

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2076

2005 SENATE EDUCATION

SB 2076

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2076

Senate Education Committee

☐ Conference Committee

Hearing Date 1/11/05

Tape Number	Side A	Side B	Meter #
1	x		0 - 1232
Committee Clerk Signature <i>Patty Wilkens</i>			

Minutes:

Senator Layton Freborg, Chairman, opened the hearing on SB 1076, relating to the definition of resident student for tuition purposes. All members were present.

Pat Seaworth, general counsel North Dakota University System, testified in favor of the bill.

(written testimony) (meter 130 - 500)

Senator Flakoll asked if John McCain's dependents would be eligible.

Mr. Seaworth said if Senator McCain was disabled, his dependents would be eligible.

Senator G. Lee asked if the bill limits a person by number of credits or degree or if it is a lifetime benefit, even if they go in a North Dakota out of school.

Mr. Seaworth said yes. There are a small number of folks right now who pay nonresident tuition and this bill would reduce their tuition rate.

Page 2
Senate Education Committee
Bill/Resolution Number SB 2076
Hearing Date 1/11/05

Major General Michael Haugen, the Adjutant General of the North Dakota National Guard, testified in favor of the bill. (written testimony) (meter 666 - 914)

There was no opposition testimony for the bill.

Chairman Freborg closed the hearing on SB 2076.

Senator Taylor moved a do pass for SB 2076.

Senator Flakoll seconded the motion..

The motion passed on a roll call vote 6-0-0. **Senator Taylor** will carry the bill.

Chairman Freborg moved on the other business of the committee.

FISCAL NOTE

Requested by Legislative Council
12/17/2004

Bill/Resolution No.: SB 2076

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	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

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

SB2076 redefines resident student for tuition purposes to add all members of the state national guard, spouses and dependents of active duty military personnel (regardless of where the service member is stationed) and spouses and children of disabled vets or vets killed in action (regardless of legal residency of the vet). Only a few members of the National Guard do not now qualify for resident tuition status, or for reciprocity status under the Minnesota reciprocity agreements, but making all members automatically eligible for resident tuition may help recruiting efforts. As a result, there is no projected material fiscal impact to the NDUS based on the proposed changes.

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.*

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, 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.*

Name:	Laura Glatt	Agency:	NDUS
Phone Number:	328-4116	Date Prepared:	12/27/2004

Date: 1/11/05
Roll Call Vote #: /

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2074

Senate SENATE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Taylor Seconded By Sen. Flakoll

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 Sen. Taylor

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

REPORT OF STANDING COMMITTEE (410)
January 11, 2005 1:29 p.m.

Module No: SR-06-0289
Carrier: Taylor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2076: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2076 was placed on the
Eleventh order on the calendar.

2005 HOUSE EDUCATION

SB 2076

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2076**

House Education Committee

☐ Conference Committee

Hearing Date **14 Feb 05**

Tape Number	Side A	Side B	Meter #
1	X		1450 - 2600
Committee Clerk Signature <i>Jan Trindle</i>			

Minutes:

Chairman Kelsch opened the hearing of SB 2076.

Pat Seaworth, general counsel, ND University System, testified in favor of SB 2076.

(Testimony attached.)

Rep. Mueller: This sounds like a pretty good idea. I'm interested in knowing if you know, is SD doing something similar? What do you know about that?

Seaworth: I don't know what other states are doing or have done with respect tuition rates for members of nation guard units. I do know there is a push in states around the country to enact the first part of this bill that would permit family members who remain in the state when a soldier or airman is transferred out of state and permit those dependents to be at resident tuition. Those changes have been made in any states around the country.

Rep. Haas: Could you briefly go over 37.01-40 and tell us what that definition means.

Seaworth: That statute simply defines a veteran and under that definition. There's another statute in chapter 15.10 that provides for a waiver of tuition and fees and it refers to that definition of a veteran which is defined that section means a legal resident of the State of ND at the time he entered the service.

Major General Michael Haugen, The Adjutant General, ND National Guard, testified in favor of the bill. (Testimony attached.)

Rep. Mueller: The question I posed to Mr. Seaworth a few minutes ago about what SD and other states are doing. Do you have any background on that?

General Haugen: I do not know, but I will find out and get back to you.

Colonel John Jacobson, chairman of the Legislative Committee of the ND Veterans

Coordinating Council, testified in favor of the bill. (Testimony attached.)

Ray Rothmann, past department commander, AMVETS, testified in favor of the bill. The AMVETS would like to go on record as strongly supporting SB 2076.

There being no further testimony, Chairman Kelsch closed the hearing on SB 2076

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2076

House Education Committee

☐ Conference Committee

Hearing Date **15 February 05**

Tape Number	Side A	Side B	Meter #
1	X		4850 - 5070
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes:

Chairman Kelsch opened the discussion of SB 2076

Rep. Johnson: I move Do Pass

Rep. Sitte: I second

A roll call vote was taken.

Yes: 12 No: 0 Absent: 2 The motion carried.

Rep. Johnson will carry the bill.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2076

House Education Committee

☐ Conference Committee

Hearing Date 7 March 2005

Tape Number	Side A	Side B	Meter #
1		X	530 - 1075
Committee Clerk Signature 			

Minutes:

Chairman Kelsch opened discussion of SB 2076. Committee members we need to change line 23 removing the word "and" and change it to "or." We need first a motion to reconsider the bill.

Rep. Haas: I move we consider SB 2076

Rep. Hawken: I second.

A voice vote was taken. Passed.

Chairman Kelsch: We now have SB 2076 before us.

Rep. Hawken: I move the amendment. (Change line 23 by removing "and" and change to "or.")

Rep. Horter: I Second.

A voice vote was taken. Carried.

Chairman Kelsch: We now have amended SB 2076 before us. What are the wishes of the Committee?

Rep. Meier: I move a **Do Pass as Amended**.

Rep. Solberg: I Second.

Rep. Sitte: When we were voting on this bill my illustrious seat mate said that when he was looking at "d" we're saying that any full time active duty member of the armed forces or a member of a National Guard unit is therefore a resident and could take classes as a resident.

Rep. Johnson: That is the way it is. I visited with Pat Seward about this and if they are staged in OK for example they would do the courses on line and they are charged accordingly at the higher rates so it wouldn't matter. If they did move to ND, they would in fact be considered a resident as far as tuition and they didn't think the numbers would be that great and those students who come to ND to go to school would be more apt to stay in ND.

Rep. Kelsch: It does seem to make sense.

Rep. Herbel: Just a statement. If you take a look, being as close to Grand Forks as I am, there are a number of people that are in the AF there that retire and stay in Grand Forks. I have met quite a number of them. Rep. Mark Owens is an example of that. If we get them to ND we get the opportunity to get them to stay. It's a good recruiting tool.

Rep. Mueller: The discussion on the floor had to do with opening it up more than some of the questioners wanted. What we have done here is anyone will be considered a resident and the key that they be assigned a military installation in the state is gone. Just so we are clear what we are doing here. We're opening it up. I'm fine with that.

A roll call vote was taken.

Page 3

House Education Committee

Bill/Resolution Number **SB 2076**

Hearing Date **7 Mar 05**

Yes: 14 No: 0 Absent: 0 Passed as amended.

Rep. Johnson will carry the bill.

Date: 15 Feb
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2076

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Johnson Seconded By Sitte

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) 12 No 0

Absent 2 (Hawken & Hunsakor)

Floor Assignment Johnson

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

REPORT OF STANDING COMMITTEE

SB 2076: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2076 was placed on the
Fourteenth order on the calendar.

Date: 7 Mar
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2076

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider

Motion Made By Haas Seconded By Hawken

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

Total (Yes) Carries No

Absent _____

Floor Assignment _____

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

58060.0101
Title.0200

Adopted by the Education Committee
March 7, 2005

House Amendments to SB 2076 - Education Committee 03/08/2005

Page 1, line 23, replace "and" with "or"

Renumber accordingly

Date: 7 Mar 05
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2076

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Chg Line 23 remove "and" + chg to "or"

Motion Made By Hawken Seconded By Horter

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 Carries

Floor Assignment _____

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

Date: 7 Nov 05
Roll Call Vote #: 3

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2076

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Meier Seconded By Solberg

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

Total (Yes) 14 No 0

Absent 0

Floor Assignment Johnson

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2005 8:35 a.m.

Module No: HR-42-4366
Carrier: D. Johnson
Insert LC: 58060.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2076: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2076 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "and" with "or"

Renumber accordingly

2005 TESTIMONY

SB 2076

NORTH DAKOTA

UNIVERSITY SYSTEM

The Vital Link to a Brighter Future

SENATE EDUCATION COMMITTEE

SB 2076

January 11, 2005

**Testimony of Pat Seaworth, General Counsel
North Dakota University System**

Chairman Freborg and members of the Senate Education committee:

SB 2076 revises the definition of resident student for tuition purposes to include all active duty members of the armed forces and all members of the North Dakota National Guard and their spouses and dependents. Currently, active duty members of the armed forces assigned to a military installation in the state and their spouses and dependents are resident students for tuition purposes, regardless of legal residency. On occasion, a spouse or child of a member of the armed forces serving in North Dakota may remain in the state temporarily when the service member is transferred out of the state. Now, the family members who remain behind lose their status as residents for tuition purposes, if they are not legal residents of the state (the state of legal residency of active duty members of the armed forces and their families is often other than the state in which they are located). SB 2076 will permit the spouse and children to remain eligible for resident tuition rates in these cases; in fact, the bill makes all active duty members of the armed forces and their spouses and dependents eligible for resident tuition regardless of where they are stationed.

All members of North Dakota National Guard units will also be considered residents for tuition purposes. Most state National Guard members are North Dakota residents and others qualify for reciprocity status under the Minnesota reciprocity agreement. However, a few members will benefit from this change and it may assist in recruitment and retention.

Finally, SB 2076 makes spouses and children of veterans killed in action and disabled veterans eligible for resident tuition, regardless of legal residency. Another statute establishes entitlement to a waiver of tuition and fees for spouses or children of North Dakota resident veterans killed in action or disabled. The bill does not affect that entitlement; rather, it is intended to benefit qualified spouses and children of nonresident veterans, making them eligible for resident tuition rates.

These changes are not expected to have a material fiscal impact. The number of students affected will be small. The changes may encourage some students, who might otherwise leave the state to remain or induce a few residents of other states, who might otherwise not consider doing so, to enroll at a state college or university.

State Capitol - 600 E. Boulevard Ave., Dept. 215, Bismarck, ND 58505-0230
Phone: 701.328.2960 • Fax: 701.328.2961
E-mail: NDUS.office@ndus.nodak.edu • Web: www.ndus.nodak.edu

The North Dakota University System is governed by the State Board of Higher Education and includes:
Bismarck State College • Dickinson State University • Lake Region State College • Mayville State University •
Minot State University • Minot State University-Bottineau Campus • North Dakota State College of Science •
North Dakota State University • University of North Dakota • Valley City State University • Williston State College.

TESTIMONY OF
MAJOR GENERAL MICHAEL J. HAUGEN
THE ADJUTANT GENERAL
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE EDUCATION COMMITTEE
JANUARY 11, 2005
SENATE BILL 2076

*Same
given to
House*

Mr. Chairman, Members of the Committee,

The Office of the Adjutant General supports this bill and requests a do pass vote. This bill clarifies the definition of resident student for tuition and will allow any member of the armed forces and their dependents or any member of the North Dakota National Guard to be considered residents for tuition purposes. The bill also allows the spouse or child of a non-resident veteran killed in action or totally disabled as a result of service to receive resident tuition rates at state institutions of higher education

Under current law, active duty personnel assigned to Grand Forks or Minot who have children attending college in North Dakota typically qualify for in-state tuition, but only for so long as they are assigned in North Dakota. Often the soldier or airman will be reassigned while their dependent child was still in college. The child then has two options; finish their education in North Dakota paying out-of-state tuition rates or leave North Dakota and go to a college in another state. We believe that military dependents that begin college at resident tuition rates should be allowed to complete their education in North Dakota at those same rates, regardless their parent's reassignment.

A member of the North Dakota National Guard from Minnesota or South Dakota is currently required to pay non-resident tuition rates. Allowing all North Dakota Guard members resident tuition status encourages not only attendance at North Dakota colleges but is also an excellent recruiting and retention tool for the North Dakota National Guard.

We have had 7 members of the North Dakota National Guard killed in action in Operation Iraqi Freedom. If these soldiers were North Dakota residents, their dependents are eligible for free tuition to North Dakota states colleges in accordance with NDCC 15-10-18.3. The proposed change to this bill will allow the dependents of any non-resident soldier killed or totally disabled to attend North Dakota state supported colleges at

resident rates. Allowing resident tuition for dependents of non-resident military members killed or totally disabled is one more small thing we can do to recognize their incredible sacrifice.

In conclusion, the Adjutant General's Office strongly supports this bill and, on behalf of all our soldiers and airman, we request your favorable consideration.

Thank you Mr. Chairman. I would be pleased to respond to any questions.

North Dakota Veteran's Coordinating Council

My name is John L. Jacobsen. I am the chairman of the Legislative Committee of the North Dakota Veterans Coordinating Council. I am a member of both the VFW and the American Legion. I am also a member of the VFW National Legislative Committee. We work directly with our Members of Congress on legislation at the national level.

I served 29 years in the ND National Guard and the US Army Reserve, retiring in 1995 with the rank of Colonel. I served on active duty in 1991 in the Persian Gulf stationed in the United Arab Emirates.

The NDVCC membership is comprised of 15 members representing the five (5) veterans' organizations in the state. (3 from each organization) They are:

- American Legion
- AMVETS
- Disabled American Veterans (DAV)
- Veterans of Foreign Wars (VFW)
- Vietnam Veterans of America (VVA)

These organizations represent approximately 60,000 veterans currently living in North Dakota.

I am a member of the Legislative Committee of the NDVCC. I am not a member of the NDVCC but report directly to them. In order for the Legislative Committee to support any bill brought up before our Legislature, concurrence must be unanimous, that is all 15 members must agree that we should support the bill. A single negative response will kill our support.

NORTH DAKOTA

UNIVERSITY SYSTEM

The Vital Link to a Brighter Future

House Education Committee

Testimony on SB 2076

Pat Seaworth, General Counsel

February 14, 2005

Chairman Kelsch and members of the House Education committee:

SB 2076, introduced at the request of the State Board of Higher Education, revises the definition of resident student for tuition purposes to include all active duty members of the armed forces. Now, armed forces members assigned to a military installation in the state and their spouses and dependents are resident students regardless of legal residency. Sometimes, family members remain in the state when an armed forces member is transferred out of the state. SB 2076 permits a spouse and children to remain eligible for resident tuition rates, even if they are not legal residents of North Dakota. In fact, the bill makes all active duty members of the armed forces and their spouses and dependents eligible for resident tuition regardless of where they are stationed.

All members of North Dakota National Guard units will also be residents for tuition purposes. Most state National Guard members are North Dakota residents. However, Minnesota residents in North Dakota units, who now pay tuition under the Minnesota reciprocity agreement at rates slightly higher than resident tuition rates, will pay at the resident rate, as will residents of Montana, South Dakota and other states. This amendment may assist in recruitment and retention.

Finally, SB 2076 makes spouses and children of veterans killed in action, disabled veterans or POWs eligible for resident tuition, regardless of legal residency. If the veteran was a North Dakota resident, spouses and children are entitled to a waiver of tuition and fees under a separate statute. This bill does not affect that entitlement; rather, it is intended to benefit qualified spouses and children of nonresident veterans, making them eligible for resident tuition rates.

These changes are not expected to have a material fiscal impact. The number of students affected will be small. The changes may encourage some students, who might otherwise leave the state, to remain or induce a few residents of other states, who might otherwise not consider doing so, to enroll at a state college or university.

Contact information: 328-4169 or pat.seaworth@ndus.nodak.edu

State Capitol - 600 E. Boulevard Ave., Dept. 215, Bismarck, ND 58505-0230

Phone: 701.328.2960 • Fax: 701.328.2961

E-mail: NDUS.office@ndus.nodak.edu • Web: www.ndus.nodak.edu