

Sixty-eighth  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1003**

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota  
2 university system; to create and enact five new sections to chapter 15-10 and section  
3 15-18.2-06.1 of the North Dakota Century Code, relating to a report on higher education trends,  
4 funding of severance agreements, academic program approval, disclosure of financial  
5 condition, and a minimum amount payable; to amend and reenact sections 15-10-38.1,  
6 15-10-38.2, 15-10-38.3, subdivision c of subsection 1 of section 15-10-48, subdivision c of  
7 subsection 1 of section 15-10-49, subsection 2 of section 15-10-49, sections 15-10-57 and  
8 15-10-63, subdivision k of subsection 1 of section 15-18.2-02, subsection 1 of section  
9 15-18.2-05, section 15-54.1-02, subsection 1 of section 15-62.4-03, subdivision c of  
10 subsection 2 of section 54-07-12, and section 54-44.1-11 of the North Dakota Century Code,  
11 relating to the skilled workforce student loan repayment program, the skilled workforce  
12 scholarship program, matching grants for the advancement of academics, the workforce  
13 development council, higher education capital projects, state aid for institutions of higher  
14 education, the university system capital building fund, student financial assistance grants, the  
15 digitization of documents relating to Theodore Roosevelt, and the cancellation of unexpended  
16 appropriations; to repeal sections 15-10-48.1, 15-10-53, and 15-10-58 of the North Dakota  
17 Century Code, relating to matching grants for legal education, the definition of the advancement  
18 of academics, and the workforce education advisory council; to provide for a transfer; to provide  
19 for a pilot program; to provide for a report; to provide an exemption; to provide legislative intent;  
20 and to declare an emergency.

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

22 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
23 as may be necessary, are appropriated out of any moneys in the general fund in the state  
24 treasury, not otherwise appropriated, and from special funds derived from federal funds and

1 other income, to the state board of higher education and to the entities and institutions under  
2 the supervision of the board for the purpose of defraying the expenses of the state board of  
3 higher education and the entities and institutions under the control of the board, for the  
4 biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

5 Subdivision 1.

6 NORTH DAKOTA UNIVERSITY SYSTEM

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9 Capital assets - bond payments	\$13,385,264	(\$2,187,368)	\$11,197,896
10 Competitive research programs	5,685,750	0	5,685,750
11 System governance	8,605,570	2,703,085	11,308,655
12 Core technology services	62,962,817	7,863,991	70,826,808
13 Student financial assistance grants	23,917,306	12,000,000	35,917,306
14 Professional student exchange program	3,699,342	0	3,699,342
15 Academic and CTE scholarships	16,216,749	1,000,000	17,216,749
16 Scholars program	1,807,115	0	1,807,115
17 Native American scholarship	555,323	444,677	1,000,000
18 Tribally controlled community	1,000,000	1,000,000	2,000,000
19 college grants			
20 Education incentive programs	260,000	0	260,000
21 Student mental health	284,400	0	284,400
22 Veterans' assistance grants	277,875	177,000	454,875
23 Shared campus services	800,000	0	800,000
24 Nursing education consortium	1,356,000	0	1,356,000
25 NASA EPSCoR	342,000	0	342,000
26 Education challenge fund	0	36,000,000	36,000,000
27 Workforce education grants	0	10,000,000	10,000,000
28 Dual-credit tuition scholarship	1,500,000	0	1,500,000
29 Dakota digital academy	0	450,000	450,000
30 Support for single parents	0	4,500,000	4,500,000
31 Inflationary passthrough grants	<u>0</u>	<u>20,100,000</u>	<u>20,100,000</u>

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1	Total all funds	\$142,655,511	\$94,051,385	\$236,706,896
2	Less estimated income	<u>25,757,035</u>	<u>872,198</u>	<u>26,629,233</u>
3	Total general fund	\$116,898,476	\$93,179,187	\$210,077,663
4	Full-time equivalent positions	158.83	4.00	162.83

5 Subdivision 2.

6 BISMARCK STATE COLLEGE

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Operations	\$100,571,387	\$6,815,663	\$107,387,050
10	Capital assets	1,922,561	31,500,000	33,422,561
11	Behavioral health initiative	<u>0</u>	<u>204,000</u>	<u>204,000</u>
12	Total all funds	\$102,493,948	\$38,519,663	\$141,013,611
13	Less estimated income	<u>70,409,893</u>	<u>34,400,734</u>	<u>104,810,627</u>
14	Total general fund	\$32,084,055	\$4,118,929	\$36,202,984
15	Full-time equivalent positions	332.90	2.43	335.33

16 Subdivision 3.

17 LAKE REGION STATE COLLEGE

18			Adjustments or	
19		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20	Operations	\$39,150,913	\$1,913,818	\$41,064,731
21	Capital assets	362,667	600,000	962,667
22	Behavioral health initiative	<u>0</u>	<u>109,000</u>	<u>109,000</u>
23	Total all funds	\$39,513,580	\$2,622,818	\$42,136,398
24	Less estimated income	<u>25,271,428</u>	<u>1,655,128</u>	<u>26,926,556</u>
25	Total general fund	\$14,242,152	\$967,690	\$15,209,842
26	Full-time equivalent positions	115.76	4.83	120.59

27 Subdivision 4.

28 WILLISTON STATE COLLEGE

29			Adjustments or	
30		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
31	Operations	\$34,044,304	\$2,619,856	\$36,664,160

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1	Capital assets	1,261,968	43,913,939	45,175,907
2	Behavioral health initiative	<u>0</u>	<u>169,140</u>	<u>169,140</u>
3	Total all funds	\$35,306,272	\$46,702,935	\$82,009,207
4	Less estimated income	<u>24,019,535</u>	<u>44,830,555</u>	<u>68,850,090</u>
5	Total general fund	\$11,286,737	\$1,872,380	\$13,159,117
6	Full-time equivalent positions	101.29	1.54	102.83
7	Subdivision 5.			

UNIVERSITY OF NORTH DAKOTA

9			Adjustments or	
10		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11	Operations	\$902,173,330	\$52,555,093	\$954,728,423
12	Capital assets	4,411,566	190,000,000	194,411,566
13	National security initiative	0	45,000,000	45,000,000
14	Research network	0	3,201,100	3,201,100
15	Behavioral health initiative	<u>0</u>	<u>660,000</u>	<u>660,000</u>
16	Total all funds	\$906,584,896	\$291,416,193	\$1,198,001,089
17	Less estimated income	<u>755,657,771</u>	<u>218,613,966</u>	<u>974,271,737</u>
18	Total general fund	\$150,927,125	\$72,802,227	\$223,729,352
19	Full-time equivalent positions	2,059.98	0.58	2,060.56
20	Subdivision 6.			

NORTH DAKOTA STATE UNIVERSITY

22			Adjustments or	
23		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
24	Operations	\$756,049,321	\$40,359,558	\$796,408,879
25	Capital assets	7,799,104	107,000,000	114,799,104
26	Workforce education	0	4,800,000	4,800,000
27	Research network	0	3,201,100	3,201,100
28	Behavioral health initiative	<u>0</u>	<u>1,100,000</u>	<u>1,100,000</u>
29	Total all funds	\$763,848,425	\$156,460,658	\$920,309,083
30	Less estimated income	<u>625,417,100</u>	<u>130,501,035</u>	<u>755,918,135</u>

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1	Total general fund	\$138,431,325	\$25,959,623	\$164,390,948
2	Full-time equivalent positions	1,829.43	38.07	1,867.50
3	Subdivision 7.			

NORTH DAKOTA STATE COLLEGE OF SCIENCE

5			Adjustments or	
6		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
7	Operations	\$95,547,465	\$4,650,059	\$100,197,524
8	Capital assets	1,012,379	19,975,000	20,987,379
9	Behavioral health initiative	<u>0</u>	<u>186,750</u>	<u>186,750</u>
10	Total all funds	\$96,559,844	\$24,811,809	\$121,371,653
11	Less estimated income	<u>60,845,052</u>	<u>22,212,951</u>	<u>83,058,003</u>
12	Total general fund	\$35,714,792	\$2,598,858	\$38,313,650
13	Full-time equivalent positions	311.61	2.34	313.95
14	Subdivision 8.			

DICKINSON STATE UNIVERSITY

16			Adjustments or	
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	Operations	\$50,826,060	\$4,755,696	\$55,581,756
19	Capital assets	409,078	18,000,000	18,409,078
20	Behavioral health initiative	<u>0</u>	<u>327,000</u>	<u>327,000</u>
21	Total all funds	\$51,235,138	\$23,082,696	\$74,317,834
22	Less estimated income	<u>30,992,408</u>	<u>19,421,619</u>	<u>50,414,027</u>
23	Total general fund	\$20,242,730	\$3,661,077	\$23,903,807
24	Full-time equivalent positions	175.50	2.50	178.00
25	Subdivision 9.			

MAYVILLE STATE UNIVERSITY

27			Adjustments or	
28		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
29	Operations	\$50,603,276	\$4,577,144	\$55,180,420
30	Capital assets	358,992	0	358,992
31	Behavioral health initiative	<u>0</u>	<u>308,734</u>	<u>308,734</u>

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1	Total all funds	\$50,962,268	\$4,885,878	\$55,848,146
2	Less estimated income	<u>32,282,440</u>	<u>1,763,104</u>	<u>34,045,544</u>
3	Total general fund	\$18,679,828	\$3,122,774	\$21,802,602
4	Full-time equivalent positions	230.35	(3.43)	226.92
5	Subdivision 10.			

MINOT STATE UNIVERSITY

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Operations	\$104,154,777	\$9,659,724	\$113,814,501
10	Capital assets	1,099,620	11,865,000	12,964,620
11	Behavioral health initiative	<u>0</u>	<u>170,000</u>	<u>170,000</u>
12	Total all funds	\$105,254,397	\$21,694,724	\$126,949,121
13	Less estimated income	<u>64,047,767</u>	<u>15,504,561</u>	<u>79,552,328</u>
14	Total general fund	\$41,206,630	\$6,190,163	\$47,396,793
15	Full-time equivalent positions	403.04	20.59	423.63
16	Subdivision 11.			

VALLEY CITY STATE UNIVERSITY

18			Adjustments or	
19		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20	Operations	\$50,083,400	\$4,626,767	\$54,710,167
21	Capital assets	455,823	35,500,000	35,955,823
22	Behavioral health initiative	<u>0</u>	<u>236,000</u>	<u>236,000</u>
23	Total all funds	\$50,539,223	\$40,362,767	\$90,901,990
24	Less estimated income	<u>26,377,846</u>	<u>36,936,844</u>	<u>63,314,690</u>
25	Total general fund	\$24,161,377	\$3,425,923	\$27,587,300
26	Full-time equivalent positions	202.77	9.17	211.94
27	Subdivision 12.			

DAKOTA COLLEGE AT BOTTINEAU

29			Adjustments or	
30		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
31	Operations	\$23,640,055	\$2,023,135	\$25,663,190

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1	Capital assets	114,007	5,300,000	5,414,007
2	Behavioral health initiative	<u>0</u>	<u>170,000</u>	<u>170,000</u>
3	Total all funds	\$23,754,062	\$7,493,135	\$31,247,197
4	Less estimated income	<u>14,216,200</u>	<u>5,839,622</u>	<u>20,055,822</u>
5	Total general fund	\$9,537,862	\$1,653,513	\$11,191,375
6	Full-time equivalent positions	91.86	(7.86)	84.00

7 Subdivision 13.

8 UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES

9			Adjustments or	
10		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11	Operations	\$218,253,058	\$17,796,430	\$236,049,488
12	Healthcare workforce initiative	<u>10,676,150</u>	<u>0</u>	<u>10,676,150</u>
13	Total all funds	\$228,929,208	\$17,796,430	\$246,725,638
14	Less estimated income	<u>160,806,249</u>	<u>5,782,718</u>	<u>166,588,967</u>
15	Total general fund	\$68,122,959	\$12,013,712	\$80,136,671
16	Full-time equivalent positions	492.67	(3.84)	488.83

17 Subdivision 14.

18 NORTH DAKOTA FOREST SERVICE

19			Adjustments or	
20		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21	Operations	\$15,343,065	\$9,252,937	\$24,596,002
22	Capital assets	<u>118,728</u>	<u>0</u>	<u>118,728</u>
23	Total all funds	\$15,461,793	\$9,252,937	\$24,714,730
24	Less estimated income	<u>10,669,315</u>	<u>8,469,894</u>	<u>19,139,209</u>
25	Total general fund	\$4,792,478	\$783,043	\$5,575,521
26	Full-time equivalent positions	28.00	1.00	29.00

27 Subdivision 15.

28 TOTAL - SECTION 1

29			Adjustments or	
30		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
31	Grand total general fund	\$686,328,526	\$232,349,099	\$918,677,625

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1	Grand total special funds	<u>1,926,770,039</u>	<u>546,804,929</u>	<u>2,473,574,968</u>
2	Grand total all funds	\$2,613,098,565	\$779,154,028	\$3,392,252,593

3       **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

4       **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding

5 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the

6 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
8	Capital projects - strategic investment and improvements	\$0	\$293,290,000
9	fund		
10	Capital projects - other funds	4,363,000	170,363,939
11	University of North Dakota national security initiative	0	45,000,000
12	North Dakota state university workforce education	0	4,800,000
13	Bismarck state college polytechnic building and transition	38,000,000	0
14	University of North Dakota space command initiative	4,000,000	0
15	University of North Dakota airport apron	5,000,000	0
16	University of North Dakota Merrifield hall	50,000,000	0
17	University of North Dakota space education and research	10,000,000	0
18	North Dakota state university settlement agreement	125,000	0
19	North Dakota state university high-performance computing	1,600,000	0
20	North Dakota state university agricultural products	50,000,000	0
21	development center		
22	Dickinson state university Pulver hall and other projects	4,000,000	0
23	Mayville state university natural gas boiler project	1,600,000	0
24	Minot state university Hartnett hall	25,000,000	0
25	Valley City state university land purchase	309,000	0
26	Hyperbaric oxygen therapy	2,104,121	0
27	Math pathways	150,000	0
28	Higher education challenge grants	11,150,000	36,000,000
29	Dakota digital academy	475,000	450,000
30	Support for single parents	0	4,500,000
31	Workforce education grants	0	10,000,000

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1	Behavioral health initiative	0	3,640,624
2	Financial aid software	0	1,554,354
3	Passthrough grants	<u>0</u>	<u>20,100,000</u>
4	Total all funds	\$207,876,121	\$589,698,917
5	Total other funds	<u>190,851,121</u>	<u>463,653,939</u>
6	Total general fund	\$17,025,000	\$126,044,978

7       The 2023-25 one-time funding amounts are not a part of the entity's base budget for the  
8 2025-27 biennium. The state board of higher education shall report to the appropriations  
9 committees of the sixty-ninth legislative assembly on the use of this one-time funding for the  
10 biennium beginning July 1, 2023, and ending June 30, 2025.

11       **SECTION 3. ADDITIONAL FEDERAL, PRIVATE, AND OTHER FUNDS -**  
12 **APPROPRIATION - EXEMPTION.** All funds, in addition to those appropriated in section 1 of  
13 this Act, from federal, private, and other sources for competitive grants or other funds that the  
14 legislative assembly has not indicated the intent to reject, including tuition revenue, received by  
15 the state board of higher education and the institutions and entities under the control of the  
16 state board of higher education, are appropriated to the board and those institutions and  
17 entities, for the biennium beginning July 1, 2023, and ending June 30, 2025. All additional funds  
18 received under the North Dakota-Minnesota reciprocity agreement during the biennium  
19 beginning July 1, 2023, and ending June 30, 2025, are appropriated to the state board of higher  
20 education for reimbursement to institutions under the control of the board. Notwithstanding  
21 section 48-01.2-25, an institution receiving funds for capital projects in excess of the amounts  
22 appropriated in sections 1 and 4 of this Act may spend those funds for the capital project.

23       **SECTION 4. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS**  
24 **FUND - MAYVILLE STATE UNIVERSITY - OLD MAIN RENOVATION - ONE-TIME FUNDING.**  
25 There is appropriated out of any moneys in the strategic investment and improvements fund in  
26 the state treasury, not otherwise appropriated, the sum of \$49,970,100, or so much of the sum  
27 as may be necessary, to Mayville state university for the purpose of renovating old main, for the  
28 biennium beginning July 1, 2023, and ending June 30, 2025. This funding is considered a  
29 one-time funding item.

30       **SECTION 5. USE OF EXTRAORDINARY REPAIRS FUNDING - MATCHING FUNDS.** The  
31 capital assets line items in subdivisions 2 through 12 of section 1 of this Act include funding

1 from the general fund for institution extraordinary repairs. An institution, excluding the university  
2 of North Dakota and North Dakota state university, shall provide one dollar of matching funds  
3 from operations or other sources for each one dollar of extraordinary repairs funding used for a  
4 project. The university of North Dakota and North Dakota state university shall provide two  
5 dollars of matching funds from operations or other sources for each one dollar of extraordinary  
6 repairs funding used for a project.

7 **SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**

8 **FUND.** The grand total special funds line item in subdivision 15 of section 1 of this Act includes  
9 \$293,290,000 from the strategic investment and improvements fund for capital projects as  
10 follows:

11 Bismarck state college multipurpose academic and athletic center	\$29,900,000
12 Williston state college medical healthcare building	34,750,000
13 University of North Dakota science, engineering, and national security corridor	57,400,000
14 University of North Dakota science, technology, engineering, and math building	52,000,000
15 North Dakota state university center for engineering and computational sciences	59,000,000
16 North Dakota state college of science agriculture, automation, and autonomous 17 systems	18,975,000
18 Dickinson state university agriculture and technical education building	17,100,000
19 Minot state university Dakota hall demolition	765,000
20 Minot state university academic building	7,600,000
21 Valley City state university McCarthy hall renovation	11,500,000
22 Dakota college at Bottineau old main renovation	<u>4,300,000</u>
23 Total strategic investment and improvements fund	\$293,290,000

24 **SECTION 7. NORTH DAKOTA STATE UNIVERSITY - WORKFORCE EDUCATION -**

25 **REPORT.** The appropriation in subdivision 6 of section 1 of this Act includes \$4,800,000 from  
26 the general fund for North Dakota state university for the purpose of creating or expanding  
27 programs and enrollment initiatives, as identified by the North Dakota state university president,  
28 to address the workforce needs of the state, for the biennium beginning July 1, 2023, and  
29 ending June 30, 2025. This funding may only be used to create or expand programs and  
30 initiatives and may not be used for programs that have been closed or reduced by North Dakota

1 state university since July 1, 2021. North Dakota state university shall report to the legislative  
2 management during the 2023-24 interim on the use of the funding identified in this section.

3 **SECTION 8. STUDENT SUPPORT FOR SINGLE MOTHERS - PILOT PROGRAM -**  
4 **REPORT.**

- 5 1. The appropriation in subdivision 1 of section 1 of this Act includes the sum of  
6 \$4,500,000 from the general fund for the purpose of supporting single mothers, for the  
7 biennium beginning July 1, 2023, and ending June 30, 2025.
- 8 2. The state board of higher education may provide up to \$250,000 to each institution  
9 under its control, each tribally controlled community college in this state, the university  
10 of Jamestown, and the university of Mary, to provide support to students who are  
11 pregnant or single mothers with a child or children under four years of age.
- 12 3. An eligible institution in subsection 2 must submit an application to the state board of  
13 higher education in order to receive funding under this section. The application must  
14 include the institution's plan identifying how the funding would benefit students  
15 enrolled at the institution, the estimated number of students impacted, and the  
16 estimated cost.
- 17 4. A student enrolled at an eligible institution in subsection 2 is eligible for support under  
18 this section if the student is residing in this state and is:
- 19 a. An unmarried pregnant individual who is experiencing an unintended pregnancy;  
20 b. An unmarried mother who experienced an unintended birth while attending the  
21 institution; or  
22 c. An unmarried mother with a child or children under four years of age.
- 23 5. Funding awarded under this section may be used for on-campus room and board and  
24 the costs of providing on-campus day care for the children of students eligible  
25 pursuant to subsection 4.
- 26 6. If any available dollars have not been granted to an institution by the board before  
27 December 31, 2024, the board may allow institutions in subsection 2 to submit  
28 applications for any unused funding for the purposes of this section.
- 29 7. The state board of higher education may adopt policies and procedures as necessary  
30 to enact this section.

1           8.    The state board of higher education shall report to the legislative management during  
2                    the 2023-24 interim and to the appropriations committees of the sixty-ninth legislative  
3                    assembly regarding the results of this program, including the number of students  
4                    assisted at each institution.

5           **SECTION 9. TRANSFER - NORTH DAKOTA UNIVERSITY SYSTEM OFFICE - NORTH**  
6 **DAKOTA STATE UNIVERSITY.** Of the funding appropriated in subdivision 1 of section 1 of  
7 chapter 31 of the 2021 Session Laws for the biennium beginning July 1, 2021, and ending  
8 June 30, 2023, that is continued pursuant to section 54-44.1-11, the state board of higher  
9 education shall transfer \$367,000 to the operations line item in subdivision 6 of section 1 of this  
10 Act by August 1, 2023. The North Dakota university system office may not assess institutions  
11 under the control of the state board of higher education to recover the cost of this transfer.

12           **SECTION 10. TRANSFER - BANK OF NORTH DAKOTA PROFITS - STATE BOARD OF**  
13 **HIGHER EDUCATION SCHOLARSHIPS.** The industrial commission shall transfer to the North  
14 Dakota university system office a total of \$1,500,000 from the current earnings and  
15 accumulated undivided profits of the Bank of North Dakota during the biennium beginning  
16 July 1, 2023, and ending June 30, 2025, as requested by the commissioner of higher education.  
17 The estimated income line item in subdivision 1 of section 1 includes \$1,500,000 for the North  
18 Dakota university system office for dual-credit tuition scholarships.

19           **SECTION 11. TRANSFER - BANK OF NORTH DAKOTA PROFITS - SKILLED**  
20 **WORKFORCE STUDENT LOAN REPAYMENT PROGRAM FUND.** The industrial commission  
21 shall transfer the sum of \$7,500,000 from the current earnings and accumulated undivided  
22 profits of the Bank of North Dakota to the skilled workforce student loan repayment program  
23 fund during the biennium beginning July 1, 2023, and ending June 30, 2025.

24           **SECTION 12. TRANSFER - BANK OF NORTH DAKOTA PROFITS - SKILLED**  
25 **WORKFORCE SCHOLARSHIP FUND.** The industrial commission shall transfer the sum of  
26 \$7,500,000 from the current earnings and accumulated undivided profits of the Bank of North  
27 Dakota to the skilled workforce scholarship fund during the biennium beginning July 1, 2023,  
28 and ending June 30, 2025.

29           **SECTION 13. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND -**  
30 **UNIVERSITY SYSTEM CAPITAL BUILDING FUND.** The office of management and budget  
31 shall transfer \$29,000,000 from the strategic investment and improvements fund to the

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Legislative Assembly

1 university system capital building fund during the biennium beginning July 1, 2023, and ending  
2 June 30, 2025, as requested by the commissioner of higher education. Funding transferred  
3 pursuant to this section is to be allocated to each institution as follows:

	<u>Tier II</u>	<u>Tier III</u>	<u>Total</u>
4 Bismarck state college	\$851,386	\$500,000	\$1,351,386
6 Lake Region state college	354,750	500,000	854,750
7 Williston state college	275,894	500,000	775,894
8 University of North Dakota	8,723,602	2,250,000	10,973,602
9 North Dakota state university	5,799,192	2,250,000	8,049,192
10 North Dakota state college of science	1,001,390	500,000	1,501,390
11 Dickinson state university	537,724	500,000	1,037,724
12 Mayville state university	480,058	500,000	980,058
13 Minot state university	1,145,602	500,000	1,645,602
14 Valley City state university	618,274	500,000	1,118,274
15 Dakota college at Bottineau	<u>212,128</u>	<u>500,000</u>	<u>712,128</u>
16 Total	\$20,000,000	\$9,000,000	\$29,000,000

17 **SECTION 14. CAPITAL BUILDING FUNDS - USES.** The institutions listed may use funding  
18 from the respective institution's university system capital building fund allocation for the  
19 following projects authorized by the sixty-eighth legislative assembly:

20 Bismarck state college multipurpose academic and athletic center	\$31,500,000
21 Lake region state college wind turbine gearbox replacement	600,000
22 Williston state college medical healthcare building	36,600,000
23 University of North Dakota science, engineering, and national security corridor	82,000,000
24 University of North Dakota science, technology, engineering, and math building	75,000,000
25 North Dakota state university center for engineering and computational sciences	84,000,000
26 North Dakota state college of science agriculture, automation, and autonomous 27 systems	19,975,000
28 Dickinson state university agriculture and technical education building	18,000,000
29 Minot state university academic building	8,000,000
30 Valley City state university McCarthy hall renovation	13,500,000

1	Dakota college at Bottineau old main renovation	<u>5,300,000</u>
2	Total	\$374,475,000

3       **SECTION 15. CAMPUS CAPITAL PROJECTS - PROJECT REQUESTS - LEGISLATIVE**  
4 **INTENT.**

- 5       1. The state board of higher education may not include requests for any state funds for  
6 capital projects in its budget request submitted to the sixty-ninth legislative assembly.  
7 The state board of higher education may request other funds appropriation authority  
8 from the sixty-ninth legislative assembly for projects funded from local funds, gifts,  
9 grants, donations, the institution's allocation in the university system capital building  
10 fund, or revenue bonds.
- 11       2. It is the intent of the sixty-eighth legislative assembly that this Act includes all capital  
12 projects to be appropriated funding from the state, excluding projects that receive  
13 funding solely from local funds, gifts, grants, donations, the institution's allocation in  
14 the university system capital building fund, or revenue bonds, during the period  
15 beginning July 1, 2023, and ending June 30, 2027.
- 16       3. An institution must have possession of local matching funds allocated to a project prior  
17 to expending any funding from the strategic investment and improvements fund for the  
18 project.
- 19       4. If an institution is unable to provide the appropriated amount of matching funds for a  
20 capital project provided for in this Act, the institution may only spend a proportional  
21 amount of funding from the strategic investment and improvements fund for the  
22 project. If an institution is unable to provide necessary matching funds by June 30,  
23 2027, to complete the project in whole or in part, the appropriation from the strategic  
24 investment and improvements fund must be canceled.
- 25       5. Any inflationary or other costs associated with previously approved projects must be  
26 paid from the institution's local funds or the institution's allocation in the university  
27 system capital building fund.

28       **SECTION 16. CAMPUS CAPITAL PROJECTS - PROJECT MANAGEMENT.** During the  
29 biennium beginning July 1, 2023, and ending June 30, 2025, each capital project authorized by  
30 the state board of higher education must have adequate project management oversight by  
31 either an institution official or a representative of an external entity. An institution may seek

1 assistance from the university system office for project management oversight of a capital  
2 project.

3 **SECTION 17. UNIVERSITY OF NORTH DAKOTA - SCHOOL OF MEDICINE AND**

4 **HEALTH SCIENCES - OPERATIONS.** The operations line items in subdivision 5 and 13 of  
5 section 1 of this Act include a funding allocation from the higher education per student credit-  
6 hour funding formula attributable to inflation during the biennium beginning July 1, 2023, and  
7 ending June 30, 2025. Based on the recommendation of the commissioner of higher education  
8 a portion of the allocation may be transferred by the state board of higher education between  
9 the university of North Dakota school of medicine and health sciences and the university of  
10 North Dakota.

11 **SECTION 18.** A new section to chapter 15-10 of the North Dakota Century Code is created  
12 and enacted as follows:

13 **State commissioner of higher education - Higher education trends - Report to budget**  
14 **section.**

15 The state commissioner of higher education shall provide an annual report to the budget  
16 section regarding trends in higher education, including state and regional student enrollment,  
17 North Dakota university system institution reserves, state and regional tuition rates, state and  
18 regional student financial assistance, and the North Dakota university system's response to the  
19 trends and changes, including new or expanded educational programs, closed programs, and  
20 future budget requests.

21 **SECTION 19.** A new section to chapter 15-10 of the North Dakota Century Code is created  
22 and enacted as follows:

23 **Severance agreements - Funding - Emergency commission and budget section**  
24 **approval.**

25 The cost of any severance agreement approved by the state board of higher education  
26 must be paid from the North Dakota university system office budget. The North Dakota  
27 university system office may not assess institutions under the control of the state board of  
28 higher education to recover the cost of any severance agreement. Emergency commission and  
29 budget section approval is required before the board may expend any funds pursuant to this  
30 section. When considering the request, the budget section shall consider the amount obligated  
31 to the individual named in the severance agreement pursuant to the individual's employment

1 contract with the board or institution under the control of the board, the cost of the severance  
2 agreement, and the justification for the severance agreement provided by the board.

3 **SECTION 20.** A new section to chapter 15-10 of the North Dakota Century Code is created  
4 and enacted as follows:

5 **Academic program approval.**

6 The state board of higher education shall approve or deny a request from an institution  
7 under its control for a new or expanded academic program within thirty days of the institution  
8 submitting its request for the program to the commissioner of higher education.

9 **SECTION 21.** A new section to chapter 15-10 of the North Dakota Century Code is created  
10 and enacted as follows:

11 **Disclosure of financial condition.**

12 The state board of higher education shall provide a disclosure of the financial condition of  
13 an institution to the qualified applicants designated as finalists pursuant to section 44-04-18.27  
14 for the position of president of an institution. The disclosure of financial condition must identify  
15 the institution's reserves, recent audit findings, anticipated future funding changes pursuant to  
16 chapter 15-18.2, and the institution's composite financial index ratio. The state board of higher  
17 education may require the qualified applicants to sign a nondisclosure agreement prior to  
18 receiving the disclosure of financial condition.

19 **SECTION 22.** A new section to chapter 15-10 of the North Dakota Century Code is created  
20 and enacted as follows:

21 **Campus policies and procedures.**

22 The president of an institution under the control of the state board of higher education may  
23 adopt policies, procedures, and directives for the institution, with input but no authoritative  
24 control from faculty and others through shared governance. The commissioner of higher  
25 education and the state board of higher education may overturn or amend the president's  
26 policies, procedures, and directives.

27 **SECTION 23. AMENDMENT.** Section 15-10-38.1 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1           **15-10-38.1. Skilled workforce student loan repayment program - Skilled workforce**  
2 **student loan repayment program fund - Continuing appropriation - Report. (~~Repealed~~**  
3 **~~effective July 1, 2023~~)**

- 4           1. There is created in the state treasury the skilled workforce student loan repayment  
5 program fund. The fund consists of moneys transferred into the fund by the legislative  
6 assembly, matching funds received, and loan repayments. Moneys in the fund are  
7 appropriated to the state board of higher education on a continuing basis for the  
8 purpose of distributing student loan repayment grants directly to the Bank of North  
9 Dakota or other participating lender to repay outstanding student loan principal  
10 balances for eligible applicants. The state board of higher education may transfer  
11 money between this fund and the skilled workforce scholarship fund established in  
12 section 15-10-38.2.
- 13           2. The state board of higher education shall adopt policies and procedures to develop,  
14 implement, promote, and administer a skilled workforce student loan repayment  
15 program in cooperation with the Bank of North Dakota and the North Dakota workforce  
16 development council with the intent of attracting and retaining individuals for  
17 professional or technical skills in high demand in this state.
- 18           3. The North Dakota workforce development council in cooperation with job service North  
19 Dakota shall use available labor market information to determine annually the eligible  
20 high-demand professional and technical skills and emerging occupations in this state.
- 21           4. Graduates of degree or certificate programs from institutions or entities in any state  
22 may apply for the skilled workforce student loan repayment program. To be eligible to  
23 receive student loan repayment grants under the program, the applicant:
- 24           a. Must have successfully completed an educational program from an institution of  
25 higher education;
- 26           b. Must have a student loan with the Bank of North Dakota or other participating  
27 lender;
- 28           c. Following completion of an educational program, must reside and work in this  
29 state in an eligible high-demand or emerging occupation; and
- 30           d. Must have met and shall continue to meet any requirements established in  
31 applicable state board of higher education procedures.

- 1           5.    The state board of higher education shall adopt procedures to ensure compliance with  
2                    residency and occupation requirements after completion of the educational program.
- 3           6.    The state board of higher education shall distribute student loan repayment grants  
4                    from the skilled workforce student loan repayment program fund directly to the Bank of  
5                    North Dakota or other participating lender to repay outstanding student loan principal  
6                    balances for eligible applicants. The maximum annual student loan repayment grant  
7                    amount for which an applicant may qualify is five thousand six hundred sixty-seven  
8                    dollars, or one-third of the applicant's outstanding student loan principal balance upon  
9                    initial application for the program, whichever is less. The maximum total student loan  
10                  repayment grant amount for which any applicant may qualify is seventeen thousand  
11                  dollars.
- 12          7.    If an individual is receiving loan forgiveness under any other state program, the  
13                  individual may not receive a student loan repayment grant under this section during  
14                  the same application year. ~~An individual who received a skilled workforce scholarship~~  
15                  ~~under section 15-10-38.2 is not eligible for loan forgiveness under this section.~~
- 16          8.    An individual may receive a combined total of no more than seventeen thousand  
17                  dollars under this section and the skilled workforce scholarship program under section  
18                  15-10-38.2.
- 19          9.    ~~The skilled workforce student loan repayment program must be a joint public and~~  
20                  ~~private effort.~~ The state board of higher education shall provide one dollar of funding  
21                  for each one dollar of funding funds raised from the private sector or other public  
22                  sources. Any matching funds received must be deposited in the skilled workforce  
23                  student loan repayment program fund.
- 24          10. The state board of higher education shall provide a biennial program report to the  
25                  legislative management by September first of each even-numbered year. The report  
26                  must include information regarding:
- 27                  a.    The eligible high-demand professional and technical skills and emerging  
28                          occupations;
- 29                  b.    The number of applicants, eligible applicants, and applicants receiving awards;
- 30                  c.    The amount of ~~private funding~~ matching funds raised; and
- 31                  d.    The average and total amounts awarded under the program.

1       **SECTION 24. AMENDMENT.** Section 15-10-38.2 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15-10-38.2. Skilled workforce scholarship program - Skilled workforce scholarship**  
4 **fund - Continuing appropriation - Report. (~~Repealed effective July 1, 2023~~)**

5       1. There is created in the state treasury the skilled workforce scholarship fund. The fund  
6 consists of moneys transferred into the fund by the legislative assembly, matching  
7 funds received, and scholarship repayments. Moneys in the fund are appropriated to  
8 the state board of higher education on a continuing basis for the purpose of providing  
9 grants to institutions of higher education related to skilled workforce scholarships.

10       Institutions of higher education include institutions under the control of the state board  
11 of higher education, North Dakota nonpublic accredited institutions of higher  
12 education, tribally controlled community colleges, state-approved educator training  
13 programs, and North Dakota institutions approved to operate by the North Dakota  
14 board of career and technical education. The state board of higher education may  
15 transfer money between this fund and the skilled workforce student loan repayment  
16 program fund established in section 15-10-38.1.

17       2. The state board of higher education shall adopt policies and procedures to develop,  
18 implement, promote, and administer a skilled workforce scholarship program in  
19 cooperation with the Bank of North Dakota and the North Dakota workforce  
20 development council with the intent of attracting and retaining individuals for  
21 professional or technical skills in high demand in this state.

22       3. The North Dakota workforce development council in cooperation with job service North  
23 Dakota shall use available labor market information to determine annually the eligible  
24 high-demand professional and technical skills and emerging occupations in this state.

25       4. The state board of higher education and the workforce development council shall  
26 compile a list of qualifying educational programs annually. A qualifying educational  
27 program is a program resulting in attainment of an associate's degree or lower  
28 credential ~~upon successful completion of~~ a program that may be completed within four  
29 semesters ~~or~~, six quarters, or the final two years of a baccalaureate program. A  
30 qualifying educational program also must pertain to the professional and technical  
31 skills and emerging occupations in high demand in this state, as determined under

1 subsection 3. Qualifying educational programs may include degree or certificate  
2 programs.

3 5. Individuals enrolled in a qualifying educational program in this state may apply for a  
4 scholarship under this section. Scholarships are limited to the amount charged each  
5 quarter, semester, or term by the educational institution for the tuition, fees, books, and  
6 supplies required for the qualifying educational program. The scholarships are  
7 intended to supplement any other scholarship or financial aid grant received by a  
8 student to assist the student with the costs of the qualifying educational program. An  
9 individual may not receive a combined total exceeding seventeen thousand dollars  
10 under this section and the skilled workforce loan repayment program under section  
11 15-10-38.1.

12 6. To be eligible for a scholarship and payment under this section, a student must be  
13 enrolled full time in an eligible program and have at least a 2.5 cumulative grade point  
14 average, based on a 4.0 grading system, or maintain academic progress in the  
15 program according to program requirements. A student may not receive scholarships  
16 under this section for more than the equivalent of four semesters of full-time  
17 enrollment or six quarters of full-time enrollment.

18 7. Upon completion of a qualifying educational program, a student who received a  
19 scholarship under this section must reside and work in this state in an eligible  
20 high-demand or emerging occupation for a minimum of three years.

21 8. An individual shall repay the scholarship pursuant to the terms in the individual's  
22 scholarship award agreement if the individual fails to maintain either a 2.5 cumulative  
23 grade point average or academic progress according to program requirements while  
24 enrolled, withdraws voluntarily or involuntarily before the completion of the program for  
25 which a scholarship has been received, or fails to reside and work in this state in an  
26 eligible high-demand or emerging occupation for at least three years following degree  
27 or certificate completion.

28 9. The state board of higher education, in conjunction with the Bank of North Dakota,  
29 may allow an individual who received payment under this section to delay or cancel  
30 repayment under this section due to financial difficulty, military service, death, or total  
31 disability.

- 1       10. Each quarter, semester, or term, the state board of higher education shall distribute  
2           grants to institutions of higher education to provide the amounts necessary for the  
3           scholarships awarded to the students enrolled in each institution.
- 4       11. ~~The skilled workforce scholarship program must be a joint public and private effort.~~  
5           ~~The state board of higher education may distribute grants only to the extent that the~~  
6           ~~private sector has provided one dollar of matching funds for each dollar of funding~~  
7           ~~provided by the state.~~The state board of higher education shall provide one dollar of  
8           funding for each one dollar raised from the private sector or other public sources. Any  
9           matching funds received must be deposited in the skilled workforce scholarship fund.
- 10      12. The state board of higher education shall provide a biennial program report to the  
11           legislative management by September first of each even-numbered year. The report  
12           must include information regarding:
- 13           a. The eligible high-demand professional and technical skills and emerging  
14           occupations;
- 15           b. The qualifying educational programs;
- 16           c. The number of applicants, eligible applicants, and applicants receiving awards;
- 17           d. The amount of ~~private funding~~matching funds raised; and
- 18           e. The average and total amounts awarded under the program.

19           **SECTION 25. AMENDMENT.** Section 15-10-38.3 of the North Dakota Century Code is  
20   amended and reenacted as follows:

21           **15-10-38.3. Scholarship and loan forgiveness administrative costs –~~Continuing~~**  
22   **~~appropriation. (Effective through July 31, 2023)~~**

23           The state board of higher education shall retain up to one and one-half percent of any funds  
24   appropriated to the board under subsection 1 of section 15-10-38.1 and subsection 1 of section  
25   15-10-38.2. The retained funds must be used for promotion and administration of the programs  
26   under those sections.

27           ~~**Scholarship and loan forgiveness administrative costs – Continuing appropriation.**~~  
28   ~~**(Effective after July 31, 2023)**~~ The state board of higher education shall retain up to one-half of  
29   one percent of any funds appropriated to the board under subsection 1 of section 15-10-38.1  
30   and subsection 1 of section 15-10-38.2. The retained funds must be used for administration of  
31   the programs under those sections.

1       **SECTION 26. AMENDMENT.** Subdivision c of subsection 1 of section 15-10-48 of the North  
2 Dakota Century Code is amended and reenacted as follows:

3           c. The board may award up to ~~one million seven hundred thousand~~five million  
4 dollars in matching grants each to the university of North Dakota and North  
5 Dakota state university; and up to ~~one million five hundred thousand~~four million  
6 dollars in matching grants ~~for projects at each to~~ the university of North Dakota  
7 school of medicine and health sciences and the North Dakota state university  
8 main research center. Of the amount available to the university of North Dakota,  
9 two hundred fifty thousand dollars must be awarded for projects dedicated to  
10 projects at the school of law.

11       **SECTION 27. AMENDMENT.** Subdivision c of subsection 1 of section 15-10-49 of the North  
12 Dakota Century Code is amended and reenacted as follows:

13           c. The board may award up to:

14           (1) ~~Nine hundred fifty thousand~~Three million dollars each to Bismarck state  
15 college, Minot state university, and the North Dakota state college of  
16 science;

17           (2) ~~Seven hundred thousand~~Two million dollars each to Dickinson state  
18 university, Mayville state university, and Valley City state university; and

19           (3) ~~Three hundred fifty thousand~~One million dollars each to Dakota college at  
20 Bottineau, Lake Region state college, and Williston state college.

21       **SECTION 28. AMENDMENT.** Subsection 2 of section 15-10-49 of the North Dakota  
22 Century Code is amended and reenacted as follows:

23           2. a. If any available dollars have not been awarded by the board before January first  
24 of each odd-numbered year, in accordance with subsection 1, any institution  
25 listed in subsection 1 may apply for an additional matching grant.

26           b. An application submitted under this subsection must meet the same criteria as an  
27 original application.

28           c. The board shall prioritize available dollars allocated in paragraph 1 of  
29 subdivision c of subsection 1 to applicants in paragraph 1 of subdivision c of  
30 subsection 1. The board shall prioritize available dollars allocated in paragraph 2  
31 of subdivision c of subsection 1 to applicants in paragraph 2 of subdivision c of

1                   subsection 1. The board shall prioritize available dollars allocated in paragraph 3  
2                   of subdivision c of subsection 1 to applicants in paragraph 3 of subdivision c of  
3                   subsection 1.

4            d. After considering applications pursuant to subdivision c, the board shall consider  
5            each application submitted under this subsection in chronological order.

6            d.e. If the remaining dollars are insufficient to provide a matching grant in the amount  
7            of one dollar for every two dollars raised by the institutional foundation, the board  
8            shall award a lesser amount.

9            **SECTION 29. AMENDMENT.** Section 15-10-57 of the North Dakota Century Code is  
10           amended and reenacted as follows:

11            **15-10-57. Unified workforce, vocational, and technical education program system.**

12            The state board of higher education shall establish and maintain a unified system to offer  
13            workforce training, vocational education, and technical education programs at institutions under  
14            its control. The board shall periodically review programs offered by institutions under its control  
15            and revise program offerings based on the workforce needs of the state identified by the  
16            workforce education ~~advisory~~development council. The board shall develop administrative  
17            arrangements that make possible the efficient use of facilities and staff. The board shall limit  
18            administrative costs by eliminating duplicative administrative positions.

19            **SECTION 30. AMENDMENT.** Section 15-10-63 of the North Dakota Century Code is  
20           amended and reenacted as follows:

21            **15-10-63. Capital projects.**

22            1. The university of North Dakota and North Dakota state university shall identify other  
23            funds from gifts, grants, donations, the university system capital building fund, or other  
24            local funds for at least thirty percent of the total estimated cost of a capital project  
25            request submitted to the legislative assembly.

26            2. Bismarck state college, lake region state college, Williston state college, the North  
27            Dakota state college of science, Dickinson state university, Mayville state university,  
28            Minot state university, Valley City state university, and Dakota college at Bottineau  
29            shall identify other funds from gifts, grants, donations, the university system capital  
30            building fund, or other local funds for at least five percent of the total estimated cost of  
31            a capital project request submitted to the legislative assembly.

1        3. An institution under the control of the state board of higher education may undertake a  
2        facility renovation project only if the project will reduce the deferred maintenance  
3        amount of the facility by no less than seventy five percent of the total cost of the  
4        renovation. The institution shall maintain documentation that demonstrates the cost  
5        and scope of the deferred maintenance reduction that results directly from the  
6        renovation. This subsection does not apply to projects undertaken solely to correct  
7        building code deficiencies or to installations of infrastructure determined by the board  
8        to be essential to the mission of the institution.

9        2.4. Facility construction and renovation projects undertaken by an institution under the  
10        control of the state board of higher education must conform to campus master plan  
11        and space utilization requirements approved by the state board of higher education.

12        **SECTION 31. AMENDMENT.** Subdivision k of subsection 1 of section 15-18.2-02 of the  
13        North Dakota Century Code is amended and reenacted as follows:

- 14            k. The ~~factors~~factor for credits completed in career and technical education are:
- 15                    (1) ~~3.0 for lower division credits;~~ and
- 16                    (2) ~~5.0 for upper division credits~~is 5.0.

17        **SECTION 32. AMENDMENT.** Subsection 1 of section 15-18.2-05 of the North Dakota  
18        Century Code is amended and reenacted as follows:

- 19            1. Except as provided under subsections 2 and 3, to determine the state aid payment to  
20            which each institution under its control is entitled, the state board of higher education  
21            shall multiply the product determined under section 15-18.2-03 by a base amount of:
- 22                    a. ~~\$61.84~~\$72.39 in the case of North Dakota state university and the university of  
23                    North Dakota;
- 24                    b. ~~\$92.60~~\$102.78 in the case of Dickinson state university, Mayville state university,  
25                    Minot state university, and Valley City state university; and
- 26                    c. ~~\$98.84~~\$109.30 in the case of Bismarck state college, Dakota college at  
27                    Bottineau, Lake Region state college, North Dakota state college of science, and  
28                    Williston state college.

29        **SECTION 33.** Section 15-18.2-06.1 of the North Dakota Century Code is created and  
30        enacted as follows:

1        **Base funding - Minimum amount payable.**

2        Notwithstanding any calculations required by this chapter, during each biennium an  
3 institution may not receive less than ninety-six percent of the state aid to which the institution  
4 was entitled under this chapter during the previous biennium.

5        **SECTION 34. AMENDMENT.** Section 15-54.1-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7        **15-54.1-02. Capital building funds - Uses - Reports.**

8        Subject to tier II and tier III capital building fund matching requirements under this chapter,  
9 each institution may use its allocation of funds from the university system capital building fund  
10 for projects specifically authorized by the legislative assembly to use university system capital  
11 building fund moneys. In addition, after an institution has matched and committed seventy-five  
12 percent of the funding appropriated for the institution's tier I extraordinary repairs and subject to  
13 state board of higher education approval and matching requirements under this chapter, each  
14 institution may use its allocation of funds from the university system capital building fund for  
15 extraordinary repairs and deferred maintenance projects for academic and student housing  
16 facilities that do not increase the overall square footage of a building. The state board of higher  
17 education shall report biennially to the legislative management and to the appropriations  
18 committees of the legislative assembly on the use of funding in the university system capital  
19 building fund, the source of matching funds, and each institution's five-year plan for capital  
20 construction spending.

21        **SECTION 35. AMENDMENT.** Subsection 1 of section 15-62.4-03 of the North Dakota  
22 Century Code is amended and reenacted as follows:

- 23        1. The state board of higher education shall provide to each eligible student a financial  
24 assistance grant in an amount not exceeding:
- 25        a. One thousand ~~one hundred~~six hundred fifty dollars per semester; or
  - 26        b. ~~Seven hundred thirty-three~~One thousand one hundred dollars per quarter.

27        **SECTION 36. AMENDMENT.** Subdivision c of subsection 2 of section 54-07-12 of the North  
28 Dakota Century Code is amended and reenacted as follows:

- 29        c. The private entity agrees to donate ten million dollars from the one hundred  
30 million dollars identified in subsection 1 to a higher education institution  
31 foundation in North Dakota, of which two million dollars is for the purpose of

1                    ~~creating an endowment to digitize~~digitizing documents relating to Theodore  
2                    Roosevelt and eight million dollars is for the purpose of creating an endowment  
3                    for the creation of a Theodore Roosevelt conservation scholars program and  
4                    related academic mission at a North Dakota higher education institution in  
5                    collaboration with the private entity; and

6                    **SECTION 37. AMENDMENT.** Section 54-44.1-11 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8                    **54-44.1-11. Office of management and budget to cancel unexpended appropriations -**  
9 **When they may continue. (Effective through July 31, ~~2023~~2025)**

10                  Except as otherwise provided by law, the office of management and budget, thirty days after  
11 the close of each biennial period, shall cancel all unexpended appropriations or balances of  
12 appropriations after the expiration of the biennial period during which they became available  
13 under the law. Unexpended appropriations for the state historical society are not subject to this  
14 section and the state historical society shall report on the amounts and uses of funds carried  
15 over from one biennium to the appropriations committees of the next subsequent legislative  
16 assembly. Unexpended appropriations for the North Dakota university system are not subject to  
17 this section and the North Dakota university system shall report on the amounts and uses of  
18 funds carried over from one biennium to the next to subsequent appropriations committees of  
19 the legislative assembly. The chairmen of the appropriations committees of the senate and  
20 house of representatives of the legislative assembly with the office of the budget may continue  
21 appropriations or balances in force for not more than two years after the expiration of the  
22 biennial period during which they became available upon recommendation of the director of the  
23 budget for:

- 24                  1. New construction projects.
- 25                  2. Major repair or improvement projects.
- 26                  3. Purchases of new equipment costing more than ten thousand dollars per unit if it was  
27                      ordered during the first twelve months of the biennium in which the funds were  
28                      appropriated.
- 29                  4. The purchase of land by the state on a "contract for deed" purchase if the total  
30                      purchase price is within the authorized appropriation.

1           5. Purchases by the department of transportation of roadway maintenance equipment  
2           costing more than ten thousand dollars per unit if the equipment was ordered during  
3           the first twenty-one months of the biennium in which the funds were appropriated.

4           6. Authorized ongoing information technology projects.

5           **Office of management and budget to cancel unexpended appropriations - When they**

6 **may continue. (Effective after July 31, 2023-2025)** The office of management and budget,

7 thirty days after the close of each biennial period, shall cancel all unexpended appropriations or

8 balances of appropriations after the expiration of the biennial period during which they became

9 available under the law. Unexpended appropriations for the state historical society are not

10 subject to this section and the state historical society shall report on the amounts and uses of

11 funds carried over from one biennium to the appropriations committees of the next subsequent

12 legislative assembly. The chairmen of the appropriations committees of the senate and house of

13 representatives of the legislative assembly with the office of the budget may continue

14 appropriations or balances in force for not more than two years after the expiration of the

15 biennial period during which they became available upon recommendation of the director of the

16 budget for:

17           1. New construction projects.

18           2. Major repair or improvement projects.

19           3. Purchases of new equipment costing more than ten thousand dollars per unit if it was  
20           ordered during the first twelve months of the biennium in which the funds were  
21           appropriated.

22           4. The purchase of land by the state on a "contract for deed" purchase if the total  
23           purchase price is within the authorized appropriation.

24           5. Purchases by the department of transportation of roadway maintenance equipment  
25           costing more than ten thousand dollars per unit if the equipment was ordered during  
26           the first twenty-one months of the biennium in which the funds were appropriated.

27           6. Authorized ongoing information technology projects.

28           **SECTION 38. REPEAL.** Sections 15-10-48.1, 15-10-53, and 15-10-58 of the North Dakota  
29 Century Code are repealed.

30           **SECTION 39. EXEMPTION - TRANSFER AUTHORITY - LEGISLATIVE MANAGEMENT**

31 **REPORT.** Notwithstanding section 54-16-04, the office of management and budget shall

1 transfer appropriation authority from the operations to the capital assets line items within  
2 subdivisions 2 through 14 of section 1 of this Act as requested by the state board of higher  
3 education for the biennium beginning July 1, 2023, and ending June 30, 2025. The board shall  
4 report any transfer of funds under this section to the legislative management.

5 **SECTION 40. EXEMPTION - FULL-TIME EQUIVALENT POSITION ADJUSTMENTS.**

6 Notwithstanding any other provisions of law, the state board of higher education may adjust  
7 full-time equivalent positions as needed, subject to the availability of funds, for institutions and  
8 entities under its control during the biennium beginning July 1, 2023, and ending June 30, 2025.  
9 The North Dakota university system shall report any adjustments to the office of management  
10 and budget as part of the submission of the 2025-27 biennium budget request.

11 **SECTION 41. EXEMPTION - CAPITAL BUILDING FUND - LAKE REGION STATE**

12 **COLLEGE - ESTIMATED INCOME.** The estimated income line item in subdivision 3 of  
13 section 1 of this Act includes \$600,000 from the Lake Region state college allocation in the  
14 university system capital building fund. This amount is for the replacement of the wind turbine  
15 gear box and is not subject to matching requirements under chapter 15-54.1.

16 **SECTION 42. EXEMPTION - PROJECT AUTHORIZATIONS.** Any unexpended amounts  
17 remaining from the \$49,900,000 appropriated from the general fund for capital projects at  
18 institutions under the control of the state board of higher education in section 2 of chapter 53 of  
19 the 2019 Session Laws are not subject to section 54-44.1-11 and any unexpended funds from  
20 the appropriations are available to the respective institutions to complete the projects during the  
21 biennium beginning July 1, 2023, and ending June 30, 2025.

22 **SECTION 43. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** The amounts  
23 appropriated from federal funds derived from the state fiscal recovery fund to the state board of  
24 higher education and institutions under the control of the state board of higher education in  
25 section 1 of chapter 548 and section 1 of chapter 550 of the 2021 Special Session Session  
26 Laws are not subject to section 54-44.1-11 and any unexpended funds from these projects and  
27 programs are available for the projects and programs during the biennium beginning July 1,  
28 2023, and ending June 30, 2025.

29 **SECTION 44. TUITION RATE INCREASE LIMITATIONS.**

30 1. Except as provided in this section, notwithstanding any other provision of law, the state  
31 board of higher education may not increase tuition and fee rates for resident students

- 1 attending institutions of higher education under its control during the 2023-24  
2 academic year as compared to the tuition rate in effect during the 2023 spring  
3 semester.
- 4 2. Except as provided in this section, notwithstanding any other provision of law, the state  
5 board of higher education may not increase tuition and fee rates for resident students  
6 attending institutions of higher education under its control during the 2024-25  
7 academic year as compared to the tuition rate in effect during the 2024 spring  
8 semester.
- 9 3. Tuition rates charged for high-cost undergraduate differentiated tuition programs and  
10 for graduate level programs, including programs offered through the university of North  
11 Dakota school of medicine and health sciences, the university of North Dakota school  
12 of law, or the North Dakota state university school of pharmacy, may be increased by  
13 up to one percent for the 2023-24 academic year as compared to the tuition rate in  
14 effect during the 2023 spring semester.
- 15 4. Tuition rates charged for high-cost undergraduate differentiated tuition programs and  
16 for graduate level programs, including programs offered through the university of North  
17 Dakota school of medicine and health sciences, the university of North Dakota school  
18 of law, or the North Dakota state university school of pharmacy, may be increased by  
19 up to one percent for the 2024-25 academic year as compared to the tuition rate in  
20 effect during the 2024 spring semester.
- 21 5. This section does not apply to tuition rates for nonresident students attending  
22 institutions of higher education under the control of the state board of higher  
23 education. For purposes of this section, the residency of students for tuition purposes  
24 must be determined under section 15-10-19.1.
- 25 6. This section does not apply to tuition rates determined under tuition reciprocity  
26 agreements entered into by the state board of higher education with other states or  
27 state education compacts.
- 28 7. For purposes of this section, an institution must calculate a resident tuition rate  
29 increase based on the tuition rate paid by an average full-time resident student.

30 **SECTION 45. LEGISLATIVE INTENT - WEIGHTED CREDIT-HOURS - INSTRUCTIONAL**  
31 **PROGRAM CLASSIFICATION FACTORS.** It is the intent of the sixty-eighth legislative

- 1 assembly that dental hygienist courses be transferred to the career and technical education
- 2 instructional program classification within the higher education funding formula.
- 3 **SECTION 46. EMERGENCY.** Section 35 of this Act is declared to be an emergency
- 4 measure.