

Committee Report

CONSENT CALENDAR

April 18, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Education to which was referred SB
136,**

**AN ACT relative to classification of students for tuition
purposes in the university system. Having considered
the same, report the same with the recommendation that
the bill OUGHT TO PASS.**

Rep. Sue Mullen

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	SB 136
Title:	relative to classification of students for tuition purposes in the university system.
Date:	April 18, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill removes the rulemaking requirement for the adoption of criteria by the University System Board of Trustees governing the classification of students for tuition purposes. The Joint Legislative Committee on Administrative Rules is in support of this legislation. There would not be any changes in the process for setting criteria or in the process for appeals.

Vote 18-2.

Rep. Sue Mullen
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

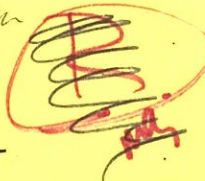
CONSENT CALENDAR

Education

SB 136, relative to classification of students for tuition purposes in the university system. **OUGHT TO PASS.**

Rep. Sue Mullen for Education. This bill removes the rulemaking requirement for the adoption of criteria by the University System Board of Trustees governing the classification of students for tuition purposes. The Joint Legislative Committee on Administrative Rules is in support of this legislation. There would not be any changes in the process for setting criteria or in the process for appeals. **Vote 18-2.**

COMMITTEE REPORT

Mullen 

COMMITTEE: Education

BILL NUMBER: SB 136

TITLE: Relative to classification of students for tuition purposes in the University System.

DATE: 4/18/19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

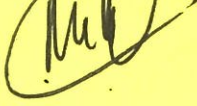
Amendment No. _____

STATEMENT OF INTENT:

This bill removes the rulemaking requirement for the adoption of criteria by the University System Board of Trustees governing the classification of students for tuition purposes. The Joint Legislative Committee on Administrative Rules is in support of this legislation. There would not be any changes in the process for setting criteria or in the process for appeals.

COMMITTEE VOTE: 18-2

RESPECTFULLY SUBMITTED,

Rep. Sue Mullen 
For the Committee

- Copy to Committee Bill File
- Use Another Report for Minority Report

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on SB 136

BILL TITLE: relative to classification of students for tuition purposes in the university system.

DATE: April 18, 2019

LOB ROOM: 207

MOTIONS: OUGHT TO PASS

Moved by Rep. Mullen

Seconded by Rep. Cornell

Vote: 18-2

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on SB 136

Recess to 11

BILL TITLE: relative to classification of students for tuition purposes in the university system.

DATE: *4/18/19*

LOB ROOM: 207

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. *Mullen* Seconded by Rep. *Cornell* Vote: *18-2*

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: *YES* *NO*

Minority Report? _____ Yes *X* No If yes, author, Rep: _____ Motion _____

Respectfully submitted: *Linda L. Tanner*
Rep Linda Tanner, Clerk



2019 SESSION

Education

Bill #: SB 136 Motion: OTP AM #: _____ Exec Session Date: 4/18/19
Relative to classification of students for tuition purposes
in the university system.

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Myler, Mel Chairman	18		
Luneau, David J. Vice Chairman	1		
Shaw, Barbara E.	2		
Cornell, Patricia	3		
Doherty, David B.	4		
Le, Tamara N.	5		
Tanner, Linda L. Clerk	6		
Ellison, Arthur S.	7		
Mullen, Sue M.	8		
Riel, Cole J.	9		
Vallone, Mark	10		
Woodcock, Stephen L.	11		
Ladd, Rick M.	12		
Cordelli, Glenn		1	
Elliott, Robert J.	13		
Boehm, Ralph G.		2	
Wolf, Dan H.	14		
Allard, James C.	15		
Forsythe, Robert L.	16		
Lekas, Alicia D.	17		
TOTAL VOTE:	18	2	

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 136

BILL TITLE: relative to classification of students for tuition purposes in the university system.

DATE: April 3, 2019

LOB ROOM: 207

Time Public Hearing Called to Order: 10:00 a. m.

Time Adjourned: 10:30 a.m.

Committee Members: Reps. Myler, Luneau, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Wolf, Allard and A. Lekas

Bill Sponsors:

Sen. Kahn

Sen. Fuller Clark

Rep. Hatch

Rep. McGuire

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

(1.) **Sen. Kahn** - Sponsor - Introduced bill

- RSA 187 - Section 16 1541 compliance issue at stake
- University System right to determine status since 1983
- JELCAR makes rules every 10 years - so why keep doing this?
- Asked to seek legislative relief this session to change grant authority
- Used Community College System as model.

Q: Rep. Ladd - Are we giving University System authority to determine residency/domicile?

A: Sen. Kahn - Statute 15 already gives them that right if you have graduated from high school out-of-state you are an out-of-state resident

Q: Rep. Elliott - Has Senate a list of criteria yet?

A: General Council to answer.

(2.) **Rep. Horrigan, Durham**

- Speaking in favor
- Gives Trustees antonymy
- Tuition largest source of JELCAR - Not interfere
- Voting has to do with where you domicile - not where you came from

Q: Rep. Cordelli - All agencies come before for approval? Is handling with any other departments?

A: No - very fair, non-partisan; leadership could high jack.

(3.) **Ron Rogers - USNH General Counsel** - Favors bill

- Room to JELCAR to narrow set of rules University System promulgates through administration procedures act good, fair, system allows Board of Trustees to set policies.

Q: Rep. Cordelli - Is time a hardship to University?

A: Time, yes, hardship no. Clears up ambiguity. Are they obliged to adopt all rules? Not required - have limited authority.

(3.) Ron Rogers - USNH General Counsel - Continued from Page One

Q: Rep. Ladd - NHTI - resident for 12 months to apply - University to be same?

A: Similar but different not become same, but have authority to do own way. But current way should remain same.

Q: Will Dean continue?

A: Dean applies and administers to appeal board.

Q: What is in state for online?

A: Same as online as in person

Q: What controls? Tracking tuition hikes?

A: Tuition levels never came through process - only Trustees (not part of rule making process). Criteria not for tuition setting - just to clarify residency.

Q: Is it in rules students fill out residency?

A: That is in statute not in rules.

Q: Rep. Sue Mullen - What ancillary rules are verity?

A: None in particular, but as in total are cumbersome and Trustees intend to set rules in one small area or at large.

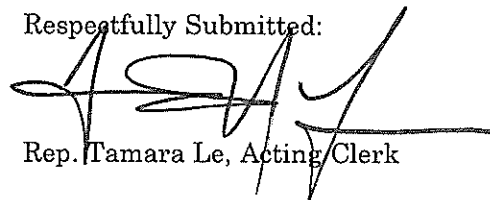
Q: Duplication of effort?

A: Yes

Q: Rep. Ladd - ID of time required to be resident? In length of period

A: No length of period in rule or statute. Many complications. Could have come for reason other than education.

Respectfully Submitted:



Rep. Tamara Le, Acting Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 136

BILL TITLE: relative to classification of students for tuition purposes in the university system.

DATE: April 3, 2019

ROOM: 207

Time Public Hearing Called to Order: 10:00x

Time Adjourned: 10:30x

(please circle if present)

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Wolf, Allard, Forsythe and A. Lekas

Bill Sponsors:

Sen. Kahn

Sen. Fuller Clark

Rep. Hatch

Rep. McGuire

Schake
5-D CMTE
w/ entire body

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

①

Introd: Sen. KAHN

- 187 SET. 16 1541 compliance issue at stake
- Univ. SYSTEM → right to determine status since 1983
- JELCAR moves it away 10 yrs - so why keep doing this?
- asked to seek legislative relief this session to change grant authority
→ used Community College system as model
- B → Rep. Ladd Are we giving Univ. System authority
① to determine residency / domicile
- A → Kahn - statute 15 already gives them that right
If you've graduated from high school out of state
you are an out of state resident

blue sheet 7 pgs
0 con

Q. Cordelli - 12. Year or hardship? to Univ.

A. Time goes, hardship no. Clears up ambiguity (are they obliged to adopt - all rule?) → not req. have limited authority

Q. 2 Ladd

NHTI - resident for 12 mo. to apply - Univ to be same?

A. Similar but different: not become same but more authority to do own way. But current way should remain same

Q. 3 ~~the~~ will Dean continue?

A. Dean applies & administers to appeal board

Q. 4 What is in state for online

A. Same as online as, in person

Q. 5 What controls? Judging tuition hikes?

A. Tuition levels never came thru process - only trustees (not part of rule making process)

criteria not for tuition setting - just clarity of residency

Q6 Cordelli -

Is it in rules ~~for~~ students fill out residency

A. - That's in statute - not rules

Q7. Nullen - what auxiliary rules are vexing?

A. None in particular → but-as in total are onerous. Did trustees intend to set rules in any small area or at large?

Q8 - implications of effort?

A. Yes

Q9 Ladd

10. of time required to be resident? → in length of period

A. No length of period in rule or statute. Many complications. Could have come for reasons other than education

factor among factors



not criteria

Q. 2 Rep Elliott

Has Senate a list of criteria yet?
Gen Counsel to answer

(2)

+ Rep Hornigan, Durham
speaking in favor

1. Give trustees autonomy
2. Tuition largest source of \$ → GEN COUNSEL
not interfere
3. Voting has to do with where you
domicile → not where you came from

Q. Rep Cordeletti

If all agencies come before for
approval → is meddling with
any other departments

— A. No - pay fair; non-partisan;
— leadership could high jack!

(3)

+ (circled)

Rep ROGERS, USALT General Counsel
favors bill

→ come to to narrow set of
rules University System promulgates
through admin procedures act
good, fair, system → allows board
of Trustees to set policies.

Bill as
Introduced

SB 136 - AS INTRODUCED

2019 SESSION

19-0448
04/01

SENATE BILL

136

AN ACT

relative to classification of students for tuition purposes in the university system.

SPONSORS:

Sen. Kahn, Dist 10; Sen. Fuller Clark, Dist 21; Rep. Hatch, Coos 6; Rep. McGuire, Merr. 29

COMMITTEE:

Education and Workforce Development

ANALYSIS

This bill removes the rulemaking requirement for the adoption of criteria by the university system board of trustees governing the classification of students for tuition purposes.

.....

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to classification of students for tuition purposes in the university system.

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

1 1 University System Board of Trustees; Authority of Trustees. Amend RSA 187-A:16, XIX to
2 read as follows:

3 XIX. ~~Adopt rules pursuant to RSA 541-A establishing~~ **Establish** criteria for determining
4 whether students shall be classified as in-state students or out-of-state students for tuition
5 purposes, and to delegate the administration of such ~~rules~~ **criteria** to a subcommittee or agent.
6 Any student in the university system who is aggrieved by a final determination of the board of
7 trustees or of any subcommittee or agent of the board denying in-state status for tuition purposes
8 may appeal to the superior court in the county in which the particular division of the university
9 involved is located. Such appeal shall be filed within 30 days after the final determination by the
10 board of trustees. In the superior court, the burden of proof shall be on the appellant to show that
11 the determination of the board of trustees is unreasonable or unlawful and all findings by the board
12 or its properly designated subcommittee or agent shall be deemed to be prima facie lawful and
13 reasonable. The determination of the board of trustees shall be set aside only if, on all the evidence,
14 the court is satisfied that it is unlawful or unreasonable according to the ~~policy~~ **criteria** as set
15 forth in this section, and additional criteria as may be established and published, to the student
16 bodies of the institutions constituting the university system by the board of trustees.

17 2 Effective Date. This act shall take effect 60 days after its passage.