

**HOUSE BILL NO. 1470**

Introduced by

Representatives Bellew, Dosch, Heller, Rust

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.**

7 The state board of higher education has all the powers and shall perform all the duties  
8 necessary to the control and management of the institutions described in this chapter. In  
9 addition to the powers and duties specified in section 6 of article VIII of the Constitution of North  
10 Dakota, the 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 duties  
15 thereof, provided that the consideration of the appointment or removal of any  
16 such personnel shall must be in executive session if the board chooses unless the  
17 individual involved requests that the meeting be open to other individuals or to  
18 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 prescribe  
21 the commissioner's duties.
- 22 c. Appoint and remove all university system office personnel, fix their salaries within  
23 the limits of legislative appropriations, fix their terms of office, and prescribe their  
24 duties.

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

- 1 employees retirement system and the alternate retirement program must  
2 equal or exceed the years of service necessary to be eligible for retirement  
3 benefits under the public employees retirement system. An employee who  
4 transferred from the public employees retirement system before March 30,  
5 1987, and who received a refund of that employee's contribution is entitled  
6 to have the employer's contribution, with interest, used to purchase an  
7 annuity even if that employee did not purchase an annuity in the alternate  
8 employee program with the employee's contribution. If an employee makes  
9 the election allowed under this subdivision, that employee relinquishes all  
10 rights the employee or any of the employee's beneficiaries may have had to  
11 benefits provided under chapter 54-52.
- 12 b. Provide for the administration of the alternate retirement program and establish  
13 rules for the program consistent with this subsection. This subsection does not  
14 derogate any existing retirement programs approved by the board.
- 15 5. Determine policy for purchasing by the university system in coordination with the office  
16 of management and budget as provided by law.
- 17 6. Establish by rule an early retirement program for faculty and officers of the board as  
18 defined by the board. The limitations on severance pay pursuant to section 54-14-04.3  
19 and on requiring the employee to pay contributions to continue on the state uniform  
20 group insurance program upon retirement or upon termination of employment  
21 pursuant to section 54-52.1-03 do not apply to the early retirement program.
- 22 7. Adopt rules to protect the confidentiality of student records, medical records, and,  
23 consistent with section 44-04-18.4, trade secret, proprietary, commercial, and financial  
24 information.
- 25 8. Authorize and encourage university system entities to enter into partnerships, limited  
26 liability companies, joint ventures, or other contractual arrangements with private  
27 business and industry for the purpose of business or industrial development or  
28 fostering basic and applied research or technology transfer.
- 29 9. Adopt rules promoting research, encouraging development of intellectual property and  
30 other inventions and discoveries by university system employees, and protecting and  
31 marketing the inventions and discoveries. The rules must govern ownership or transfer

1 of ownership rights and distribution of income that may be derived from an invention or  
2 discovery resulting from research or employment in the university system. The rules  
3 may provide for transfer of ownership rights or distribution of income to a private,  
4 nonprofit entity created for the support of the university system or one of its  
5 institutions.

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

8 **15-10-18. Tuition of nonresidents at schools under control of state board of higher**  
9 **education.**

10 At all state institutions of higher education, tuition must be charged and collected from each  
11 nonresident student in such ~~the~~ amount as ~~must be determined by the state board of higher-~~  
12 ~~education~~ established by the legislative assembly.