

**HOUSE BILL NO. 1165**

Introduced by

Appropriations Committee

(At the request of the State Board of Higher Education)

1 A BILL for an Act to amend and reenact section 15-10-12 of the North Dakota Century Code,  
2 relating to deposit with the state treasurer of public funds received by board of higher education  
3 institutions; and to provide a continuing appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 15-10-12 of the 1997 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **15-10-12. Board may accept gifts and bequests - ~~State treasurer to have custody~~**  
8 **~~of school funds~~ Deposit of funds.**

9 1. The state board of higher education may, subject to the limitations of section  
10 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or  
11 for the benefit of any institution of higher education under its control or subject to its  
12 administration, and all moneys coming into the hands of the board as donations,  
13 gifts, grants, and bequests must be used for the specific purpose for which they are  
14 donated or given.

15 2. A special revenue fund, for each institution of higher education under the control of  
16 the board or subject to its administration, must be maintained within the state  
17 treasury ~~and all institutional income from tuition collections must be placed in the~~  
18 ~~special fund for the use of the institution for which the money was raised.~~ All rent,  
19 interest, or income from land, money, or property, donated or granted by the United  
20 States and allocated to specific institutions of higher learning under the terms of  
21 the Enabling Act and the Constitution of North Dakota must be deposited in the  
22 special revenue fund of each institution and expended in accordance with section 1  
23 of article IX of the Constitution of North Dakota. ~~Moneys in the special revenue~~  
24 ~~fund are subject to legislative appropriations.~~ All other public funds, unless

- 1 restricted by the terms of a grant, donation, or bequest, received by the institutions  
2 from federal, state, and local grants and contracts, indirect cost recoveries, tuition,  
3 special student fees, room and board fees and other auxiliary enterprise fees,  
4 student activity fees, continuing education program fees, internal service fund  
5 revenues, and all other public revenues must be deposited in the institution special  
6 revenue funds. The state treasurer shall immediately transfer the funds deposited  
7 in the special revenue funds to institution accounts in the Bank of North Dakota.  
8 The funds in the institution accounts at the Bank of North Dakota are hereby  
9 appropriated, subject to board of higher education approval. Biennial fund  
10 ~~estimates of revenue and expenditures of the other funds by source of funds~~ must  
11 be presented at the same time biennial budget requests for appropriations from the  
12 ~~special revenue fund and~~ state general fund are prepared and submitted to the  
13 office of the budget pursuant to section 15-10-15.
- 14 3. Payments from each institution's general fund appropriation must be made in  
15 amounts as may be necessary for the operation and maintenance of each  
16 institution, except that at the close of the biennium the balance of funds not paid  
17 from the general fund appropriation must be deposited in the special revenue funds  
18 of the institutions. All such appropriations are subject to proration in the same  
19 manner as other appropriations are prorated if insufficient funds are available to  
20 meet expenditures from the general fund.
- 21 4. Sinking funds for the payment of interest and principal of institutional revenue  
22 bonds must be deposited pursuant to section 15-55-06.