

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – AA

DATE: December 6-8, 2016

SUBJECT: 2017 Board Sponsored Legislation

Seven bills have been developed for the Board’s review:

1. An Act to authorize the Board of Regents to contract for the construction of a natural resources research and support facility at South Dakota State University, to make an appropriation therefor, and to declare an emergency.

This bill authorizes the Board to contract for the construction of a natural resources research and support facility at SDSU. The estimated cost is \$350,000.

2. An Act to authorize the Board of Regents to purchase improved real property and to make an appropriation therefor.

This bill authorizes the Board to purchase a number of lots in the City of Brookings. The estimated cost of acquiring one set of lots in the Wheatons Addition is \$950,000. The estimated cost of acquiring a second set of lots in the Hillcrest, Ways, and Randi Petersons Additions is \$2,134,000.

3. An Act to authorize the Board of Regents to contract for the design, renovation of, and addition to, the Stanley J. Marshall Center on the campus of South Dakota State University, and to make an appropriation therefor.

This bill authorizes the renovation of, and addition to, the Stanley J. Marshall Center on the campus of SDSU. The estimated cost is \$15 million.

4. An Act to establish a fund for the receipt and disbursement of federal grants and contracts and a fund for the receipt and disbursement of other grants and contracts.

(Continued)

Draft Motion 20161206_7-AA: I move to authorize the Executive Director to submit the proposed bills, to prepare additional legislation that may be required, and to make such modifications or, following their introduction, amendments to the bills as may be in his best judgment prudent, provided that such modifications or amendments shall not change the fundamental purpose of the authorized legislation, and, after consulting with the Board President and other interested members of the Board, to submit such additional legislation as may be necessary and proper.

This bill establishes two new funds in the state treasury, each of which is continuously appropriated. The first fund is the federal grants and contracts fund, which would contain money received from grants, contracts, or cooperative agreements with federal government agencies. This fund would be used for expenditures related to federal grants and contracts. The second fund is the other grants and contracts fund, which would contain money received from grants, contracts, or cooperative agreements with entities other than the federal government. This fund would be used for expenditures related to other grants and contracts.

5. An Act to amend the provision concerning transfers of general appropriations among institutions.

This bill amends SDCL 4-8A-8 to allow for the transfer of general appropriations from one institution to another without requiring approval by the special interim committee created by SDCL § 4-8A-2.

6. An Act to authorize the Board of Regents to accept a donation of land from Pennington County for the use and benefit of the South Dakota School of Mines and Technology.

This bill authorizes the Board to accept a land donation from Pennington County of 1.2 acres in Rapid City for the use and benefit of South Dakota School of Mines and Technology.

7. An Act to authorize the Board of Regents to contract for the construction of the Regional Science Education Center at Northern State University, to accept donations for such purpose, and to make an appropriation therefor.

This bill authorizes the Board to contract for the construction of the Regional Science Education Center at Northern State University. The total cost of the project is estimated at \$25.175 million.

Two versions of this bill were prepared. The first version is funded 100% through private donations. The second version is funded \$15 million through private donations, and \$10.175 million through HEFF.

The draft bills are included as Attachments I through VII-B.

**STATE OF SOUTH DAKOTA
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of a natural resources research and support facility at South Dakota State University, to make an appropriation therefor, and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. The Board of Regents is hereby authorized to contract for the demolition of existing facilities, removal of rubbish, site preparation, construction, furnishing, and equipping of a natural resources research and support facility at South Dakota State University, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and such other services or actions as may be required to accomplish the project, for an estimated cost of three hundred fifty thousand dollars (\$350,000), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated for the purposes authorized in this Act the sum of three hundred fifty thousand dollars (\$350,000), or so much thereof as may be necessary, in other funds to be drawn from funds received from an insurance settlement for a facility totally destroyed by fire, from sponsored program facilities and services funds, and from fees for services, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2016 values. The Board of Regents may adjust such cost estimates to reflect inflation as measured by the Building Cost Index, reported by the Engineering News Record and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project; and all moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 6. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 7. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

**STATE OF SOUTH DAKOTA
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase improved real property, and to make an appropriation therefor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. The Board of Regents may purchase the following improved real property on behalf of South Dakota State University:

(1) Lot 12, Block 2 of Wheatons Addition to the City of Brookings, Brookings County, South Dakota.

(2) Lot 13, Block 2 of Wheatons Addition to the City of Brookings, Brookings County, South Dakota.

(3) Lot 14, Block 2 of Wheatons Addition to the City of Brookings, Brookings County, South Dakota.

(4) The east 10 feet of the vacated alleyway, Block 2 of Wheatons Addition to the City of Brookings, Brookings County, South Dakota.

Section 2. There is hereby appropriated to the Board of Regents, to purchase the real property authorized in section 1 of this Act, the sum of nine hundred fifty thousand (\$950,000), or so much thereof as may be necessary, in other funds from gifts, grant and contract indirect recovery funds, and tuition.

Section 3. The Board of Regents may purchase the following improved real property on behalf of South Dakota State University:

(1) Lot 1, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(2) Lot 2, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(3) Lot 3, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(4) Lot 4, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(5) Lot 5, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(6) Lot 6, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(7) Lot 7, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(8) Lot 8, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(9) Lot 9, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(10) Lot 10, Block 2, Hillcrest Addition to the City of Brookings, Brookings County, South Dakota.

(11) Lot 3, Block 1, Ways Addition to the City of Brookings, Brookings County, South Dakota.

(12) Lot 9, Block 5, Randi Petersons Addition to the City of Brookings, Brookings County, South Dakota.

(13) The west 50 feet of Lot 10, Block 5, Randi Petersons Addition to the City of Brookings, Brookings County, South Dakota.

Section 4. There is hereby appropriated to the Board of Regents, to purchase the real property authorized in section 3 of this Act, the sum of two million one hundred thirty four thousand dollars (\$2,134,000), or so much thereof as may be necessary, in other funds from sales and services, rentals, and grant and contract indirect recovery funds.

Section 5. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 6. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

**STATE OF SOUTH DAKOTA
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the design, renovation of, and addition to, the Stanley J. Marshall Center on the campus of South Dakota State University, and to make an appropriation therefor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. The Board of Regents is hereby authorized to contract for the design, renovation of, and addition to, the Stanley J. Marshall Center on the campus of South Dakota State University in Brookings, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and such other services or actions as may be required to accomplish the project, for an estimated cost of fifteen million dollars (\$15,000,000), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated for the purposes authorized in this Act the sum of fifteen million dollars (\$15,000,000), or so much thereof as may be necessary, in other funds from athletic department rental and advertising revenue, funds donated to the Board of Regents for the project authorized by this Act, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2016 values. The Board of Regents may adjust such cost estimates to reflect inflation as measured by the Building Cost Index, reported by the Engineering News Record and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project; and all moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 6. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**STATE OF SOUTH DAKOTA
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to establish a fund for the receipt and disbursement of federal grants and contracts and a fund for the receipt and disbursement of other grants and contracts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. There is hereby established in the state treasury the federal grants and contracts fund. The Board of Regents and its institutions may accept and deposit into the fund any money received from grants, contracts, or cooperative agreements with federal government agencies. Any money in the fund is continuously appropriated to the Board of Regents and its institutions. The Board of Regents and its institutions may expend money in the fund for expenditures related to federal grants and contracts. Interest earned on money in the fund shall be deposited into the fund. Unexpended money and any interest that may be credited to the fund shall remain in the fund. Any money deposited into and distributed from the fund shall be set forth in an informational budget as described in § 4-7-7.2.

Section 2. There is hereby established in the state treasury the other grants and contracts fund. The Board of Regents and its institutions may accept and deposit into the fund any money received from grants, contracts, or cooperative agreements with entities other than the federal government. Any money in the fund is continuously appropriated to the Board of Regents and its institutions. The Board of Regents and its institutions may expend money in the fund for expenditures related to other grants and contracts. Interest earned on money in the fund shall be deposited into the fund. Unexpended money and any interest that may be credited to the fund shall remain in the fund. Any money deposited into and distributed from the fund shall be set forth in an informational budget as described in § 4-7-7.2.

**STATE OF SOUTH DAKOTA
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to amend the provision concerning transfers of general appropriations among institutions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 4-8A-8 be amended to read as follows:

4-8A-8. Moneys appropriated on a program basis by the General Appropriation Act may be transferred between program accounts within or between programs within departments and bureaus or between departments and bureaus to reflect a reorganization pursuant to Article IV, section 8 of the South Dakota Constitution only at the written request of a governing body, department secretary, or bureau commissioner, or designee, in accordance with procedures established by the Bureau of Finance and Management and only upon written approval of the Bureau of Finance and Management. Transfer of moneys appropriated by the General Appropriations Act between departments, ~~institutions~~, and bureaus that is not necessary for a reorganization pursuant to Article IV, section 8 of the South Dakota Constitution may only occur at the written request of a governing body, department secretary, or bureau commissioner, or designee, only in accordance with procedures established by the Bureau of Finance and Management and only upon approval by the special committee created in this chapter. The Bureau of Finance and Management shall keep a record of all such authorizations of transfers and make them available for public inspection. Immediately after the transfer of moneys authorized by this section is approved, the bureau shall transmit an authorization notice to the special legislative committee established in § 4-8A-2 and its designees.

**STATE OF SOUTH DAKOTA
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept a donation of land from Pennington County for the use and benefit of the South Dakota School of Mines and Technology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. The Board of Regents is hereby authorized to accept a donation from Pennington County, South Dakota, of Pennington County Parcel 41352, a site comprising 1.2 acres, more or less, for the use and benefit of the South Dakota School of Mines and Technology, which site is described as:

The unplatted portion of Government Lot 2, Section 1, T1N, R7E; and a portion of Government Lot 5 and 6 of Section 6, T1N, R8E as described in Deed Book 37 Page 6039 recorded on August 24, 1989, as the vacated parts of Lot 1 through 5, parts of Lots 29 through 37, and the balance of Lots 6 and 7, Block 8 of Denman's Addition to the City of Rapid City, Pennington County, South Dakota, which was vacated per Miscellaneous Book 76 Page 24 recorded on March 28, 1961.

**STATE OF SOUTH DAKOTA
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of the NSU Regional Science Education Center at Northern State University and to make an appropriation therefor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. The Board of Regents is hereby authorized to contract for the planning, site preparation, construction, furnishing, and equipping of the NSU Regional Science Education Center at Northern State University, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and such other services or actions as may be required to accomplish the project, for an estimated cost of twenty-five million one-hundred seventy-five thousand dollars (\$25,175,000), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated for the purposes authorized in this Act the sum of twenty-five million one-hundred seventy-five thousand dollars (\$25,175,000), or so much thereof as may be necessary, in other funds from gifts donated for the purposes of this Act, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2016 values. The Board of Regents may adjust such cost estimates to reflect inflation as measured by the Building Cost Index, reported by the Engineering News Record and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project; and all moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 6. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**STATE OF SOUTH DAKOTA
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of the NSU Regional Science Education Center at Northern State University and to make an appropriation therefor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. The Board of Regents is hereby authorized to contract for the planning, site preparation, construction, furnishing, and equipping of the NSU Regional Science Education Center at Northern State University, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and such other services or actions as may be required to accomplish the project, for an estimated cost of twenty-five million one-hundred seventy-five thousand dollars (\$25,175,000), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated for the purposes authorized in this Act the sum of fifteen million dollars (\$15,000,000), or so much thereof as may be necessary, in other funds from gifts donated for the purposes of this Act; ten million one-hundred seventy-five thousand dollars (\$10,175,000), or so much thereof as may be necessary, from the higher education facilities fund for the purposes of building and equipping new facilities, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2016 values. The Board of Regents may adjust such cost estimates to reflect inflation as measured by the Building Cost Index, reported by the Engineering News Record and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project; and all moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 6. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.