

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1310-1316 of the Senate Journal and pages 1387-1393 of the House Journal and that Reengrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, after the first semicolon insert "to provide a contingent appropriation;"

Page 1, line 3, after the second semicolon insert "to create and enact a new section to chapter 15-62.2 of the North Dakota Century Code, relating to reporting requirements of scholarship programs; to amend and reenact subsections 1 and 3 of section 15-10-37 and sections 15-62.2-02 and 15.1-01-02 of the North Dakota Century Code, relating to student financial assistance grants, technology grants, and joint meetings of the state's education boards;"

Page 1, line 6, replace "provide" with "provided"

Page 1, line 19, replace "765,707" with "903,718" and replace "7,047,601" with "7,185,612"

Page 2, line 1, replace "1,248,728" with "13,386,525" and replace "7,236,225" with "19,374,022"

Page 2, after line 3, insert:

"Academic and technical education scholarships	0	3,000,000	3,000,000
Two-year campus marketing	0	800,000	800,000"

Page 2, line 8, replace "436,030" with "1,436,030" and replace "2,176,344" with "3,176,344"

Page 2, line 13, replace "7,256,984" with "24,332,792" and replace "75,731,832" with "92,807,640"

Page 2, line 15, replace "6,551,756" with "23,627,564" and replace "71,682,874" with "88,758,682"

Page 2, line 21, replace "4,312,999" with "4,470,325" and replace "24,046,679" with "24,204,005"

Page 2, line 24, replace "8,063,136" with "8,220,462" and replace "28,040,297" with "28,197,623"

Page 2, line 26, replace "7,653,636" with "7,810,962" and replace "27,630,797" with "27,788,123"

Page 3, line 1, replace "1,238,516" with "1,444,862" and replace "7,749,864" with "7,956,210"

Page 3, line 4, replace "3,942,243" with "4,148,589" and replace "10,497,253" with "10,703,599"

Page 3, line 6, replace "3,942,243" with "4,148,589" and replace "10,497,253" with "10,703,599"

Page 3, line 12, replace "1,159,630" with "1,274,495" and replace "7,582,134" with "7,696,999"

Page 3, line 13, replace "10,985,000" with "16,985,000" and replace "11,071,475" with "17,071,475"

Page 3, line 15, replace "12,526,632" with "18,641,497" and replace "19,035,611" with "25,150,476"

Page 3, line 16, replace the first "9,375,000" with "15,375,000" and replace the second "9,375,000" with "15,375,000"

Page 3, line 17, replace "3,151,632" with "3,266,497" and replace "9,660,611" with "9,775,476"

Page 3, line 23, replace "18,364,555" with "18,024,953" and replace "125,376,385" with "125,036,783"

Page 3, line 24, replace "54,219,000" with "49,919,000" and replace "56,519,545" with "52,219,545"

Page 3, line 26, replace "79,762,229" with "75,122,627" and replace "189,074,604" with "184,435,002"

Page 3, line 27, replace the first "43,019,000" with "49,919,000" and replace the second "43,019,000" with "49,919,000"

Page 3, line 28, replace "36,743,229" with "25,203,627" and replace "146,055,604" with "134,516,002"

Page 4, line 3, replace "19,628,094" with "18,773,992" and replace "109,221,724" with "108,367,622"

Page 4, line 6, replace "96,083,911" with "95,229,809" and replace "187,369,766" with "186,515,664"

Page 4, line 8, replace "37,983,911" with "37,129,809" and replace "129,269,766" with "128,415,664"

Page 4, line 14, replace "4,101,922" with "4,216,787" and replace "31,492,290" with "31,607,155"

Page 4, line 17, replace "17,972,065" with "18,086,930" and replace "46,115,765" with "46,230,630"

Page 4, line 19, replace "10,836,065" with "10,950,930" and replace "38,979,765" with "39,094,630"

Page 4, line 25, replace "3,116,332" with "4,367,627" and replace "19,972,442" with "21,223,737"

Page 4, line 28, replace "6,778,504" with "8,029,799" and replace "24,018,304" with "25,269,599"

Page 4, line 29, replace the second underscored zero with "350,000" and replace the third underscored zero with "350,000"

Page 4, line 30, replace "6,778,504" with "7,679,799" and replace "24,018,304" with "24,919,599"

Page 5, line 5, replace "1,399,686" with "1,514,551" and replace "11,514,751" with "11,629,616"

Page 5, line 8, replace "11,936,631" with "12,051,496" and replace "22,260,690" with "22,375,555"

Page 5, line 10, replace "8,268,131" with "8,382,996" and replace "18,592,190" with "18,707,055"

Page 5, line 16, replace "4,339,273" with "4,528,585" and replace "34,434,395" with "34,623,707"

Page 5, line 19, replace "30,934,384" with "31,123,696" and replace "61,626,376" with "61,815,688"

Page 5, line 21, replace "8,684,384" with "8,873,696" and replace "39,376,376" with "39,565,688"

Page 5, line 27, replace "1,785,999" with "3,017,864" and replace "15,136,136" with "16,368,001"

Page 5, line 30, replace "22,590,920" with "23,822,785" and replace "36,199,473" with "37,431,338"

Page 6, line 1, replace "4,090,920" with "5,322,785" and replace "17,699,473" with "18,931,338"

Page 6, line 7, replace "922,959" with "1,102,824" and replace "5,682,507" with "5,862,372"

Page 6, line 8, replace "2,800,000" with "3,080,000" and replace "2,909,725" with "3,189,725"

Page 6, line 10, replace "3,819,980" with "4,279,845" and replace "8,689,253" with "9,149,118"

Page 6, line 12, replace "1,819,980" with "2,279,845" and replace "6,689,253" with "7,149,118"

Page 6, line 18, replace "7,172,600" with "7,087,700" and replace "41,200,301" with "41,115,401"

Page 6, line 19, replace "7,172,600" with "7,087,700" and replace "41,200,301" with "41,115,401"

Page 6, line 21, replace "7,172,600" with "7,087,700" and replace "41,200,301" with "41,115,401"

Page 7, line 7, replace "145,140,779" with "153,228,587" and replace "585,208,335" with "593,296,143"

Page 7, line 8, replace "165,163,228" with "197,223,148" and replace "169,504,444" with "201,564,364"

Page 7, after line 9, insert:

**"SECTION 2. CONTINGENT FUNDING - LAKE REGION STATE COLLEGE.**

The capital assets line item in subdivision 3 of section 1 of this Act includes \$2,609,920 from the general fund for a wind energy project at lake region state college which may be spent only to the extent that federal funds appropriated in section 3 of this Act are not available for these purposes. Notwithstanding provisions of section 54-44.1-11 which authorize the North Dakota university system to continue appropriation authority, any unspent funds from the general fund appropriation provided for the lake region state college wind energy project must be returned to the general fund at the end of the 2009-11 biennium.

**SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the North Dakota university system, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Lake region state college - Wind energy project	<u>\$2,609,920</u>
Total federal funds	\$2,609,920

The North Dakota university system may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

**SECTION 4. APPROPRIATION - FEDERAL FISCAL STABILIZATION - OTHER GOVERNMENT SERVICES FUNDS - ADDITIONAL FUNDING APPROVAL - PRIORITY.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal fiscal stabilization - other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the North Dakota university system, for the period beginning with the effective date of this Act and ending June 30, 2011, for the following capital construction project:

Minot state university Swain hall	\$5,000,000
University of North Dakota education building	<u>11,200,000</u>
Total federal funds	\$16,200,000

The North Dakota university system may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available. If the sum of federal fiscal stabilization - other government services funds appropriated by the sixty-first legislative assembly exceed

funds available, the governor shall give priority for using the funds available for the Minot state university Swain hall project and the university of North Dakota education building project.

**SECTION 5. ESTIMATED INCOME - PERMANENT OIL TAX TRUST FUND - WILLISTON STATE COLLEGE.** The estimated income line item in subdivision 4 of section 1 of this Act includes \$5,000,000 from the permanent oil tax trust fund for the Williston state college virtual center for career and technical education. Williston state college may only use the funding provided from the permanent oil tax trust fund for the purpose of constructing a virtual center for career and technical education to provide secondary and postsecondary career and technical education programs.

**SECTION 6. CONTINGENT APPROPRIATION - DICKINSON STATE UNIVERSITY.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$8,800,000, or so much of the sum as may be necessary, to Dickinson state university for the purpose of the renovation and construction of the Dickinson state university Stoxen library, for the biennium beginning July 1, 2009, and ending June 30, 2011. Dickinson state university may spend this funding only if actual general fund revenues for the period from July 1, 2009, through December 31, 2009, exceed estimated general fund revenues for that period by at least \$25,000,000, as determined by the office of management and budget, based on the legislative estimates made at the close of the 2009 legislative session."

Page 7, line 24, replace "49,928,248" with "39,008,248"

Page 7, line 25, replace "164,458,000" with "166,958,000"

Page 7, line 26, replace "0" with "10,400,000"

Page 7, line 30, replace "234,611,248" with "236,591,248"

Page 8, line 1, replace "164,458,000" with "177,358,000"

Page 8, line 2, replace "70,153,248" with "59,233,248"

Page 8, after line 6, insert:

**"SECTION 8. PERMANENT OIL TAX TRUST FUND - DICKINSON STATE UNIVERSITY.** The estimated income line item in subdivision 8 of section 1 of this Act includes \$350,000 from the permanent oil tax trust fund for operations of Dickinson state university, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 9. PERMANENT OIL TAX TRUST FUND - BISMARCK FAMILY PRACTICE CENTER.** The estimated income line item in subdivision 5 of section 1 of this Act includes \$5,400,000 from the permanent oil tax trust fund for the construction of a building for the university of North Dakota school of medicine and health sciences Bismarck family practice center, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 9, line 11, after the comma insert "including funding received through the federal American Recovery and Reinvestment Act of 2009 for competitive grants or other funds that the legislative assembly has not indicated the intent to reject,"

Page 10, after line 13, insert:

**"SECTION 22. CAPITAL ASSETS - MINOT STATE UNIVERSITY - GEOTHERMAL SYSTEM.** The sum of \$2,500,000, or so much of the sum as may be necessary, included in the capital assets line item in subdivision 10 of section 1 of this Act, may be used to refurbish the existing coal boiler or in combination with or to match federal or other funds to design and install a geothermal energy system, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 23. CAPITAL ASSETS - MINOT STATE UNIVERSITY SWAIN HALL.** The sum of \$1,250,000, or so much of the sum as may be necessary, included in the capital assets line item in subdivision 10 of section 1 of this Act, may be used for the Minot state university Swain hall renovation project, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 24. OPERATING EXPENSES - VALLEY CITY STATE UNIVERSITY.** The sum of \$800,000, or so much of the sum as may be necessary, included in the operations line item in subdivision 11 of section 1 of this Act, may be used in support of strategic goals and initiatives, to offset enrollment impacts, and address other needs, including capital, as determined by Valley City state university.

**SECTION 25. USE OF UNSPENT 2007-09 GENERAL FUND APPROPRIATIONS - CAMPUS MARKETING.** The state board of higher education shall use \$200,000 of the North Dakota university system office unspent 2007-09 general fund appropriation authorized to continue under section 54-44.1-11 for marketing and student retention at Valley City state university, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 10, line 26, after "renovation" insert "and addition and auxiliary services renovation"

Page 10, after line 31, insert:

"University of North Dakota - Hangar renovation and addition	1,500,000"
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Page 11, line 2, replace "60,679,500" with "62,179,500"

Page 11, remove lines 3 through 12

Page 11, remove lines 18 through 26

Page 12, replace lines 3 through 9 with:

**"SECTION 29. LEGISLATIVE INTENT - LOAN FORGIVENESS PROGRAM.** It is the intent of the sixty-first legislative assembly that any qualified returning technology occupation loan forgiveness program applicants for the 2009-10 academic year and forward be eligible to receive \$1,500 per year, for up to four years, combined between the technology occupation loan forgiveness program and science, technology, engineering, and mathematics loan forgiveness program. All new applicants beginning with the 2009-10 academic year are eligible to receive \$1,500 per year, up to a maximum of \$6,000. It is also the intent of the sixty-first legislative assembly that the North Dakota university system make new and continuing loan forgiveness program awards in the 2009-11 biennium to ensure adequate program funding carryover to the 2011-13 biennium to continue the program with approximately the same number of new awards in the 2011-13 biennium without increased state program funding.

**SECTION 30. TUITION RATE INCREASES - LIMIT - BUDGET SECTION APPROVAL.** Notwithstanding any other provision of law, the state board of higher education shall limit any annual tuition increase for students attending institutions under

its control for the 2009-10 and 2010-11 academic years to not more than four percent for each year unless the board receives prior budget section approval."

Page 12, after line 15, insert:

**"SECTION 32. LEGISLATIVE COUNCIL STUDY - TUITION WAIVERS.**

During the 2009-10 interim, the legislative council shall consider studying the impact of tuition waivers on institutions under the control of the state board of higher education. The study if conducted must review the types of tuition waivers available, the number of tuition waivers granted, and the value of tuition waivers. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 33. LEGISLATIVE COUNCIL STUDY - EDUCATION**

**GOVERNANCE.** During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of creating a department to oversee early childhood, elementary, secondary, and postsecondary education. The study if conducted must include a review of education governance in other states, the efficiency of combining governing agencies, and the potential governing structure of a combined education department. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 34. LEGISLATIVE COUNCIL STUDY - HIGHER EDUCATION**

**STUDENT TRUST FUND.** During the 2009-10 interim, the legislative council shall consider studying the establishment of a higher education student trust fund, including available funding sources. The study if conducted must review best practices to include demonstrated in-migration patterns and long-term return on investment to the citizens of North Dakota by ensuring students are prepared to meet the changing needs of a global economy and to strengthen the economy of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 35. AMENDMENT.** Subsections 1 and 3 of section 15-10-37 of the North Dakota Century Code are amended and reenacted as follows:

1. The state board of higher education shall administer a science, technology, engineering, and mathematics occupations student loan program that encourages college students to pursue ~~technology-based~~ studies in these fields, to participate in ~~technology~~ internship programs, and to remain in the state after graduation. The board shall adopt rules to implement the program, including internship requirements, guidelines to determine which technology-related courses of study are eligible under the program, and standards for eligibility.
3. The state board of higher education shall distribute student loan grants directly to the Bank of North Dakota to repay outstanding student loan principal balances for eligible applicants. The maximum student loan grant amount for which an applicant may qualify is one thousand five hundred dollars per year and a total of ~~five six~~ thousand dollars, or a lesser amount established by rule adopted by the state board of higher education.

**SECTION 36. AMENDMENT.** Section 15-62.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**15-62.2-02. State board of higher education - Powers and duties.** The state board of higher education shall:

1. Administer the North Dakota student financial assistance program and the North Dakota scholars program and adopt functional rules regarding the eligibility and selection of grant and scholarship recipients.
2. Determine the amount of individual grants, ~~but~~ which may not exceed one thousand five hundred dollars per recipient per academic year, under the North Dakota student financial assistance program.
3. ~~Adopt for~~ For the North Dakota student financial assistance program, adopt criteria for substantial need, based upon the ability of the parents or guardian to contribute toward the applicant's educational expenses.
4. Establish the appropriate procedures for fiscal control, fund accounting, and necessary reports.
5. Apply for, receive, expend, and administer granted moneys from federal or private sources.

**SECTION 37.** A new section to chapter 15-62.2 of the North Dakota Century Code is created and enacted as follows:

**Annual report.** The state board of higher education shall provide to the legislative council an annual report regarding the number of North Dakota academic scholarships and career and technical education scholarships provided and demographic information pertaining to the recipients.

**SECTION 38. AMENDMENT.** Section 15.1-01-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-01-02. Joint meetings - State board of public school education - State board of higher education - Education standards and practices board - State board for career and technical education.** The state board of public school education, the state board of higher education, the education standards and practices board, and the state board for career and technical education shall meet together at least once each year at the call of the superintendent of public instruction, the commissioner of higher education, the executive director of the education standards and practices board, and the director of career and technical education for the purposes of:

1. Coordinating elementary and secondary education programs, career and technical education programs, and higher education programs;
2. Establishing high standards and expectations of students at all levels of the education continuum;
3. Ensuring that all students have access to challenging curricula;
4. Ensuring that the individuals instructing students at all levels of the education continuum are highly qualified and capable;
5. Cooperating in the provision of professional growth and development opportunities for ~~elementary and secondary teachers and administrators.~~ individuals instructing students at all levels of the education continuum; and
6. Ensuring cooperation in any other jointly beneficial project or program.

**SECTION 39. UNIVERSITY OF NORTH DAKOTA HANGAR PROJECT.** The state board of higher education may enter an agreement with a private entity to do all things necessary and proper to authorize construction of a hangar addition and renovation at the university of North Dakota aerospace complex at the Grand Forks



international airport using current fees for flight operations, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 12, line 17, after "items" insert "and \$317,000 of the operations line item in subdivision 11" and replace "4, 5, 7, 14, and 15" with "3, 4, 11, 12, 14, 21, 26, and 36"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98046.0326 FN 2**

**A copy of the statement of purpose of amendment is attached.**