

Fifty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2039

Introduced by

Legislative Council

(Higher Education Committee)

1 A BILL for an Act to amend and reenact section 15-10-12.1 of the North Dakota Century Code,  
2 relating to legislative approval of capital improvement projects financed by donations, gifts,  
3 grants, and bequests.

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

5 **SECTION 1. AMENDMENT.** Section 15-10-12.1 of the 1999 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **15-10-12.1. Acceptance of buildings and campus improvements - Legislative**  
8 **approval.** The state board of higher education may ~~not~~ authorize ~~the construction of buildings~~  
9 ~~and campus improvements and building maintenance~~ on land under the control of the board  
10 which are financed by donations, gifts, grants, and bequests ~~without the consent of the~~  
11 ~~legislative assembly~~ if the cost of the improvement or building maintenance is not more than  
12 two hundred fifty thousand dollars. The consent of the legislative assembly is required for  
13 construction of any building financed by donations, gifts, grants, and bequests and for campus  
14 improvements or building maintenance financed by donations, gifts, grants, and bequests if the  
15 cost of the improvements or maintenance is more than two hundred fifty thousand dollars.  
16 During the time the legislative assembly is not in session, except for the six months preceding  
17 the convening of a regular session, and unless otherwise restricted by previous legislative  
18 action or other law, the state board of higher education, with the approval of the budget section  
19 of the legislative council, may authorize the use of land under the control of the board and  
20 construct buildings ~~and campus improvements thereon which are~~ financed by donations, gifts,  
21 grants, and bequests and campus improvements and building maintenance financed by  
22 donations, gifts, grants, and bequests and if the cost of the improvement or maintenance is  
23 more than two hundred fifty thousand dollars. The budget section approval must include a  
24 specific dollar limit for each building ~~or,~~ campus improvement project, or maintenance project.

Fifty-seventh  
Legislative Assembly

1 ~~The budget section may establish guidelines regarding the types of gifts for minor~~  
2 ~~improvements which do not require the approval of the budget section based upon the financial~~  
3 ~~impact of such construction projects upon the state of North Dakota.~~ The state board of higher  
4 education, ~~with the approval of the budget section,~~ may authorize the sale of any real property  
5 or buildings which an institution of higher learning has received by gift or bequest. The ~~budget~~  
6 ~~section may~~ board shall prescribe such conditions for the sale of the property as it determines  
7 necessary, ~~including.~~ The conditions must include requiring an appraisal and ~~the public~~  
8 auction or advertisement for bids, unless the gift instrument requires a different process. If the  
9 state board of higher education submits a request for campus improvements, building  
10 maintenance, or to construct buildings under this section to the budget section for approval, the  
11 legislative council shall notify each member of the legislative assembly of the date of the budget  
12 section meeting at which the request will be considered and provide a copy of the meeting  
13 agenda to each member of the legislative assembly. The chairman of the budget section shall  
14 allow any member of the legislative assembly an opportunity to present testimony to the budget  
15 section regarding any such request.