

15.8111.05000

Sixty-fourth  
Legislative Assembly  
of North Dakota

**FIRST ENGROSSMENT  
with Conference Committee Amendments  
ENGROSSED HOUSE BILL NO. 1003**

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 create and enact five new sections to chapter 15-10, chapters 15-62.4 and  
3 15-62.5, and a new subsection to a new section to chapter 54-10 as created in section 5 of  
4 Senate Bill No. 2004, as approved by the sixty-fourth legislative assembly, of the North Dakota  
5 Century Code, relating to a unified workforce, vocational, and technical education program  
6 system, the workforce education advisory council, the required use of electronic mail, file server  
7 administration, database administration, application server, and hosting services, audits of  
8 higher education computer systems, annual reports regarding scholarships, the student  
9 financial assistance program, the scholars program, and higher education audits; to amend and  
10 reenact subdivision c of subsection 1 of section 15-10-17, sections 15-18.2-02, 15-18.2-03,  
11 15-18.2-04, 15-18.2-05, 54-12-08, and 54-44.1-04, subsection 4 of section 54-44.1-06, and  
12 section 54-44.1-11 of the North Dakota Century Code, relating to university system office  
13 personnel, state aid to institutions, attorneys hired by the state board of higher education,  
14 budget requests submitted to the office of the budget, preparation of budget data, and the  
15 cancellation of unexpended appropriations; to repeal chapter 15-62.2 of the North Dakota  
16 Century Code, relating to the student financial assistance program and the scholars program; to  
17 provide for the transfer of funds; to authorize the state board of higher education to issue and  
18 sell bonds for capital projects; to limit tuition rate increases; to reauthorize projects for North  
19 Dakota state university and Minot state university; to provide for budget section reports; to  
20 provide for reports to the sixty-fifth legislative assembly; to provide for legislative management  
21 reports and studies; to provide an appropriation to the attorney general; to provide contingent  
22 appropriations to the state board of higher education; to provide exemptions; to provide  
23 legislative intent; and to declare an emergency.

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

1       **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
2 as may be necessary, are appropriated out of any moneys in the general fund in the state  
3 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
4 other income to the state board of higher education and to the entities and institutions under the  
5 supervision of the board, for the purpose of defraying the expenses of the state board of higher  
6 education and the entities and institutions under the control of the board, for the biennium  
7 beginning July 1, 2015, and ending June 30, 2017, as follows:

8       Subdivision 1.

9                                   NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
12	Capital assets - bond payments	\$10,436,045	(\$2,067,209)	\$8,368,836
13	Competitive research program	7,050,000	0	7,050,000
14	System governance	12,666,502	(5,139,509)	7,526,993
15	Title II	1,006,472	0	1,006,472
16	Core technology services	38,662,551	7,318,414	45,980,965
17	Student financial assistance grants	21,245,679	4,388,597	25,634,276
18	Professional student exchange program	4,275,015	0	4,275,015
19	Academic and technical education	10,000,000	4,054,677	14,054,677
20	scholarships			
21	Two-year campus marketing	800,000	0	800,000
22	Scholars program	2,113,584	0	2,113,584
23	Native American scholarships	649,267	0	649,267
24	Tribally-controlled community college grants	1,000,000	0	1,000,000
25	Education incentive programs	3,349,000	0	3,349,000
26	Student mental health	282,520	33,480	316,000
27	Veterans assistance grants	325,000	0	325,000
28	Deferred maintenance pool	0	8,700,000	8,700,000
29	Campus security pool	0	3,000,000	3,000,000
30	Open education resources training	0	110,000	110,000
31	Internal audit pool	<u>0</u>	<u>300,000</u>	<u>300,000</u>

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1	Total all funds	\$113,861,635	\$20,698,450	\$134,560,085
2	Less estimated income	<u>2,299,912</u>	<u>211,304</u>	<u>2,511,216</u>
3	Total general fund	\$111,561,723	\$20,487,146	\$132,048,869
4	Full-time equivalent positions	112.91	(8.52)	104.39

5 Subdivision 2.

6 BISMARCK STATE COLLEGE

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Operations	\$32,653,654	\$3,509,499	\$36,163,153
10	Capital assets	<u>417,673</u>	<u>2,175,000</u>	<u>2,592,673</u>
11	Total all funds	\$33,071,327	\$5,684,499	\$38,755,826
12	Less estimated income	<u>0</u>	<u>600,000</u>	<u>600,000</u>
13	Total general fund	\$33,071,327	\$5,084,499	\$38,155,826
14	Full-time equivalent positions	126.96	6.57	133.53

15 Subdivision 3.

16 LAKE REGION STATE COLLEGE

17			Adjustments or	
18		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
19	Operations	\$12,429,097	\$2,403,092	\$14,832,189
20	Capital assets	<u>155,367</u>	<u>1,648,423</u>	<u>1,803,790</u>
21	Total all funds	\$12,584,464	\$4,051,515	\$16,635,979
22	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
23	Total general fund	\$12,584,464	\$4,051,515	\$16,635,979
24	Full-time equivalent positions	40.22	9.97	50.19

25 Subdivision 4.

26 WILLISTON STATE COLLEGE

27			Adjustments or	
28		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
29	Operations	\$12,783,506	(\$233,042)	\$12,550,464
30	Capital assets	<u>197,801</u>	<u>0</u>	<u>197,801</u>
31	Total all funds	\$12,981,307	(\$233,042)	\$12,748,265

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1	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
2	Total general fund	\$12,981,307	(\$233,042)	\$12,748,265
3	Full-time equivalent positions	44.15	5.81	49.96
4	Subdivision 5.			

UNIVERSITY OF NORTH DAKOTA

6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	Operations	\$149,683,005	\$17,591,333	\$167,274,338
9	Capital assets	<u>4,411,566</u>	<u>74,760,000</u>	<u>79,171,566</u>
10	Total all funds	\$154,094,571	\$92,351,333	\$246,445,904
11	Less estimated income	<u>0</u>	<u>6,000,000</u>	<u>6,000,000</u>
12	Total general fund	\$154,094,571	\$86,351,333	\$240,445,904
13	Full-time equivalent positions	633.60	(3.40)	630.20
14	Subdivision 6.			

NORTH DAKOTA STATE UNIVERSITY

16			Adjustments or	
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	Operations	\$140,341,540	\$14,336,756	\$154,678,296
19	Capital assets	<u>2,732,244</u>	<u>11,600,000</u>	<u>14,332,244</u>
20	Total all funds	\$143,073,784	\$25,936,756	\$169,010,540
21	Less estimated income	<u>0</u>	<u>11,600,000</u>	<u>11,600,000</u>
22	Total general fund	\$143,073,784	\$14,336,756	\$157,410,540
23	Full-time equivalent positions	491.21	45.89	537.10
24	Subdivision 7.			

NORTH DAKOTA STATE COLLEGE OF SCIENCE

26			Adjustments or	
27		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
28	Operations	\$38,181,456	\$5,537,929	\$43,719,385
29	Capital assets	<u>1,012,379</u>	<u>13,298,000</u>	<u>14,310,379</u>
30	Total all funds	\$39,193,835	\$18,835,929	\$58,029,764
31	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>

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1	Total general fund	\$39,193,835	\$18,835,929	\$58,029,764
2	Full-time equivalent positions	171.87	(3.57)	168.30
3	Subdivision 8.			

DICKINSON STATE UNIVERSITY

5			Adjustments or	
6		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
7	Operations	\$26,299,227	\$2,307,626	\$28,606,853
8	Capital assets	<u>409,078</u>	<u>0</u>	<u>409,078</u>
9	Total all funds	\$26,708,305	\$2,307,626	\$29,015,931
10	Less estimated income	<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>
11	Total general fund	\$26,708,305	\$307,626	\$27,015,931
12	Full-time equivalent positions	100.32	19.94	120.26
13	Subdivision 9.			

MAYVILLE STATE UNIVERSITY

15			Adjustments or	
16		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17	Operations	\$14,364,424	\$2,015,729	\$16,380,153
18	Capital assets	<u>358,992</u>	<u>0</u>	<u>358,992</u>
19	Total all funds	\$14,723,416	\$2,015,729	\$16,739,145
20	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
21	Total general fund	\$14,723,416	\$2,015,729	\$16,739,145
22	Full-time equivalent positions	62.78	3.45	66.23
23	Subdivision 10.			

MINOT STATE UNIVERSITY

25			Adjustments or	
26		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
27	Operations	\$43,810,211	\$4,048,350	\$47,858,561
28	Capital assets	<u>899,620</u>	<u>0</u>	<u>899,620</u>
29	Total all funds	\$44,709,831	\$4,048,350	\$48,758,181
30	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>

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1	Total general fund	\$44,709,831	\$4,048,350	\$48,758,181
2	Full-time equivalent positions	201.76	2.34	204.10
3	Subdivision 11.			

VALLEY CITY STATE UNIVERSITY

5			Adjustments or	
6		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
7	Operations	\$20,691,135	\$4,370,214	\$25,061,349
8	Capital assets	<u>408,319</u>	<u>30,289,000</u>	<u>30,697,319</u>
9	Total all funds	\$21,099,454	\$34,659,214	\$55,758,668
10	Less estimated income	<u>0</u>	<u>16,000,000</u>	<u>16,000,000</u>
11	Total general fund	\$21,099,454	\$18,659,214	\$39,758,668
12	Full-time equivalent positions	97.29	8.30	105.59
13	Subdivision 12.			

DAKOTA COLLEGE AT BOTTINEAU

15			Adjustments or	
16		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17	Operations	\$7,892,043	\$697,566	\$8,589,609
18	Capital assets	<u>114,007</u>	<u>11,746,983</u>	<u>11,860,990</u>
19	Total all funds	\$8,006,050	\$12,444,549	\$20,450,599
20	Less estimated income	<u>0</u>	<u>10,648,194</u>	<u>10,648,194</u>
21	Total general fund	\$8,006,050	\$1,796,355	\$9,802,405
22	Full-time equivalent positions	36.12	10.84	46.96
23	Subdivision 13.			

UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES

25			Adjustments or	
26		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
27	Operations	<u>\$52,762,590</u>	<u>\$18,674,806</u>	<u>\$71,437,396</u>
28	Total all funds	\$52,762,590	\$18,674,806	\$71,437,396
29	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
30	Total general fund	\$52,762,590	\$18,674,806	\$71,437,396
31	Full-time equivalent positions	156.55	28.03	184.58

1 Subdivision 14.

2 NORTH DAKOTA FOREST SERVICE

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
4 Operations	\$6,249,979	\$306,655	\$6,556,634
6 Capital assets	<u>101,210</u>	<u>0</u>	<u>101,210</u>
7 Total all funds	\$6,351,189	\$306,655	\$6,657,844
8 Less estimated income	<u>1,650,000</u>	<u>0</u>	<u>1,650,000</u>
9 Total general fund	\$4,701,189	\$306,655	\$5,007,844
10 Full-time equivalent positions	29.00	(0.04)	28.96

11 Subdivision 15.

12 BILL TOTAL

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15 Grand total general fund	\$679,271,846	\$196,909,865	\$876,181,711
16 Grand total special funds	<u>3,949,912</u>	<u>47,059,498</u>	<u>51,009,410</u>
17 Grand total all funds	\$683,221,758	\$243,969,363	\$927,191,121

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

19 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
 20 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the  
 21 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

	<u>2013-15</u>	<u>2015-17</u>
22 <u>One-Time Funding Description</u>		
23 Capital projects - general fund	\$155,691,350	\$99,909,212
24 Capital projects - other funds	168,531,029	44,848,194
25 Capital projects contingency pool	5,483,413	0
26 Campus security pool	0	3,000,000
27 CTS technology projects	0	2,821,500
28 Open education resource training	0	110,000
29 Theodore Roosevelt center	6,000,000	800,000
30 Williston state college energy development impact	0	2,500,000
31 Dickinson state university leadership transition	0	2,000,000

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1	Museum of art deferred maintenance	0	760,000
2	Williston state college workforce training facility	2,500,000	0
3	Campus deferred maintenance projects	440,000	0
4	Performance funding pool	5,000,000	0
5	Dickinson state university operating funds	800,000	0
6	Minot state university flood recovery funds	2,500,000	0
7	Dakota college at Bottineau - campus software updates	28,500	0
8	Deferred maintenance pool	10,000,000	8,700,000
9	Education challenge fund	29,000,000	0
10	School of medicine and health sciences residency positions	0	4,700,000
11	Health care workforce initiative	7,414,806	13,814,806
12	Master plan and space utilization study	<u>1,000,000</u>	<u>0</u>
13	Total all funds	\$394,389,098	\$183,963,712
14	Total other funds	<u>171,031,029</u>	<u>46,848,194</u>
15	Total general fund	\$223,358,069	\$137,115,518

16 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
17 2017-19 biennium. The North Dakota university system shall report to the appropriations  
18 committees of the sixty-fifth legislative assembly on the use of this one-time funding for the  
19 biennium beginning July 1, 2015, and ending June 30, 2017.

20 **SECTION 3. CONTINGENT APPROPRIATION - LEGISLATIVE MANAGEMENT REPORT.**

21 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise  
22 appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the state  
23 board of higher education for the unified workforce, vocational, and technical education program  
24 system, for the biennium beginning July 1, 2015, and ending June 30, 2017. The funding  
25 provided in this section is available only if the state board of higher education certifies to the  
26 office of management and budget that a unified workforce, vocational, and technical program  
27 system has been established. The board shall provide reports to the legislative management on  
28 the status of the development of the unified system.

29 **SECTION 4. CONTINGENT APPROPRIATION - BUDGET SECTION APPROVAL.** Subject  
30 to budget section approval as provided in this section, there is appropriated out of any moneys  
31 in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or



1 so much of the sum as may be necessary, to the state board of higher education for the  
2 purpose of reorganizing the office of the commissioner of higher education, for the biennium  
3 beginning July 1, 2015, and ending June 30, 2017. The funds provided under this section are  
4 available only if the state board of higher education submits to the budget section for approval a  
5 plan to reorganize the office of the commissioner of higher education. The plan must detail the  
6 proposed organizational structure of the office, priorities of the office, and process changes to  
7 increase office and systemwide efficiencies. The budget section may approve the entire  
8 appropriation provided under this section, or a portion of the appropriation, for the board of  
9 higher education to use for the purposes identified in this section. The funding provided in this  
10 section is considered a one-time funding item.

11 **SECTION 5. CONTINGENT GENERAL FUND APPROPRIATIONS - STATE BOARD OF**  
12 **HIGHER EDUCATION - CAPITAL PROJECTS - BUDGET SECTION APPROVAL.**

- 13 1. Subject to the provisions of this section, there is appropriated out of any moneys in the  
14 general fund in the state treasury, not otherwise appropriated, the sum of \$25,850,000,  
15 or so much of the sum as may be necessary, to the state board of higher education for  
16 the Valley City state university fine arts building project, including the demolition of two  
17 existing buildings, for the biennium beginning July 1, 2015, and ending June 30, 2017.
- 18 2. Subject to the provisions of this section, there is appropriated out of any moneys in the  
19 general fund in the state treasury, not otherwise appropriated, the sum of \$46,000,000,  
20 or so much of the sum as may be necessary, to the state board of higher education for  
21 the North Dakota state university Dunbar Hall project, for the biennium beginning  
22 July 1, 2015, and ending June 30, 2017.
- 23 3. a. The appropriation in subsection 1 of this section is available only if the director of  
24 the office of management and budget determines actual general fund revenues  
25 for the period beginning July 1, 2015, and ending December 31, 2015, exceed  
26 the legislative estimates made at the close of the 2015 legislative session for  
27 general fund revenues during the same period by at least \$126,000,000, or if the  
28 director of the office of management and budget determines actual general fund  
29 revenues for the period beginning July 1, 2015, and ending June 30, 2016,  
30 exceed the legislative estimates made at the close of the 2015 legislative session  
31 for general fund revenues during the same period by at least \$126,000,000.

- 1           b. The appropriation in subsection 2 of this section is available only if the director of  
2           the office of management and budget determines actual general fund revenues  
3           for the period beginning July 1, 2015, and ending December 31, 2016, exceed  
4           the legislative estimates made at the close of the 2015 legislative session for  
5           general fund revenues during the same period by at least \$200,000,000.  
6           Additionally, the appropriation in subsection 2 is available only if the state board  
7           of higher education certifies to the budget section that the Dunbar Hall project  
8           conforms to the university system campus master plan and space utilization  
9           study and the board receives budget section approval to proceed with the project.
- 10          c. For purposes of this subsection, "estimated general fund revenues" excludes the  
11          unobligated general fund balance on July 1, 2015, and transfers to the general  
12          fund from the strategic investment and improvements fund, property tax relief  
13          fund or tax relief fund, the lottery, the mill and elevator, and gas tax  
14          administration.

15           **SECTION 6. APPROPRIATION - ATTORNEY GENERAL.** The funds provided in this  
16          section, or so much of the funds as may be necessary, are appropriated from the general fund  
17          in the state treasury, not otherwise appropriated, to the attorney general for the following  
18          purposes:

19          Intellectual property attorney	\$436,994
20          Continuation of contracted higher education legal services	<u>700,000</u>
21          Total general fund	\$1,136,994

22          The attorney general is authorized one intellectual property attorney full-time equivalent  
23          position. The attorney general may not spend any funds designated for the intellectual property  
24          attorney position for purposes other than the salaries and wages and operating expenses of the  
25          intellectual property attorney. The funding designated for contracted higher education legal  
26          services is considered a one-time funding item.

27           **SECTION 7. AMENDMENT.** Subdivision c of subsection 1 of section 15-10-17 of the North  
28          Dakota Century Code is amended and reenacted as follows:

- 29          c. Appoint and remove at will all university system office personnel, fix their  
30          salaries within the limits of legislative appropriations, ~~fix their terms of office~~, and

1                   prescribe their duties. The board may provide severance pay to an employee  
2                   upon termination of employment only in accordance with section 54-14-04.3.

3           **SECTION 8.** A new section to chapter 15-10 of the North Dakota Century Code is created  
4 and enacted as follows:

5           **Required use of electronic mail, file server administration, database administration,**  
6 **application server, and hosting services.**

7           Each institution and entity under the control of the state board of higher education shall  
8 obtain electronic mail, file server administration, database administration, research computing,  
9 storage, application server, and hosting services through a delivery system established by the  
10 board. The board shall establish policies and guidelines for the delivery of services, including  
11 the transition from existing systems to functional consolidation, with consideration given to the  
12 creation of efficiencies, cost-savings, and improved quality of service.

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

15           **Audits of computer systems - Penalty.**

16           1. Any auditor hired to conduct audits of the state board of higher education and the  
17 entities under the control and supervision of the board may:

18           a. Conduct a review and assessment of any computer system or related security  
19 system of the state board of higher education or any entity under the control and  
20 supervision of the board. A review and assessment under this section may  
21 include an assessment of system vulnerability, network penetration, any potential  
22 security breach, and the susceptibility of the system to cyber attack or cyber  
23 fraud.

24           b. Disclose the findings of a review and assessment to an individual or committee  
25 designated by the state board of higher education or to the board. Any record  
26 relating to a review and assessment, including a working paper or preliminary  
27 draft of a review and assessment report and a report of the findings of a review  
28 and assessment, and any record that may cause or perpetuate vulnerability of a  
29 computer system or related security system which is obtained or created during a  
30 review and assessment is an exempt record.

1           c. In conjunction with the state board of higher education or a committee designated  
2           by the board, procure the services of a specialist in information security systems  
3           or any other contractor deemed necessary in conducting a review and  
4           assessment under this section.

5           2. Any person hired or contracted to provide services in relation to a review and  
6           assessment under this section is subject to the privacy and confidentiality provisions of  
7           subsection 1 and any other section of law, including section 44-04-27, and for the  
8           purposes of section 12.1-13-01, is a public servant.

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

11           **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 council. The board shall develop administrative arrangements that  
17          make possible the efficient use of facilities and staff. The board shall limit administrative costs  
18          by eliminating duplicative administrative positions.

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

21           **Workforce education advisory council - Membership - Duties.**

22           The state board of higher education shall establish a workforce education advisory council  
23          to advise the board regarding skills and qualifications needed for workforce training, vocational,  
24          and technical education programs offered at institutions under the control of the board. The  
25          council is composed of a representative of the department of career and technical education, a  
26          representative of job service North Dakota, a representative of the department of commerce,  
27          and eight members representing business and industry in the state. The eight members  
28          representing business and industry shall be appointed by the chairman of the legislative  
29          management. The North Dakota university system office shall provide staff services for the  
30          advisory council and members of the council who are not employees of the state are entitled to

1 expense reimbursement from the board, as provided by law for state officers, for attending  
2 meetings of the council.

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

5 **Annual report - Scholarships.**

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

9 **SECTION 13. AMENDMENT.** Section 15-18.2-02 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **15-18.2-02. Weighted credit-hours - Determination - Instructional program**  
12 **classification factors - Submission to legislative management.**

13 1. In order to determine the weighted credit-hours for each institution under its control,  
14 the state board of higher education shall multiply each of an institution's completed  
15 credit-hours, as determined under section 15-18.2-01, by an instructional program  
16 classification factor, as set forth in this section.

17 a. The factors for credits completed in agriculture are:

- 18 (1) 1.9 for lower division credits;  
19 (2) 3.8 for upper division credits;  
20 (3) 5.7 for professional level credits; and  
21 (4) 7.6 for graduate level credits.

22 b. The factors for credits completed in architecture are:

- 23 (1) 1.8 for lower division credits;  
24 (2) 3.6 for upper division credits;  
25 (3) 5.4 for professional level credits; and  
26 (4) 7.2 for graduate level credits.

27 c. The factors for credits completed in ~~aviation~~transportation are:

- 28 (1) 1.9 for lower division credits;  
29 (2) 3.8 for upper division credits;  
30 (3) 5.7 for professional level credits; and  
31 (4) 7.6 for graduate level credits.

- 1           d.    The factors for credits completed in the biological and physical sciences are:
- 2                (1)   1.9 for lower division credits;
- 3                (2)   3.8 for upper division credits;
- 4                (3)   5.7 for professional level credits; and
- 5                (4)   7.6 for graduate level credits.
- 6           e.    The factors for credits completed in business are:
- 7                (1)   1.9 for lower division credits;
- 8                (2)   3.8 for upper division credits;
- 9                (3)   5.7 for professional level credits; and
- 10              (4)   7.6 for graduate level credits.
- 11           f.    The factors for credits completed in education are:
- 12              (1)   1.9 for lower division credits;
- 13              (2)   3.8 for upper division credits;
- 14              (3)   5.7 for professional level credits; and
- 15              (4)   7.6 for graduate level credits.
- 16           g.    The factors for credits completed in engineering are:
- 17              (1)   2.5 for lower division credits;
- 18              (2)   5.0 for upper division credits;
- 19              (3)   7.5 for professional level credits; and
- 20              (4)   10.0 for graduate level credits.
- 21           h.    The factors for credits completed in the health sciences are:
- 22              (1)   3.0 for lower division credits;
- 23              (2)   6.0 for upper division credits;
- 24              (3)   9.0 for professional level credits;
- 25              (4)   12.0 for graduate level credits; and
- 26              (5)   38.0 for medical school credits.
- 27           i.    The factors for credits completed in legal studies are:
- 28              (1)   3.5 for lower division credits;
- 29              (2)   7.0 for upper division credits;
- 30              (3)   10.5 for professional level credits; and
- 31              (4)   14.0 for graduate level credits.

- 1           j. The factors for credits completed in the core disciplines are:
- 2               (1) 1.0 for lower division credits;
- 3               (2) 2.0 for upper division credits;
- 4               (3) 3.0 for professional level credits; and
- 5               (4) 4.0 for graduate level credits.
- 6           k. The factor for credits completed in career and technical education is 2.0.
- 7           l. The factor for completed ~~remedial~~basic skills credits is 2.3.
- 8        2. a. The state board of higher education shall ensure that all delineations in this
- 9               section reflect the requirements of a nationally recognized and standardized
- 10              instructional program classification system.
- 11           b. Before adopting any changes to the delineations implemented in accordance with
- 12              this section, the state board of higher education shall present the proposed
- 13              changes to and receive the approval of the legislative management.

14        **SECTION 14. AMENDMENT.** Section 15-18.2-03 of the North Dakota Century Code is

15        amended and reenacted as follows:

16        **15-18.2-03. Credit completion factor - Determination.**

- 17        1. ~~For~~Except as provided in subsections 2 and 3 of this section, for each institution under
- 18              its control, the state board of higher education shall multiply the product determined
- 19              under section 15-18.2-02 by a factor of:
- 20              a. ~~1.00 if the number of credit hours is at least 100,000;~~
- 21              b. ~~1.05 if the number of credit hours is at least 95,000 but less than 100,000;~~
- 22              c. ~~1.10 if the number of credit hours is at least 90,000 but less than 95,000;~~
- 23              d. ~~1.15 if the number of credit hours is at least 85,000 but less than 90,000;~~
- 24              e. ~~1.20 if the number of credit hours is at least 80,000 but less than 85,000;~~
- 25              f. ~~1.25 if the number of credit hours is at least 75,000 but less than 80,000;~~
- 26              g. ~~1.30 if the number of credit hours is at least 70,000 but less than 75,000;~~
- 27              h. ~~1.35 if the number of credit hours is at least 65,000 but less than 70,000;~~
- 28              i. ~~1.40 if the number of credit hours is at least 60,000 but less than 65,000;~~
- 29              j. ~~1.45 if the number of credit hours is at least 55,000 but less than 60,000;~~
- 30              k. ~~1.50 if the number of credit hours is at least 50,000 but less than 55,000;~~
- 31              l. ~~1.55 if the number of credit hours is at least 45,000 but less than 50,000;~~

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- 1 m. ~~1.60 if the number of credit-hours is at least 40,000 but less than 45,000;~~  
2 n. ~~1.65 if the number of credit-hours is at least 35,000 but less than 40,000;~~  
3 o. ~~1.70 if the number of credit-hours is at least 30,000 but less than 35,000;~~  
4 p. ~~1.75 if the number of credit-hours is at least 25,000 but less than 30,000;~~  
5 q. ~~1.80 if the number of credit-hours is at least 20,000 but less than 25,000;~~  
6 r. ~~1.85 if the number of credit-hours is at least 15,000 but less than 20,000;~~  
7 s. ~~1.90 if the number of credit-hours is at least 10,000 but less than 15,000;~~  
8 t. ~~1.95 if the number of credit-hours is at least 5,000 but less than 10,000; and~~  
9 u. ~~2.00 if the number of credit-hours is less than 5,000.~~  
10 a. 1.00 if the number of credit-hours is at least 240,000;  
11 b. 1.05 if the number of credit-hours is at least 180,000 but less than 240,000;  
12 c. 1.10 if the number of credit-hours is at least 120,000 but less than 180,000;  
13 d. 1.15 if the number of credit-hours is at least 90,000 but less than 120,000;  
14 e. 1.20 if the number of credit-hours is at least 80,000 but less than 90,000;  
15 f. 1.30 if the number of credit-hours is at least 70,000 but less than 80,000;  
16 g. 1.40 if the number of credit-hours is at least 60,000 but less than 70,000;  
17 h. 1.50 if the number of credit-hours is at least 50,000 but less than 60,000;  
18 i. 1.60 if the number of credit-hours is at least 40,000 but less than 50,000;  
19 j. 1.70 if the number of credit-hours is at least 30,000 but less than 40,000; and  
20 k. 1.80 if the number of credit-hours is less than 30,000.  
21 2. If the square footage of an institution, when divided by the institution's weighted credit-  
22 hours results in a quotient greater than 5.00, the state board of higher education shall  
23 multiply the product determined under section 15-18.2-02 by a factor of 1.00. For  
24 purposes of this subsection, the square footage of an institution includes real property  
25 as determined by the state board of higher education in accordance with section  
26 15-18.2-04.  
27 3. If the number of credit-hours completed by an institution causes a decrease in the  
28 credit completion factor for that institution, the new credit completion factor shall not be  
29 in effect for calculation purposes for the first two fiscal years following the change.  
30 4. For purposes of this section, the number of credit-hours must be those determined by  
31 the state board of higher education in accordance with section 15-18.2-01.



1       **SECTION 15. AMENDMENT.** Section 15-18.2-04 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15-18.2-04. Institutional size factor - Determination.**

4       1. For each institution under its control, the state board of higher education shall multiply  
5 the product determined under section 15-18.2-03 by a size factor of:

6           a. 1.0 if the square footage of the institution, when divided by the institution's  
7 weighted credit-hours results in a quotient of less than 5.00; or

8           b. ~~4.81~~7 if the square footage of the institution, when divided by the institution's  
9 weighted credit-hours results in a quotient of 5.00 or more.

10       2. For purposes of this section, an institution's square footage:

11           a. Includes all real property owned by the state within an institution's perimeter,  
12 except for agricultural experiment stations, agricultural research extension  
13 centers, technology parks, and state agencies; and

14           b. Is determined as of June thirtieth in each odd-numbered year.

15       **SECTION 16. AMENDMENT.** Section 15-18.2-05 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17       **15-18.2-05. Base funding - Determination of state aid.**

18       In order to determine the state aid payment to which each institution under its control is  
19 entitled, the state board of higher education shall multiply the product determined under section  
20 15-18.2-04 by a base amount of:

21       1. ~~\$66.35~~\$72.63 in the case of North Dakota state university and the university of North  
22 Dakota;

23       2. ~~\$95.57~~\$107.33 in the case of Dickinson state university, Mayville state university,  
24 Minot state university, and Valley City state university; and

25       3. ~~\$98.75~~ in the case of Minot state university;

26       4. ~~\$101.73~~\$114.88 in the case of Bismarck state college, Dakota college at Bottineau,  
27 Lake Region state college, ~~and~~ North Dakota state college of science; and

28       5. ~~\$104.88~~ in the case of Williston state college.

29       **SECTION 17.** Chapter 15-62.4 of the North Dakota Century Code is created and enacted  
30 as follows:

1        **15-62.4-01. Student financial assistance program.**

2        The state board of higher education shall administer the North Dakota student financial  
3 assistance program for the purpose of providing a grant to an individual who demonstrates  
4 significant financial need and who:

- 5        1.    a.    Graduated from a high school in this state;  
6            b.    Graduated from a high school in a bordering state, pursuant to chapter 15.1-29;  
7            c.    Graduated from a nonpublic high school in a bordering state while residing with a  
8            custodial parent in this state;  
9            d.    Completed a program of home education supervised in accordance with chapter  
10           15.1-23; or  
11           e.    Received a general educational development high school diploma from the  
12           superintendent of public instruction;  
13        2.    a.    Is enrolled at an accredited institution of higher education in this state, provided  
14           the institution offers a program of instruction equal to at least two academic  
15           years; or  
16           b.    Because of a medically certifiable disability is enrolled at an accredited institution  
17           of higher education outside of this state which offers the individual special  
18           services or facilities not available in this state, provided the institution offers a  
19           program of instruction equal to at least two academic years; and  
20        3.    Is pursuing a course of study determined by the state board of higher education to be  
21           at least quarter-time.

22        **15-62.4-02. Student financial assistance program - Criteria and procedures.**

23        The state board of higher education shall adopt:

- 24        1.    Criteria governing the application process;  
25        2.    Criteria governing the determination of financial need, which must include  
26           consideration of parental contributions to educational expenses;  
27        3.    Criteria governing the selection process; and  
28        4.    Procedures for providing fiscal control, fund accounting, and reports.

29        **15-62.4-03. Student financial assistance program - Grants.**

- 30        1.    The state board of higher education shall provide to each eligible student a financial  
31           assistance grant in an amount not exceeding:

- 1           a. Nine hundred seventy-five dollars per semester; or
- 2           b. Six hundred fifty dollars per quarter.
- 3        2. a. A student is not entitled to receive grants under this chapter for more than the
- 4           equivalent of:
- 5           (1) Eight semesters of full-time enrollment; or
- 6           (2) Twelve quarters of full-time enrollment.
- 7           b. Notwithstanding subdivision a, a student is not entitled to receive a grant under
- 8           this chapter after the student obtains a baccalaureate degree.
- 9        3. The board shall forward grants payable under this chapter directly to the institution in
- 10       which the student is enrolled.

11        **15-62.4-04. Student financial assistance program - Advisory board.**

- 12       1. The student financial assistance advisory board is created for the purposes of:
- 13           a. Providing advice to the state board of higher education regarding the student
- 14           financial assistance program; and
- 15           b. Functioning as a liaison between the state board of higher education and the
- 16           institutions of higher education participating in the student financial assistance
- 17           program.
- 18       2. a. The student financial assistance advisory board consists of:
- 19           (1) Three financial aid officers;
- 20           (2) A chief financial officer;
- 21           (3) A high school counselor; and
- 22           (4) A student enrolled at an institution of higher education in this state.
- 23           b. All members must be appointed by the state board of higher education.
- 24           c. All members other than the student must be employed by an educational
- 25           institution in this state.
- 26           d. No more than one member may be employed by the same educational institution
- 27           as another member.
- 28       3. The state board of higher education shall determine the terms of the student financial
- 29       assistance advisory board members and establish any necessary rules of operation
- 30       and procedure.

1       4. Each member of the student financial assistance advisory board is entitled to  
2           reimbursement for expenses, as provided by law for state officers, if the member is  
3           attending meetings or performing duties directed by the advisory board.

4       **15-62.4-05. Student financial assistance program - Gifts and grants - Acceptance.**

5       The state board of higher education may receive, administer, and expend moneys from  
6 public and private sources for the purposes of this chapter.

7       **SECTION 18.** Chapter 15-62.5 of the North Dakota Century Code is created and enacted  
8 as follows:

9       **15-62.5-01. Scholars program.**

10       The state board of higher education shall administer the scholars program for the purpose  
11 of providing a merit-based scholarship to an individual who:

- 12       1. a. Graduated from a high school in this state;
- 13       b. Graduated from a high school in a bordering state, pursuant to chapter 15.1-29;
- 14       c. Graduated from a nonpublic high school in a bordering state while residing with a  
15       custodial parent in this state; or
- 16       d. Completed a program of home education supervised in accordance with chapter  
17       15.1-23;
- 18       2. On the ACT, achieved composite scores that ranked the individual at or above the  
19       ninety-fifth percentile among those who took the ACT prior to July first in the calendar  
20       year preceding the individual's enrollment;
- 21       3. a. Is enrolled at an accredited institution of higher education in this state that offers  
22       a program of instruction equal to at least two academic years;
- 23       b. Because of a medically certifiable disability is enrolled at an accredited institution  
24       of higher education outside of this state that offers the individual special services  
25       or facilities not available in this state, provided the institution offers a program of  
26       instruction equal to at least two academic years; and
- 27       4. Is pursuing a course of study determined by the board to be full-time.

28       **15-62.5-02. Scholars program - Criteria and procedures.**

29       The state board of higher education shall adopt:

- 30       1. Criteria governing the application process;

1       2. Criteria governing the selection process, within the requirements of section  
2           15-62.5-03; and

3       3. Procedures for providing fiscal control, fund accounting, and reports.

4       **15-62.5-03. Scholars program - Ranking and selection of recipients.**

5       1. The state board of higher education shall rank scholars program applicants by their  
6           ACT composite scores.

7       2. If two or more applicants have the same composite scores, they must be ranked by  
8           the numeric sum of their four scale scores on the ACT.

9       3. If two or more applicants have the same composite scores and the same numeric sum  
10           of the four scale scores, they must be ranked by the numeric sum of their English and  
11           mathematics scores.

12       4. The state board of higher education may establish additional criteria to rank applicants  
13           who have the same numeric sum of their English and mathematics scores.

14       5. Scholarships must be offered to applicants in descending order according to this  
15           ranking until available funds have been expended or until the pool of applicants has  
16           been exhausted.

17       **15-62.5-04. Scholars program - Scholarship amounts - Stipends.**

18       1. a. Each semester, the state board of higher education shall provide to an eligible  
19           student a scholarship in an amount not exceeding the tuition charged at the  
20           institution in which the student is enrolled, provided the amount may not exceed  
21           the highest undergraduate semester tuition charged at an institution of higher  
22           education under the control of the state board of higher education.

23       b. Each quarter the state board of higher education shall provide to an eligible  
24           student a scholarship in an amount not exceeding the tuition charged per quarter  
25           at the institution in which the student is enrolled, provided the amount may not  
26           exceed two-thirds of the highest undergraduate semester tuition charged at an  
27           institution of higher education under the control of the state board of higher  
28           education.

29       c. For purposes of this subsection, the rates are calculated using a traditional fall  
30           and spring academic year.

- 1       2.   The scholarships provided for under this section are conditioned on the student  
2           maintaining a 3.5 cumulative grade point average, based on a 4.0 grading system.
- 3       3.   Any student eligible for a scholarship under this section is also eligible for a stipend in  
4           an amount not exceeding two thousand dollars annually. The state board of higher  
5           education may distribute the stipend on a semester or a quarter basis.
- 6       4.   a.   A student is not entitled to receive scholarships under this chapter for more than  
7           the equivalent of:
- 8           (1)   Eight semesters of full-time enrollment; or  
9           (2)   Twelve quarters of full-time enrollment.
- 10       b.   Notwithstanding subdivision a, a student is not entitled to receive a scholarship  
11           under this chapter after the student obtains a baccalaureate degree.
- 12       5.   The state board of higher education shall forward scholarships and stipends payable  
13           under this chapter directly to the institution in which the student is enrolled.

14       **15-62.5-05. Use of scholarships and stipends - Refund policy.**

15       Scholarships and stipends awarded under this chapter may be applied to defray tuition  
16       charges, fees, room and board charges, and the cost of books and supplies, and for any other  
17       expenses incidental to attending an institution of higher education. If an individual discontinues  
18       attendance before the completion of any semester or quarter for which a scholarship or stipend  
19       has been received, the individual is subject to the refund or repayment policy of the institution at  
20       which the individual was enrolled.

21       **SECTION 19.** A new subsection to a new section to chapter 54-10, as created in section 5  
22       of Senate Bill No. 2004, as approved by the sixty-fourth legislative assembly, is created and  
23       enacted as follows:

- 24       4.   This section does not prohibit the state board of higher education from employing  
25           internal audit staff or contracting for internal audit services.

26       **SECTION 20. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is  
27       amended and reenacted as follows:

28       **54-12-08. Assistant and special assistant attorneys general - Appointment -**  
29       **Revocation - Compensation.**

- 30       1.   After consultation with the head of the state department or institution or with the state  
31       board, commission, committee, or agency affected, the attorney general may appoint

1 assistant or special assistant attorneys general to represent the state board,  
2 commission, committee, or agency. A state officer, head of any state department,  
3 whether elected or appointed, or state department, board, commission, committee, or  
4 agency may not employ legal counsel, and no person may act as legal counsel in any  
5 matter, action, or proceeding in which the state or any state department, board,  
6 commission, committee, or agency is interested or is a party, except upon written  
7 appointment by the attorney general. Workforce safety and insurance, the department  
8 of transportation, the state tax commissioner, the public service commission, the  
9 insurance commissioner, ~~the board of higher education~~, and the securities  
10 commissioner may employ attorneys to represent them. These entities shall pay the  
11 salaries and expenses of the attorneys they employ within the limits of legislative  
12 appropriations. The attorneys that represent these entities must be special assistant  
13 attorneys general appointed by the attorney general pursuant to this section. Absent  
14 good cause, the attorney general shall appoint as special assistant attorneys general  
15 licensed attorneys selected by these entities. The attorney general may revoke the  
16 appointment only for good cause or upon the request of the entity. Good cause means  
17 an inadequate level of experience, competence, or ethical standards.

18 2. The powers conferred upon special assistant attorneys general are the same as are  
19 exercised by the regular assistant attorneys general, unless the powers are limited  
20 specifically by the terms of the appointment. Except as otherwise provided by this  
21 section, an appointment is revocable at the pleasure of the attorney general. The  
22 appointment may be made with or without compensation, and when compensation is  
23 allowed by the attorney general for services performed, the compensation must be  
24 paid out of the funds appropriated therefor.

25 3. The attorney general may require payment for legal services rendered by any  
26 assistant or special assistant attorney general to any state official, board, department,  
27 agency, or commission and those entities shall make the required payment to the  
28 attorney general. Moneys received by the attorney general in payment for legal  
29 services rendered must be deposited into the attorney general's operating fund.  
30 General fund moneys may not be utilized for the payment of legal services provided by

1 the attorneys employed by the attorney general, except for those payments required of  
2 the department of human services, state department of health, and the state hospital.  
3 4. An assistant or special assistant attorney general appointed to represent the state  
4 board of higher education or an institution under the control of the state board of  
5 higher education may access and examine any record under the control of the state  
6 board of higher education. For purposes of reviewing records under the Family  
7 Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal  
8 privacy law, the assistant or special assistant attorney general is considered a state  
9 educational official authorized to access student records.

10 **SECTION 21. AMENDMENT.** Section 54-44.1-04 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **54-44.1-04. Budget estimates of budget units filed with the office of the budget -**  
13 **Deadline.**

14 The head of each budget unit, not later than July fifteenth of each year next preceding the  
15 session of the legislative assembly, shall submit to the office of the budget, estimates of  
16 financial requirements of the person's budget unit for the next two fiscal years, on the forms and  
17 in the manner prescribed by the office of the budget, with such explanatory data as is required  
18 by the office of the budget and such additional data as the head of the budget unit wishes to  
19 submit. The estimates of financial requirements for budget units under the control of the state  
20 board of higher education must be made using the same forms, supporting information, and  
21 documentation as other budget units. Any request for a new full-time or part-time permanent  
22 position included in a budget unit's estimate of its financial requirements for the next two fiscal  
23 years must include documentation justifying the need for the position. The documentation must  
24 describe the circumstances resulting in the need for the position and identify the number of  
25 hours the position will be involved in specific types of activities and the anticipated outcomes of  
26 the activities. The estimates so submitted must bear the approval of the board or commission of  
27 each budget unit for which a board or commission is constituted. The director of the budget may  
28 extend the filing date for any budget unit if the director finds there is some circumstance that  
29 makes it advantageous to authorize the extension. If a budget unit has not submitted its  
30 estimate of financial requirements by the required date or within a period of extension set by the  
31 director of the budget, the director of the budget shall prepare the budget unit's estimate of



1 financial requirements except the estimate may not exceed ninety percent of the budget unit's  
2 previous biennial appropriation. The director of the budget or a subordinate officer as the  
3 director shall designate shall examine the estimates and shall afford to the heads of budget  
4 units reasonable opportunity for explanation in regard thereto and, when requested, shall grant  
5 to the heads of budget units a hearing thereon which must be open to the public.

6 **SECTION 22. AMENDMENT.** Subsection 4 of section 54-44.1-06 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 4. Detailed comparative statements of expenditures and requests for appropriations by  
9 funds, budget units and classification of expenditures, showing the expenditures for  
10 the previous biennium, the first fiscal year of the present biennium, the budget of the  
11 current biennium, and the governor's recommendation for appropriations for each  
12 budget unit for the next biennium, all distributed according to the prescribed  
13 classification of expenditures. Following the lists of actual and proposed expenditures  
14 of each budget unit there must be a brief explanation of the functions of the unit and  
15 comments on its policies and plans and on any considerable differences among the  
16 amounts recommended, with any descriptive, quantitative, comparative, and other  
17 data as to work done, unit costs, and like information as may be considered necessary  
18 or desirable. For capital outlay expenditures involving construction projects to be  
19 completed in two or more fiscal years, there must be shown the total estimated cost of  
20 each such project and the amount thereof recommended to be appropriated and  
21 expended in each ensuing fiscal year until completion of the project. Capital outlay  
22 needs may be projected for at least two years beyond the period covered by the  
23 budget. The detailed comparative statements of budget units under the control of the  
24 state board of higher education must include the same information presented for other  
25 budget units.

26 **SECTION 23. AMENDMENT.** Section 54-44.1-11 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **54-44.1-11. (Effective through July 31, 2015~~2017~~) Office of management and budget to**  
29 **cancel unexpended appropriations - When they may continue.**

30 Except as otherwise provided by law, the office of management and budget, thirty days after  
31 the close of each biennial period, shall cancel all unexpended appropriations or balances of

1 appropriations after the expiration of the biennial period during which they became available  
2 under the law. Unexpended appropriations for the state historical society are not subject to this  
3 section and the state historical society shall report on the amounts and uses of funds carried  
4 over from one biennium to the appropriations committees of the next subsequent legislative  
5 assembly. Unexpended appropriations for the North Dakota university system are not subject to  
6 this section and the North Dakota university system shall report on the amounts and uses of  
7 funds carried over from one biennium to the next to subsequent appropriations committees of  
8 the legislative assembly. The chairmen of the appropriations committees of the senate and  
9 house of representatives of the legislative assembly with the office of the budget may continue  
10 appropriations or balances in force for not more than two years after the expiration of the  
11 biennial period during which they became available upon recommendation of the director of the  
12 budget for:

- 13 1. New construction projects.
- 14 2. Major repair or improvement projects.
- 15 3. Purchases of new equipment costing more than ten thousand dollars per unit if it was  
16 ordered during the first twelve months of the biennium in which the funds were  
17 appropriated.
- 18 4. The purchase of land by the state on a "contract for deed" purchase if the total  
19 purchase price is within the authorized appropriation.
- 20 5. Purchases by the department of transportation of roadway maintenance equipment  
21 costing more than ten thousand dollars per unit if the equipment was ordered during  
22 the first twenty-one months of the biennium in which the funds were appropriated.
- 23 6. Authorized ongoing information technology projects.

24 **(Effective after July 31, ~~2015~~2017) Office of management and budget to cancel**  
25 **unexpended appropriations - When they may continue.** The office of management and  
26 budget, thirty days after the close of each biennial period, shall cancel all unexpended  
27 appropriations or balances of appropriations after the expiration of the biennial period during  
28 which they became available under the law. Unexpended appropriations for the state historical  
29 society are not subject to this section and the state historical society shall report on the amounts  
30 and uses of funds carried over from one biennium to the appropriations committees of the next  
31 subsequent legislative assembly. The chairmen of the appropriations committees of the senate

1 and house of representatives of the legislative assembly with the office of the budget may  
2 continue appropriations or balances in force for not more than two years after the expiration of  
3 the biennial period during which they became available upon recommendation of the director of  
4 the budget for:

- 5 1. New construction projects.
- 6 2. Major repair or improvement projects.
- 7 3. Purchases of new equipment costing more than ten thousand dollars per unit if it was  
8 ordered during the first twelve months of the biennium in which the funds were  
9 appropriated.
- 10 4. The purchase of land by the state on a "contract for deed" purchase if the total  
11 purchase price is within the authorized appropriation.
- 12 5. Purchases by the department of transportation of roadway maintenance equipment  
13 costing more than ten thousand dollars per unit if the equipment was ordered during  
14 the first twenty-one months of the biennium in which the funds were appropriated.
- 15 6. Authorized ongoing information technology projects.

16 **SECTION 24. REPEAL.** Chapter 15-62.2 of the North Dakota Century Code is repealed.

17 **SECTION 25. SYSTEMWIDE FUNDING POOLS - TRANSFER AUTHORITY -**

18 **LEGISLATIVE MANAGEMENT REPORT.** The following line items contained in subdivision 1 of  
19 section 1 of this Act include funding that may be transferred in full or in part as provided in this  
20 section for the period beginning with the effective date of this Act and ending June 30, 2017, by  
21 the state board of higher education to the institutions and entities under its control as follows:

- 22 1. The deferred maintenance funding pool line item includes funding that must be used  
23 for eligible projects to address deferred maintenance at institutions identified in this  
24 subsection. To be eligible to receive funding under this subsection, a project must be  
25 identified in campus master plan and space utilization studies and be approved by the  
26 board. The maximum amount that may be transferred to each institution from the  
27 funding pool is as follows:
  - 28 a. \$3,500,000 to North Dakota state university;
  - 29 b. \$3,500,000 to the university of North Dakota;
  - 30 c. \$700,000 to Bismarck state college;
  - 31 d. \$500,000 to Mayville state university; and

1 e. \$500,000 to lake region state college.

2 2. The education incentive programs line item includes funding that may be allocated to  
3 education incentive programs based on program eligibility criteria and the reduction or  
4 elimination of specific programs as determined by the board.

5 3. The campus security funding pool line item includes funding that must be used to  
6 address security needs at institutions based on campus risk and security  
7 assessments.

8 4. The internal audit funding pool line item includes funding that must be used for  
9 systemwide and campus internal audit purposes.

10 The state board of higher education shall provide reports to the legislative management during  
11 the 2015-16 interim regarding distributions from the deferred maintenance, campus security,  
12 and internal audit funding pools.

13 **SECTION 26. CAMPUS CAPITAL PROJECTS - PROJECT MANAGEMENT.** During the  
14 biennium beginning July 1, 2015, and ending June 30, 2017, each capital project authorized by  
15 the state board of higher education must have adequate project management oversight by  
16 either an institution official or a representative of an external entity. An institution may seek  
17 assistance from the university system office for project management oversight of a capital  
18 project.

19 **SECTION 27. NORTH DAKOTA STATE UNIVERSITY - MINARD HALL -**  
20 **REAUTHORIZATION - BUDGET SECTION REPORT.** In addition to the funds appropriated in  
21 section 1 of this Act, North Dakota state university may use unspent state funding from the  
22 \$5,000,000 appropriation received during the biennium beginning July 1, 2007, and ending  
23 June 30, 2009, and unspent state funding from the \$13,000,000 appropriation received during  
24 the biennium beginning July 1, 2009, and ending June 30, 2011, and special funds derived from  
25 insurance litigation settlement and other local institutional funds, to a total of \$23,474,300 for  
26 the Minard hall project, for the biennium beginning July 1, 2015, and ending June 30, 2017.  
27 North Dakota state university shall report to the budget section regarding the status of the  
28 Minard hall project and may request increased spending authorization from the budget section  
29 for the project.

30 **SECTION 28. MINOT STATE UNIVERSITY - FOOTBALL STADIUM PRESS BOX -**  
31 **REAUTHORIZATION.** Minot state university may use up to \$4,000,000 in private funds from the

1 city of Minot and \$1,000,000 in local institutional funds for the completion of the football stadium  
2 press box during the period beginning with the effective date of this Act, and ending June 30,  
3 2017.

4 **SECTION 29. STUDENT LOAN TRUST FUND.** Subdivision 1 of section 1 of this Act  
5 includes the sum of \$3,504,744, or so much of the sum as may be necessary, from the student  
6 loan trust fund, of which \$465,307 is for the professional student exchange program, \$500,000  
7 is for grants to tribally-controlled community colleges, \$2,000,000 is for campus leadership  
8 transition costs at Dickinson state university, and \$539,437 is for connectND campus solution  
9 positions, for the biennium beginning July 1, 2015, and ending June 30, 2017.

10 **SECTION 30. UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH**  
11 **SCIENCES OPERATIONS.** The operations line item in subdivision 5 of section 1 of this Act  
12 includes a funding allocation from the higher education per student credit-hour funding formula  
13 attributable to inflation during the biennium beginning July 1, 2015, and ending June 30, 2017. A  
14 minimum of twenty-five percent of the allocation must be transferred by the state board of  
15 higher education to the university of North Dakota school of medicine and health sciences.

16 **SECTION 31. FEDERAL, PRIVATE, AND OTHER FUNDS - APPROPRIATION.** All funds,  
17 in addition to those appropriated in section 1 of this Act, from federal, private, and other sources  
18 for competitive grants or other funds that the legislative assembly has not indicated the intent to  
19 reject, including tuition revenue, received by the state board of higher education and the  
20 institutions and entities under the control of the state board of higher education, are  
21 appropriated to the board and those institutions and entities, for the biennium beginning July 1,  
22 2015, and ending June 30, 2017. All additional funds received under the North Dakota-  
23 Minnesota reciprocity agreement during the biennium beginning July 1, 2015, and ending June  
24 30, 2017, are appropriated to the state board of higher education for reimbursement to  
25 institutions under the control of the board.

26 **SECTION 32. TRANSFER AUTHORITY.** If, during the biennium beginning July 1, 2015,  
27 and ending June 30, 2017, the state board of higher education determines that funds allocated  
28 to operations in section 1 of this Act are needed for capital assets, the board may transfer funds  
29 from operations to capital assets. The board shall report any transfer of funds under this section  
30 to the office of management and budget.

1       **SECTION 33. EXEMPTION - USE OF 2013-15 BIENNIUM APPROPRIATIONS -**

2       **CONTINGENT APPROPRIATION REDUCTION.** Of the \$5,000,000 appropriated from the  
3 general fund in the performance funding pool line item in section 1 of chapter 34 of the 2013  
4 Session Laws, \$1,000,000 is not subject to section 54-44.1-11 and must be canceled by the  
5 office of management and budget on the effective date of this section. Pursuant to section  
6 54-44.1-11, the sum of \$4,000,000 appropriated in the performance funding pool line item of  
7 subdivision 1 of section 1 of chapter 34 of the 2013 Session Laws may be continued into the  
8 biennium beginning July 1, 2015, and ending June 30, 2017. Of the unexpended appropriation,  
9 the state board of higher education shall transfer \$1,500,000 to Williston state college,  
10 \$1,500,000 to Dickinson state university, \$500,000 to Minot state university, and \$500,000 to  
11 Dakota college at Bottineau for deferred maintenance and extraordinary campus needs. The  
12 board shall transfer a prorated amount if sufficient funding is not available to provide for full  
13 transfers. Excluding the transfers authorized in this section, the office of management and  
14 budget shall reduce the general fund appropriation authority included in the system governance  
15 line item contained in subdivision 1 of section 1 of this Act in an amount equal to any  
16 appropriation used from the performance funding pool line item contained in section 1 of  
17 chapter 34 of the 2013 Session Laws.

18       **SECTION 34. EXEMPTION.** The sum of \$750,000 from the general fund is appropriated in  
19 the capital assets line item in subdivision 5 of section 1 of chapter 34 of the 2013 Session Laws  
20 for the university of North Dakota school of medicine and health sciences Bismarck family  
21 practice center skywalk project. Any remaining unexpended appropriation authority for the  
22 project is not subject to section 54-44.1-11 and the office of management and budget shall  
23 cancel the remaining unexpended appropriation authority on the effective date of this section.

24       **SECTION 35. EXEMPTION - THEODORE ROOSEVELT CENTER PROJECT -**

25       **APPROPRIATION CANCELLATION.** Section 3 of chapter 34 of the 2013 Session Laws  
26 includes the sum of \$6,000,000 from the general fund appropriated to Dickinson state university  
27 for the Theodore Roosevelt center project. Section 4 of chapter 49 of the 2013 Session Laws  
28 includes the sum of \$6,000,000 from the general fund appropriated to Dickinson state university  
29 for the Theodore Roosevelt center project. Notwithstanding section 54-44.1-11, the office of  
30 management and budget shall cancel these appropriations on July 1, 2016, unless Dickinson  
31 state university certifies to the office of management and budget that a site has been selected

1 for the Theodore Roosevelt center, construction plans have been developed for the project, and  
2 construction on the center will commence prior to January 1, 2017.

3 **SECTION 36. FULL-TIME EQUIVALENT POSITION ADJUSTMENTS.** Notwithstanding  
4 any other provisions of law, the state board of higher education may adjust full-time equivalent  
5 positions as needed, subject to the availability of funds, for institutions and entities under its  
6 control during the biennium beginning July 1, 2015, and ending June 30, 2017. The North  
7 Dakota university system shall report any adjustments to the office of management and budget  
8 before the submission of the 2017-19 biennium budget request.

9 **SECTION 37. BOND ISSUANCE AUTHORIZATION - PURPOSES.** The state board of  
10 higher education, in accordance with chapter 15-55, may arrange for the funding of projects  
11 authorized in this section, declared to be in the public interest, through the issuance of  
12 self-liquidating, tax-exempt evidences of indebtedness under chapter 15-55, beginning with the  
13 effective date of this section and ending June 30, 2017. Evidences of indebtedness issued  
14 pursuant to this section are not a general obligation of the state of North Dakota. Any  
15 unexpended balance resulting from the proceeds of the evidences of indebtedness must be  
16 placed in a sinking fund to be used for the retirement of indebtedness. The evidences of  
17 indebtedness may be issued and the proceeds are appropriated in section 1 of this Act for the  
18 following capital projects:

19 Dakota college at Bottineau - dormitory renovations	\$2,900,000
20 North Dakota state university - aquatic center	<u>10,000,000</u>
21 Total special funds	\$12,900,000

22 **SECTION 38. USE OF EXTRAORDINARY REPAIRS FUNDING - MATCHING FUNDS -**  
23 **LEGISLATIVE MANAGEMENT REPORT.** The capital assets line items in subdivisions 2  
24 through 12 of section 1 of this Act include funding for institution extraordinary repairs. An  
25 institution shall provide two dollars of matching funds from operations or other sources for each  
26 one dollar of extraordinary repairs funding used for a project. An institution may not use a  
27 transfer from the deferred maintenance funding pool to provide matching funds under this  
28 section. This section does not apply to funding provided for repairs and maintenance of the  
29 North Dakota museum of art facility. During the 2015-16 interim, the state board of higher  
30 education shall provide a report to the legislative management regarding the use of  
31 extraordinary repairs funding and related matching funds.

1       **SECTION 39. TUITION RATE INCREASE LIMITATIONS - BUDGET SECTION**

2       **APPROVAL.**

- 3       1. Notwithstanding any other provision of law, the state board of higher education may  
4       not increase tuition rates for students attending institutions of higher education under  
5       its control during the 2015-16 academic year by more than two and one-half percent  
6       as compared to the tuition rate in effect during the 2015 spring semester unless the  
7       board receives prior budget section approval.
- 8       2. Notwithstanding any other provision of law, the state board of higher education may  
9       not increase tuition rates for students attending institutions of higher education under  
10      its control during the 2016-17 academic year by more than two and one-half percent  
11      as compared to the tuition rate in effect during the 2016 spring semester unless the  
12      board receives prior budget section approval.
- 13      3. For purposes of this section, an institution must calculate a tuition rate increase based  
14      on the tuition rate paid by an average full-time student. Any adjustments to a tuition  
15      rate resulting from a change in an institution's method of charging tuition, including the  
16      addition of fees to tuition rates or charging tuition based on a per-credit rate, must be  
17      included in tuition rate calculations under this section.
- 18      4. This section does not apply to tuition rates determined under tuition reciprocity  
19      agreements entered into by the state board of higher education with other states or  
20      state education compacts.
- 21      5. This section does not apply to tuition rates charged for programs offered through the  
22      university of North Dakota school of medicine and health sciences.

23      **SECTION 40. LEGISLATIVE MANAGEMENT REPORT - DICKINSON STATE**

24      **UNIVERSITY.** Before July 1, 2016, the state board of higher education shall provide a report to  
25      the legislative management regarding the operations of Dickinson state university. The report  
26      must detail the financial condition of the institution and board directives and plans to improve  
27      the financial stability of the institution.

28      **SECTION 41. LEGISLATIVE INTENT - ATTORNEY SALARIES.** It is the intent of the  
29      sixty-fourth legislative assembly that all assistant attorneys general employed in the office of the  
30      attorney general, including attorneys assigned to higher education issues, be provided salary



1 and benefits in accordance with uniform salary and benefits schedules established by the  
2 attorney general.

3 **SECTION 42. STATE BOARD OF HIGHER EDUCATION DATA INCONSISTENCIES -**  
4 **REPORT TO THE SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** During the biennium beginning  
5 July 1, 2015, and ending June 30, 2017, the state board of higher education shall evaluate the  
6 following data inconsistency issues at institutions and entities under its control and develop  
7 policies and procedures to correct the inconsistencies:

- 8 1. Lack of integration of personal and demographic information among computer  
9 systems;
- 10 2. Lack of use of standard chart of accounts for financial reporting and standard  
11 department budget table deduction and tax override flags;
- 12 3. Absence of standard business processes for recording mandatory fees and for  
13 changing payroll funding source information;
- 14 4. Inconsistent methods and procedures at institutions for recording high school  
15 completions, identifying student cohorts for reporting purposes, and classifying agency  
16 funds;
- 17 5. Inconsistent practices and policies at institutions for awarding tuition waivers, admitting  
18 students, using purchasing card, charging tuition and fees, and accruing of faculty sick  
19 leave;
- 20 6. Inconsistent coding and naming for bad debt expense and journal entries;
- 21 7. Use of shadow accounting systems for reporting purposes; and
- 22 8. Inconsistent definitions for a distance education student, a resident student for tuition  
23 purposes, and a full-time student for federal tax purposes.

24 The state board of higher education shall provide a report to the appropriations committees of  
25 the sixty-fifth legislative assembly regarding the status of the inconsistencies, including policies  
26 and procedures implemented to correct the inconsistencies.

27 **SECTION 43. HIGHER EDUCATION INSTITUTION PERMANENT FUNDS - REPORT TO**  
28 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The state board of higher education shall provide a  
29 report to the appropriations committees of the sixty-fifth legislative assembly regarding the use  
30 of funds received by institutions under its control from permanent fund income established for  
31 the benefit of the institutions in section 1 of article IX of the Constitution of North Dakota.

1       **SECTION 44. EXTRAORDINARY CAMPUS NEEDS FUNDING - REPORT TO THE**  
2 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The operations line item in subdivision 4 of section 1  
3 of this Act includes the sum of \$2,500,000 for extraordinary campus needs at Williston state  
4 college. Williston state college shall provide a report to the appropriations committees of the  
5 sixty-fifth legislative assembly regarding the use of this funding and the need to continue the  
6 funding in to the biennium beginning July 1, 2017, and ending June 30, 2019.

7       **SECTION 45. LEGISLATIVE MANAGEMENT STUDY - HIGHER EDUCATION COURSE**  
8 **DELIVERY METHODS.** During the 2015-16 interim, the legislative management shall consider  
9 studying the delivery methods of higher education courses offered by institutions under the  
10 control of the state board of higher education. The study, if conducted, must include a review of  
11 current methods of distance education offered by institutions, options to improve delivery  
12 methods, revenue generated by each type of delivery method, and how course delivery  
13 methods may affect future campus infrastructure needs. The legislative management shall  
14 report its findings and recommendations, together with any legislation required to implement the  
15 recommendations, to the sixty-fifth legislative assembly.

16       **SECTION 46. LEGISLATIVE MANAGEMENT STUDY - INSTITUTION MISSIONS.** During  
17 the 2015-16 interim, the legislative management shall consider studying the missions of all two-  
18 year institutions and the missions of any other institutions under the control of the state board of  
19 higher education, as determined by the legislative management, including the feasibility and  
20 desirability of the institutions offering only workforce and career and technical education  
21 programs. The study must review the current missions of the institutions, current and projected  
22 course and program enrollments, projected workforce needs, including how the institutions can  
23 serve the needs, and options to increase operating efficiencies. The legislative management  
24 shall report its findings, together with any legislation necessary to implement the findings, to the  
25 sixty-fifth legislative assembly.

26       **SECTION 47. LEGISLATIVE MANAGEMENT STUDY - INSTITUTION ADMINISTRATION**  
27 **COSTS.** During the 2015-16 interim, the legislative management shall consider studying  
28 administrative costs at institutions under the control of the state board of higher education. The  
29 study, if conducted, must review the number of administrator positions at each institution, the  
30 number of new administrator positions added at each institution during the previous five  
31 academic years, the total salaries and benefits associated with the administrator positions, the

1 average salaries and benefits for administrator positions at each institution for each of the  
2 previous five fiscal years, the percentage of overall institution operating costs attributable to  
3 administration, and options to provide future increased legislative appropriations to institutions  
4 specifically for instructional purposes. The legislative management shall report its findings,  
5 together with any legislation necessary to implement the findings, to the sixty-fifth legislative  
6 assembly.

7 **SECTION 48. EMERGENCY.** Sections 9, 25, 28, 33, 34, and 37 and the capital assets,  
8 campus security pool, and deferred maintenance pool line items in section 1 of this Act are  
9 declared to be an emergency measure.