

## South Dakota Board of Regents 2009 Legislative Summary

### HB 1074

SPONSOR: Board of Regents

SUBJECT: Increases “other fund” expenditure authority for previously authorized construction projects

DISPOSITION: Signed by the Governor, March 19, 2009

- Provides flexibility to allow for the expenditure of additional grants and donations received for BOR capital construction projects previously approved by the Legislature, while still limiting the projects’ size.
- Allows for a 25 percent adjustment of dollars from these limited fund sources.
- Limits the total gross square footage of the projects to a 10 percent change.
- Applies to the following projects originally authorized in 2008: SDSM&T chemistry building addition and partial renovation, SDSM&T paleontology building, and the SDSU student athlete development center.
- Applies to the following project originally authorized in 2006: the SDSU dairy manufacturing plant.

### HB 1076

SPONSOR: Board of Regents

SUBJECT: Authorizes replacement of real estate used for agricultural research at South Dakota State University

DISPOSITION: Signed by the Governor, March 3, 2009

- SDSU currently owns or rents plots of land adjacent to campus and in the surrounding area for agricultural research. Selling an existing piece of research land owned by SDSU and purchasing a larger parcel will enhance significantly the agriculture field laboratory space.
- The SDSU Foundation acquired the new property at appraised price on behalf of SDSU and will in turn sell it to SDSU.
- The cost of suitable replacement land for field laboratory research purposes will not exceed \$1,138,500, to be paid from non-general funds.

### HB 1149

SPONSOR: Rep. Brunner, Sen. Howie

SUBJECT: Clarifies the process to offer postsecondary education credit in South Dakota while an institution seeks accreditation from a recognized accrediting agency

DISPOSITION: Signed by the Governor, March 11, 2009

- Clarifies that an entity actively seeking accreditation from a recognized accrediting body may offer postsecondary education credit or degrees in South Dakota, for a period of up to five years, as long as its operates under an affiliation agreement with another institution already fully accredited.

### HB 1183

SPONSOR: Rep. Lust, Sen. Haverly

SUBJECT: Authorizes construction of the Higher Education Center-West River; funds a pilot state grant-in-aid program; and authorizes use of Higher Education Facilities Funds (HEFF) in the construction of a dairy manufacturing plant at South Dakota State University

DISPOSITION: Signed by the Governor, March 19, 2009

- Authorizes construction of the Higher Education Center-West River in Rapid City, providing a convenient, one-stop location to deliver courses and degree programs offered by the public university system in western South Dakota; provides a single site for admissions, financial aid, and advising.
- Replaces a facility formerly located on Ellsworth Air Force Base.
- The project includes 12 donated acres previously accepted by the 2008 legislature; 28.32 acres to be purchased for \$2.2 million with private grant funds; and \$13.4 million for the building's construction financed through HEFF funds.
- Restrictions placed on the facility: it cannot become a separate degree-granting institution, cannot erect residence halls or athletic facilities, cannot develop a research park on site, and cannot offer courses at other than self-support rates.
- Creates a pilot state grant program with one-time donations of \$100,000; the grants will be available to Pell-eligible students enrolled in all regionally accredited institutions in South Dakota.
- Authorizes \$1 million in HEFF funds to help finish construction of the dairy manufacturing plant at SDSU, previously authorized in 2006.

### HB1260

SPONSOR: Rep. Hamiel, Sen. Gant

SUBJECT: Requires "request for proposals" be issued for certain state contracts for professional services

DISPOSITION: Signed by the Governor, March 13, 2009

- Requires state agencies to solicit a "request for proposals" for professional services contracts valued in excess of \$50,000.
- Certain exemptions to the RFP requirement are specified.

### HB 1300

SPONSOR: Committee on Appropriations

SUBJECT: General budget bill for FY10

DISPOSITION: Signed by the Governor, March 18, 2009

- General budget bill for the operations of state government and its institutions for the fiscal year starting July 1, 2009.
- Overall, BOR received \$2,841,860 fewer dollars in base funding for FY10, a 1.53 percent decrease.
- Contains no increase for state employee salaries.
- Federal funds received from the economic stimulus package were used to swap out \$11,474,935 in state general funds in BOR's FY10 budget.

### SB50

SPONSOR: Bureau of Finance and Management

SUBJECT: Revises FY09 budget

DISPOSITION: Signed by the Governor, March 18, 2009

- Amends last year's general bill to approve budget changes for several state agencies, including the Board of Regents.
- The BOR portion of SB50 includes:
  - Additional "other fund" spending authority of \$5,007,3939 to cover unanticipated growth in expenses in the BOR Central Office, DSU, SDSU, and AES.
  - A swap of federal funds received from the economic stimulus package to replace \$10,262,056 in state general funds in BOR's FY09 budget.

### SB 66

SPONSOR: Board of Regents

SUBJECT: Authorizes construction of an addition to the Joseph H. Barnett Center at Northern State University

DISPOSITION: Signed by the Governor, March 12, 2009

- A 4,228 square-foot addition to the Barnett Center athletic complex will be used for basketball locker rooms and coaches' office space.
- Cost of the addition is \$557,000, paid from donations to the Northern State University Foundation; no state general funds were requested.

### SB 68

SPONSOR: Board of Regents

SUBJECT: Authorizes the establishment, operation, and control of research parks on state land in Sioux Falls

DISPOSITION: Signed by the Governor, March 16, 2009

- Authorizes construction, development, maintenance, and operation of a research park on University Center property in Sioux Falls.
- The research park may occupy no more than 80 acres.

### SB144

SPONSOR: Sen. Gant, Rep. Kirkeby

SUBJECT: Requires certain contracts to be retained in the original format or made available by a publicly accessible Internet web site or database

DISPOSITION: Signed by the Governor, March 20, 2009

- Requires written contracts be retained, in the contract's original format or a searchable and reproducible format, during the term of the contract and for two years after its expiration.
- Contracts may be available to the public through a publicly accessible Internet Web site or database.

SB 147

SPONSOR: Sen. Knudson, Rep. Faehn

SUBJECT: Provides for public access to public records

DISPOSITION: Signed by the Governor, March 19, 2009

- Establishes the presumption that public records and documents are open, unless a statute, ordinance, or rule expressly provides that the information or record may not be made public.
- Calls for liberal construction of the act with respect to access to “fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt, or other record of receipt, cash, or expenditure involving public funds.”
- Spells out specific exemptions to the open records law; for example:
  - FERPA-protected information, with the exception of directory information;
  - Medical records and information that is subject to evidentiary privileges—e.g., privileged communications with physicians, attorneys, counselors, or clergy;
  - Intellectual properties whose commercial value would be diminished by disclosure, including the details of bona fide state-funded research, applied research, or scholarly or creative artistic records;
  - Facilities’ security information and citizen account numbers and similar identity numbers;
  - Business and financial information assembled for purposes of collective bargaining, real or personal property acquisition, or technology transfer;
  - Personnel information other than salaries, directory information, and application materials submitted by persons hired into executive or policymaking positions; and
  - Preliminary policy recommendations or evaluations and correspondence and working papers.

SB 164

SPONSOR: Governor

SUBJECT: Revises FY09 budget regarding the South Dakota Opportunity Scholarship

DISPOSITION: Signed by the Governor, March 13, 2009

- Adds \$1,522,942 of general funds, while transferring a like amount from the Dakota Cement Trust Fund to the general fund, for South Dakota Opportunity Scholarship funding in the current budget year.

SB 185

SPONSOR: Sen. Olson; Rep. Frerichs

SUBJECT: Revises high school graduation requirements for students entering 9<sup>th</sup> grade starting in 2010 by eliminating the basic high school program option

DISPOSITION: Signed by the Governor, March 19, 2009

- Eliminates the “basic” option in the state’s three-tiered high school graduation requirements.
- Maintains the “advanced” option as the default course of study for all high school students in South Dakota.
- Change is effective for students who begin their freshman year of high school in 2010.

SB202

SPONSOR: Sen. Garnos

SUBJECT: Requires Bureau of Administration to prepare a report regarding energy efficiency of state agencies

DISPOSITION: Signed by the Governor, March 13, 2009

- Requires Bureau of Administration to submit a report to the legislature regarding energy efficiency of state agencies by Dec. 1, 2009.
- The report will quantify current energy consumption levels, identify energy efficiency measures being taken to achieve a reduction in energy consumption, and estimate costs associated with energy efficiency measures.