

1 SENATE BILL NO. 211

2 INTRODUCED BY D. SANDS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF REGENTS TO ADOPT A POLICY
5 GOVERNING ACCEPTANCE OF GIFTS OR GRANTS; PROHIBITING THE REGENTS AND THE UNITS OF
6 THE UNIVERSITY SYSTEM FROM ADVERTISING, PUBLICIZING, OR OTHERWISE PROMOTING CERTAIN
7 GIFTS; MAKING THE POLICY APPLICABLE TO GIFTS OR GRANTS RECEIVED FROM A NONPROFIT
8 ORGANIZATION ORGANIZED TO RAISE FUNDS ON BEHALF OF THE UNIVERSITY SYSTEM OR A UNIT
9 OF THE UNIVERSITY SYSTEM; AND AMENDING SECTIONS 20-25-103, 20-25-108, 20-25-207, 20-25-228,
10 20-25-230, 20-25-237, 20-25-242, 20-25-252, 20-25-254, 20-25-422, AND 20-25-455, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 20-25-103, MCA, is amended to read:
15 **"20-25-103. Authority to accept gifts.** (1) On behalf of the state, the regents may accept all gifts or
16 grants of any kind for the use of any of the units of the university system. Gifts or grants subject to specific
17 provisions ~~shall~~ must be accepted and used subject to the terms of the gift or grant.
18 (2) The regents shall adopt a policy in compliance with this section to govern the acceptance of gifts or
19 grants and provide uniform guidance to the units of the university system.
20 (3) For gifts or grants of \$20,000 or more that are received from an individual who is a candidate for an
21 elected office or from a company that is owned by an individual who is a candidate for elected office, the regents
22 and the units of the university system are prohibited from advertising, publicizing, or otherwise promoting the gift
23 or grant from the date the gift or grant is received until the day after the date of the election of the office for which
24 the individual is a candidate.
25 (4) The policy required under subsection (2) must also apply to the acceptance of gifts or grants from
26 a nonprofit organization that is organized with a purpose of fundraising on behalf of the university system or a
27 unit of the university system."

28
29 **Section 2.** Section 20-25-108, MCA, is amended to read:
30 **"20-25-108. Research programs -- powers of units.** (1) The units of the system are authorized, singly

1 or in cooperation, to engage in research and development programs with the prior approval of the regents.

2 (2) ~~Such~~ The programs may be conducted by any department of a unit or any organization established
3 to assist the unit. A unit or organization may:

4 (a) contract with private organizations, companies, firms, or individuals relative to research programs;

5 (b) conduct research programs with the penal, corrective, or custodial institutions of Montana and
6 engage the voluntary participation of the inmates with the prior approval of the governing board of the institution;

7 (c) subject to the provisions of 20-25-103, accept contributions, grants, or gifts from private
8 organizations, companies, firms, individuals, governmental agencies or departments for research programs;

9 (d) make agreements or cooperative undertakings with private organizations, companies, firms,
10 individuals, governmental agencies or departments for research programs;

11 (e) match the funds of private organizations, companies, firms, individuals, governmental agencies or
12 departments with available funds for research programs;

13 (f) accumulate, invest, and expend the funds and proceeds from research programs;

14 (g) acquire real and personal property reasonably required for research programs;

15 (h) not divert funds, proceeds, or real and personal property from the research programs; and

16 (i) not charge or obligate the state of Montana or the general funds or a unit or agency.

17 (3) The legislature declares a public need for scientific research in the units of the system to promote
18 the general welfare and to provide an adequate defense for the United States."

19

20 **Section 3.** Section 20-25-207, MCA, is amended to read:

21 **"20-25-207. Bureau of government research -- purpose -- funding.** (1) There is a bureau of
22 government research at the university of Montana-Missoula. The purpose of the bureau is to facilitate research
23 and publication in the area of state and local government and to maintain a liaison between political scientists
24 and government officials through the exchange of information.

25 (2) The bureau of government research may:

26 (a) subject to the provisions of 20-25-103, receive and administer gifts, donations, and bequests;

27 (b) contract with individuals, organizations, and governmental agencies for cooperative endeavors; and

28 (c) apply for and receive grants from public and private agencies."

29

30 **Section 4.** Section 20-25-228, MCA, is amended to read:

1 **"20-25-228. Wool laboratory funds and fees.** (1) The wool laboratory shall:

2 (a) cooperate fully with the United States department of agriculture for the benefit of the Montana wool
3 industry; and

4 (b) keep a complete and comprehensive system of records covering its internal administration, activities,
5 and meetings of its advisory committee and all sampling, testing, and research work.

6 (2) The wool laboratory may:

7 (a) receive any ~~moneys which~~ money that the federal government ~~may make~~ makes available for the
8 use of the laboratory and pay all ~~such~~ funds received to the state treasurer to be deposited in a special trust fund;
9 and

10 (b) subject to 20-25-103, receive donations from individuals for the purposes of the laboratory, which
11 ~~shall~~ must also be paid to the state treasurer to be deposited in the special trust fund.

12 (3) All federal funds ~~which may be~~ that are provided and all funds ~~which may be~~ that are received by the
13 laboratory for its use and benefit are ~~hereby~~ appropriated for the Montana wool laboratory.

14 (4) All ~~moneys~~ money collected by the Montana wool laboratory ~~shall~~ must be used for the payment of
15 salaries and expenses, including purchase of equipment and supplies, and the erection of necessary buildings.

16 (5) The laboratory shall charge fees to woolgrowers ~~which will~~ to cover actual costs for furnishing specific
17 testing services. ~~Such~~ The fees ~~shall~~ may not include costs of doing research."

18

19 **Section 5.** Section 20-25-230, MCA, is amended to read:

20 **"20-25-230. Acceptance of donations.** The director, with the consent of the regents, may accept on
21 behalf of the state of Montana, for the use of the agricultural experiment station, donations of real property,
22 money, implements, scientific equipment, building materials, animals, supplies, and any other gifts considered
23 beneficial by the director. ~~Such donations~~ Donations may be accepted from both public and private sources,
24 including the government of the United States, and are subject to the provisions of 20-25-103."

25

26 **Section 6.** Section 20-25-237, MCA, is amended to read:

27 **"20-25-237. Local government center -- purpose -- funding.** (1) There is a local government center
28 at Montana state university-Bozeman. The purpose of the center is to strengthen the capacities of Montana's local
29 governmental units to deliver essential services efficiently and to provide training, technical assistance, and
30 research to local officials.

- 1 (2) The local government center may:
2 (a) subject to the provisions of 20-25-103, receive and administer gifts, donations, and bequests;
3 (b) contract with individuals, organizations, and governmental agencies for cooperative endeavors; and
4 (c) apply for and receive grants from public and private agencies."

5
6 **Section 7.** Section 20-25-242, MCA, is amended to read:

7 **"20-25-242. Purpose of station.** (1) It is the purpose of the Montana forest and conservation experiment
8 station to:

9 (a) study the forest and forest land resources of the state to the end that the state and its citizens may
10 attain the highest economic and social benefits from the forest soils within the state and the influences and
11 products flowing from forests;

12 (b) study the growth and the utilization of timber with special reference to their improvement and the
13 widening of the markets available to the state;

14 (c) determine:

15 (i) the relationship between the forest and water conservation and waterflow regulation;

16 (ii) the relationship between the forest and pasturage for domestic livestock and wildlife;

17 (iii) the relationship between the forest and recreation; and

18 (iv) those other direct and indirect benefits that may be secured by the maintenance of or the
19 establishment of forests or woodlands;

20 (d) study and develop the establishment of windbreaks, shelterbelts, and woodlots on the farms of the
21 state that moisture may be conserved by windbreaks, shelterbelts, and woodlots for the best production of
22 agricultural crops and forage, for the prevention of soil wastage and erosion, to make the farm home more
23 comfortable, and to produce forest material for the use of the farmer and the livestock producer;

24 (e) study the findings of other agencies so that the information may be used to improve the growth,
25 management, and utilization of the timber within the state and to protect it against damage by fire, insects,
26 disease, and other harmful agencies;

27 (f) collect, compile, and publish statistics relative to Montana forests and forestry and the influences
28 flowing from forests and forestry;

29 (g) prepare and publish bulletins and reports, along with the necessary illustrations and maps, so that
30 the information collected by the station in forestry and in conservation may be made available for use and

1 distribute this information or material in other ways that the board of regents may direct;

2 (h) collect a library and bibliography of literature pertaining to or useful for the purpose of 20-25-241
3 through 20-25-245;

4 (i) study logging, lumbering, and milling operations and other operations dealing with the products of
5 forest soils with special reference to their improvement;

6 (j) investigate and make tests of forest products produced or that may be produced within the state so
7 that markets may be improved;

8 (k) consider other scientific and economic problems that, in the judgment of the board of regents, are
9 of value to the people of the state;

10 (l) cooperate with the other departments of the university of Montana-Missoula, with the departments
11 of the state government when mutually beneficial, and with private individuals and agencies and cooperate with
12 the United States government and its branches as a land-grant institution or otherwise in accordance with their
13 regulations; and

14 (m) establish field experiment stations that, in the judgment of the board of regents, may be necessary.

15 (2) The board of regents may accept, for and in behalf of the state of Montana, gifts of land or other
16 donations that may be made to the state for the purposes of 20-25-241 through 20-25-245. Donations are subject
17 to the provisions of 20-25-103."

18

19 **Section 8.** Section 20-25-252, MCA, is amended to read:

20 **"20-25-252. Donations to Montana state university-Billings.** The regents may accept for and on
21 behalf of Montana state university-Billings college any donations of lands and any other gifts for the use and
22 benefit of the college. Donations are subject to the provisions of 20-25-103."

23

24 **Section 9.** Section 20-25-254, MCA, is amended to read:

25 **"20-25-254. Donations to university of Montana-western.** The regents may accept for and on behalf
26 of the university of Montana-western any donations of lands and any other gifts for the use and benefit of the
27 college. Donations are subject to the provisions of 20-25-103."

28

29 **Section 10.** Section 20-25-422, MCA, is amended to read:

30 **"20-25-422. Support of university system.** (1) For the support and endowment of the university, there

1 is annually and perpetually appropriated:

2 (a) the university fund income, the proceeds and revenue from the grant of any estate or interest
3 disposed of pursuant to 20-25-307, and all other sums of money appropriated by law to the university fund after
4 any deductions made under 77-1-109;

5 (b) all tuition and matriculation fees; and

6 (c) all contributions derived from public or private bounty.

7 (2) The entire income of all the funds must be placed at the disposal of the board of regents by transfer
8 to its treasurer and must be kept separate and distinct from all other funds. The income must be used solely for
9 the support of the colleges and departments of the university or those connected with the colleges and
10 departments.

11 (3) All means derived from other public or private bounty must be exclusively devoted to the specific
12 objects designated by the donor, subject to the provisions of 20-25-103."

13

14 **Section 11.** Section 20-25-455, MCA, is amended to read:

15 **"20-25-455. Montana university system assistance program -- purpose -- duties of board of**

16 **regents.** (1) There is a Montana university system assistance program administered by the board of regents
17 through the office of the commissioner of higher education. The program must allow a private donor to make tax
18 deductible contributions by cash, check, or money order that benefit a qualifying institution and students of these
19 public institutions, subject to the provisions of 20-25-103.

20 (2) As part of the program, the board of regents shall:

21 (a) provide a donor with a receipt that reflects the contribution in sufficient detail for the donor to claim
22 any applicable credits or deductions for state and federal income tax purposes;

23 (b) deposit donations to the program in the state special revenue account established by 20-25-456;

24 (c) develop procedures and forms that enable a donor to make contributions by cash, check, or money
25 order for the benefit of a specific qualifying institution. If a donor does not select an institution, the donation must
26 be allocated on an equal basis to all qualifying institutions by dividing the total donation by the number of
27 qualifying institutions.

28 (d) develop procedures and forms that enable a donor to select the percentage of the donation that will
29 be used by a qualifying institution for building projects, educational programs, and academic scholarships. If a
30 donor does not make a selection, the donation may be used for the general support, maintenance, or

1 improvement of the institution as provided in 17-3-1001(2).

2 (e) maintain adequate records to account for contributions that are allocated to each specific qualifying
3 institution and any donor selection preference;

4 (f) provide each qualifying institution with a schedule showing the total donations credited to the
5 institution at the end of each fiscal year; and

6 (g) distribute donor contributions to the qualifying institution's endowment fund as provided in 20-25-456.

7 (3) For the purposes of 20-25-456 and this section, "qualifying institution" means:

8 (a) a Montana community college that is part of a community college district, defined and organized as
9 provided in 20-15-101; and

10 (b) a unit of the Montana university system, as described in 20-25-201, or any of its affiliated campuses."

11 - END -