

Fifty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2042

Introduced by

Legislative Council

(Higher Education Committee)

1 A BILL for an Act to amend and reenact sections 15-10-17, 15-11-15, 15-11-32, 15-11-35,  
2 15-11-36, and 15-12-22 of the North Dakota Century Code, relating to the powers and duties of  
3 the state board of higher education, state mineral tests, the child welfare research bureau, the  
4 fetal alcohol syndrome center, and the economic feasibility institute; and to repeal sections  
5 15-10-14, 15-10-15, 15-10-25, 15-11-03, 15-11-19, 15-11-27, 15-11-28, 15-11-34, 15-11-37,  
6 15-12-03, 15-12-04, and 15-13-04 and chapters 15-62.3 and 47-28 of the North Dakota  
7 Century Code, relating to university system faculty, accounts and records, budget requests,  
8 expenditure abstracts, patents, university presidents, the university law library, the university  
9 radio station, hockey admission receipts, gifts and grants, and the tuition assistance grant  
10 program.

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

12 **SECTION 1. AMENDMENT.** Section 15-10-17 of the 1999 Supplement to the North  
13 Dakota Century Code is amended and reenacted as follows:

14 **15-10-17. Specific powers and duties of the state board of higher education.** The  
15 state board of higher education has all the powers and shall perform all the duties necessary to  
16 the control and management of the institutions described in this chapter, ~~including.~~ In addition  
17 to the powers and duties specified in section 6 of article VIII of the Constitution of North Dakota,  
18 the board may:

19 1. ~~To appoint~~ Appoint and remove the president or other faculty head, and the  
20 professors, instructors, teachers, officers, and other employees of the several  
21 institutions under its control, and to fix their salaries within the limits of legislative  
22 appropriations therefor, and to fix the terms of office and to prescribe the duties  
23 thereof, provided that the consideration of the appointment or removal of any such  
24 personnel shall be in executive session if the board chooses unless the ~~person or~~

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- 1            ~~persons~~ individual involved ~~request~~ requests that the meeting ~~shall~~ be open to  
2            other ~~persons or~~ individuals or to the public.
- 3            2. ~~To control the grounds, buildings, and all other property of such institutions,~~  
4            ~~regulate the conduct of students, staff, faculty, and visitors, and authorize~~  
5            Authorize the employment of law enforcement officers, ~~with~~ having concurrent  
6            jurisdiction with other law enforcement officers to enforce laws and regulations at  
7            its institutions.
- 8            3. ~~To adopt rules and regulations for the government of each of the institutions and of~~  
9            ~~all their departments and branches.~~
- 10          4. ~~To determine the qualifications of applicants for admission to the various courses~~  
11          ~~of instruction, to prescribe by rule criteria for the admission of students, and to~~  
12          ~~ensure that the criteria for admission are applied to all applicants in a uniform and~~  
13          ~~nondiscriminatory manner, regardless of the school or educational setting from~~  
14          ~~which an applicant obtained a high school diploma or its equivalent. No~~  
15          ~~instruction, either sectarian in religion or partisan in politics, shall ever be allowed~~  
16          ~~in any department of such institutions, and no sectarian or partisan test shall ever~~  
17          ~~be allowed or exercised in the election of professors, teachers, or other officers of~~  
18          ~~the institutions, or in the admission of students, or for any other purpose.~~
- 19          5. ~~To prescribe courses of instruction and to confer such degrees and grant such~~  
20          ~~certificates or diplomas for the work done as are usual or appropriate in similar~~  
21          ~~institutions.~~
- 22          6. ~~To delegate to institution officers and faculty the power to suspend or expel~~  
23          ~~students for misconduct or for other causes prescribed in such bylaws.~~
- 24          7. ~~To provide for the needs and proper development of each institution in harmony~~  
25          ~~with the best interests of the people of the state, and to improve higher and~~  
26          ~~technical education in the state.~~
- 27          8. ~~To coordinate and correlate the work in the different institutions to prevent wasteful~~  
28          ~~duplication and to develop cooperation among the institutions.~~
- 29          9. ~~To fix~~ Set tuition and fees.
- 30          10. ~~To make recommendations in regard to needed legislation for the institutions~~  
31          ~~under its control.~~

1     ~~11.~~ 4. a.   ~~To establish~~ Establish a retirement program as an alternative to chapter  
2                                    15-39.1 for university system employees ~~of institutions under its control~~  
3                                    subject to the following guidelines:

4                    a.   (1)   Benefits under the program must be provided through annuity contracts  
5                                    purchased by the board but which become the property of the  
6                                    participants;

7                    b.   (2)   The cost of the annuity contracts must be defrayed by contributions  
8                                    made pursuant to rules of the state board of higher education;

9                    c.   (3)   Eligible employees appointed before July 1, 1973, shall participate in  
10                                  the alternate retirement program only by their individual election. When  
11                                  the electing eligible employee is a member of the teachers' fund for  
12                                  retirement, the employee's assessments and employer's contributions  
13                                  together with interest credited at the current rate for one-year  
14                                  certificates then being paid by the Bank of North Dakota must be  
15                                  transferred to the employee's account in the alternate program. The  
16                                  election must be made before July 1, 1980, and shall relinquish all  
17                                  rights the eligible employee or the employee's beneficiary may have to  
18                                  benefits provided in chapters 15-39 and 15-39.2; and

19                  d.   (4)   Employees of ~~institutions under the control of the state board of higher~~  
20                                  ~~education~~ the university system who are members of the public  
21                                  employees retirement system and who become entitled to participate in  
22                                  the alternate retirement program are entitled to a special annuity  
23                                  purchase in the alternate retirement program in accordance with this  
24                                  subdivision. An eligible employee who consents to have that  
25                                  employee's contribution included is entitled to have that employee's  
26                                  contribution and employer's contribution, with interest, in the public  
27                                  employees retirement system fund, used by the retirement board of the  
28                                  public employees retirement system to purchase for that employee an  
29                                  annuity in the alternate retirement program in lieu of any other rights  
30                                  under the public employees retirement fund. However, before the  
31                                  employer's contribution may be used for an annuity purchase, the

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

14 ~~b. The board shall provide~~ Provide for the administration of the alternate  
15 retirement program and establish rules for the program consistent with this  
16 subsection. This subsection does not derogate any existing retirement  
17 programs approved by the board.

18 ~~42. 5. To determine~~ Determine policy for purchasing by the ~~institutions of higher~~  
19 ~~education~~ university system in coordination with the office of management and  
20 budget as provided by law.

21 ~~43. 6. To establish~~ Establish by rule an early retirement program for faculty and officers  
22 of the board as defined by the board. The limitations on severance pay pursuant  
23 to section 54-14-04.3 and on requiring the employee to pay contributions to  
24 continue on the state uniform group insurance program upon retirement or upon  
25 termination of employment pursuant to section 54-52.1-03 ~~shall do~~ not apply to the  
26 early retirement program.

27 ~~44. 7. To adopt~~ Adopt rules to protect the confidentiality of student records, medical  
28 records, and, consistent with section 44-04-18.4, trade secret, proprietary,  
29 commercial, and financial information.

30 ~~45. 8. To authorize~~ Authorize and encourage ~~institutions of higher education under its~~  
31 ~~control~~ university system entities to enter into partnerships, limited liability

1 companies, joint ventures, or other contractual arrangements with private business  
2 and industry for the purpose of business or industrial development or fostering  
3 basic and applied research or technology transfer.

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

12 **SECTION 2. AMENDMENT.** Section 15-11-15 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **15-11-15. Tests of state mineral and other resources - Duty of state board of**  
15 **higher education - Bulletins published.** The state board of higher education shall provide at  
16 the university of North Dakota suitable means for experimentation and practical testing of the  
17 mineral and other allied resources of the state in order to demonstrate their fitness for mining  
18 and manufacturing industries. ~~The dean of the school of mines shall make, or cause to be~~  
19 ~~made, as rapidly as may be, exhaustive and practical tests of all mineral and allied resources of~~  
20 ~~the state. Investigations and practical tests must be made to obtain a cheap and efficient~~  
21 ~~method of lignite coal briquetting and to show, by actual tests, the best methods of burning~~  
22 ~~lignite, to determine the possibility of utilizing lignite as a gas producing material and for power~~  
23 ~~and lighting, to determine the value of sandstones and other stones for building material, to test~~  
24 ~~clays for tableware, earthenware, stoneware, sewer pipe, and other products, and to make~~  
25 ~~practical tests of other resources as opportunity is afforded. Bulletins may be published from~~  
26 ~~time to time by the school of mines announcing the progress and results of all tests and~~  
27 ~~investigations and giving as much aid as possible relative to the best methods of mining,~~  
28 ~~handling, treating, and manufacturing the various mineral products of the state. A biennial~~  
29 ~~report must be issued.~~

30 **SECTION 3. AMENDMENT.** Section 15-11-32 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **15-11-32. Child welfare research bureau - Establishment - Director.**

- 2           ~~4.~~ A child welfare research bureau is hereby established ~~to~~. The bureau must be  
3           administered and funded by and in conjunction with the university of North Dakota.  
4           ~~2.~~ A The university shall appoint a director ~~must be appointed by the university.~~ The  
5           director ~~shall manage the bureau, hire necessary personnel, and prepare a~~  
6           biennial budget. ~~The university shall fix the salaries of the director and bureau~~  
7           personnel, and may remove the director for cause.

8           **SECTION 4. AMENDMENT.** Section 15-11-35 of the 1999 Supplement to the North  
9           Dakota Century Code is amended and reenacted as follows:

10           **15-11-35. Fetal alcohol syndrome center established.**

- 11           ~~1.~~ There is established ~~in the department of neuroscience~~ at the university of North  
12           Dakota school of medicine a fetal alcohol syndrome center.  
13           ~~2.~~ The state board of higher education shall appoint a ~~person from the department of~~  
14           ~~neuroscience~~ as director of the fetal alcohol syndrome program ~~and that person.~~  
15           The director shall prepare an annual report on the status of fetal alcohol syndrome  
16           in North Dakota.  
17           ~~3.~~ The fetal alcohol syndrome center shall develop prevention activities in groups that  
18           are at high risk for fetal alcohol syndrome. The center may enlist the aid of other  
19           agencies, persons, or organizations in its activities.  
20           ~~4.~~ The responsibilities of the fetal alcohol syndrome program include:  
21           ~~4.~~ ~~a.~~ To develop Developing incidence and prevalence data on fetal alcohol  
22           syndrome in this state.  
23           ~~2.~~ ~~b.~~ To conduct Conducting research on prevention and management of fetal  
24           alcohol syndrome and maternal alcohol ingestion during pregnancy.  
25           ~~3.~~ ~~c.~~ To develop Developing a center for the evaluation of children with fetal  
26           alcohol syndrome from this state in cooperation with the child evaluation and  
27           treatment program at the ~~medical center rehabilitation hospital at the~~  
28           university of North Dakota medical center and ~~to operate~~ operating followup  
29           clinics as funding allows.  
30           ~~4.~~ ~~d.~~ To provide Providing consultation and training across the state on fetal  
31           alcohol syndrome.

1           5. ~~e. To conduct~~ Conducting other activities as may be directed by a state fetal  
2    alcohol syndrome task force.

3           5. The fetal alcohol syndrome center shall coordinate a study of the prevalence of  
4    fetal alcohol syndrome in school-age children in this state. The study must review  
5    the prevalence of fetal alcohol syndrome in both rural and urban North Dakota  
6    communities, including North Dakota Indian reservations.

7           **SECTION 5. AMENDMENT.** Section 15-11-36 of the North Dakota Century Code is  
8    amended and reenacted as follows:

9           **15-11-36. Evaluation of children with fetal alcohol syndrome.** The child evaluation  
10   and treatment program at the university of North Dakota medical center ~~rehabilitation hospital~~  
11   shall develop a clinic to provide both initial diagnostic assessment and reevaluation of children  
12   with fetal alcohol syndrome. The diagnostic assessment must include a comprehensive  
13   multidisciplinary assessment of psychological, speech and language, educational, occupational  
14   therapy, physical therapy, optometric, and audiological evaluations. Reevaluations must be  
15   individualized according to a child's needs. The center shall provide consultative services to  
16   schools, community agencies, and parents to assist in serving children diagnosed with fetal  
17   alcohol syndrome.

18           **SECTION 6. AMENDMENT.** Section 15-12-22 of the North Dakota Century Code is  
19   amended and reenacted as follows:

20           **15-12-22. Economic feasibility institute - Establishment - Director.**

21           ~~1. An~~ There is established an economic feasibility institute ~~is established~~ to be  
22   administered in conjunction with North Dakota state university of agriculture and  
23   applied science.

24           ~~2.~~ The university shall appoint a director of the economic feasibility institute.

25           ~~However, the university shall appoint as the institute's first director the functioning~~  
26           ~~professor in charge of the existing economic feasibility unit within the agricultural~~  
27           ~~economics department of North Dakota state university of agriculture and applied~~  
28           ~~science. The director shall manage the institute, hire and compensate necessary~~  
29           ~~personnel within the limits of legislative appropriations and other funding sources,~~  
30           ~~and prepare a biennial budget. The university shall fix the salary of the director,~~

1                   ~~within the limits of legislative appropriations, and may remove the director for~~  
2                   ~~cause.~~

3                   **SECTION 7. REPEAL.** Sections 15-10-14, 15-10-15, 15-10-25, 15-11-03, 15-11-19,  
4 15-11-27, 15-11-28, 15-11-34, 15-11-37, 15-12-03, 15-12-04, and 15-13-04 and chapters  
5 15-62.3 and 47-28 of the North Dakota Century Code are repealed.