

Introduced by

Legislative Management

(Health Services Committee)

1 A BILL for an Act to create and enact chapter 43-12.4 of the North Dakota Century Code,  
2 providing for a nursing faculty student loan repayment program.

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

4 **SECTION 1.** Chapter 43-12.4 of the North Dakota Century Code is created and enacted as  
5 follows:

6 **43-12.4-01. Student loan repayment program - Nursing faculty.**

7 The health council shall administer a student loan repayment program established under  
8 this chapter for a member of a nursing faculty who advances that faculty member's education  
9 through a master's degree or doctorate degree. Subject to legislative appropriation, an award  
10 under this chapter may not exceed the lesser of ten thousand dollars or the total sum of  
11 educational loans incurred to pursue the advanced degree.

12 **43-12.4-02. Selection criteria.**

- 13 1. The health council shall establish criteria to be used in selecting qualified applicants  
14 for the nursing faculty student loan repayment program. The criteria must include:  
15 a. A requirement the applicant be employed full time as a nursing program faculty  
16 member at an institution of higher education located in this state;  
17 b. A requirement the applicant agrees that for four years following completion of the  
18 advanced degree, the applicant will continue full-time employment as a nursing  
19 program faculty member at an institution of higher education located in this state;  
20 and  
21 c. Verification of the educational loans the applicant is expected to incur in the  
22 course of completing the advanced degree.  
23 2. In selecting a qualified applicant for participation in the student loan repayment  
24 program, the criteria may:

- 1           a. Give priority to applicants based on the level of degree being sought;
- 2           b. Give priority to applicants based on the specialty of the degree being sought; and
- 3           c. Require verification from the applicant's employer in support of the applicant's
- 4                 pursuit of an advanced degree.
- 5        3. In selecting the qualified applicant for participation in the program, the criteria may not
- 6           require an applicant attend an in-state institution of higher education to attain the
- 7           advanced degree.

8        **43-12.4-03. Contract - Breach.**

- 9        1. Upon selection of a qualified applicant, the health council and the applicant shall enter
- 10           a contract. The terms of the contract must include:
- 11           a. During pursuit of the advanced degree, the applicant shall continue full-time
- 12                 employment as a nursing program faculty member at an institution of higher
- 13                 education located in this state and shall provide the health council of verification
- 14                 of meeting this term of the contract.
- 15           b. During pursuit of the advanced degree, the applicant shall provide the health
- 16                 council with verification of the student loans incurred.
- 17           c. Following timely completion of the advanced degree, for four years the applicant
- 18                 shall continue full-time employment as a nursing program faculty member at an
- 19                 institution of higher education located in this state and shall provide the health
- 20                 council of verification of meeting this term of the contract.
- 21           d. Terms of repayment if the applicant breaches the terms of the contract.
- 22        2. Payments under this chapter terminate upon the earlier of four years or failure of the
- 23           applicant to meet the terms of the contract.
- 24        3. If a qualified applicant receiving payments under this chapter breaches the student
- 25           loan repayment program contract by failing to timely complete the advanced degree,
- 26           failing to maintain full-time employment as a nursing program faculty member at an
- 27           institution of higher education located in this state during the pursuit of the advanced
- 28           degree or for four years following receipt of the advanced degree, or failing to provide
- 29           the health council with necessary verification, the applicant is liable for the full amount
- 30           of any loan repayment funds received. Any damages the state is entitled to recover
- 31           under this chapter must be paid to the health council within one year from the date of

1           the breach. Damages recoverable for a breach of the contract include all interest,  
2           costs, and expenses incurred in collection, including attorney's fees. The health  
3           council shall deposit in the state general fund any damages collected under this  
4           section. The health council may agree to accept a lesser measure of damages for  
5           breach of a loan repayment program contract if compelling reasons are demonstrated,  
6           including death of the applicant, a certifiable medical condition or disability, or a call to  
7           military service.

8           **43-12.4-04. Payments.**

9           Annually, upon receipt of verification of continued eligibility, the health council shall make a  
10          payment to the qualified applicant as provided under the terms of the contract. The health  
11          council shall make payments directly to the qualified applicant.