

2009 HOUSE EDUCATION

HB 1507

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1507

House Education Committee

☐ Check here for Conference Committee

Hearing Date: February 4, 2009

Recorder Job Number: 8567

Committee Clerk Signature

Carmen Hart

Minutes:

Rep. Louise Potter, District 17, appeared in support of HB 1507. A couple of constituents from Grand Forks brought this to her attention. They missed the rivalry of the football game between UND and NDSU. This hasn't happened since the changing of divisions. People do not think there would be a problem playing this game even with the different divisions. We are not the first legislative group to have this come before the body. It is not unheard of to have two instate rivalries. Some states that do are Florida, Ohio, Michigan, Georgia, and Colorado. We have alumni from both institutions living throughout the state in small rural towns. From the folks she had talked to from the small rural towns, they are always up to going to Grand Forks, Fargo, or Bismarck for something fun to do. Possible amendments have been given to Chairman Kelsch which do amend it some to make it more tolerable for anybody that might be opposed to it. When asked by Rep. Hunsakor about what the win-loss record was, she said she was sure the Sioux must be ahead.

Chairman Kelsch: Is the Allerus Center a big enough venue for an event like a NDSU-UND football game?

Rep. Potter: I think that it should be.

Rep. Phillip Mueller: What happened in those states you mentioned where this type of thing went before the legislature?

Rep. Phillip Mueller: I can't say that in each one of those states that there was the measure brought to the legislature. In several of the cases that it did come before the legislature I can't say it was passed in every instance.

Rep. Lyle Hanson: South Dakota State and South Dakota University have the same situation. Do you know if they play?

Rep. Potter: I don't know.

Rep. Lyle Hanson: NDSU and South Dakota State went Division I prior to UND and South Dakota University going Division I.

Vice Chair Lisa Meier: How many years ago did the universities change divisions?

Rep. Potter: Five or six years ago.

Rep. Glassheim, District 18, Grand Forks, appeared in support. The purpose of the bill was to start a discussion and try to provoke the resumption of the long rivalry which he understood was the longest running rivalry in Division II. It is probably close to 100 years. Reactions he received were that people didn't think it should be mandated in law and everybody wants to see the game happen. The Allerus Center holds about 12,000.

Rep. Phillip Mueller: Was there any reference to the rationale or reasoning behind what the athletic directors are currently doing in not playing the game? Are there some things that have to do with the rules of moving into Division I that prevented them from playing that football game?

Rep. Glassheim: There were discussions about the variety of reasons why it hasn't resumed all the way from the best of reasons to some not so good. My understanding at this point is that it is possible to be done. It is a question of getting together, getting scheduling, and it may not be able to be done this year or next year but within a reasonable time frame.

Chairman Kelsch: It is also my understanding that the teams go to play other games like UND playing Texas. They receive quite a bit of money to play those teams, but when the gate for playing UND or NDSU, it is my understanding that they don't get the money.

Rep. Glassheim: They are supported by state money.

Rep. Bob Hunsakor: Do you see a problem with a precedent being set?

Rep. Glassheim: Again, certainly taking the mandates out of that would help it not be that kind of precedent. In the future if there were similar kinds of expressions of support from the legislature, probably the best way to go would be a resolution. It was too late for us to do that once the bill was introduced so the amendments make it much less precedent.

Rep. Corey Mock, District 42, Entirety of UND Campus, appeared in support of the concept of HB 1507. At two of three forums in his district this was a major issue. This has been attempted in other states. The state of Iowa attempted it in the mid 90s and it failed. The state of North Carolina attempted to have two teams play a third team on an annual basis and that was laid on the table. The state of Kentucky introduced the bill and it was killed. It was killed by the same legislators that introduced the bill because it heard so much support and debate that both athletic directors came together and said they would rather not see it in statue. If that is what they want, we will play and they started a rivalry. There is rumor that Florida has a resolution on the books that requires that Florida and Florida State play but no one from either team seems to be willing to admit that it is a resolution that keeps the rivalry going. Hence, it seems to be the dominant team that says we just play because we like winning. The UND-NDSU rivalry does stem back to 1894. It is 110 games old. It is one of the oldest games and rivalries in college football. That is what North Dakota has to be proud of. These are our two largest state institutions that receive a lot of taxpayer money, and the taxpayers certainly seem to enjoy having this competition continue. He responded to Rep. Hunsakor's concern saying is

this kind of like a Class A versus a Class B team. It is more like having two Class A teams, one from the East and one from the West as UND is Division I. That is no longer a concern now that UND is making that transition to Division I. NDSU has played Minnesota twice. That is an incentive for the money because of the sub conference that UND and NDSU would be in. A larger conference such as the Big 10, they are allowed by NCAA guidelines to play one sub conference team every year. It is a benefit because the Big 10 school sees it as a easy win and the sub conference team sees it as a chance to make some money. That is limited to one game a year and, therefore, would not be an issue with UND and NDSU.

Rep. Jerry Kelsh: I heard two testimonies. It might have been a resolution if the timing would have been right. You said it really shouldn't be a mandate and not in century code. I am wondering with the amendments even if passed and would be in century code not doing

anything, why hasn't somebody proposed then a fast track resolution like one that was on the floor the other day? It would have the same effect. It would probably pass in a couple days encouraging those two schools to get together. Do you feel the issue is worthy of a spot in century code even with the amendment?

Rep. Corey Mock: The reason why the resolution has not been fast tracked is because the hearing was already scheduled.

Rep. Karen Karls: Did I hear you say that budgets were slashed and moved to athletics?

Rep. Corey Mock: Many budgets were reduced in academic fields. As to whether all that was sent to athletics, I cannot speak to that. In the tightening of the budgets across the board, every academic department was asked to reduce by approximately two percent. I do believe that was to make wave for the expansion of scholarships that would be offered as we complete the Division I transition.

Chairman Kelsch: We had hearings regarding NDSU going to Division I. They were held here because the big concern was who was going to suffer—would there be that tug and pull for money—and if by going to Division I would that mean that the campuses would be coming and asking for more money that would ultimately be put toward scholarships. Do you have the win-loss record?

Rep. Corey Mock: I don't have the specific number but I know that it is in the low 60s to upper 30s win loss ratio with a couple times favoring UND.

Chairman Kelsch: Where are the Fargo representatives on these bills?

Rep. Corey Mock: The Fargo representative was reluctant to come up and stand in full support of this bill as a result of conversation that he had with some members of his campus.

Chairman Kelsch: Do you know approximately how much money the campuses received for going to those football games, playing the one Big 10 team?

Rep. Corey Mock: Six figures.

Opposition

Keith Bjerke, Vice President of North Dakota State University, appeared in opposition to HB 1507. Maybe this is the wrong venue to have such a discussion. This is not a matter of if, it is a matter of when. There will be another game between NDSU and UND. He thinks that it is the venue of the athletic directors of those two institutions to do something. The two presidents of both institutions are close personal friends. This is a very positive thing for both institutions. There is background discussion taking place at the athletic director level. He didn't think there has been a request at this point to bring the two to the tables, and maybe this will make that actually happen. He addressed the two percent. There is not one dollar going from the classroom to the football field. There is no academic money going to athletics, and there won't be. There are some staff employees in the athletic department that are state

employees, not many but some. Those are part of the state personnel system and like other state personnel folks, they are paid through our normal payroll and are eligible for the benefits accrued to state employees. Coaches are not. Athletics is a separate organization. Our team makers has increased its contribution each and every year, setting records each and every year. The outside supporter for the program has been rewarding and overwhelming. You mentioned the reward for playing out of state big name teams. That, too, is money that goes directly into the athletic fund and assists that. He asked that they move on to other things of greater importance.

Rep. Phillip Mueller: Can you explain why we stopped playing football with the two institutions?

Keith Bjerke: In our transition year we asked to continue the series and were turned down. The basic reason is that it had an impact on their Division II playoff eligibility. We didn't start out on a positive venue.

Rep. Lyle Hanson: Some Division I schools are operating in the red. Is NDSU in the red or black in athletics?

Keith Bjerke: We are in the black, not by a lot. You mentioned how important scholarships are. They are. We also know the importance to students the cost of tuition. It is incredibly important for all of us to maintain the lowest tuition possible. Nobody cares more about that than athletics because in direct proportion of the increase in tuition goes the increase in scholarships. If you raise tuition one or two percent, that is the same percent raise in your scholarship bill.

Rep. Bob Hunsakor: Athletic budgets have to be increased by a large amount to go into a higher division. Has that doubled or 1 ½ times as much? Can you give us a ballpark figure?

Keith Bjerke: I would be making it up. It has more than doubled. It is very expensive.

Chairman Kelsch: You promised when you stood in front of us that the team makers would step up to the plate and I think they have more than done that. I think they have far exceeded what your expectations were at that time.

Rep. Mike Schatz: How much money does a NDSU/UND game make? Which sports are profitable?

Keith Bjerke: Those that make the most money—I hesitate to say profitable. We have been fortunate to fill the dome. That's a profit. Football is the largest venue. The last few men's basketball games have been attracting big numbers. They are in the Bison Sports Arena—100% of the ticket revenue comes to the athletic circle. Track, wrestling, men's baseball, women's softball has great fans, and great small clusters of support, but it is clearly subsidized by the money from football and basketball. That is not unique to NDSU and North Dakota.

That is a national phenomenon that takes place. We are so proud of all our athletes. Their athletic and academic achievements have led the standard for NDSU. Over 300 athletes have a 3.0+ gpa.

Rep. Corey Mock: Has NDSU taken a position on whether they would make the game an annual game?

Keith Bjerke: I don't believe so. I believe it will depend upon the athletic director. It may not be a NDSU decision. This very well could be the two athletic directors. We can't underestimate the importance of a \$300,000 or \$500,000 reward for those teams. That pays a lot of scholarships.

Rep. Corey Mock: How many football games do you play and how many are not receiving the \$300,000 or \$500,000 reward?

Keith Bjerke: You are not going to get the University of Minnesota to play at Fargo. Sixty thousand people show up for those games, and our max is 19,000 so you can understand why they are not going to come. That is where the stipend comes in and you go there.

Rep. Corey Mock: How many conference and non conference games do you have each year?

Keith Bjerke: Each year is a little different. Next year we are probably 11. I think it is 5 and 6 next year that we are hoping for—6 home and 5 away. I think the max is 12. We probably have two games or so that are not conference lined up.

Joe Heilman, Student Body President, NDSU, appeared in opposition. He really appreciated the intent, and he thought the students of NDSU do too about starting a dialog. It might be important to realize that his generation of students that have gone through NDSU and probably the bulk of who he represents have never had this in their experience. It would be a novelty to have, but he doesn't think that this is the venue for this discussion to take place. He has personal communications with the student body president of UND and knows that both presidents and student body presidents of both universities do not support this in any form. If the goal of this is to start a discussion, it is done. They are talking.

Rep. Lyle Hanson: You are talking about scheduling problems with football. How about the rest of the athletics?

Joe Heilman: I don't know. I can't speak to that. What it sounds like they probably will in the future.

Chairman Kelsch: I think what truly will come out of this regardless whether the bill is successful or not, this does become part of permanent record. It does show that the intent was there. It does show the discussion was had at a very high level at the state. In my mind when you have a permanent record like that, I think it is incumbent that the conversation does

happen. Whether the outcome is that it's what some of us would probably like it to be, that is to be seen. I do think that when the legislature considers something like this—the people that introduced the bill were serious about it—so we are hoping that the two campuses will take it seriously and someday we will have that rivalry back again.

Joe Heilman: I know that they do. It is just a question of what is the right time for us.

Chairman Kelsch: There are a lot of intricacies that we don't understand. There are a lot of things that go into the planning and scheduling and also some of the rules of Division I. I think we probably have a better understanding than we did before the hearing started.

The hearing was closed.

2009 HOUSE STANDING COMMITTEE MINUTES

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House Education Committee

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Hearing Date: February 4, 2009

Recorder Job Number: 8619

Committee Clerk Signature

Carmen Hart

Minutes:

The attached amendments were handed out.

Rep. Corey Mock moved the acceptance of the proposed amendments. **Rep. Jerry Kelsh** seconded the motion. **90901.0101 amended.** These basically make a recommendation.

Voice vote taken. All in favor.

Vice Chair Lisa Meier made a motion for a **Do Not Pass as Amended** on HB 1507. **Rep. David Rust** seconded the motion.

DO NOT PASS, 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

Rep. Mike Schatz is the carrier of the bill.

VR
2/4/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1507

Page 1, line 2, replace "requiring" with "encouraging"

Page 1, line 7, remove "required" and replace "The" with "To promote national recognition and statewide enthusiasm, the legislative assembly encourages the"

Page 1, line 8, replace "shall schedule" with "to resume one of the greatest and oldest collegiate football rivalries"

Page 1, line 10, remove "to be"

Renumber accordingly

Date: 2-4-09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1507

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 9090 L.0101

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunsakor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

Total (Yes) 13 No 0

Absent 1

Floor Assignment _____

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

Date: 2-4-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1507

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90901.0101

Action Taken ☐ Do Pass ☒ Do Not Pass ☒ Amended

Motion Made By Rep Meier Seconded By Rep Rust

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller	✓		Rep. Jerry Kelsch	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock		✓
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep Schatz

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

REPORT OF STANDING COMMITTEE

HB 1507: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1507 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "requiring" with "encouraging"

Page 1, line 7, remove "**required**" and replace "The" with "To promote national recognition and statewide enthusiasm, the legislative assembly encourages the"

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Renumber accordingly