

**FIRST ENGROSSMENT
with House Amendments**

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 five hundred 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 five hundred thousand dollars. During
16 the time the legislative assembly is not in session, except for the six months preceding the
17 convening of a regular session, and unless otherwise restricted by previous legislative action or
18 other law, the state board of higher education, with the approval of the budget section of the
19 legislative council, may authorize the use of land under the control of the board and construct
20 buildings and campus improvements thereon which are financed by donations, gifts, grants,
21 and bequests and campus improvements and building maintenance financed by donations,
22 gifts, grants, and bequests and if the cost of the improvement or maintenance is more than five
23 hundred thousand dollars. The budget section approval must include a specific dollar limit for
24 each building or, campus improvement project, or maintenance project. The budget section

Fifty-seventh
Legislative Assembly

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