

2013 HOUSE EDUCATION

HB 1104

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1104
January 9, 2013
17051

Conference Committee

Committee Clerk Signature



Minutes:

Rep. Nathe: We will open the hearing on HB 1104.

Laura Glatt, Vice Chancellor for Administrative Affairs for the NDUS: Support (see attached).

Rep. Nathe: How long has this been in place?

Laura Glatt: The reference as it applies to the employee's spouse and dependent? I'm not sure that I can tell you that. I can find out.

Rep. Heller: Why wouldn't an employee be a resident, why would they be charged a non-resident rate in the first place?

Laura Glatt: HB 1104 references section 15.10-19.1, which is the statute that defines what a resident is for tuition purposes. You can see that there are a number of categories for residency for tuition. Generally, you have to have lived in the state 12 months prior to enrollment in order to be considered a resident. Again, I saw generally, because there are always exceptions and you will see those here. For example, with UND, NDSU, and State College of Science, living next to the border states, they may have employees that physically live and reside in Minnesota. So they wouldn't meet the 12 month requirement or even reside in the state at all.

Rep. Nathe: As it stands right now, this is really backwards. Why wasn't this done prior to the chancellor, his restrictions on waivers. Why now?

Laura Glatt: It is just one of those things that got lost in the century code and it was actually on our list of legislation, even before the chancellor arrived. It just so happens now that it becomes even a more critical issue for the campuses because of the upcoming tuition waivers. We were going to get the housecleaning done, but it all came together at this time.

Rep. J. Kelsh: Under current statute, a person who works in the university system, lives in Minnesota, it says that the spouse and dependent are considered a resident, even if they live in Minnesota.

Laura Glatt: Under the current statute yes.

Rep. B. Koppelman: In the current language that is struck on this bill draft, it refers to any institution of higher education in the state, and now you would be changing that to the North Dakota University System. I would read that as it wouldn't have to be a public or private entity. Now with the new language you are trying to restrict it to a public entity only, is that correct.

Laura Glatt: It is correct, because it is my understanding that this residency law, again for tuition purposes, does not apply to private institutions or Tribal colleges. It only applies to public institutions of higher education. It is my understanding that the State of North Dakota cannot prescribe to the University of Mary or Jamestown how they define residency for tuition purposes.

Rep. Nathe: Thank you. Further testimony in support of HB 1104. Testimony in opposition to HB 1104. We will close the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1104
January 16, 2013
17266

Conference Committee

Committee Clerk Signature



Minutes:

Rep. Nathe: Let's take a look at HB 1104. If you remember, the hearing we had on HB 1104 was really just a clean-up bill. It had to do with the benefitted employee, who was a non-resident, but yet their spouse and children received the benefits and the employee was still considered a non-resident for tuition purposes. I have an amendment. It is recommended by Legislative Council that we make these changes. This is a style formatting type of change for the bill. The changes are under section 1, subsection 2E. We would strike out the language on lines 18, 19 and 20. We would leave "a benefitted employee of the university system", and in subsection F we would then go into the definition of the spouse and dependent; on the back page subsection 3, another "a benefitted employee of the university system" and just changing some of the corresponding subsection letters. It better defines the spouse of the benefitted employee and a dependent of the benefitted employee. It doesn't really change the bill, just makes it clearer.

Rep. Heilman: I move the amendment.

Rep. Heller: Second the motion.

Rep. Nathe: Voice vote. Motion carried. We now have the bill as amended before us. What are the committee's wishes?

Rep. Mock: I noticed that under F, line 4, the spouse of any other individual being a resident; however, that same line isn't included for a dependent of, in subsection g. Is there a reason for that; perhaps that's a higher education question?

Rep. Nathe: As far as I understand this, if a spouse works for the University system, they would be a benefitted employee, which would give them the reduction in their tuition, which is already in place.

Rep. Wall: I move a Do Pass on HB 1104 as amended.

Rep. Mock: Second the motion.

Rep. Nathe: The clerk will take the vote.

13 YES 0 NO 0 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Mock

V12
1/16/13
1082

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1104

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to the definition of nonresident and resident student for tuition purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 15-10-19.1 of the North Dakota Century Code is amended and reenacted as follows:

2. A "resident student" for tuition purposes means:
 - a. A person whose guardian, custodial parent, or parents are legal residents of this state and have resided in this state for twelve months, or a dependent child whose custodial parent moved into the state with the intent to establish legal residency for a period of years within the last twelve months immediately prior to the beginning of the academic term;
 - b. A person of age eighteen or over who is a legal resident of this state and has resided in this state after reaching age eighteen for twelve months immediately prior to the beginning of the academic term;
 - c. A person who graduated from a North Dakota high school;
 - d. A full-time active duty member of the armed forces, a member of a North Dakota national guard unit, or a veteran as defined in section 37-01-40;
 - e. ~~A spouse or dependent of a full time active duty member of the armed forces or a member of a North Dakota national guard unit or of an employee of any institution of higher education in this state, and a spouse of any other resident for tuition purposes~~ A benefited employee of the North Dakota university system;
 - f. The spouse of:
 - (1) A full-time active duty member of the armed forces;
 - (2) A member of a North Dakota national guard unit;
 - (3) A benefited employee of the North Dakota university system; or
 - (4) Any other individual deemed a resident for tuition purposes;
 - g. A dependent of:
 - (1) A full-time active duty member of the armed forces;
 - (2) A member of a North Dakota national guard unit; or

(3) A benefited employee of the North Dakota university system;

f.h. A person who was a legal resident of this state for at least three consecutive years within six years of the beginning of the academic term; or

g.i. A child, widow, or widower of a veteran as defined in section 37-01-40 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."

Renumber accordingly

FISCAL NOTE
Requested by Legislative Council
01/17/2013

Amendment to: HB 1104

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Expands tuition residency to include NDUS employee. This is in addition to existing provision which permits resident tuition for spouse and dependent of NDUS employee. The House engrossed version did not change the original fiscal impact.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Annually, the NDUS has about 25-30 employees who live outside the state of ND, most likely living in border states, but may live elsewhere. Currently, the statute requires the employee to pay the non-resident rate, although their spouse/dependent is permitted to pay the resident rate. Generally, campuses are assessing the non-resident employee the non-resident rate and waiving the difference resulting in a paid net resident tuition rate. This change would permit initially charging the net rate, and reduce recorded tuition waivers. The House engrossed version did not change the original fiscal impact.

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.*

Little to no net reduction in current net revenue collections.

- 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.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name: Laura Glatt

Agency: ND University System

Telephone: 701-223-4410

Date Prepared: 01/17/2013

FISCAL NOTE
Requested by Legislative Council
12/27/2012

Bill/Resolution No.: HB 1104

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Expands tuition residency to include NDUS employee. This is in addition to existing provision which permits resident tuition for spouse and dependent of NDUS employee.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Annually, the NDUS has about 25-30 employees who live outside the state of ND, most likely living in border states, but may live elsewhere. Currently, the statute requires the employee to pay the non-resident rate, although their spouse/dependent is permitted to pay the resident rate. Generally, campuses are assessing the non-resident employee the non-resident rate and waiving the difference resulting in a paid net resident tuition rate. This change would permit initially charging the net rate, and reduce recorded tuition waivers.

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- 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.*

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- 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.*

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Name: Laura Glatt

Agency: ND University System

Telephone: 701-223-4410

Date Prepared: 01/04/2013

Date: 1/16/13

Roll Call Vote #:

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1104

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13. 8103. 01001 02000

Action Taken: Do Pass Amended Rerefer to Appropriations
 Do Not Pass Adopt Amendment

Motion Made By Rep. Heilman Seconded By Rep. Heller

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe			Rep. Bob Hunsakor		
Rep. Mike Schatz			Rep. Jerry Kelsh		
Rep. Joe Heilman			Rep. Corey Mock		
Rep. Brenda Heller					
Rep. Dennis Johnson					
Rep. Ben Koppelman					
Rep. Lisa Meier					
Rep. Karen Rohr					
Rep. David Rust					
Rep. John Wall					

TOTAL (YES) _____ (NO) _____ (ABSENT) _____

FLOOR ASSIGNMENT _____

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

Voice vote. Motion Carried.

Date: 1/16/2013
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1104

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8103.01001 02000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Wall Seconded By Rep. Mock

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz	✓		Rep. Jerry Kelsh	✓	
Rep. John Wall	✓		Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. David Rust	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. Dennis Johnson	✓				
Rep. Joe Heilman	✓				
Rep. Ben Koppelman	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Mock

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

REPORT OF STANDING COMMITTEE

HB 1104: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to the definition of nonresident and resident student for tuition purposes.

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 - c. A person who graduated from a North Dakota high school;
 - d. A full-time active duty member of the armed forces, a member of a North Dakota national guard unit, or a veteran as defined in section 37-01-40;
 - e. ~~A spouse or dependent of a full-time active duty member of the armed forces or a member of a North Dakota national guard unit or of an employee of any institution of higher education in this state, and a spouse of any other resident for tuition purposes~~A benefited employee of the North Dakota university system;
 - f. The spouse of:
 - (1) A full-time active duty member of the armed forces;
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Renumber accordingly

2013 SENATE EDUCATION

HB 1104

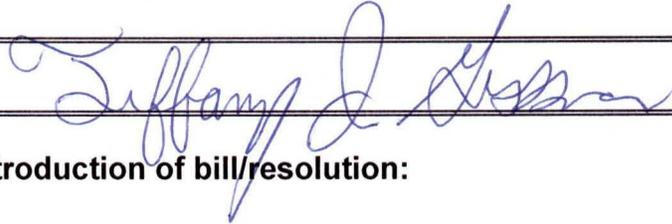
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1104
2-20-13
19248

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the definition of nonresident and resident student for tuition purposes

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll opened the hearing on HB 1104

Laura Glatt, Vice Chancellor for the Administrative Affairs for the NDUS: I wish to present information on HB 1104 (Written Testimony #1 attached)

Senator Heckaman: There would be no restriction on the number of credits they could take?

Laura Glatt: Currently under our policies a limited number of credits can be waived each year for the employees. The employee would first be entitled to use the full waiver for a number of courses and if they took courses beyond that, they would pay at the resident rate but you are correct there would be no limit on the number of credits. The other thing I should mention, there is another bill, HB 1272 that deals with this same statute. What they are trying to do in that statute is they are trying to expand the definition of veteran for resident tuition purposes so in the end I imagine you will want to reconcile the two bills because they deal with the same provisions.

Senator Heckaman: We have a definition in this bill of a spouse of a veteran. Is that what you are referring to?

Laura Glatt: What I'm assuming happened in the engrossed version is Legislative Council just restructured the bill and cleaned up some of the language. The only substantive changes in the bill are the two things I pointed out in my testimony. On page 1, line 21 we say a benefited employee and the second part is page 1 line 21. The rest is just cleanup language.

Senator Heckaman: There is the spouse of an active duty person added in here, a National Guard unit added in here, and dependents of the armed forces have been added in here.

Laura Glatt: If you look at page 1 lines 18-21 they were already there, they have just moved them to a different section.

Chairman Flakoll: So we are anticipating no fiscal impact here?

Laura Glatt: No because right now we are discounting the rate through a waiver so our net revenues won't change.

Chairman Flakoll: What is the amount?

Laura Glatt: In terms of what the amount of the waiver we are discounting now, I'll email the figures (Attachment #2)

Chairman Flakoll: Does this require campus approval, department level and above?

Laura Glatt: Only if the employee wants to have released time during work hours to attend class. If not they just have to meet the academic standards for admission and registration like all other students.

Chairman Flakoll: Does it apply to graduate and undergraduate programs?

Laura Glatt: Yes, paying the resident rate would apply to all programs.

Chairman Flakoll: If a department wishes to further the expertise of someone within their department, they may do so to obtain an additional degree of some kind.

Laura Glatt: They may and the employee has the ability to take up to three courses per academic year free of charge. If they exhaust that and choose to take more, they would fall under this provision where they would pay the resident rate.

Chairman Flakoll: How about fees?

Laura Glatt: They continue to pay fees.

Chairman Flakoll: Closed the hearing HB 1104

Vice Chairman Schaible: Move a Do Pass for engrossed HB 1104

Senator Heckaman: Second

A roll call vote was taken for a Do Pass on engrossed HB 1104: 6 yeas, 0 nays, 0 absent

Senator Heckaman: will carry

FISCAL NOTE
Requested by Legislative Council
01/17/2013

Amendment to: HB 1104

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Name: Laura Glatt

Agency: ND University System

Telephone: 701-223-4410

Date Prepared: 01/17/2013

FISCAL NOTE
Requested by Legislative Council
12/27/2012

Bill/Resolution No.: HB 1104

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
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Revenues						
Expenditures						
Appropriations						

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Name: Laura Glatt

Agency: ND University System

Telephone: 701-223-4410

Date Prepared: 01/04/2013

HB 1104

Date: 2-20-13
Roll Call Vote #: 7

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Schaible Seconded By Heckaman

Senators	Yes	No	Senator	Yes	No
Chariman Tim Flakoll	✓	✓	Senator Joan Heckaman	✓	✓
Vice Chairman Donald Schaible	✓	✓	Senator Richard Marcellais	✓	✓
Senator Larry Luick	✓	✓			
Senator Nicole Poolman	✓	✓			

Total (Yes) 6 No 0

Absent 0

Floor Assignment Heckaman

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

REPORT OF STANDING COMMITTEE

HB 1104, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1104 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1104

North Dakota University System
HB1104 – House Education
January 9, 2013
Laura Glatt

Mr. Chairman and members of the House Education Committee. Good morning. My name is Laura Glatt, Vice Chancellor for Administrative Affairs for the North Dakota University System. Thank you for giving me the opportunity to present information to you today in support of HB1104.

Under current state statute, the spouse and dependent of a NDUS employee is considered a resident for tuition purposes. However, the employee is not. This legislation would expand the definition to also include the NDUS employee.

Annually, the NDUS has about 25-30 employees who do not reside in ND--many live in surrounding states--who enroll in courses. Currently, the NDUS is reducing the non-resident rate for these employees to the resident rate through the use of tuition waivers. However, under the Pathways to Student Success plan, waivers will be significantly reduced, and there will be limitations on waivers in the future. This proposed change, as introduced by the State Board of Higher Education would support that overall goal and result in consistent handling of the employee, employee spouse and employee dependent.

The bill also clarifies that the provision would apply only to “benefited employees”. This is defined as “a person who satisfactorily completes a probationary period, who is appointed to a continuing position, and who is employed at least twenty weeks each year.”

This is an important employee recruitment and retention tool for the NDUS and promotes continuing skill upgrades for our employees. Thus, we appreciate your support of the proposed change. I will be happy to answer any questions.

North Dakota University System
Engrossed HB1104 – House Education
January 9, 2013
Laura Glatt

#1

Mr. Chairman and members of the Committee. My name is Laura Glatt, Vice Chancellor for Administrative Affairs for the North Dakota University System (NDUS). Thank you for giving me the opportunity to present information to you today in support of Engrossed HB1104.

Under current state statute, the spouse and dependent of a NDUS employee is considered a resident for tuition purposes. However, the employee is not. This legislation would expand the definition to also include the NDUS employee.

Annually, the NDUS has about 25-30 employees who do not reside in ND--many live in surrounding states--who enroll in courses. Currently, the NDUS is reducing the non-resident rate for these employees to the resident rate through the use of tuition waivers. However, under the Pathways to Student Success plan, waivers will be significantly reduced, and there will be limitations on waivers in the future. This proposed change, as introduced by the State Board of Higher Education would support that overall goal and result in consistent handling of the employee, employee spouse and employee dependent.

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This is an important employee recruitment and retention tool for the NDUS and promotes continuing skill upgrades for our employees. Thus, we appreciate your support of the proposed change. I will be happy to answer any questions.

NDLA, S EDU - Grossman, Tiffany

42

From: Flakoll, Tim
Sent: Wednesday, February 20, 2013 1:35 PM
To: NDLA, S EDU - Grossman, Tiffany
Subject: FW: HB1104 impact

Please add this to the packet for HB 1104

Senator Tim Flakoll

Tim Flakoll

District 44
Chairman, Senate Education Committee
Transportation Committee

From: Glatt, Laura [<mailto:laura.glatt@ndus.edu>]
Sent: Wednesday, February 20, 2013 10:42 AM
To: Flakoll, Tim
Subject: HB1104 impact

Sen. Flakoll: This email is in follow-up to your question this morning about the fiscal impact of HB1104. It is estimated that annual tuition waivers would be reduced about \$15,000-\$20,000 per year, as a result of the proposed change to consider an NDUS employee a resident for tuition purposes. This estimate is based on largely the difference between the MN and ND rates.

Please let me know if you need any other information. Laura

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