

STATE BOARD OF HIGHER EDUCATION  
Minutes - January 30, 1997

The State Board of Higher Education met January 30, 1997 via a telephone conference call at 4:30 P.M. Present on the call were:

Cynthia Kaldor, President	Jack Hoeven
Paul Ebeltoft, V. Pres.	Beverly Clayburgh
Patricia Hill	Kari Odermann, Student Member
Joe Peltier	Kay Fulp, Faculty Rep.
Jeanette Satrom	

Staff participating in the call were:

Larry A. Isaak, Chancellor  
Michel Hillman, Vice Chancellor for Academic Affairs  
Laura Glatt, Vice Chancellor for Administrative Affairs  
H. P. Seaworth, General Counsel & Executive Secretary  
Stacy Herron, Director of Communications  
Carol Asplund, Administrative Officer

The purpose of the meeting was to review legislation pertaining to higher education being considered by the Fifty-fifth Legislative Assembly. Mr. Seaworth reviewed bills added since the Board acted on legislation listed in the January 16, 1997 minutes.

**HB 1034** - Regulation of state information technology systems.

Amendments to HB 1034 establish an information technology division within the Legislative Council which make the University System subject to regulation by that division. Chancellor Isaak testified in opposition to the amendments, however he is supportive of coordination and planning and is working on amendments to provide a coordinated mechanism for statewide planning and technology that would involve the Legislative Branch, the Information Services Division, the Judicial System, the University System, and the political subdivisions.

**It was moved** by Mr. Ebeltoft that the Board opposes the amendments to **HB 1034** presented January 24 but encourages the Chancellor to work closely with the Legislative and Executive Branches to develop legislation which provides for coordinated planning across state government for technology. Mrs. Clayburgh seconded the motion. Mrs. Hill, Mr. Ebeltoft, Mr. Peltier, Mrs. Satrom, Mr. Hoeven, Mrs. Clayburgh, Ms. Odermann, and Mrs. Kaldor voted aye. The motion carried.

**HB 1169** - Permits American sign language as an elective at state colleges.

HB 1169 passed the House. The Cabinet recommended opposing this bill because it is

unnecessary since several institutions already offer sign language; and further because the Constitution gives the Board the authority to determine what courses are offered and whether they are offered as electives or required courses.

**It was moved** by Mr. Peltier that the Board oppose **HB 1169**. Mr. Ebeltoft seconded the motion. Mrs. Hill, Mr. Ebeltoft, Mr. Peltier, Mrs. Satrom, Mr. Hoeven, Mrs. Clayburgh, Ms. Odermann, and Mrs. Kaldor voted aye. The motion carried.

Mr. Seaworth reviewed the Cabinet's recommendation and the Board discussed the House bills listed below.

- ?HB 1360 Increases lodging reimbursement.
- ?HB 1378 Creates independent personnel board.
- \*HB 1381 Transfer of Delta Upsilon property at UND.
- ?HB 1400 Raises state minimum wage & requires inflationary increases.
- \*HB 1406 \$3 million appropriation for NDUS employee retirement plans.
- ?HB 1411 Provides 50% tuition waiver for NDUS employees' spouses & children.
- \*HB 1414 Increases architect bid threshold to \$100,000 for some projects.
- \*HB 1421 Removes bond requirement for project under \$50,000.
- ?HB 1427 Membership of agriculture consultation board & allocation of ag research.
- ?HB 1429 Creates commission to study seamless education.
- #HB 1445 Restricts use of architect or engineer as construction manager.
- ?HB 1454 Children of alumni are residents for tuition purposes.
- #HB 1458 Prohibits OBE in NDUS teacher education curriculum.
- #HB 1462 Limits state employee testimony and agency bill introduction.

? The Cabinet takes no position.

# The Cabinet recommends opposing.

\* The Cabinet recommends supporting.

**It was moved** by Mr. Ebeltoft that the Board adopt the recommendations of the Cabinet except HB 1411 and HB 1454 and that the Board track HB 1427 and HB 1429 to further clarify and interpret the intent of the bills. Mr. Ebeltoft further moved that the Board be apprised as the intentions of HB 1427 and HB 1429 become clear and that the Board have an opportunity to take a position on these bills. Mrs. Hill seconded the motion. Mrs. Hill, Mr. Ebeltoft, Mrs. Satrom, Mr. Hoeven, Mrs. Clayburgh, Ms. Odermann, and Mrs. Kaldor voted aye. Mr. Peltier was disconnected from the conference call and did not vote on the motion. The motion carried.

The Board considered **HB 1411** and **HB 1454**. Mrs. Glatt stated that it is difficult to project the tuition revenue on HB 1454 which could be from zero to \$2 million additional. She estimates the fiscal impact of the HB 1411 at \$1 million to \$1.5 million loss of revenue over a biennium. Mr. Ebeltoft said he opposes both HB 1411 and HB 1454 for the reason that a 50% tuition waiver for dependents of employees is an unequal and unfair distribution of benefits to people who have children who are college age. He would rather have employees receive a salary

increase. **It was moved** by Mr. Ebeltoft that the Board oppose **HB 1411** and **HB 1454**. Mrs. Hill seconded the motion. Mrs. Kaldor relinquished the chair to Mr. Ebeltoft and **moved** that Board act on each bill separately. Mr. Hoeven seconded the motion. Mrs. Hill, Mr. Ebeltoft, Mrs. Satrom, Mr. Hoeven, Mrs. Clayburgh, Ms. Odermann, and Mrs. Kaldor voted aye. Mr. Peltier was absent. The motion carried.

The Board considered **HB 1454**. Mrs. Hill, Mr. Ebeltoft, Mrs. Satrom, Mr. Hoeven, Mrs. Clayburgh, Ms. Odermann, and Mrs. Kaldor voted aye to oppose **HB 1454**. Mr. Peltier was absent. The motion carried.

The Board considered **HB 1411**. Mrs. Kaldor and Mrs. Fulp spoke in favor of the bill as a benefit to a number of employees and as a recruitment and retention tool. The Cabinet recommended support of the bill if additional funds are appropriated by the Legislature to cover revenue lost to the institutions. Mr. Ebeltoft said it was not good policy to grant 50% tuition waivers only to dependents of University System employees. Mrs. Hill opposes the bill because it diverts attention away from the salary issue. Mr. Ebeltoft, Mrs. Hill, Mrs. Satrom, Mr. Hoeven, and Mrs. Clayburgh voted aye on Mr. Ebeltoft's motion to oppose **HB 1411**. Ms. Odermann and Mrs. Kaldor voted no. Mr. Peltier was absent. The motion carried.

Mr. Seaworth reviewed the Cabinet's recommendations and the Board discussed the Senate bills listed below.

- ?SB 2138 Moves employee compensation commission to central personnel.
- ?SB 2166 Prepaid tuition payment program.
- \*SB 2187 Permits employees one phone call home per day when traveling.
- ?SB 2227 Raises state minimum wage & requires inflationary increases.
- ?SB 2228 Amendments to open records & open meetings laws.
- #SB 2247 Mandates credit transfer between NDUS institutions. (Failed in Senate 1/30)
- ?SB 2312 Moves deadline for award of scholars program grants to January.
- ?SB 2329 Appropriation for payments to state tribal colleges for non-Indians.

?The Cabinet takes no position.

#The Cabinet recommends opposing.

\*The Cabinet recommends supporting.

**It was moved** by Mr. Ebeltoft, seconded by Mrs. Satrom to adopt the Cabinet's recommendations on the Senate bills listed above, except SB 2187 on which the Board takes no position. Mrs. Hill, Mr. Ebeltoft, Mrs. Satrom, Mr. Hoeven, Mrs. Clayburgh, Ms. Odermann, and Mrs. Kaldor voted aye. Mr. Peltier was absent. The motion carried.

**SCR 4010** Removes the names, missions and locations from state constitution.

Mr. Seaworth advised that SCR 4010 passed the Senate earlier in the day. **It was moved** by Mr. Ebeltoft that the Board adopt the position in favor of **SCR 4010**. Mr. Hoeven seconded

the motion. Mrs. Kaldor and Mrs. Satrom spoke against the motion stating that a favorable vote would be interpreted as a message to close institutions. Mrs. Hill spoke in favor of the Resolution stating that it was a recommendation of the Bush Panel to “resolve the issue of constitutional status of institutions through the elective process.” If passed, the resolution in its current form would be on the November 1998 ballot. Mrs. Clayburgh, Mr. Hoeven, Mr. Ebeltoft, Mrs. Hill, Ms. Odermann voted aye. Mrs. Satrom and Mrs. Kaldor voted no. Mr. Peltier was absent. The motion carried.

**SCR 4028** Amends the constitution to permit a single appropriation to the Board.

Mr. Seaworth explained SCR 4028 is not necessary since the constitution provides the Legislature with authority to appropriate funding, including guidelines for allocation to the institutions. The System staff will continue to monitor this bill.

**SCR 3024** Eliminates the State Board of Higher Education.

**It was moved** by Mr. Ebeltoft that the Board oppose **SCR 3024**. Mrs. Clayburgh seconded the motion. Mrs. Hill, Mr. Ebeltoft, Mrs. Satrom, Mr. Hoeven, Mrs. Clayburgh, Ms. Odermann, and Mrs. Kaldor voted aye. Mr. Peltier was absent. The motion carried.

The conference call concluded at 6:30 P.M. The next meeting of the State Board of Higher Education is February 20-21, 1997 at Bismarck State College.