

HOUSE BILL NO. 1447

Introduced by

Representatives Bellew, Dahl, Dosch, Ruby

Senator Miller

1 A BILL for an Act to amend and reenact sections 15-10-17 and 15-10-18 of the North Dakota
2 Century Code, relating to the determination of tuition for institutions of higher education.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15-10-17 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15-10-17. Specific powers and duties of the state board of higher education.** The
7 state board of higher education has all the powers and shall perform all the duties necessary to
8 the control and management of the institutions described in this chapter. In addition to the
9 powers and duties specified in section 6 of article VIII of the Constitution of North Dakota, the
10 board may:

- 11 1. a. Appoint and remove the president or other faculty head, and the professors,
12 instructors, teachers, officers, and other employees of the ~~several~~ institutions
13 under its control, ~~and to~~ fix their salaries within the limits of legislative
14 appropriations ~~therefor, and to~~, fix the terms of office and ~~to~~ prescribe ~~the~~
15 duties ~~thereof~~, provided that the consideration of the appointment or removal
16 of any ~~such~~ personnel ~~shall~~ must be in executive session if the board chooses
17 unless the individual involved requests that the meeting be open to other
18 individuals or to the public.
- 19 b. Appoint and remove the commissioner of higher education, fix the
20 commissioner's salary within the limits of legislative appropriations, and
21 prescribe the commissioner's duties.
- 22 c. Appoint and remove all university system office personnel, fix their salaries
23 within the limits of legislative appropriations, fix their terms of office, and
24 prescribe their duties.

- 1 2. Authorize the employment of law enforcement officers having concurrent
- 2 jurisdiction with other law enforcement officers to enforce laws and regulations at
- 3 its institutions.
- 4 3. ~~Set~~ Charge tuition and fees established by the legislative assembly.
- 5 4. a. Establish a retirement program as an alternative to chapter 15-39.1 for
- 6 university system employees subject to the following guidelines:
- 7 (1) Benefits under the program must be provided through annuity contracts
- 8 purchased by the board but which become the property of the
- 9 participants;
- 10 (2) The cost of the annuity contracts must be defrayed by contributions
- 11 made pursuant to rules of the state board of higher education;
- 12 (3) Eligible employees appointed before July 1, 1973, shall participate in
- 13 the alternate retirement program only by their individual election. When
- 14 the electing eligible employee is a member of the teachers' fund for
- 15 retirement, the employee's assessments and employer's contributions
- 16 together with interest credited at the current rate for one-year
- 17 certificates then being paid by the Bank of North Dakota must be
- 18 transferred to the employee's account in the alternate program. The
- 19 election must be made before July 1, 1980, and shall relinquish all
- 20 rights the eligible employee or the employee's beneficiary may have to
- 21 benefits provided in chapters 15-39 and 15-39.2; and
- 22 (4) Employees of the university system who are members of the public
- 23 employees retirement system and who become entitled to participate in
- 24 the alternate retirement program are entitled to a special annuity
- 25 purchase in the alternate retirement program in accordance with this
- 26 subdivision. An eligible employee who consents to have that
- 27 employee's contribution included is entitled to have that employee's
- 28 contribution and employer's contribution, with interest, in the public
- 29 employees retirement system fund, used by the retirement board of the
- 30 public employees retirement system to purchase for that employee an
- 31 annuity in the alternate retirement program in lieu of any other rights

1 under the public employees retirement fund. However, before the
2 employer's contribution may be used for an annuity purchase, the
3 employee's combined years of service with the public employees
4 retirement system and the alternate retirement program must equal or
5 exceed the years of service necessary to be eligible for retirement
6 benefits under the public employees retirement system. An employee
7 who transferred from the public employees retirement system before
8 March 30, 1987, and who received a refund of that employee's
9 contribution is entitled to have the employer's contribution, with interest,
10 used to purchase an annuity even if that employee did not purchase an
11 annuity in the alternate employee program with the employee's
12 contribution. If an employee makes the election allowed under this
13 subdivision, that employee relinquishes all rights the employee or any
14 of the employee's beneficiaries may have had to benefits provided
15 under chapter 54-52.

16 b. Provide for the administration of the alternate retirement program and
17 establish rules for the program consistent with this subsection. This
18 subsection does not derogate any existing retirement programs approved by
19 the board.

20 5. Determine policy for purchasing by the university system in coordination with the
21 office of management and budget as provided by law.

22 6. Establish by rule an early retirement program for faculty and officers of the board
23 as defined by the board. The limitations on severance pay pursuant to section
24 54-14-04.3 and on requiring the employee to pay contributions to continue on the
25 state uniform group insurance program upon retirement or upon termination of
26 employment pursuant to section 54-52.1-03 do not apply to the early retirement
27 program.

28 7. Adopt rules to protect the confidentiality of student records, medical records, and,
29 consistent with section 44-04-18.4, trade secret, proprietary, commercial, and
30 financial information.

1 8. Authorize and encourage university system entities to enter into partnerships,
2 limited liability companies, joint ventures, or other contractual arrangements with
3 private business and industry for the purpose of business or industrial development
4 or fostering basic and applied research or technology transfer.

5 9. Adopt rules promoting research, encouraging development of intellectual property
6 and other inventions and discoveries by university system employees, and
7 protecting and marketing the inventions and discoveries. The rules must govern
8 ownership or transfer of ownership rights and distribution of income that may be
9 derived from an invention or discovery resulting from research or employment in
10 the university system. The rules may provide for transfer of ownership rights or
11 distribution of income to a private, nonprofit entity created for the support of the
12 university system or one of its institutions.

13 **SECTION 2. AMENDMENT.** Section 15-10-18 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15-10-18. Tuition of nonresidents at schools under control of state board of**
16 **higher education.** At all state institutions of higher education, tuition must be charged and
17 collected from each nonresident student in ~~such~~ the amount ~~as must be determined by the~~
18 ~~state board of higher education~~ established by the legislative assembly.