

**SECOND ENGROSSMENT  
with Conference Committee Amendments**

Sixty-first  
Legislative Assembly  
of North Dakota

**REENGROSSED SENATE BILL NO. 2003**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota  
2 university system; to provide a contingent appropriation; to provide for transfer of funds; to  
3 authorize the state board of higher education to issue and sell bonds for capital projects; to  
4 provide for legislative council studies; to create and enact a new section to chapter 15-62.2 of  
5 the North Dakota Century Code, relating to reporting requirements of scholarship programs; to  
6 amend and reenact subsections 1 and 3 of section 15-10-37 and sections 15-62.2-02 and  
7 15.1-01-02 of the North Dakota Century Code, relating to student financial assistance grants,  
8 technology grants, and joint meetings of the state's education boards; and to declare an  
9 emergency.

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

11 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
12 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
13 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
14 other income to the North Dakota university system office and to the various entities and  
15 institutions under the supervision of the state board of higher education for the purpose of  
16 defraying the expenses of the North Dakota university system office and to the various entities  
17 for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

18 Subdivision 1.

19 **NORTH DAKOTA UNIVERSITY SYSTEM OFFICE**

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20			
21			
22 Capital assets	\$15,754,112	(\$3,740,064)	\$12,014,048
23 Competitive research program	5,650,000	1,400,000	7,050,000
24 System governance	6,281,894	903,718	7,185,612

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1	Title II	695,600	0	695,600
2	System information technology	25,983,293	4,246,745	30,230,038
3	services			
4	Professional liability insurance	1,100,000	0	1,100,000
5	Student financial assistance grants	5,987,497	13,386,525	19,374,022
6	Professional student exchange	2,722,946	614,154	3,337,100
7	program			
8	Academic and technical education	0	3,000,000	3,000,000
9	scholarships			
10	Two-year campus marketing	0	800,000	800,000
11	Scholars program	1,478,566	635,018	2,113,584
12	Native American scholarships	380,626	666	381,292
13	Security and emergency	0	750,000	750,000
14	preparedness			
15	Education incentive programs	1,740,314	1,436,030	3,176,344
16	Science, technology, engineering, and	0	1,500,000	1,500,000
17	mathematics teacher education			
18	enhancement			
19	Grants	<u>700,000</u>	<u>(600,000)</u>	<u>100,000</u>
20	Total all funds	\$68,474,848	\$24,332,792	\$92,807,640
21	Less estimated income	<u>3,343,730</u>	<u>705,228</u>	<u>4,048,958</u>
22	Total general fund	\$65,131,118	\$23,627,564	\$88,758,682
23	Full-time equivalent positions	20.00	1.30	21.30

24 Subdivision 2.

25 BISMARCK STATE COLLEGE

26			Adjustments or	
27		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
28	Operations	\$19,733,680	\$4,470,325	\$24,204,005
29	Capital assets	243,481	3,409,500	3,652,981
30	Deferred maintenance	<u>0</u>	<u>340,637</u>	<u>340,637</u>
31	Total all funds	\$19,977,161	\$8,220,462	\$28,197,623

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1	Less estimated income	<u>0</u>	<u>409,500</u>	<u>409,500</u>
2	Total general fund	\$19,977,161	\$7,810,962	\$27,788,123
3	Full-time equivalent positions	105.38	5.55	110.93

4 Subdivision 3.

5 LAKE REGION STATE COLLEGE

6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	Operations	\$6,511,348	\$1,444,862	\$7,956,210
9	Capital assets	43,662	2,609,920	2,653,582
10	Deferred maintenance	<u>0</u>	<u>93,807</u>	<u>93,807</u>
11	Total all funds	\$6,555,010	\$4,148,589	\$10,703,599
12	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
13	Total general fund	\$6,555,010	\$4,148,589	\$10,703,599
14	Full-time equivalent positions	30.49	2.48	32.97

15 Subdivision 4.

16 WILLISTON STATE COLLEGE

17			Adjustments or	
18		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
19	Operations	\$6,422,504	\$1,274,495	\$7,696,999
20	Capital assets	86,475	16,985,000	17,071,475
21	Deferred maintenance	<u>0</u>	<u>382,002</u>	<u>382,002</u>
22	Total all funds	\$6,508,979	\$18,641,497	\$25,150,476
23	Less estimated income	<u>0</u>	<u>15,375,000</u>	<u>15,375,000</u>
24	Total general fund	\$6,508,979	\$3,266,497	\$9,775,476
25	Full-time equivalent positions	39.80	1.30	41.10

26 Subdivision 5.

27 UNIVERSITY OF NORTH DAKOTA

28			Adjustments or	
29		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
30	Operations	\$107,011,830	\$18,024,953	\$125,036,783
31	Capital assets	2,300,545	49,919,000	52,219,545

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1	Deferred maintenance	<u>0</u>	<u>7,178,674</u>	<u>7,178,674</u>
2	Total all funds	\$109,312,375	\$75,122,627	\$184,435,002
3	Less estimated income	<u>0</u>	<u>49,919,000</u>	<u>49,919,000</u>
4	Total general fund	\$109,312,375	\$25,203,627	\$134,516,002
5	Full-time equivalent positions	637.24	(11.96)	625.28
6	Subdivision 6.			

NORTH DAKOTA STATE UNIVERSITY

8			Adjustments or	
9		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
10	Operations	\$89,593,630	\$18,773,992	\$108,367,622
11	Capital assets	1,692,225	71,100,000	72,792,225
12	Deferred maintenance	<u>0</u>	<u>5,355,817</u>	<u>5,355,817</u>
13	Total all funds	\$91,285,855	\$95,229,809	\$186,515,664
14	Less estimated income	<u>0</u>	<u>58,100,000</u>	<u>58,100,000</u>
15	Total general fund	\$91,285,855	\$37,129,809	\$128,415,664
16	Full-time equivalent positions	498.12	17.64	515.76
17	Subdivision 7.			

NORTH DAKOTA STATE COLLEGE OF SCIENCE

19			Adjustments or	
20		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21	Operations	\$27,390,368	\$4,216,787	\$31,607,155
22	Capital assets	753,332	12,836,000	13,589,332
23	Deferred maintenance	<u>0</u>	<u>1,034,143</u>	<u>1,034,143</u>
24	Total all funds	\$28,143,700	\$18,086,930	\$46,230,630
25	Less estimated income	<u>0</u>	<u>7,136,000</u>	<u>7,136,000</u>
26	Total general fund	\$28,143,700	\$10,950,930	\$39,094,630
27	Full-time equivalent positions	156.77	0.47	157.24
28	Subdivision 8.			

DICKINSON STATE UNIVERSITY

30			Adjustments or	
31		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>

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1	Operations	\$16,856,110	\$4,367,627	\$21,223,737
2	Capital assets	383,690	2,000,000	2,383,690
3	Deferred maintenance	<u>0</u>	<u>1,662,172</u>	<u>1,662,172</u>
4	Total all funds	\$17,239,800	\$8,029,799	\$25,269,599
5	Less estimated income	<u>0</u>	<u>350,000</u>	<u>350,000</u>
6	Total general fund	\$17,239,800	\$7,679,799	\$24,919,599
7	Full-time equivalent positions	121.60	(30.50)	91.10

8 Subdivision 9.

9 MAYVILLE STATE UNIVERSITY

10			Adjustments or	
11		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
12	Operations	\$10,115,065	\$1,514,551	\$11,629,616
13	Capital assets	208,994	8,626,825	8,835,819
14	Deferred maintenance	<u>0</u>	<u>1,910,120</u>	<u>1,910,120</u>
15	Total all funds	\$10,324,059	\$12,051,496	\$22,375,555
16	Less estimated income	<u>0</u>	<u>3,668,500</u>	<u>3,668,500</u>
17	Total general fund	\$10,324,059	\$8,382,996	\$18,707,055
18	Full-time equivalent positions	55.89	(.50)	55.39

19 Subdivision 10.

20 MINOT STATE UNIVERSITY

21			Adjustments or	
22		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
23	Operations	\$30,095,122	\$4,528,585	\$34,623,707
24	Capital assets	596,870	26,000,000	26,596,870
25	Deferred maintenance	<u>0</u>	<u>595,111</u>	<u>595,111</u>
26	Total all funds	\$30,691,992	\$31,123,696	\$61,815,688
27	Less estimated income	<u>0</u>	<u>22,250,000</u>	<u>22,250,000</u>
28	Total general fund	\$30,691,992	\$8,873,696	\$39,565,688
29	Full-time equivalent positions	184.83	4.99	189.82

30 Subdivision 11.

31 VALLEY CITY STATE UNIVERSITY

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1			Adjustments or	
2		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
3	Operations	\$13,350,137	\$3,017,864	\$16,368,001
4	Capital assets	258,416	19,500,000	19,758,416
5	Deferred maintenance	<u>0</u>	<u>1,304,921</u>	<u>1,304,921</u>
6	Total all funds	\$13,608,553	\$23,822,785	\$37,431,338
7	Less estimated income	<u>0</u>	<u>18,500,000</u>	<u>18,500,000</u>
8	Total general fund	\$13,608,553	\$5,322,785	\$18,931,338
9	Full-time equivalent positions	78.15	8.71	86.86

10 Subdivision 12.

11 MINOT STATE UNIVERSITY - BOTTINEAU

12			Adjustments or	
13		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14	Operations	\$4,759,548	\$1,102,824	\$5,862,372
15	Capital assets	109,725	3,080,000	3,189,725
16	Deferred maintenance	<u>0</u>	<u>97,021</u>	<u>97,021</u>
17	Total all funds	\$4,869,273	\$4,279,845	\$9,149,118
18	Less estimated income	<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>
19	Total general fund	\$4,869,273	\$2,279,845	\$7,149,118
20	Full-time equivalent positions	31.11	0.64	31.75

21 Subdivision 13.

22 UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES

23			Adjustments or	
24		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
25	Operations	\$34,027,701	\$7,087,700	\$41,115,401
26	Total all funds	\$34,027,701	\$7,087,700	\$41,115,401
27	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
28	Total general fund	\$34,027,701	\$7,087,700	\$41,115,401
29	Full-time equivalent positions	157.74	(12.82)	144.92

30 Subdivision 14.

31 NORTH DAKOTA FOREST SERVICE

1			Adjustments or	
2		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
3	Operations	\$3,352,828	\$1,118,212	\$4,471,040
4	Capital assets	36,638	300,000	336,638
5	Deferred maintenance	<u>0</u>	<u>45,576</u>	<u>45,576</u>
6	Total all funds	\$3,389,466	\$1,463,788	\$4,853,254
7	Less estimated income	<u>997,486</u>	<u>0</u>	<u>997,486</u>
8	Total general fund	\$2,391,980	\$1,463,788	\$3,855,768
9	Full-time equivalent positions	19.47	7.53	27.00

10 Subdivision 15.

11 BILL TOTAL

12			Adjustments or	
13		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14	Grand total general fund	\$440,067,556	\$153,228,587	\$593,296,143
15	Grand total special funds	<u>4,341,216</u>	<u>197,223,148</u>	<u>201,564,364</u>
16	Grand total all funds	\$444,408,772	\$350,451,735	\$794,860,507

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

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

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

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

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

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

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

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

27           Any federal funds appropriated under this section are not a part of the agency's 2011-13  
28 base budget. Any program expenditures made with these funds will not be replaced with state  
29 funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer  
30 available. If the sum of federal fiscal stabilization - other government services funds  
31 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.

**SECTION 7. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

**SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Northern tier network infrastructure from permanent oil tax fund	\$2,773,800	\$0
ConnectND system support	2,300,000	0
Common information system pool parity funding	420,000	0
Campus initiatives	960,800	0
UND simulation lab	200,000	0

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1	Williston state college oil rig program	200,000	0
2	Deferred maintenance - General fund	10,893,033	20,000,000
3	Capital projects - General fund	13,808,235	39,008,248
4	Capital projects - Special funds	153,295,170	166,958,000
5	Capital projects from permanent oil tax	4,809,515	10,400,000
6	trust fund		
7	Electronic medical records system UND	0	225,000
8	medical school		
9	Total all funds	\$189,660,553	\$236,591,248
10	Total special funds	<u>161,078,485</u>	<u>177,358,000</u>
11	Total general fund	\$28,582,068	\$59,233,248

12 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the  
13 2011-13 biennium. The North Dakota university system shall report to the appropriations  
14 committees of the sixty-second legislative assembly on the use of this one-time funding for the  
15 biennium beginning July 1, 2009, and ending June 30, 2011.

16 **SECTION 8. PERMANENT OIL TAX TRUST FUND - DICKINSON STATE**

17 **UNIVERSITY.** The estimated income line item in subdivision 8 of section 1 of this Act includes  
18 \$350,000 from the permanent oil tax trust fund for operations of Dickinson state university, for  
19 the biennium beginning July 1, 2009, and ending June 30, 2011.

20 **SECTION 9. PERMANENT OIL TAX TRUST FUND - BISMARCK FAMILY**

21 **PRACTICE CENTER.** The estimated income line item in subdivision 5 of section 1 of this Act  
22 includes \$5,400,000 from the permanent oil tax trust fund for the construction of a building for  
23 the university of North Dakota school of medicine and health sciences Bismarck family practice  
24 center, for the biennium beginning July 1, 2009, and ending June 30, 2011.

25 **SECTION 10. CAPITAL ASSETS.** The sum of \$12,014,048, or so much of the sum as  
26 may be necessary, included in the capital assets line item in subdivision 1 of section 1 of this  
27 Act, must be used by the state board of higher education to satisfy outstanding bond  
28 obligations.

29 **SECTION 11. CAPITAL ASSETS - VALLEY CITY STATE UNIVERSITY.** The sum of  
30 \$1,000,000, or so much of the sum as may be necessary, included in the capital assets line

item in subdivision 11 of section 1 of this Act, may be used for development of a campuswide master plan and for maintenance and repair projects.

**SECTION 12. CAPITAL ASSETS - DICKINSON STATE UNIVERSITY.** The sum of \$2,000,000, or so much of the sum as may be necessary, included in the capital assets line item in subdivision 8 of section 1 of this Act, may be used for development of a campuswide master plan, an asbestos survey and removal and schematic design for Stoxen library, other campus repairs, and payoff of energy or construction loans.

**SECTION 13. SYSTEM INFORMATION TECHNOLOGY SERVICES.** The sum of \$30,230,038, or so much of the sum as may be necessary, included in the system information technology services line item in subdivision 1 of section 1 of this Act, must be used for the benefit of the institutions and entities under the control of the state board of higher education, as determined by the board. Funding allocations are to be made based on the North Dakota university system information technology plan and technology priorities. Funds allocated pursuant to this section must be used to support the system information technology services including the higher education computer network, the interactive video network, the on-line Dakota information network, ConnectND, and other related technology initiatives as determined by the board.

**SECTION 14. NORTH DAKOTA FOREST SERVICE FEDERAL FUNDS.** The sum of \$826,284 in section 1, subdivision 14, of this Act is available on a dollar-for-dollar basis to offset lost federal funds.

**SECTION 15. STUDENT LOAN TRUST FUND.** Subdivision 1 of section 1 of this Act includes the sum of \$2,011,570, or so much of the sum as may be necessary, from the student loan trust fund of which \$990,970 is for the professional student exchange program and \$1,020,600 ConnectND campus solution positions, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 16. FEDERAL, PRIVATE, AND OTHER FUNDS - APPROPRIATION.** All funds, in addition to those appropriated in section 1 of this Act, from federal, private, and other sources, 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, received by the institutions and entities under the control of the state board of higher education are appropriated to those institutions and entities, for the biennium

beginning July 1, 2009, and ending June 30, 2011. All additional funds received under the North Dakota-Minnesota reciprocity agreement during the biennium beginning July 1, 2009, and ending June 30, 2011, are appropriated to the state board of higher education for reimbursement to institutions under the control of the board.

**SECTION 17. TRANSFER AUTHORITY.** If, during the biennium beginning July 1, 2009, and ending June 30, 2011, the state board of higher education determines that funds allocated to operations in section 1 of this Act are needed for capital assets or deferred maintenance, the board may transfer funds from operations to capital assets or to deferred maintenance. The board shall report any transfer of funds under this section to the office of management and budget.

**SECTION 18. DEFERRED MAINTENANCE - TRANSFERS.** If, during the biennium beginning July 1, 2009, and ending June 30, 2011, the state board of higher education determines that funds allocated to deferred maintenance in section 1 of this Act are needed for capital assets, the board may transfer funds from deferred maintenance to capital assets or may transfer funds from capital assets to deferred maintenance. The board shall report any transfer of funds under this section to the office of management and budget.

**SECTION 19. SECURITY AND EMERGENCY PREPAREDNESS TRANSFERS.** The sum of \$750,000, or so much of the sum as may be necessary, included in the security and emergency preparedness line item in subdivision 1 of section 1 of this Act, must be used for the benefit of the institutions and entities under the control of the state board of higher education, as determined by the board for security and emergency preparedness needs.

**SECTION 20. FULL-TIME EQUIVALENT POSITION ADJUSTMENTS.** Notwithstanding any other provisions of law, the state board of higher education may adjust full-time equivalent positions as needed, subject to the availability of funds, for institutions and entities under its control. The university system shall report any adjustments to the office of management and budget before the submission of the 2011-13 biennium budget request.

**SECTION 21. EDUCATION INCENTIVE PROGRAMS.** The funding appropriated for education incentive programs in subdivision 1 of section 1 of this Act may be allocated to education incentive programs as determined by the state board of higher education, including the reduction or elimination of specific programs, and the state board of higher education may

determine the appropriate number of years of program eligibility for each education incentive program.

**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.

**SECTION 26. BOND ISSUANCE AUTHORIZATION - PURPOSES - APPROPRIATION.** The state board of higher education, in accordance with chapter 15-55, may arrange for the funding of projects authorized in this section, declared to be in the public interest, through the issuance of self-liquidating, tax-exempt evidences of indebtedness under chapter 15-55, beginning with the effective date of this Act and ending June 30, 2011. Evidences of indebtedness issued pursuant to this section are not a general obligation of the state of North Dakota. Any unexpended balance resulting from the proceeds of the evidences of indebtedness must be placed in a sinking fund to be used for the retirement of indebtedness.

1 The evidences of indebtedness may be issued and the proceeds are appropriated, for the  
2 biennium beginning July 1, 2009, and ending June 30, 2011, for the purpose of financing the  
3 following capital projects:

4 Williston state college - New dormitory	\$9,375,000
5 North Dakota state university - West dining services renovation	7,000,000
6 and addition and auxiliary services renovation	
7 North Dakota state university - Niskanen student apartments	20,000,000
8 North Dakota state school of science - Robertson hall renovation	6,000,000
9 and addition and auxiliary services renovation	
10 North Dakota state school of science - Parking lot	1,136,000
11 Mayville state university - Agassiz hall housing renovation	3,668,500
12 Minot state university - Wellness center	10,000,000
13 University of North Dakota - Hangar renovation and addition	1,500,000
14 Valley City state university - Snoeyenbos hall renovation	<u>3,500,000</u>
15 Total special funds	\$62,179,500

16 **SECTION 27. LEGISLATIVE INTENT - NORTH DAKOTA UNIVERSITY SYSTEM**

17 **EMPLOYEE COMPENSATION ADJUSTMENTS.** It is the intent of the sixty-first legislative  
18 assembly that each North Dakota university system employee whose documented performance  
19 meets all standards is to receive a minimum monthly salary increase of \$100 on July 1, 2009,  
20 and \$100 on July 1, 2010.

21 **SECTION 28. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS**

22 **TEACHER EDUCATION ENHANCEMENT.** The sum of \$1,500,000 included in the science,  
23 technology, engineering, and mathematics teacher education line item in subdivision 1 of  
24 section 1 of this Act must be used for the benefit of institutions under the control of the state  
25 board of higher education, as determined by the board. Funding allocations are to be used to  
26 enhance the use of science, technology, engineering, and mathematics in existing teacher  
27 education program curriculums and may not be used for infrastructure projects.

28 **SECTION 29. LEGISLATIVE INTENT - LOAN FORGIVENESS PROGRAM.** It is the  
29 intent of the sixty-first legislative assembly that any qualified returning technology occupation  
30 loan forgiveness program applicants for the 2009-10 academic year and forward be eligible to  
31 receive \$1,500 per year, for up to four years, combined between the technology occupation

1 loan forgiveness program and science, technology, engineering, and mathematics loan  
2 forgiveness program. All new applicants beginning with the 2009-10 academic year are eligible  
3 to receive \$1,500 per year, up to a maximum of \$6,000. It is also the intent of the sixty-first  
4 legislative assembly that the North Dakota university system make new and continuing loan  
5 forgiveness program awards in the 2009-11 biennium to ensure adequate program funding  
6 carryover to the 2011-13 biennium to continue the program with approximately the same  
7 number of new awards in the 2011-13 biennium without increased state program funding.

8 **SECTION 30. TUITION RATE INCREASES - LIMIT - BUDGET SECTION**

9 **APPROVAL.** Notwithstanding any other provision of law, the state board of higher education  
10 shall limit any annual tuition increase for students attending institutions under its control for the  
11 2009-10 and 2010-11 academic years to not more than four percent for each year unless the  
12 board receives prior budget section approval.

13 **SECTION 31. LEGISLATIVE COUNCIL STUDY - COMPLETION-BASED FUNDING.**

14 During the 2009-10 interim, the legislative council shall consider studying options for funding  
15 higher education institutions. The study, if conducted, must include a review of the feasibility of  
16 implementing a higher education funding mechanism based on student completion rates. The  
17 legislative council shall report its findings and recommendations, together with any legislation  
18 required to implement the recommendations, to the sixty-second legislative assembly.

19 **SECTION 32. LEGISLATIVE COUNCIL STUDY - TUITION WAIVERS.** During the

20 2009-10 interim, the legislative council shall consider studying the impact of tuition waivers on  
21 institutions under the control of the state board of higher education. The study if conducted  
22 must review the types of tuition waivers available, the number of tuition waivers granted, and  
23 the value of tuition waivers. The legislative council shall report its findings and  
24 recommendations, together with any legislation required to implement the recommendations, to  
25 the sixty-second legislative assembly.

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

27 During the 2009-10 interim, the legislative council shall consider studying the feasibility and  
28 desirability of creating a department to oversee early childhood, elementary, secondary, and  
29 postsecondary education. The study if conducted must include a review of education  
30 governance in other states, the efficiency of combining governing agencies, and the potential  
31 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 ~~to~~ 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.

**SECTION 40. EMERGENCY.** The capital assets, deferred maintenance, and education incentive line items and \$317,000 of the operations line item in subdivision 11 contained in section 1 of this Act and sections 3, 4, 11, 12, 14, 21, 26, and 36 of this Act are declared to be an emergency measure.