

Introduced by

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 on land under the control of the board which are financed by  
10 donations, gifts, grants, and bequests ~~without the consent of the legislative assembly~~ if the cost  
11 of the building or improvement is not more than five hundred thousand dollars. The consent of  
12 the legislative assembly is required for construction of buildings or campus improvements  
13 financed by donations, gifts, grants, and bequests if the cost is more than five hundred  
14 thousand dollars. During the time the legislative assembly is not in session, except for the six  
15 months preceding the convening of a regular session, and unless otherwise restricted by  
16 previous legislative action or other law, the state board of higher education, with the approval of  
17 the budget section of the legislative council, may authorize the use of land under the control of  
18 the board and construct buildings and campus improvements ~~thereon~~ which are financed by  
19 donations, gifts, grants, and bequests and cost more than five hundred thousand dollars. The  
20 budget section approval must include a specific dollar limit for each building or campus  
21 improvement project. ~~The budget section may establish guidelines regarding the types of gifts~~  
22 ~~for minor improvements which do not require the approval of the budget section based upon the~~  
23 ~~financial impact of such construction projects upon the state of North Dakota.~~ The state board  
24 of higher education, ~~with the approval of the budget section,~~ may authorize the sale of any real

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1 property or buildings which an institution of higher learning has received by gift or bequest. The  
2 ~~budget section may~~ board shall prescribe such conditions for the sale of the property as it  
3 determines necessary, ~~including~~. The conditions must include requiring an appraisal and the  
4 public auction or advertisement for bids, unless the gift instrument requires a different process.  
5 If the state board of higher education submits a request to construct buildings and campus  
6 improvements under this section to the budget section for approval, the legislative council shall  
7 notify each member of the legislative assembly of the date of the budget section meeting at  
8 which the request will be considered and provide a copy of the meeting agenda to each  
9 member of the legislative assembly. The chairman of the budget section shall allow any  
10 member of the legislative assembly an opportunity to present testimony to the budget section  
11 regarding any such request.