

**HOUSE BILL NO. 1303**

Introduced by

Representatives K. Koppelman, Rick C. Becker, Bellew, Dosch, Headland, Larson, Louser,  
Meier, Schatz, Thoreson

Senators Luick, Rust, Schaible

1 A BILL for an Act to amend and reenact section 15-10-17 of the North Dakota Century Code,  
2 relating to legislative authority to set tuition and fees at 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 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.

- 1           c. Appoint and remove all university system office personnel, fix their salaries within  
2           the limits of legislative appropriations, fix their terms of office, and prescribe their  
3           duties.
- 4        2. Authorize the employment of law enforcement officers having concurrent jurisdiction  
5        with other law enforcement officers to enforce laws and regulations at its institutions.
- 6        3. ~~Set~~Charge tuition and fees in the amounts established by the legislative assembly.
- 7        4. a. Establish a retirement program as an alternative to chapter 15-39.1 for university  
8        system employees subject to the following guidelines:
- 9           (1) Benefits under the program must be provided through annuity contracts  
10          purchased by the board but which become the property of the participants;
- 11          (2) The cost of the annuity contracts must be defrayed by contributions made  
12          pursuant to rules of the state board of higher education;
- 13          (3) Eligible employees appointed before July 1, 1973, shall participate in the  
14          alternate retirement program only by their individual election. When the  
15          electing eligible employee is a member of the teachers' fund for retirement,  
16          the employee's assessments and employer's contributions together with  
17          interest credited at the current rate for one-year certificates then being paid  
18          by the Bank of North Dakota must be transferred to the employee's account  
19          in the alternate program. The election must be made before July 1, 1980,  
20          and shall relinquish all rights the eligible employee or the employee's  
21          beneficiary may have to benefits provided in chapters 15-39 and 15-39.2;  
22          and
- 23          (4) Employees of the university system who are members of the public  
24          employees retirement system under chapter 54-52 or 54-52.6 and who  
25          become entitled to participate in the alternate retirement program are  
26          entitled to a special annuity purchase in the alternate retirement program in  
27          accordance with this subdivision. An eligible employee who consents to  
28          have that employee's contribution included is entitled to have that  
29          employee's contribution and employer's contribution, with interest, in the  
30          public employees retirement system fund, used by the retirement board of  
31          the public employees retirement system to purchase for that employee an

1 annuity in the alternate retirement program in lieu of any other rights under  
2 the public employees retirement fund. However, before the employer's  
3 contribution may be used for an annuity purchase, the employee's  
4 combined years of service with the public employees retirement system and  
5 the alternate retirement program must equal or exceed the years of service  
6 necessary to be eligible for retirement benefits under the public employees  
7 retirement system. An employee who transferred from the public employees  
8 retirement system before March 30, 1987, and who received a refund of that  
9 employee's contribution is entitled to have the employer's contribution, with  
10 interest, used to purchase an annuity even if that employee did not  
11 purchase an 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 of the  
14 employee's beneficiaries may have had to benefits provided under chapters  
15 54-52 and 54-52.6.

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

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

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

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

29 8. Authorize and encourage university system entities to enter into partnerships, limited  
30 liability companies, joint ventures, or other contractual arrangements with private

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