

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2351**

Introduced by

Senators Schneider, Flakoll

Representatives Dahl, Heilman, R. Kelsch, Mock

1 A BILL for an Act to create and enact chapter 15-10.3 of the North Dakota Century Code,  
2 relating to student fees at institutions of higher education under the control of the state board of  
3 higher education; to provide for a legislative management study; and to provide an expiration  
4 date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Chapter 15-10.3 of the North Dakota Century Code is created and enacted as  
7 follows:

8 **15-10.3-01. Definitions.**

9 For purposes of this chapter, unless the context otherwise requires:

- 10 1. "Fee" means any monetary charge, other than tuition, that a student is assessed for a  
11 specific purpose or supplemental service.  
12 2. "Tuition" means the monetary charge that a student is assessed in order to be enrolled  
13 in a class or program for which a student generally earns academic credit.

14 **15-10.3-02. Mandatory fees - Fees for optional purposes or services - Publication for**  
15 **comparison purposes.**

16 The state board of higher education shall publish on its website in a clear and  
17 comprehensible form that allows for ease of comparison among all institutions under its control:

- 18 1. The amount of mandatory fees that each institution has determined it shall assess  
19 each full-time and part-time student during the ensuing academic year, together with a  
20 breakdown of the fees by purpose or service;  
21 2. The amount of any program-specific fees that each institution has determined it shall  
22 assess each student in a particular program during the ensuing academic year; and

1       3. The amount of fees for optional purposes or services that each institution has  
2           determined it may assess a full-time or a part-time student during the ensuing  
3           academic year, together with a breakdown of the fees by purpose or service.

4       **15-10.3-03. Mandatory fees - Limitation on increases - Exemption.**

5       The total amount of mandatory fees, other than program-specific fees, which an institution  
6 under the control of the state board of higher education assesses each full-time and part-time  
7 student, may not increase from one academic year to the ensuing academic year by more than  
8 one percent of the latest available average full-time, resident, on-campus, undergraduate tuition  
9 rate at that institution, unless the state board determines that an exemption from the  
10 requirements of this section is necessitated as a result of:

- 11       1. Documented extraordinary circumstances; or  
12       2. Student demand, as evidenced by a campuswide student election or formal action by  
13       an institution's student governing board or committee.

14       **15-10.3-04. Mandatory fee increases - Criteria - Explanation.**

- 15       1. Before the state board of higher education may approve an institution's request to  
16 increase a mandatory fee, other than a program-specific fee, the institution shall  
17 provide to the board the following information:  
18       a. The estimated revenue collection to be generated by the proposed fee increase;  
19       b. The specific purpose to which the generated revenue will be allocated;  
20       c. Other anticipated tuition and fee increases;  
21       d. A delineation of fee increases during the preceding five-year period and the  
22       revenues collected as a result of each increase;  
23       e. The extent to which students were allowed to participate in the decisionmaking  
24       process that preceded and resulted in the request for a fee increase; and  
25       f. The approximate number of students that would be assessed the fee each year.  
26       2. The board shall examine the information provided by the requesting institution and  
27 shall support its decision to grant or deny a request for a mandatory fee increase with  
28 specific reference to each piece of information required by this section.

29       **SECTION 2. STUDENT FEES - LEGISLATIVE MANAGEMENT STUDY.** The legislative  
30 management shall consider studying, during the 2011-12 interim, the assessment of mandatory  
31 fees and fees for optional purposes or services by institutions under the control of the state

1 board of higher education, including the manner in which such fees are determined, identified,  
2 and justified and whether the programs, purposes, services, and activities supported by such  
3 fees should in fact be supported by tuition dollars, legislative appropriations, or other public or  
4 private funding sources. The legislative management shall report its findings and  
5 recommendations, together with any legislation required to implement the recommendations, to  
6 the sixty-third legislative assembly.

7 **SECTION 3. EXPIRATION DATE.** Section 15-10.3-03 is effective through June 30, 2013,  
8 and after that date is ineffective.