

Introduced by

Legislative Management

(Higher Education Committee)

1 A BILL for an Act to amend and reenact sections 15-10-63 and 15-54.1-02 of the North Dakota
2 Century Code, relating to capital projects and the use of the university system capital building
3 fund; and to provide a transfer.

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

5 **SECTION 1. AMENDMENT.** Section 15-10-63 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15-10-63. Capital projects.**

- 8 1. The university of North Dakota and North Dakota state university must identify other
9 funds from gifts, grants, donations, the university system capital building fund, or other
10 local funds for at least thirty percent of the total estimated cost of a capital project
11 request submitted to the legislative assembly.
- 12 2. Bismarck state college, the North Dakota state college of science, Dickinson state
13 university, and Minot state university must identify other funds from gifts, grants,
14 donations, the university system capital building fund, or other local funds for at least
15 twenty percent of the total estimated cost of a capital project request submitted to the
16 legislative assembly.
- 17 3. Lake region state college, Williston state college, Mayville state university, Valley City
18 state university, and Dakota college at Bottineau must identify other funds from gifts,
19 grants, donations, the university system capital building fund, or other local funds for at
20 least ten percent of the total estimated cost of a capital project request submitted to
21 the legislative assembly.
- 22 4. An institution under the control of the state board of higher education may undertake a
23 facility renovation project only if the project will reduce the deferred maintenance
24 amount of the facility by no less than seventy five percent of the total cost of the

1 renovation. The institution shall maintain documentation that demonstrates the cost
2 and scope of the deferred maintenance reduction that results directly from the
3 renovation. This subsection does not apply to projects undertaken solely to correct
4 building code deficiencies or to installations of infrastructure determined by the board
5 to be essential to the mission of the institution.

6 2-5. Facility construction and renovation projects undertaken by an institution under the
7 control of the state board of higher education must conform to campus master plan
8 and space utilization requirements approved by the state board of higher education.

9 **SECTION 2. AMENDMENT.** Section 15-54.1-02 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15-54.1-02. Capital building funds - Uses - Reports.**

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

24 **SECTION 3. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND -**

25 **UNIVERSITY SYSTEM CAPITAL BUILDING FUND.** The office of management and budget
26 shall transfer \$29,000,000 from the strategic investment and improvements fund to the
27 university system capital building fund during the biennium beginning July 1, 2023, and ending
28 June 30, 2025, as requested by the commissioner of higher education. Funding transferred
29 pursuant to this section is to be allocated to each institution as follows:

	<u>Tier II</u>	<u>Tier III</u>	<u>Total</u>
30 Bismarck state college	\$851,386	\$500,000	\$1,351,386

Sixty-eighth
Legislative Assembly

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

12 **SECTION 4. USE OF EXTRAORDINARY REPAIRS FUNDING - MATCHING FUNDS.** The
13 capital assets line items in subdivisions 2 through 12 of section 1 of House Bill No. 1003 as
14 approved by the sixty-eighth legislative assembly include funding from the general fund for
15 institution extraordinary repairs. An institution, excluding the university of North Dakota and
16 North Dakota state university, shall provide one dollar of matching funds from operations or
17 other sources for each one dollar of extraordinary repairs funding used for a project. The
18 university of North Dakota and North Dakota state university shall provide two dollars of
19 matching funds from operations or other sources for each one dollar of extraordinary repairs
20 funding used for a project.