

HOUSE BILL NO. 1200

Introduced by

Representatives Delzer, Bellew, Kempenich

1 A BILL for an Act to amend and reenact sections 15-10-12.1 and 48-01.2-25 of the North
2 Dakota Century Code, relating to the approval of higher education campus improvements
3 financed by donations, gifts, grants, and bequests and the approval of a change or expansion of
4 a public improvement project.

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

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

8 **15-10-12.1. Acceptance of buildings and campus improvements - Legislative**
9 **approval.**

10 The state board of higher education may authorize campus improvements and building
11 maintenance on land under the control of the board which are financed by donations, gifts,
12 grants, and bequests if the cost of the improvement or building maintenance is not more than
13 three hundred eighty-five thousand dollars. The consent of the legislative assembly is required
14 for construction of any building financed by donations, gifts, grants, and bequests and for
15 campus improvements or building maintenance financed by donations, gifts, grants, and
16 bequests if the cost of the improvements or maintenance is more than three hundred eighty-five
17 thousand dollars. During the time the legislative assembly is not in session, except for the six
18 months preceding the convening of a regular session and the three months following the close
19 of a regular session, and unless otherwise restricted by previous legislative action or other law,
20 the state board of higher education, with the approval of the budget section of the legislative
21 management, may authorize the use of land under the control of the board and construct
22 buildings financed by donations, gifts, grants, and bequests and campus improvements and
23 building maintenance financed by donations, gifts, grants, and bequests and if the cost of the
24 improvement or maintenance is more than three hundred eighty-five thousand dollars. The

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

14 **SECTION 2. AMENDMENT.** Section 48-01.2-25 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **48-01.2-25. Authorization of expansion of public improvements by legislative**
17 **assembly or budget section.**

18 Notwithstanding any other provision of law, a state agency or institution may not
19 significantly change or expand a public improvement beyond what has been approved by the
20 legislative assembly unless the legislative assembly, ~~or the budget section of the legislative~~
21 ~~management if the legislative assembly is not in session,~~ approves the change or expansion of
22 the project or any additional expenditure for the project. During the time the legislative assembly
23 is not in session, ~~except for the six months preceding the convening of a regular session and~~
24 ~~the three months following the close of a regular session,~~ and unless otherwise restricted by
25 previous legislative action or other law, the budget section of the legislative management may
26 approve a change or expansion or any additional expenditure for the project. However, the
27 budget section of the legislative management may not approve a change, expansion, or
28 additional expenditure for the project during the the six months preceding the convening of a
29 regular session or during three months following the close of a regular session except for
30 changes in project scope and related additional expenditures resulting from an unforeseen
31 emergency event. For the purposes of this section, a significant change or expansion includes

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- 1 the construction of an addition to a building, including skywalks or other type of enclosed
- 2 walkway, or any other substantial increase in the area of the building, but does not include the
- 3 construction of building entrances and stairwells.