

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2003

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota  
2 university system; to provide an appropriation to the state board of higher education for a  
3 settlement payment for the termination of the contract of the commissioner of higher education;  
4 to amend and reenact sections 15-10-47 and 15-62.2-02, subsection 2 of section 15-70-04, and  
5 section 54-44.1-11 of the North Dakota Century Code, relating to construction project variance  
6 reports, student financial assistance grants, tribally controlled community college grants, and  
7 the cancellation of unexpended appropriations; to provide an exemption; to provide for transfer  
8 of funds; to authorize the state board of higher education to issue and sell bonds for capital  
9 projects; to provide for budget section reports; and to declare an emergency.

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

11 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
12 as may be necessary, are appropriated out of any moneys in the general fund in the state  
13 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
14 other income to the North Dakota university system office and to the various entities and  
15 institutions under the supervision of the state board of higher education for the purpose of  
16 defraying the expenses of the North Dakota university system office and to the various entities  
17 for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

18 Subdivision 1.

19 NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
22 Capital assets - Bond payments	\$12,204,769	(\$1,768,724)	\$10,436,045
23 Competitive research program	7,050,000	0	7,050,000
24 System governance	7,349,806	1,527,502	8,877,308

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1	Title II	1,006,472	0	1,006,472
2	System information technology services	36,006,667	2,786,279	38,792,946
3	Professional liability insurance	800,000	(800,000)	0
4	Student financial assistance grants	19,025,594	2,220,085	21,245,679
5	Professional student exchange program	3,321,438	953,577	4,275,015
6	Academic and technical education	10,000,000	3,700,000	13,700,000
7	scholarships			
8	Two-year campus marketing	800,000	0	800,000
9	Scholars program	2,113,584	0	2,113,584
10	Native American scholarships	574,267	75,000	649,267
11	Tribally controlled community college grants	1,000,000	0	1,000,000
12	Education incentive programs	3,176,344	172,656	3,349,000
13	Deferred maintenance pool	0	10,000,000	10,000,000
14	Student mental health	0	282,520	282,520
15	Education challenge fund	<u>0</u>	<u>30,000,000</u>	<u>30,000,000</u>
16	Total all funds	\$104,428,941	\$49,148,895	\$153,577,836
17	Less estimated income	<u>3,056,229</u>	<u>(756,317)</u>	<u>2,299,912</u>
18	Total general fund	\$101,372,712	\$49,905,212	\$151,277,924
19	Full-time equivalent positions	100.31	0.00	100.31

20 Subdivision 2.

21 BISMARCK STATE COLLEGE

22			Adjustments or	
23		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
24	Operations	\$27,628,314	\$7,368,548	\$34,996,862
25	Capital assets	<u>417,673</u>	<u>13,300,000</u>	<u>13,717,673</u>
26	Total all funds	\$28,045,987	\$20,668,548	\$48,714,535
27	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
28	Total general fund	\$28,045,987	\$20,668,548	\$48,714,535
29	Full-time equivalent positions	126.96	4.00	130.96

30 Subdivision 3.

31 LAKE REGION STATE COLLEGE

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		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
1			
2			
3	Operations	\$4,250,594	\$13,254,208
4	Capital assets	<u>5,947,562</u>	<u>6,102,929</u>
5	Total all funds	\$10,198,156	\$19,357,137
6	Less estimated income	<u>0</u>	<u>0</u>
7	Total general fund	\$10,198,156	\$19,357,137
8	Full-time equivalent positions	3.00	43.22
9	Subdivision 4.		

WILLISTON STATE COLLEGE

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11			
12			
13	Operations	\$1,097,278	\$9,946,963
14	Capital assets	<u>14,042,478</u>	<u>14,240,279</u>
15	Total all funds	\$15,139,756	\$24,187,242
16	Less estimated income	<u>0</u>	<u>0</u>
17	Total general fund	\$15,139,756	\$24,187,242
18	Full-time equivalent positions	6.00	50.15
19	Subdivision 5.		

UNIVERSITY OF NORTH DAKOTA

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21			
22			
23	Operations	\$18,447,364	\$158,904,848
24	Capital assets	<u>176,787,262</u>	<u>181,198,828</u>
25	Total all funds	\$195,234,626	\$340,103,676
26	Less estimated income	<u>96,487,262</u>	<u>96,487,262</u>
27	Total general fund	\$98,747,364	\$243,616,414
28	Full-time equivalent positions	0.00	642.20
29	Subdivision 6.		

NORTH DAKOTA STATE UNIVERSITY

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		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
1			
2			
3	Operations	\$19,272,934	\$144,288,239
4	Capital assets	<u>69,419,356</u>	<u>72,151,600</u>
5	Total all funds	\$88,692,290	\$216,439,839
6	Less estimated income	<u>0</u>	<u>39,819,356</u>
7	Total general fund	\$48,872,934	\$176,620,483
8	Full-time equivalent positions	495.21	0.00
9	Subdivision 7.		495.21

NORTH DAKOTA STATE COLLEGE OF SCIENCE

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11			
12			
13	Operations	\$6,791,805	\$40,978,347
14	Capital assets	<u>9,861,452</u>	<u>10,873,831</u>
15	Total all funds	\$16,653,257	\$51,852,178
16	Less estimated income	<u>0</u>	<u>1,350,000</u>
17	Total general fund	\$15,303,257	\$50,502,178
18	Full-time equivalent positions	171.87	1.75
19	Subdivision 8.		173.62

DICKINSON STATE UNIVERSITY

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21			
22			
23	Operations	\$6,290,197	\$28,673,736
24	Capital assets	<u>0</u>	<u>409,078</u>
25	Total all funds	\$6,290,197	\$29,082,814
26	Less estimated income	<u>0</u>	<u>0</u>
27	Total general fund	\$6,290,197	\$29,082,814
28	Full-time equivalent positions	100.32	5.00
29	Subdivision 9.		105.32

MAYVILLE STATE UNIVERSITY

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		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Operations	\$12,775,788	\$2,617,878	\$15,393,666
4	Capital assets	<u>358,992</u>	<u>8,067,000</u>	<u>8,425,992</u>
5	Total all funds	\$13,134,780	\$10,684,878	\$23,819,658
6	Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
7	Total general fund	\$13,134,780	\$10,684,878	\$23,819,658
8	Full-time equivalent positions	62.78	3.00	65.78
9	Subdivision 10.			

MINOT STATE UNIVERSITY

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
11				
12				
13	Operations	\$37,838,974	\$9,725,919	\$47,564,893
14	Capital assets	<u>899,620</u>	<u>13,623,690</u>	<u>14,523,310</u>
15	Total all funds	\$38,738,594	\$23,349,609	\$62,088,203
16	Less estimated income	<u>0</u>	<u>11,801,785</u>	<u>11,801,785</u>
17	Total general fund	\$38,738,594	\$11,547,824	\$50,286,418
18	Full-time equivalent positions	201.76	3.00	204.76
19	Subdivision 11.			

VALLEY CITY STATE UNIVERSITY

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
21				
22				
23	Operations	\$17,694,741	\$4,410,281	\$22,105,022
24	Capital assets	<u>408,319</u>	<u>9,199,103</u>	<u>9,607,422</u>
25	Total all funds	\$18,103,060	\$13,609,384	\$31,712,444
26	Less estimated income	<u>0</u>	<u>4,806,837</u>	<u>4,806,837</u>
27	Total general fund	\$18,103,060	\$8,802,547	\$26,905,607
28	Full-time equivalent positions	97.29	3.00	100.29
29	Subdivision 12.			

DAKOTA COLLEGE AT BOTTINEAU

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		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
1			
2			
3	Operations	\$1,886,639	\$8,376,389
4	Capital assets	<u>115,507</u>	<u>8,951,896</u>
5	Total all funds	\$6,605,257	\$10,723,028
6	Less estimated income	<u>0</u>	<u>7,600,789</u>
7	Total general fund	\$6,605,257	\$3,122,239
8	Full-time equivalent positions	36.12	4.00
9	Subdivision 13.		40.12

UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11			
12			
13	Operations	\$47,747,971	\$8,214,806
14	Total all funds	\$47,747,971	\$55,962,777
15	Less estimated income	<u>0</u>	<u>0</u>
16	Total general fund	\$47,747,971	\$8,214,806
17	Full-time equivalent positions	156.55	0.00
18	Subdivision 14.		156.55

NORTH DAKOTA FOREST SERVICE

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20			
21			
22	Operations	\$5,514,681	\$758,131
23	Capital assets	<u>97,791</u>	<u>788,419</u>
24	Total all funds	\$5,612,472	\$1,546,550
25	Less estimated income	<u>1,650,000</u>	<u>0</u>
26	Total general fund	\$3,962,472	\$1,546,550
27	Full-time equivalent positions	28.00	1.00
28	Subdivision 15.		29.00

BILL TOTAL

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

1	<del>Grand total all funds</del>	<del>\$611,231,666</del>	<del>\$470,153,980</del>	<del>\$1,081,385,646</del>
2	<u>Grand total all funds</u>	<u>\$611,231,666</u>	<u>\$471,008,500</u>	<u>\$1,082,240,166</u>
3	Grand total special funds	<u>4,706,229</u>	<u>161,109,712</u>	<u>165,815,941</u>
4	<del>Grand total general fund</del>	<del>\$606,525,437</del>	<del>\$309,044,268</del>	<del>\$915,569,705</del>
5	<u>Grand total general fund</u>	<u>\$606,525,437</u>	<u>\$309,898,788</u>	<u>\$916,424,225</u>

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

**SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

10	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
11	Capital projects - General fund	\$47,136,000	\$167,973,263
12	Capital projects - Other funds	105,065,555	161,866,029
13	Dickinson state university operating funds	900,000	800,000
14	Minot state university flood recovery	0	5,000,000
15	Dakota college at Bottineau - Campus software updates	0	30,000
16	Special assessments payments	819,357	0
17	Mayville state university drainage study	55,000	0
18	UND school of medicine space utilization study	100,000	0
19	Williston state college operating funds	2,000,000	0
20	Emerald ash borer program	250,000	0
21	Deferred maintenance pool	0	10,000,000
22	Education challenge fund	0	30,000,000
23	Health care workforce initiative	<u>0</u>	<u>7,414,806</u>
24	Total all funds	\$156,325,912	\$383,084,098
25	Total other funds	<u>105,065,555</u>	<u>161,866,029</u>
26	Total general fund	\$51,260,357	\$221,218,069

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The North Dakota university system shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015.

1 | **SECTION 3. APPROPRIATION - COMMISSIONER OF HIGHER EDUCATION**

2 **CONTRACT TERMINATION - LIMITATION - APPLICATION.** There is appropriated out of any  
3 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of  
4 \$854,520, or so much of the sum as may be necessary, to the state board of higher education  
5 for the purpose of providing a settlement payment for the termination of the contract of the  
6 commissioner of higher education, for the period beginning with the effective date of this Act  
7 and ending June 30, 2015. The funding provided under this section may be used only for a  
8 settlement payment and is available to the state board of higher education upon the termination  
9 of the contract that was in effect on January 1, 2013, for the commissioner of higher education.  
10 For purposes of this section and the contract of the commissioner of higher education,  
11 "chancellor of the North Dakota university system" means the commissioner of higher education  
12 as provided for under section 6 of article VIII of the Constitution of North Dakota. The office of  
13 management and budget shall reduce the available appropriation provided under this section by  
14 \$35,605 on the first day of each month beginning July 1, 2013, until the contract has been  
15 terminated as provided for in this section. Notwithstanding the provisions of section 54-44.1-11,  
16 the office of management and budget shall cancel any unexpended appropriation provided  
17 under this section thirty days after June 30, 2015.

18 **SECTION 4. AMENDMENT.** Section 15-10-47 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **15-10-47. Construction projects at institutions of higher education - Variance reports.**

- 21 1. Whenever any new construction, renovation, or repair, valued at more than two  
22 hundred fifty thousand dollars is underway on the campus of an institution of higher  
23 education under the control of the state board of higher education, the board shall  
24 provide ~~monthly~~semiannual project variance reports to the director of the office of  
25 management and budget. Each report must include:
- 26 a. The name or a description of the project;
  - 27 b. The expenditure authorized by the legislative assembly;
  - 28 c. The amount of the original contract;
  - 29 d. The amount of any change orders;
  - 30 e. The amount of any potential or anticipated change orders;



- 1           f. The sum of subdivisions c through e and the amount by which that sum varies
- 2                     from the expenditure authorized by the legislative assembly;
- 3           g. The total expended for the project to date; and
- 4           h. The scheduled date of completion as noted in the original contract and the latest
- 5                     available scheduled date of completion.
- 6        2. The state board of higher education also shall provide to the director of the office of
- 7                     management and budget, at the same time as the project variance report required by
- 8                     subsection 1:
- 9           a. A brief description of each change order included in subdivision d of
- 10                    subsection 1; and
- 11           b. A list of each public and nonpublic entity that has a contractually reflected
- 12                    financial obligation with respect to the project.
- 13        3. The office of management and budget shall review the information received under this
- 14                    section and provide reports to the budget section of the legislative management upon
- 15                    request.

16        **SECTION 5. AMENDMENT.** Section 15-62.2-02 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18        **15-62.2-02. State board of higher education - Powers and duties.**

19        The state board of higher education shall:

- 20        1. Administer the North Dakota student financial assistance program and the North
- 21                    Dakota scholars program and adopt functional rules regarding the eligibility and
- 22                    selection of grant and scholarship recipients.
- 23        2. Determine the amount of individual grants, which may not exceed one thousand
- 24                    fivesix hundred fifty dollars per recipient per academic year, under the North Dakota
- 25                    student financial assistance program.
- 26        3. For the North Dakota student financial assistance program, adopt criteria for
- 27                    substantial need, based upon the ability of the parents or guardian to contribute
- 28                    toward the applicant's educational expenses.
- 29        4. Establish the appropriate procedures for fiscal control, fund accounting, and necessary
- 30                    reports.

- 1           5.   Apply for, receive, expend, and administer granted moneys from federal or private  
2           sources.

3           **SECTION 6. AMENDMENT.** Subsection 2 of section 15-70-04 of the North Dakota Century  
4 Code is amended and reenacted as follows:

- 5           2.   If an application is approved, the state board of higher education shall distribute to the  
6           tribally controlled community college, during each year of the biennium, an amount  
7           equivalent to the most recent per student payment provided in accordance with the  
8           Tribally Controlled Colleges and Universities Assistance Act of 1978 [25 U.S.C. 20] for  
9           each nonbeneficiary student who is a resident of the state. If the amount appropriated  
10          is insufficient to meet the requirements of this section, the board shall prorate the  
11          amount to be distributed. The board may distribute no more than one-half of the  
12          biennial legislative appropriation provided for grants under this section during the first  
13          year of the biennium.

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

16          **54-44.1-11. (Effective through July 31, 2013~~2015~~) Office of management and budget to**  
17 **cancel unexpended appropriations - When they may continue.**

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

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

12        **(Effective after July 31, 2013~~2015~~) Office of management and budget to cancel**  
13 **unexpended appropriations - When they may continue.** The office of management and  
14 budget, thirty days after the close of each biennial period, shall cancel all unexpended  
15 appropriations or balances of appropriations after the expiration of the biennial period during  
16 which they became available under the law. Unexpended appropriations for the state historical  
17 society are not subject to this section and the state historical society shall report on the amounts  
18 and uses of funds carried over from one biennium to the appropriations committees of the next  
19 subsequent legislative assembly. The chairmen of the appropriations committees of the senate  
20 and house of representatives of the legislative assembly with the office of the budget may  
21 continue appropriations or balances in force for not more than two years after the expiration of  
22 the biennial period during which they became available upon recommendation of the director of  
23 the 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           **SECTION 8. SYSTEMWIDE FUNDING POOLS - TRANSFER AUTHORITY.** The following  
6 line items contained in subdivision 1 of section 1 of this Act include funding that may be  
7 transferred in full or in part during the biennium beginning July 1, 2013, and ending June 30,  
8 2015, by the state board of higher education to the institutions and entities under its control  
9 based on the recommendations of the commissioner of higher education as follows:

10          1. The deferred maintenance funding pool line item includes funding that must be used to  
11          address deferred maintenance and other infrastructure needs at institutions.

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

15           **SECTION 9. SYSTEM INFORMATION TECHNOLOGY SERVICES - OFFICE**

16           **CONSOLIDATION - BUDGET SECTION REPORT.** Within five years of the completion of the  
17 joint information technology building project on the campus of the university of North Dakota, as  
18 approved by the sixty-second legislative assembly, the state board of higher education shall  
19 consolidate all system information technology services staff offices in the building. The state  
20 board of higher education shall provide annual reports to the budget section regarding the  
21 status of the consolidation of the system information technology services offices until all offices  
22 are consolidated. Effective five years after the completion of the building project, the state board  
23 of higher education may not authorize the use of any other office space for system information  
24 technology services employees unless the consent of the legislative assembly or the budget  
25 section of the legislative management is received to use office space in a different location.

26           **SECTION 10. UNIVERSITY OF NORTH DAKOTA - RESEARCH ENTERPRISE AND**

27           **COMMERCIALIZATION BUILDING PURCHASE - BUDGET SECTION REPORT.** During the  
28 biennium beginning July 1, 2013, and ending June 30, 2015, the state board of higher  
29 education may enter a purchase and financing agreement or agreements with a private entity  
30 and do all things necessary and proper to authorize the purchase of the research enterprise and  
31 commercialization building on the campus of the university of North Dakota using donations,

1 gifts, or other funds. The state board of higher education shall provide a report to the budget  
2 section if the research enterprise and commercialization building is purchased as provided  
3 under this section.

4 **SECTION 11. MINOT STATE UNIVERSITY - FLOOD RECOVERY FUNDING.** The sum of  
5 \$5,000,000 included in the operations line item in subdivision 10 of section 1 of this Act must be  
6 used by Minot state university to address housing, budget, and other needs relating to the 2011  
7 flood, including capital, as determined by the university.

8 **SECTION 12. NORTH DAKOTA STATE UNIVERSITY - MINARD HALL - BUDGET**

9 **SECTION REPORT.** North Dakota state university may use unspent funding from the  
10 \$5,000,000 appropriation received during the biennium beginning July 1, 2007, and ending  
11 June 30, 2009, and unspent funding from the \$13,000,000 appropriation received during the  
12 biennium beginning July 1, 2009, and ending June 30, 2011, for the Minard hall project, for the  
13 biennium beginning July 1, 2013, and ending June 30, 2015. North Dakota state university shall  
14 report to the budget section regarding the status of the Minard hall project and may request  
15 increased spending authorization from the budget section for the project.

16 **SECTION 13. STUDENT LOAN TRUST FUND.** Subdivision 1 of section 1 of this Act  
17 includes the sum of \$1,004,744, or so much of the sum as may be necessary, from the student  
18 loan trust fund of which \$465,307 is for the professional student exchange program and  
19 \$539,437 is for connectND campus solution positions, for the biennium beginning July 1, 2013,  
20 and ending June 30, 2015.

21 **SECTION 14. UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH**

22 **SCIENCES OPERATIONS.** The operations line item in subdivision 5 of section 1 of this Act  
23 includes the sum of \$158,904,848, which must be transferred, in part, by the state board of  
24 higher education, based on the recommendation of the commissioner of higher education, to  
25 the university of North Dakota school of medicine and health sciences for operations consistent  
26 with the higher education per student credit-hour funding formula.

27 **SECTION 15. FEDERAL, PRIVATE, AND OTHER FUNDS - APPROPRIATION.** All funds,  
28 in addition to those appropriated in section 1 of this Act, from federal, private, and other sources  
29 for competitive grants or other funds that the legislative assembly has not indicated the intent to  
30 reject, including tuition revenue, received by the institutions and entities under the control of the  
31 state board of higher education are appropriated to those institutions and entities, for the

1 biennium beginning July 1, 2013, and ending June 30, 2015. All additional funds received under  
2 the North Dakota-Minnesota reciprocity agreement during the biennium beginning July 1, 2013,  
3 and ending June 30, 2015, are appropriated to the state board of higher education for  
4 reimbursement to institutions under the control of the board.

5 **SECTION 16. TRANSFER AUTHORITY.** If, during the biennium beginning July 1, 2013,  
6 and ending June 30, 2015, the state board of higher education determines that funds allocated  
7 to operations in section 1 of this Act are needed for capital assets, the board may transfer funds  
8 from operations to capital assets. The board shall report any transfer of funds under this section  
9 to the office of management and budget.

10 **SECTION 17. FULL-TIME EQUIVALENT POSITION ADJUSTMENTS.** Notwithstanding  
11 any other provisions of law, the state board of higher education may adjust full-time equivalent  
12 positions as needed, subject to the availability of funds, for institutions and entities under its  
13 control during the biennium beginning July 1, 2013, and ending June 30, 2015. The North  
14 Dakota university system shall report any adjustments to the office of management and budget  
15 before the submission of the 2015-17 biennium budget request.

16 **SECTION 18. BOND ISSUANCE AUTHORIZATION - PURPOSES.** The state board of  
17 higher education, in accordance with chapter 15-55, may arrange for the funding of projects  
18 authorized in this section, declared to be in the public interest, through the issuance of  
19 self-liquidating, tax-exempt evidences of indebtedness under chapter 15-55, beginning with the  
20 effective date of this Act and ending June 30, 2015. Evidences of indebtedness issued pursuant  
21 to this section are not a general obligation of the state of North Dakota. Any unexpended  
22 balance resulting from the proceeds of the evidences of indebtedness must be placed in a  
23 sinking fund to be used for the retirement of indebtedness. The evidences of indebtedness may  
24 be issued and the proceeds are appropriated in section 1 of this Act for the following capital  
25 projects:

26 University of North Dakota - Student housing facility	\$19,187,262
27 University of North Dakota - Wilkerson hall dining center	29,000,000
28 University of North Dakota - Resident apartment building	<u>8,300,000</u>
29 Total special funds	\$56,487,262

1 |       **SECTION 19. EMERGENCY.** ~~Section 17~~Sections 3 and 18 of this Act and the capital assets  
2 | and deferred maintenance pool line items contained in section 1 of this Act are declared to be  
3 | an emergency measure.