

SOUTH DAKOTA BOARD OF REGENTS

Planning and Resource Development

AGENDA ITEM: 5 – G

DATE: October 4-6, 2016

SUBJECT: 2017 Proposed Legislation

The universities and special schools 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. Other 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 must be in-hand or guaranteed and available immediately from the Foundation. The universities were asked not to request legislation for facilities where the funds are not fully raised or immediately available from the Foundation upon passage of the legislation.

Following are the potential items.

BOR: In the past, 4-8A-8 has created some problems for the Board in being able to transfer money between institutions. SDCL 4-8A-8 limits transfers between “institutions”. The transfers might involve general, federal or other funds. The section that causes the problem follows:

SDCL 4-8A-8 excerpt:

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 Board of Regents could propose legislation to modify SDCL 4-8A-8 to strike “institutions” from the wording, allowing for the transfer of funds between institutions. For example, this change would allow realignments of utility dollars at year-end which must now be approved by the Legislature.

(Continued)

INFORMATIONAL ITEM

The Board's budget includes four capital projects: DSU MADLABS - \$18,000,000; SDSM&T Materials and Manufacturing Institute - \$20,000,000; USD Gear Center Expansion - \$14,000,000; and SDSU ADR&DL - \$68,000,000. If these facilities are recommended by the Governor, it is most likely that the legislation would be proposed by the Governor.

Black Hills State University – No legislation

Dakota State University – No legislation

Northern State University:

1. New Science and Math Building – Private funds and possibly HEFF will be used to fund this construction. A donation of \$15 million has been identified. The total estimated cost is not yet known. The balance of the funding will need to be identified in order for this project to move forward as part of the legislative package.

South Dakota School of Mines and Technology:

1. Accept a small lot surrounded on three sides by Foundation-owned land. The county took the land for back taxes and can only turn it over to a government entity. According to Guilherme Costa, SDBOR General Counsel, SDSMT can accept this donation only with legislative authority (SDCL [13-52-2](#)). The county will auction the land if SDSMT does not accept the donation.

South Dakota State University:

1. Wildlife Unit replacement facility – Replacement is necessary due to fire in January 2016; the Preliminary Facility Statement is in the process of being developed and requests exemption from the Program Plan and the remainder of the capital project improvement process. No building committee is necessary.
2. Pending – Stanley J. Marshall Addition and Renovation – Subject to Foundation fundraising, statement that the funds have been raised, and BOR approval of the Program Plan.
3. Pending – Maintenance and Service Building for McCrory Gardens – Several years ago \$240,000 was set aside (361258). Additional funds will come from SDSU other funds (362335) that will allow for up to an estimated \$400,000 plus or minus for the project. This will allow for an existing general purpose building to be used for McCrory Garden center programming. More work needs to be done in the next 60 days.
4. Potential – Small tract of SDSU land deeded to DOT for 22nd and 6th street intersection project – According to Guilherme Costa and Tracy Greene, this project will not likely require legislation (SDCL [5-9-34](#), [5-9-35](#)).

University of South Dakota – No legislation

SDSD/SDSBVI – No legislation