Sixty-seventh Legislative Assembly of North Dakota

Introduced by

- 1 A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century
- 2 Code, relating to capital building funds; and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 **SECTION 1.** A new chapter to title 15 of the North Dakota Century Code is created and 5 enacted as follows:

6 **Capital building funds - Creation - Exception.**

7 Each institution of higher education under the control of the state board of higher education

8 shall establish a capital building fund consisting of moneys appropriated as tier II funding for

9 each institution's capital building fund and any tier III funding transferred from the university

10 system office which is designated for each institution's capital building fund. Unexpended

11 <u>appropriations or balances in university system institution capital building funds are not subject</u>

12 to cancellation by the office of management and budget under section 54-44.1-11.

13 Capital building funds - Uses - Reports.

14 <u>Subject to matching requirements under this chapter, each institution may use moneys from</u>

15 its capital building fund for projects specifically authorized by the legislative assembly to use

16 capital building fund moneys. In addition, after an institution has matched and committed

17 <u>seventy-five percent of the funding appropriated for institution extraordinary repairs and subject</u>

18 to state board of higher education approval and matching requirements under this chapter, each

- 19 institution may use moneys from its capital building fund for extraordinary repairs and deferred
- 20 maintenance projects that do not increase the square footage of a building. The state board of

21 <u>higher education shall report biennially to the legislative management and to the appropriations</u>

22 committees of the legislative assembly on the use of funding in each institution's capital building

- 23 fund, the source of matching funds, and each institution's five-year plan for capital construction
- 24 spending.

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1 <u>Tier II capital building funds - Matching requirements.</u>

2 <u>Tier II capital building fund moneys include any amount appropriated to an institution's</u>

3 capital building fund. Before spending tier II capital building fund moneys on a project, an

4 institution shall provide one dollar of matching funds from operations or other sources for each

5 one dollar to be used from the institution's capital building fund for the project. An institution may

6 not use extraordinary repairs funding, tier III capital building fund moneys, or state funding

7 appropriated for a specific capital project as matching funds under this section.

8 <u>Tier III capital building funds - Matching requirements.</u>

9 <u>Tier III capital building fund moneys include any amount transferred to an institution from</u>

10 the university system office capital building fund pool. Before receiving tier III capital building

11 <u>fund moneys from the university system office, an institution shall provide two dollars of</u>

12 matching funds from operations or other sources for each one dollar requested from the tier III

13 capital building fund pool. An institution may not use extraordinary repairs funding, tier II capital

14 building fund moneys, or state funding appropriated for a specific capital project as matching

15 <u>funds under this section.</u>

SECTION 2. CAPITAL BUILDING FUNDS - USES. The institutions listed may use funding
from the respective institution's capital building fund for the following projects authorized by the
sixty-sixth legislative assembly:

19North Dakota state university - Dunbar Hall\$51,200,00020North Dakota state university - agriculture products development center60,000,00021University of North Dakota - Gamble Hall70,000,00022Total\$181,200,000

23 SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.