

53B-20-103 Powers of state board -- Capital facilities projects -- Exceptions.

- (1) As used in this section, "capital facilities projects and buildings" includes any one or more institutional projects and buildings.
- (2) The board, on behalf of the institutions of higher education, may:
 - (a) acquire, purchase, construct, improve, remodel, add to, and extend capital facilities projects and buildings including necessary and related utilities;
 - (b) accept buildings, land, or a combination of buildings and land, donated to an eligible higher education institution without obtaining approval of the donation from the director of the Division of Facilities Construction and Management;
 - (c) acquire necessary and suitable equipment, furnishings, and land for institutional projects and buildings;
 - (d) set aside portions of campuses for institutional projects and buildings;
 - (e) maintain and operate institutional projects and buildings; and
 - (f) impose and collect rents, fees, and charges for the use of institutional projects and buildings.
- (3) Notwithstanding any other provision of law, if a donor donates land to an eligible institution of higher education and commits to build a building or buildings on that land, and the institution agrees to provide funds for the operations and maintenance costs from sources other than state funds, and agrees that the building or buildings will not be eligible for state capital improvement funding, the higher education institution may:
 - (a) oversee and manage the construction without involvement, oversight, or management from the Division of Facilities Construction and Management; or
 - (b) arrange for management of the project by the Division of Facilities Construction and Management.

Amended by Chapter 342, 1998 General Session