Prepared by the North Dakota Legislative Council staff for the Budget Section
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APPROVAL AND EVALUATION OF DONATED ASSETS - OTHER STATES

The schedule below provides a summary of other states' legislative processes for approving donated assets/facilities at higher education institutions, including the evaluation of estimated future costs of the donated asset/facility to the state and any subsequent monitoring of actual costs after the property has been received:

State	What type of legislative approval is required to receive the donation and proceed with construction?	Is an evaluation of estimated future ongoing maintenance costs required prior to approval?	After approval, does the university or other entity monitor ongoing maintenance costs? Is the information reported to the legislature?	Is there a comparison of actual ongoing costs to the estimates received when the donation was presented for approval?
Colorado	Donated projects greater than $2 million must include an endowment for ongoing costs. If an endowment is not provided, the Colorado Commission on Higher Education (CCHE), after examining the future costs of the project, may approve an exception. If approved by the CCHE, the project is forwarded to the Governor, the legislative Capital Development Committee, and the legislative Joint Budget Committee for approval. Upon approval by the Governor and the committees, the institution may accept the donation without further legislative authority. If the donated project costs less than $2 million, the institution only needs the approval of the CCHE.	Yes, by the CCHE, the Governor, the Capital Development Committee, and the Joint Budget Committee	Once projects are approved, they become part of the institution's budget. Projects less than $2 million are required to report to the CCHE on an annual basis.	No
Iowa	Legislative approval is not required. Projects are reviewed and approved by the Board of Regents. The Board of Regents provides a report to the General Assembly.	N/A	N/A	N/A
Kentucky	Legislative approval is required. After approval by the Board of Regents, the project is submitted to the General Assembly as part of the institution's capital plan.	No	No	No
Maine	Legislative approval is not required.	N/A	N/A	N/A
Minnesota	Minnesota has two higher education systems. The University of Minnesota and its satellite campuses are governed by a Board of Regents which may approve projects. The remaining Minnesota state colleges and	Projects requiring legislative approval become part of a five-year capital plan that must be approved by the Capital Investment Committee of the legislature and the Operating Committee of the legislature.	No	No

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	universities are governed by a Board of Trustees and are more restricted. Projects on these campuses become part of the capital request for the system and must be approved by the Minnesota State Legislature.			
Montana	The legislature must approve projects where future costs exist. Projects that do not require a future commitment may be approved by the Board of Regents and the Governor's office.	Yes	No	No
Nebraska	Legislative approval is not required.	Only if the higher education institution will be requesting funding for operating costs. The Facilities Officer for the Coordinating Commission for Postsecondary Education evaluates the ongoing costs and compares the evaluation to the estimate provided. The commission, made up of individuals appointed by the Governor and approved by the legislature, decides if the ongoing costs will be requested and, if so, how much.	No	No
Nevada	Legislative approval is not required to receive gifts of real property.	N/A	N/A	N/A
South Dakota	Legislative approval is required for gifts of real property and building funds.	Yes, as part of the budget request process	No	No
Utah	Legislative approval is required unless the institution has a plan to operate and maintain the building that does not require additional state funding.	Yes, by the State Building Board as part of its responsibility to evaluate all state building project requests	No	No
Washington	Legislative approval is not required.	N/A	N/A	N/A
Wisconsin	Legislative approval is required. The Board of Regents reviews the project and recommends it to the Building Commission (made up of the Governor and legislators). The commission may recommend it to the Joint Committee on Finance. The Joint Committee on Finance, made up of legislators, then decides whether or not to include the project in the biennial budget considered by the legislature.	Yes, the Board of Regents does a program review. The project budget and expected operating costs are part of the review and are presented to the Building Commission.	No	No