

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

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