bill: 15-20.4-03.1, Authorization to operate fee fund – Continuing appropriation, would create a mechanism for the board to retain and use the application fees collected by the board from private postsecondary institutions.

Application fees are currently set by the Board at \$1000 for an institution

seeking an initial authorization to operate and \$500 for those seeking to renew such authorization. Over a biennium, these fees have typically generated no more than \$15,000.

It is a common practice in other states to use application fee revenue to underwrite expenses associated with the mandate to maintain educational standards and quality business practices. Examples include using such revenues to acquire the expertise of educational authorities when a private school seeks to add a program in which departmental staff lack expertise, or using such revenues to determine whether an applicant with a foreign degree meets the standard of "foreign equivalency" required in 15-20.4-15 (4)(a).

Application revenue could also be used to maintain quality business practices, as in the acquisition of audit expertise to ensure that schools are compliant with the statutory business practices contained in NDCC chapter 15-20.4. One example is NDCC section 15-20.4-07 regarding the negotiation of promissory instruments, requiring an institution to refrain from negotiating tuition payments prior to completion of one-half of the educational services a student has paid to receive. Given the growth of private lending for educational purposes, this is an area of increasing concern.

Section 2 of the bill changes the language describing the kind of private institution that should be exempt from the state's requirement for accreditation by removing the phrase "and enrolling ten or fewer

students" and adding language so the law states "this section does not apply to postsecondary educational institutions operating in this state that do not grant degrees and that offer mainly hands-on training in low census occupations, as determined by the board. "Degree" as used in this subsection, means a document that provides evidence or demonstrates completion of a course of instruction that results in the attainment of a rank or level of associate or higher.

This language would apply to schools teaching saddle-making, farrier skills, and the like; skills of great value to the state, but programs where there are so few students that North Dakota's current requirement for accreditation is too economically burdensome for such programs to operate. An indicator for the term, "low-census occupation" is whether an occupation contains so few numbers that it is not listed in Job Service Employment Projections data (see Attachment A).

Although there is little doubt that a legitimate accreditor can be found for almost any educational program leading to occupations classified by the Department of Labor, it is simply impractical to ask an organization with only one or two students to comply with the accreditation requirement.

Further, the proposed language changes the basis for the exemption from the number of students, "ten or fewer", and focuses on the kind of organization for which exemption from accreditation may be acceptable. In today's environment where a digital degree mill can

change its website in less than an hour, a more precise definition of the kinds of private schools eligible to operate in the state without accreditation would be prudent.

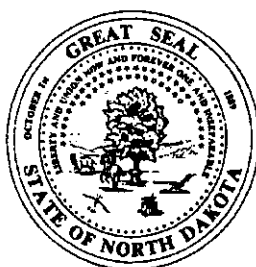
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Section 4 of the bill changes the word "of" to "or" in the phrase, "To obtain a promotion of higher compensation in employment", correcting an error in the previous legislation.

I will be happy to answer any questions you may have.

# EMPLOYMENT PROJECTIONS

North Dakota 2010



Governor  
John Hoeven



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Bismarck, ND 58506-5507

Executive Director  
Maren L. Daley

Prepared by  
Labor Market Information Center

Director of Employment Statistics  
& Workforce Programs  
Korrine Lang

Labor Market Information Manager  
Duane Broschat

Primary Researchers  
Sharon Viton  
Tim Nolz

BLS Programs Supervisor  
Warren Boyd

## Occupational Projections Data 2000 - 2010

The Occupational Employment Survey (OES) measures occupational employment and occupational wage rates for wage and salary workers in non-farm establishments, by industry.

[Go to occupational projections](#) / [Go to industry projections](#)

[Go to Level of Training](#) / [View Projections Publication](#)

Sort <input type="radio"/> Ascending <input type="radio"/> Descending	After sorting, display only this many occupations (versus all occupations): <b>Numbers only, no letters</b> <input type="text"/>
-----------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------

SOC Code	SOC Title	2000 Employment	2010 Projections	Total Growth	% Growth	Annual Growth	Annual Replacements	Annual Openings
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
394011	Embalmers	16	17	1	6.25	0	0	1
499011	Mechanical Door Repairers	16	20	4	25	0	1	1
331011	First-Line Supervisors/Managers of Correctional Officers	16	17	1	6.25	0	0	0
191021	Biochemists and Biophysicists	17	19	2	11.76	0	1	1
231022	Arbitrators and Mediators and Conciliators	17	20	3	17.65	0	1	1
499097	Signal and Track Switch Repairers	17	16	0	0	0	0	0
191041	Epidemiologists	18	19	1	5.56	0	0	1
272099	All Other Entertainers and Performers and Sports and Related Workers	19	19	0	0	0	0	0
251053	Environmental Science Teachers-Postsecondary	20	21	1	5	0	1	1
251126	Philosophy and Religion Teachers-Postsecondary	21	22	1	4.76	0	1	1
271014	Multi-Media Artists and Animators	22	26	4	18.18	0	1	1
519031	Cutters and Trimmers-Hand	23	26	3	13.04	0	0	1
299091	Athletic Trainers	23	24	1	4.35	0	1	1
514012	Numerical Tool and Process Control Programmers	24	27	3	12.5	0	1	1
537121	Tank Car and Truck and Ship Loaders	24	31	7	29.17	1	1	1
53099	All Other Vehicle and Mobile Equipment Mechanics and Installers and Repairers	24	23	0	0	0	1	1
333011	Bailiffs	24	26	2	8.33	0	1	1