Bill as Introduced

SB 51-FN – AS INTRODUCED

2003 SESSION

03-1109
03/10

SENATE BILL ***SB 51-FN***

AN ACT relative to membership on the New England Board of Higher Education.

SPONSORS: Sen. Peterson, Dist 11; Sen. D'Allesandro, Dist 20

COMMITTEE: Education

ANALYSIS

This bill changes the New Hampshire membership on the New England Board of Higher Education by replacing the college and university presidents with members appointed by the governor and council.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 51-FN – AS INTRODUCED

03-1109
03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to membership on the New England Board of Higher Education.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New England Higher Education Compact; Membership of Board. Amend RSA 200-A:3 to read as follows:

200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the New England Board of Higher Education as provided in article II of the compact. One of such resident members shall always be the chancellor of the university system. The second through [~~fourth~~]. ***fifth*** resident members shall [~~always be the president of the university of New Hampshire, the president of Keene state college, and the president of Plymouth state college~~] ***be citizens of the state appointed by the governor and council.*** The [~~fifth~~] ***sixth*** resident member shall be a member of the house of representatives appointed by the speaker of the house. The [~~sixth~~] ***seventh*** member shall be a member of the senate appointed by the president of the senate. [~~The seventh resident member shall be a citizen of the state designated by the governor as his responsible representative.~~] The eighth resident member shall be a representative of a private college in New Hampshire. The [~~seventh and~~] eighth [~~members~~] ***member*** shall be appointed by the governor and council. The term of office for [~~each of~~] the first [4] resident [~~members~~] ***member*** shall be concurrent with his ***or her*** term as chancellor [~~or president~~]. The term of office for each of the latter [4] **7** resident members shall be for 4 years and until [~~his~~] ***a*** successor is appointed and qualified, except that the term of any member of the general court shall terminate if such member shall cease to be a state legislator. In that case, another member shall be appointed in a like manner for the unexpired term. The term of the member representing a private college shall end if the member's association with the private college terminates. Each member of the board shall receive his ***or her*** expenses actually and necessarily incurred by [~~him~~] ***the member*** in the performance of his ***or her*** duties as a member. In addition to their expenses, the ***second, third, fourth,*** fifth, sixth, seventh, and eighth members shall receive $ 15 per day compensation for time actually spent in the work as a member of the New England Board of Higher Education, provided that the total for expenses and per diem compensation for any of such [4] **7** members shall not exceed the sum of $ 500 during any one fiscal year. All expenses and per diem compensation shall be audited by the commissioner of administrative services as expenses of other employees are audited and shall be a charge against any appropriation provided for this purpose.

2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
03-1109
1/14/03

SB 51-FN - FISCAL NOTE

AN ACT relative to membership on the New England Board of Higher Education.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

Amendments

Sen. Peterson, Dist. 11
January 30, 2003
2003-0110s
03/09

Amendment to SB 51-FN

Amend RSA 200-A:3 as inserted by section 1 of the bill by replacing it with the following:

200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the New England Board of Higher Education as provided in article II of the compact. One of such resident members shall always be the chancellor of the university system. ***The second resident member shall be the executive director of the postsecondary education commission.*** The [~~second~~] ***third*** through [~~fourth~~] ***fifth*** resident members shall [~~always be the president of the university of New Hampshire, the president of Keene state college, and the president of Plymouth state college~~] ***be citizens of the state appointed by the governor and council.*** The [~~fifth~~] ***sixth*** resident member shall be a member of the house of representatives appointed by the speaker of the house. The [~~sixth~~] ***seventh*** member shall be a member of the senate appointed by the president of the senate. [~~The seventh resident member shall be a citizen of the state designated by the governor as his responsible representative.~~] The eighth resident member shall be a representative of a private college in New Hampshire. The [~~seventh and~~] eighth [~~members~~] ***member*** shall be appointed by the governor and council. The term of office for each of the first [4] ***2*** resident members shall be concurrent with his ***or her*** term as chancellor or [~~president~~] ***executive director***. The term of office for each of the latter [4] ***6*** resident members shall be for 4 years and until [~~his~~] ***a*** successor is appointed and qualified, except that the term of any member of the general court shall terminate if such member shall cease to be a state legislator. In that case, another member shall be appointed in a like manner for the unexpired term. The term of the member representing a private college shall end if the member's association with the private college terminates. Each member of the board shall receive his ***or her*** expenses actually and necessarily incurred by [~~him~~] ***the member*** in the performance of his ***or her*** duties as a member. In addition to their expenses, the ***third, fourth,*** fifth, sixth, seventh, and eighth members shall receive $15 per day compensation for time actually spent in the work as a member of the New England Board of Higher Education, provided that the total for expenses and per diem compensation for any of such [4] ***6*** members shall not exceed the sum of $500 during any one fiscal year. All expenses and per diem compensation shall be audited by the commissioner of administrative services as expenses of other employees are audited and shall be a charge against any appropriation provided for this purpose.

2003-0110s

AMENDED ANALYSIS

This bill changes the New Hampshire membership on the New England Board of Higher Education by replacing the college and university presidents with the executive director of the postsecondary education commission and 2 members appointed by the governor and council.

Senate Education
February 13, 2003
2003-0314s
03/04

Amendment to SB 51-FN

Amend RSA 200-A:3 as inserted by section 1 of the bill by replacing it with the following:

200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the New England Board of Higher Education as provided in article II of the compact. One of such resident members shall always be the chancellor of the university system. ***The second resident member shall be the executive director of the postsecondary education commission. The third resident member shall be the commissioner of regional community-technical colleges.*** The [~~second through~~] fourth ***and fifth*** resident members shall [~~always be the president of the university of New Hampshire, the president of Keene state college, and the president of Plymouth state college~~] ***be citizens of the state appointed by the governor and council.*** The [~~fifth~~] ***sixth*** resident member shall be a member of the house of representatives appointed by the speaker of the house. The [~~sixth~~] ***seventh*** member shall be a member of the senate appointed by the president of the senate. [~~The seventh resident member shall be a citizen of the state designated by the governor as his responsible representative.~~] The eighth resident member shall be a representative of a private college in New Hampshire[~~. The seventh and eighth members shall be~~] appointed by the governor and council. The term of office for each of the first [4] ***3*** resident members shall be concurrent with his ***or her*** term as chancellor, [~~or president~~] ***executive director, or commissioner.*** The term of office for each of the latter [4] ***5*** resident members shall be for 4 years and until [~~his~~] ***a*** successor is appointed and qualified, except that the term of any member of the general court shall terminate if such member shall cease to be a state legislator. In that case, another member shall be appointed in a like manner for the unexpired term. The term of the member representing a private college shall end if the member's association with the private college terminates. Each member of the board shall receive his ***or her*** expenses actually and necessarily incurred by [~~him~~] ***the member*** in the performance of his ***or her*** duties as a member. In addition to their expenses, the ***fourth,*** fifth, sixth, seventh, and eighth members shall receive $15 per day compensation for time actually spent in the work as a member of the New England Board of Higher Education, provided that the total for expenses and per diem compensation for any of such [4] ***5*** members shall not exceed the sum of $500 during any one fiscal year. All expenses and per diem compensation shall be audited by the commissioner of administrative services as expenses of other employees are audited and shall be a charge against any appropriation provided for this purpose.

2003-0314s

AMENDED ANALYSIS

This bill changes the New Hampshire membership on the New England Board of Higher Education by replacing the college and university presidents with the executive director of the postsecondary education commission, the commissioner of regional community-technical colleges, and a member appointed by the governor and council

Committee Minutes

Date: February 5, 2003
Time: 1:15 p.m.
Room: 105-A, Senate House

The Senate Committee on Education held a hearing on the following:

SB51-FN relative to membership on the New England Board of Higher Education.

Members of Committee present: Senator O'Hearn
Senator Foster
Senator Johnson
Senator Larsen

The Chair, Senator Jane E. O'Hearn, opened the hearing.

Senator Jane E. O'Hearn, D. 12: We will open the Hearing on Senate 51 relative to the membership on the New England Board of Higher Education and call the prime sponsor, Senator Peterson, welcome to Education.

Senator Andrew R. Peterson, D. 11: Thank you Senator O'Hearn, and for the record my name is Andrew Peterson, representing Senate District 11, which spans from Mt. Vernon, Amherst, down through Milford into the Mass. line, Rindge and Greenfield. I am pleased to be in front of your committee today at the request, in a way of the New England Board of Higher Education where I have been honored to sit as a board member now for some two or three years. They had spoken with me about the legislation we have in New Hampshire for this important interstate compact, which differs from the other New England states in that we are quite specific in our legislation about certain college and university president's being included on those appointed the Board from New Hampshire and in other states the governor has more flexibility. With me today, is Kathryn Dodge, who is Head of the Post-Secondary Education Commission, thought perhaps herself or Tom Horgan or others might be able to benefit the state by being on this board and opening up those positions for those kinds of appointments might be a good idea. What was done is the bill was put in, in it's original form in hopes that we would have a vehicle ready to make this change if in the wisdom of this committee and members in the Senate and House it was an appropriate thing

to do. In the meantime it was looked over by Kathryn Dodge who happens to be a constituent of mine in Peterborough, and with her kind of global impact I'm sort of a constituent of hers, as well, as any rate she tried to get me straight on the bill and that proved to be some chore. At any rate, this is the Amendment which resulted from those discussions, and which I have surprisingly in proper form for you. The Amendment makes it clear that the Executive Director of the Post-Secondary Education Commission would be one of the Board Members, which is what was clearing intended all along that we free up some of the other appointments. You see the college presidents have a little difficulty in actually making the meeting and so although it's an appointment, which is titular, it's not always one, which is taken full advantage of. I will say as an aside, some of the most interesting ideas that I have heard about the different creative ideas that relate to higher education I have gleamed from meetings in this group and members of this committee might be interested to sit on this Board, I think you'd find it tremendously edifying if you wanted to get involved. Members of our legislative delegation are certainly welcome to attend a weekend seminar or something and you come away with a lot. I have yet to go to one that I haven't come up with a piece of legislation to inflict upon our good state as a result of having gone, and there have been some local issues that have been interesting as well. At any rate, the suggestion now that arises, is that the Head of the Community Technical College might be a good addition to this legislation if after the hearing it is something that you would like to do that is an easy Amendment to make to this. I guess replacing one of the optional members with a definition of that other, whoever is sitting in that role.

The New England Board of Higher Education is an entity that controls the Rural Student Program which is a program that provides tremendous to New Hampshire families, saving them thousands of dollars a year on the cost of education in other states. If the program is not offered in New Hampshire, you can go at near in-state rates to some of the greatest institutions of higher learning in the country, which of course, exists in New England and the New England States including New Hampshire. We provide this benefit as well to citizens from other states, but the New Hampshire disproportionately benefits from what they invest, and this program and the Board of Higher Education also is an important conduit of regionalism in higher education policy, which I think serves us greatly.

One of the issues with higher education today of course is 1) how to deliver educational services at a price which is still affordable to those who seek them and the Community Technical College is vital link in providing job training and so forth and many of the schools that have benefited greatly from the program is the New England Board of High Education are institutions that do not diverge greatly from these type of specific job training

purposes including purposes for example, like producing trained Healthcare Personnel, and other things skills and trades which are vital to our economy and pressing needs today. With all, it's an Amendment that I think would give us some flexibility to ensure the optimal membership on these Boards, and although it's not a big deal, it's something that I thought was worth being forward and getting right as New Hampshire has been really one of the pillars supporting this continued regional entity which is quite an extraordinary thing, I think a very valuable thing to our citizens. Thank you madam, Chairman.

Senator Jane E. O'Hearn, D. 12: Questions from the committee?

Senator Jane E. O'Hearn, D. 12: Senator Peterson, this is a Request that presidents of the state colleges and universities not be members of this Board.

Senator Andrew R. Peterson, D. 11: I Hold That Harmless from the request because it's not their request. Bob Waygen, who's a former congressmen from Rhode Island, and former Lt. Governor from Rhode Island is the Head of the New England Board of Higher Education, and we are very glad to have him, he's an outstanding person, and he was the one who noticed that in our legislation this was a requirement and thought that it might be valuable to the organization to have a slight change in the way we setup the Board Appointments on the New England Board of Higher Education. So it was not something that was generated by the college presidents. I don't think that they have an objection to it, and there is nothing in this bill that would prohibit any of them being appointed it just allows flexibility of that.

Senator Jane E. O'Hearn, D. 12: So this is basically coming from the New England Board of Higher Education itself?

Senator Andrew R. Peterson, D. 11: That's right, I'm the messenger who hopefully will not be shot.

Senator Jane E. O'Hearn, D. 12: I think one final question, if there has only been one citizen and now we will have three citizens, is that...

Senator Andrew R. Peterson, D. 11: This aligns our legislation, legislation had to be passed individually by all six New England States in order to create this entity and then it had to be blessed by the Federal Government, because it is an interstate affiliation which again is a unique and I think, a valuable thing to have in higher education, and our legislation controls how we appoint our members. It diverges from the other five New England States, and this would have them more in line.

Senator Jane E. O'Hearn, D. 12: You could actually have four citizen members because eight members are appointed by governor and council, and then the next goes into the terms of members. The Community Technical College System do they belong to NEBHE, are they a member of NEBHE?

Senator Andrew R. Peterson, D. 11: I believe so, I'm quite sure that they are.

Senator Jane E. O'Hearn, D. 12: I know Kathryn Dodge is here...

Senator Andrew R. Peterson, D. 11: I think she can probably clear up anything that I have confused.

Senator Jane E. O'Hearn, D. 12: Any questions, Senator Foster?

Senator Joseph A. Foster, D. 13: Just a quick question. In lines thirteen and fourteen do they perhaps fail to strike some language there in the eighth resident member, and the eighth member do you think, am I reading that right?

Senator Andrew R. Peterson, D. 11: That's right, in line fourteen, well no, with respect, I don't believe so, I think the bill reads well that way because it identifies that the eighth member must be from a certain group and then identifies how that eighth member is to be appointed.

Senator Joseph A. Foster, D. 13: I see.

Senator Jane E. O'Hearn, D. 12: But then, Senator Foster read something, then line 14, it says, the eighth member shall be, go into line 13, the eighth member shall be a representative from a private college and then line 14, the eighth member shall be appointed by the governor and council, meaning does that mean the eighth member is appointed by governor and council, or that there is an eighth member from the governor?

Senator Andrew R. Peterson, D. 11: Well, I think you might...

Senator Joseph A. Foster, D. 13: The governor and council pick the private college representative is that the gist of it?

Senator Jane E. O'Hearn, D. 12: It does point it, okay, it just needs to be cleared up.

Senator Andrew R. Peterson, D. 11: You could have the eighth resident member, which shall be appointed by the governor and council, shall be a representative...

Senator Jane E. O'Hearn, D. 12: Okay.

Senator Andrew R. Peterson, D. 11: They might embarrass others by having proper diction and law.

Senator Jane E. O'Hearn, D. 12: Any further questions?

Senator Andrew R. Peterson, D. 11: Thank you.

Senator Jane E. O'Hearn, D. 12: Next I would like to call Kathryn Dodge, Post Secondary Education Commission, Welcome to Education.

Kathryn Dodge, Executive Director of the Post Secondary Education Commission: Thank you Senator O'Hearn and members of the committee, it's nice to be here. I am the Executive Director of the Post Secondary Education Commission, and we pay the dues for the New England Board of Higher Education. When I came on board at the commission about two years ago and I looked at the budget, I wanted to know more about that $144,000 that we were paying to the committee. So I asked some questions and I thought it would be useful if our commission was represented on the Board of NHBHE, so that we could speak to the amount of money that we are spending for the program, so I speak in support of this amendment. NHBHE is a wonderful program, the aspect that Senator Peterson referred to earlier; we pay a small amount of money and our students benefit about $12 million dollars worth from their ability to go outside of the state to access programs. So it's very, very useful for us to be involved with here in New England, and this is consistent with the way other states are set up and Bob Waygen has confirmed that and supports this at well.

The question came up earlier about institutional membership? There is the NEBHE Board, which we are talking about membership right now, institutions participate. So there is a distention between being on the Board and participation. The community tax system institutions participate as institutions, they are not currently represented on the Board, and you may want to consider an amendment that puts them on the NHBHE Board. Right now as this is drafted they would need to be appointed by governor and council.

Senator Jane E. O'Hearn, D. 12: Could you just say that again?

Mrs. Dodge: Okay, the New England Board of Higher Education is a regional organization, and it's statutes are set up that they are representatives on that board from each state. The representatives do not have to be college presidents...

Senator Jane E. O'Hearn, D. 12: ...do not..

Mrs. Dodge: ...college presidents,

Senator Jane E. O'Hearn, D. 12: Okay...

Mrs. Dodge: ...they can be anybody that you decide it should be, and Representative Peterson suggestion was that we include the state agency that pays the dues, and there has been a reference made to the Community Tech System because the Chancellor of the University System is on the Board of NEBHE, and it maybe useful also to have the Commoner of the Community Tech, two year public system on the Board of NEBHE because both of those institutions participate in NEBHE Programs. Did that help?

Senator Jane E. O'Hearn, D. 12: Yes.

Mrs. Dodge: Okay.

Senator Jane E. O'Hearn, D. 12: Any questions for the committee? Right now the Community Technical College System is not a part of NHBHE, or they are a part of NHBHE?

Mrs. Dodge: They participate as an institution in NHBHE Programs, they are not on the Board.

Senator Jane E. O'Hearn, D. 12: Okay, so if there is a shortage area in another state, then we will hold seats for them here also?

Mrs. Dodge: They are participating the same way Keene, Plymouth, and UNH are participating, which means if there is a program at the Community Tech System that is not offered in another New England State, a student from another New England State would come to New Hampshire at a 150% of the in-state rate.

Senator Jane E. O'Hearn, D. 12: My question goes back to yesterday. We had a meeting with you and the Community Technical College and the question came up about Dental Hygienists and the shortage in New Hampshire and the program is in Concord, and Vermont does not have the program. So the question came up yesterday, are we supporting other states on this need and not filling our own needs and that is why I am questioning, is Vermont going to then gain access to Concord filling those seats?

Mrs. Dodge: That's a decision made at the institutional level, it could change every year, so the Concord Institute can decide whether or not they want that program opened to Vermont residents or not.

Senator Jane E. O'Hearn, D. 12: Thank you.

Mrs. Dodge: You're welcome.

Senator Jane E. O'Hearn, D. 12: Any further questions from the committee? Thank you very much.

Next I would like to call Stan Yarosewick, the President of Keene State College, and I hope I pronounced it right.

Stan Yarosweick, President, Keene State College: That was close. Again for the record I am Stan Yarosweick, I am President of Keene State College, and I have been a member of the NHBHE Board for the nine years that I have served Keene State College.

As you know by the current legislation, the President of UNH, the President of Keene, and the President of Plymouth are automatically members of the NHBHE Board. It has been my observation over these years that there really has been an imbalance in the representation in New Hampshire Delegation to NHBHE. Certainly, I felt that it was a bit of overkill to have the Chancellor, the President of UNH, the President of Keene State and the President of Plymouth all members of the NHBHE Board, actually comprising of about 50% of the New Hampshire delegation. Certainly the New Hampshire Public Education System is important and we certainly appreciate the support we receive; but that representation was probably a little excessive. Particularly that other segments are not represented that should be represented on the NHBHE Board. In particular, I support the resolutions submitted by Senator Peterson and D'Allesandro, but I also think as already been stated that the commissioner of the Post-Secondary Education Commission should be by virtue of that office a member of the NHBHE Board just as the Chancellor is a member of the NHBHE Board, that office really services as a liaison between New Hampshire and NHBHE,

and so I think it would be important for that individual to have a seat on the Board. I also support the concept that the commissioner in the Post-Secondary Education Commission also has a seat on the NHBHE Board. and so a slight modification what was originally proposed, and then the governor with the approval of the Executive Council could appoint the others. The governor could choose to appoint one of the presidents'of the public universities, but that would be the choice of the governor to make. It would allow more flexibility in making those choices, however. So overall I support those changes and recommend approval. Do you have any questions, I would be glad to respond?

Senator Jane E. O'Hearn, D. 12: Questions? Thank you very much.

Mr. Yarosweick: Thank you.

Senator Jane E. O'Hearn, D. 12: That is all that I have signed up for Senate Bill 51, is there anyone that would like to speak that has not had the opportunity to speak, or would like to speak again.

Thank you I will close the hearing on Senate Bill 51.

The hearing on Senate Bill 51 closed at 1:40 p.m.

Respectfully submitted,

Livia Acdan

Livia Acdan
Senate Secretary

Speakers

SENATE EDUCATION COMMITTEE

Date 02/05/03 Time 1:00 PM Public Hearing on **SB 51-FN**

relative to membership on the New England Board of Higher Education.

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☑	☑	☐	Sen. Andrew Peterson	Prime Sponsor
☐	☐	☐		
☑	☑	☐	Kathryn Dodge	Postsecondary Education Comm.
☑	☑	☐	Stan Yarosewick	Keene NH
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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: February 14, 2003

THE COMMITTEE ON Education

to which was referred Senate Bill 51-FN

AN ACT relative to membership on the New England Board of Higher Education.

VOTE: 4-0

2003-0314s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Jane E. O'Hearn
For the Committee

SB51 Docket

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Bill Title: relative to membership on the New England Board of Higher Education.

Date	Body	Description
1/9/2003	**S**	Introduced and Ref. to Education; SJ 2, Pg.26
1/24/2003	**S**	Hearing; February 5, 2003, Room 105-A, SH, 1:15 p.m.; SC6
2/14/2003	**S**	Committee Report, Ought to Pass with Amendment {0314}, [02/20/03]; SC10, Pg.8-9
2/20/2003	**S**	Committee Amendment {0314}, AA, VV; Ought to Pass with Amendment,{0314}, MA, VV; SJ 6, Pg.51-52
2/20/2003	**S**	OT3rdg; Passed by 3rd Reading Resolution; SJ 6, Pg.62
2/20/2003	**H**	Introduced and ref to Education; HJ 21, p492
3/5/2003	**H**	==CANCELLED==Hearing Mar 25 11:30 RM207,LOB
3/13/2003	**H**	Rescheduled Hearing Apr 2 11:30 RM207,LOB
4/8/2003	**H**	Maj Report OTP for Apr 17 (Vote 13-0;CC)
4/17/2003	**H**	Passed; HJ 36, p1158 + 1188
4/17/2003	**H**	Enrolled; HJ40, p1273
4/24/2003	**S**	Enrolled; SJ 14, Pg.348
5/2/2003	**S**	Signed by the Governor on 5/2/2003 Eff- 7/1/2003 Chap- 0038

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Docket Abbreviations