

SOUTH DAKOTA BOARD OF REGENTS

Planning and Resource Development

AGENDA ITEM: 4 – G

DATE: October 7-8, 2015

SUBJECT: 2016 Proposed Legislation

Campuses were asked to submit their potential legislative items to the Board office for review. Topics presented on this agenda item are a preliminary list of Board-sponsored legislation, which will be updated and finalized in December. Several additional items, which also may result in possible legislation, are being discussed in separate Board items.

The campuses were asked to identify specific fund sources for any legislation requested. In order for legislation to move forward, funds are to be in-hand or guaranteed and available immediately from a foundation. The universities were asked not to request legislation for facilities where the funds are not fully raised or available from the foundation upon passage of the legislation. If the funds are institutional funds, a cash-flow statement is needed for the fund that identifies the available cash. If the project is a revenue project that is proposed to generate its own debt service, a detailed revenue analysis is needed.

Following is an early list of potential legislative items:

Board Central Office

- 1) In the coming weeks, a system-level Alcohol Sales Task Force will look at proposed changes to state law that would permit the sale of alcoholic beverages on campuses. The task force is expected to bring its recommendations to the Board’s December meeting. Subject to the task force’s final report, legislation may be advanced to authorize BOR-governed institutions to obtain and operate under on-sale alcohol licenses and special event alcohol on- and off-sale permits, in order to improve service, control, attendance, and revenue generation at institutional events for the benefit of university programming and operational enhancements.

RECOMMENDED ACTION OF THE EXECUTIVE DIRECTOR

Information only, pending final action on the legislative package at the Board’s December meeting.

- 2) The General Counsel is working on legislation to allow institutional authorities to provide assurances of confidentiality to persons who report that they have been a victim of sexual assault. This would require changes to SDCL 22-11-12, which precludes granting sexual assault victims such assurances unless the communication occurs in the context covered by evidentiary privileges now found under SDCL chapter 19-13. (*See separate Board item entitled, "Proposed Legislation to Amend South Dakota's misprision of felony statute to create postsecondary confidential advisors for victims of sexual violence."*)
- 3) A change to the open meetings statutes in SDCL chapter 1-27 would allow an agenda to be amended after the start of a public meeting, but only upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting.

Dakota State University

- 1) Smith-Zimmermann Museum on the DSU campus is referenced in South Dakota Codified Law, including SDCL 13-59-12, 13-59-17, and 13-59-18. These statutes should be amended to address how the facility is currently operated and maintained. The Office of History last year submitted legislation to address operations at some of the former state museums, but that bill did not fully address all issues. One item that is unclear is how the museum is to be maintained in regard to major building repairs.

South Dakota State University

- 1) South Dakota State University has a number of parcels in the Office of School and Public Lands' Trust that are landlocked and of little utility. For the most part, these are donated tracts that wound up in the trust. Proposed legislation would call out the tracts individually and authorize their sale or exchange. The intent is to gain authorization to dispose of real property not being used to its highest, best use and acquire real property that is of more benefit to SDSU and the Agricultural Experiment Station. Property is being evaluated in conjunction with land holdings under the stewardship of the Office of School and Public Lands. Specific parcels will be identified and included in legislation to be presented at the Board's December meeting.

University of South Dakota

- 1) Changes to BOR'S 10-Year Capital Plan, first adopted in House Bill 1051 in 2012:
 - a. Redirect Dakota Hall funding to a new Facilities Management Building

The original legislation called for major renovation to the Dakota Hall building on USD's campus. Subsequent to that legislation, it was determined that campus facilities buildings are in significant disrepair. Results of a BOR Space Quality and Building Condition Analysis revealed that five of the facilities buildings were among the worst condition across the system. Furthermore, inefficiencies are created by housing the facilities staff in these five separate buildings. Consolidating the program into one location will allow USD to vacate multiple outdated facilities. A new Facilities Management building will provide appropriate quantity and quality of space to support university operations, while providing a safe work environment for employees. USD requests permission to redirect Dakota Hall funding to construct a new facilities management building.

- b. Redirect up to \$1 million in Patterson Hall project funding to the Science, Health, and Research Laboratory project

Original legislation detailed the maximum amount of bond funding to be used for each HEFF 10-year capital project. The Patterson Hall project received \$6.5 million in bonded funds for a major renovation. Renovation of Patterson has been completed and there are bond funds remaining. The Science, Health, and Research Laboratory project costs were substantially higher than originally anticipated. While many of those costs have been covered with other university funds, redirecting the remaining Patterson Hall bond funds would allow the university to retain all important programming elements of this new facility.