

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

HOUSE BILL NO. 1398
(Representative Dalrymple)
(Senator Nething)

AN ACT relating to the authority of a state agency or institution to expand a building project; and to amend and reenact sections 15-10-12.1 and 15-55-10 of the North Dakota Century Code, relating to limitations on buildings and other campus improvements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-12.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-10-12.1. Acceptance of buildings and campus improvements - ~~Approval of budget section~~ Legislative approval. The state board of higher education may not authorize the construction of buildings and campus improvements on land under the control of the board which are financed by donations, gifts, grants, and bequests without the consent of the legislative assembly. During the time the legislative assembly is not in session, except for the six months preceding the convening of a regular session, and unless otherwise restricted by previous legislative action or other law, the state board of higher education may, with the approval of the budget section of the legislative council, may authorize the use of land under the control of the board and construct buildings and campus improvements thereon which are financed by donations, gifts, grants, and bequests. The budget section approval must include a specific dollar limit for each building or campus improvement project. The budget section may establish guidelines regarding the types of gifts for minor improvements which do not require the approval of the budget section based upon the financial impact of such construction projects upon the state of North Dakota. The state board of higher education may, with the approval of the budget section, may authorize the sale of any real property or buildings which an institution of higher learning has received by gift or bequest. The budget section may prescribe such conditions for the sale of the property as it ~~deems~~ determines necessary, including, ~~but not limited to,~~ requiring an appraisal and the advertisement for bids. If the state board of higher education submits a request to the budget section for approval, the legislative council shall notify each member of the legislative assembly of the date of the budget section meeting at which the request will be considered and provide a copy of the meeting agenda to each member of the legislative assembly. The chairman of the budget section shall allow any member of the legislative assembly an opportunity to present testimony to the budget section regarding any such request.

SECTION 2. AMENDMENT. Section 15-55-10 of the North Dakota Century Code is amended and reenacted as follows:

15-55-10. Limitation on buildings and other campus improvements and issuance of bonds. No building ~~or buildings~~ or other campus improvements ~~improvement~~ may be erected or constructed under this chapter, and no bonds may be issued for the payment of the cost of any building ~~or buildings~~ or other campus improvements ~~improvement~~ under the terms of this chapter, ~~save and except for such specified buildings or other campus improvements as may be from time to time designated and~~ unless authorized by legislative act, nor may any such building ~~or buildings~~ or other campus improvements ~~improvement~~ be erected at a cost exceeding the amount fixed by the legislative assembly in such act as the maximum to be expended for such buildings the building or other campus improvements ~~improvement~~ undertaken under this chapter. ~~Such~~ The legislative authorization may be aggregated and the appropriation of the proceeds of the bonds for the construction of the buildings or improvements are not subject to cancellation under the provisions of section 54-44.1-11. ~~Authorization for the issuance of bonds by the 1969 legislative assembly and authorizations of previous legislative assemblies, however, expire on July 1, 1973, unless bonds have been issued for the construction of buildings or improvements in the amounts so authorized or a contract for the design of the building has~~

~~been signed by the board of higher education prior to such date.~~ Authorization for the issuance of bonds by ~~succeeding the legislative assemblies expire~~ assembly expires four years after the effective date of the authorization unless bonds have been issued for the construction of buildings or improvements in the amounts so authorized or a contract for the design of the building has been signed by the board of higher education ~~prior to such~~ before the expiration date or the authorization specifies a different expiration date. Refunding bonds may be issued by the state board of higher education under ~~the provisions of~~ this chapter without legislative act to refund, at or ~~prior to~~ before the maturity of or pursuant to any privilege of prepayment reserved in or granted with respect to, any bonds issued to pay the cost of buildings or other campus improvements designated and authorized by legislative act.

SECTION 3. Authorization of expansion of building projects by legislative assembly or budget section. Notwithstanding any other provision of law, a state agency or institution may not significantly change or expand a building construction project beyond what has been approved by the legislative assembly unless the legislative assembly, or the budget section of the legislative council if the legislative assembly is not in session, approves the change or expansion of the project or any additional expenditure for the project. For the purposes of this section, a significant change or expansion includes the construction of an addition to a building, including skywalks or other type of enclosed walkway, or any other substantial increase in the area of the building, but does not include the construction of building entrances and stairwells.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1398.

House Vote: Yeas 83 Nays 7 Absent 8

Senate Vote: Yeas 48 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State