

**SOUTH DAKOTA BOARD OF REGENTS**

**Planning, Governance, and Resource Development**

**AGENDA ITEM: 7 – F**  
**DATE: December 5-7, 2017**

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**SUBJECT**

**2018 Board Sponsored Legislation**

**CONTROLLING STATUTE, RULE, OR POLICY**

[Board Policy 1:12 State Relations](#) (1)

All institutionally lobbied relationships and negotiations with the State Legislature, including its committees, shall be coordinated through the Board of Regents.

**BACKGROUND/DISCUSSION**

The following bills have been developed for the Board’s review:

1. Demolish Lowry Hall and Construct the Madison Cyber Labs (MadLabs) (DSU)

An Act to authorize the Board of Regents to contract for the construction of the Madison Cyber Labs (MadLabs) and the demolition of Lowry Hall at Dakota State University, to make an appropriation therefor, and to declare an emergency.

This bill authorizes the Board to demolish Lowry Hall and build the MadLabs at DSU. The estimated cost is \$18,000,596. The fund source is from private donations.

2. Construct Two Athletic and Recreation Fields (NSU)

An Act to authorize the Board of Regents to contract for the construction of two athletic and recreation fields and related structures at Northern State University, to make an appropriation therefor, and to declare an emergency.

(Continued)

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**DRAFT MOTION 20171205\_7-F:** I move to authorize the Executive Director to (1) submit the proposed bills, prepare additional legislation that may be required, and 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, (2) submit such additional legislation as may be necessary and proper, after consulting with the Board President, and (3) support legislation that would authorize the construction of the Precision Agriculture Classroom and Laboratory Building and the renovation of Berg Agriculture Hall at SDSU.

This bill authorizes the Board to build two athletic and recreation fields, spectator seating, and a building consisting of restrooms, concession stand, locker rooms, offices for coaches, media area, meeting rooms, and storage at NSU. The estimated cost is \$6,303,314. The fund sources are: (1) \$6,000,000 from private donations, and (2) \$303,314 from NSU's allocation of HEFF M&R

3. Purchase Unimproved Real Estate in Brown County (NSU)

An Act to authorize the Board of Regents to purchase unimproved real property in Brown County, to make an appropriation therefor, and to declare an emergency.

This bill authorizes the Board to purchase 0.86 acres of real property adjacent to campus that, combined with some other real estate already owned by NSU, will be used to build a parking lot near the two new residence halls. The estimated cost is \$25,000. The fund source is from private donations.

4. Purchase Unimproved Agricultural Real Estate in Meade County (SDSU)

An Act to authorize the Board of Regents to purchase unimproved agricultural real property in Meade County for SDSU, to construct a support facility on the property, to make an appropriation therefor, and to declare an emergency.

This bill authorizes the Board to purchase 111.658 acres of tillable property to replace research and demonstration land that had been rented near Wall, SD. The estimated cost is \$502,461. The fund source is from proceeds from the Research Park payout received in FY2017.

5. Purchase Unimproved Agricultural Real Estate in Brookings County (SDSU)

An Act to authorize the Board of Regents to purchase unimproved agricultural real property in Brookings County for SDSU, and to make an appropriation therefor.

This bill authorizes the Board to purchase 73.11 acres, which has been rented by the SDSU Experiment Station for many years. When the property came up for sale, it was purchased by the SD Crop Improvement Association to partially replace the Research Park research capacity once the Research Park replacement funds were available. The estimated cost is \$665,000. The fund source is from proceeds from the Research Park payout received in FY2017.

6. Construct American Indian Student Center (SDSU)

An Act to authorize the Board of Regents to contract for the construction of the American Indian Student Center at South Dakota State University and to make an appropriation therefor.

This bill authorizes the Board to build the American Indian Student Center at SDSU, which will be the hub of cultural programming, services and advocacy that supports the recruitment, transition, retention, persistence, and graduation of American Indian students. The estimated cost is \$4,500,000. The fund sources are: (1) \$4,000,000 from private donations, and (2) \$500,000 from the annual allocation to SDSU of the School and Public Lands fund.

7. Construct Outdoor Athletic Support Facility (SDSU)

An Act to authorize the Board of Regents to contract for the construction of an Athletic Support Facility at South Dakota State University and to make an appropriation therefor.

This bill authorizes the Board to build an Athletic Support Facility consisting of team rooms, officials' locker room, restrooms, concession stand, storage, and mechanical space at SDSU, which will support baseball, softball and soccer, the outdoor track and field throwing practice area, and athletic camps. The estimated cost is \$600,000. The fund source is from athletic and business enterprise revenues.

8. Sell Real Estate and Acquire New West River Agriculture Center in Pennington County (SDSU)

An Act to authorize the Board of Regents to sell existing real property in Pennington County, to acquire real property in Pennington County for the use and benefit of South Dakota State University West River Agriculture Center, and to make an appropriation therefor.

This bill authorizes the Board to sell real estate containing the current West River Agricultural Center, and to enter into a lease-purchase agreement to acquire real estate in Rapid City for a new location for the West River Agricultural Center large enough to accommodate all of SDSU's Agricultural Center and SDSU Regional Extension Center teams in a single location. The maximum allowable cost of the principal of the lease-purchase agreement is \$3,500,000. The fund sources for the

annual lease payment are: (1) operating funds for cooperative extension service, (2) operating funds for agricultural experiment station, (3) proceeds from the sale of the current West River Agricultural Center, and (4) earnings generated from the investment of the sale proceeds of the current West River Agricultural Center.

9. Demolish Swine Research Building (SDSU)

An Act to authorize the Board of Regents to demolish a South Dakota State University building and to make an appropriation therefor.

This bill authorizes the Board to demolish SDSU Building 0870, the Swine Research Building. The estimated cost is \$17,000. The fund source is from agricultural experiment station maintenance and repair funds.

10. Renovate the Dakota Dome (USD)

An Act to authorize the South Dakota Building Authority and the Board of Regents to finance, design, and renovate the Dakota Dome at the University of South Dakota, and to make an appropriation therefor.

This bill authorizes the Board to renovate the Dakota Dome at USD. The estimated cost is \$26,320,000. The fund sources are: (1) \$14,500,000 from revenue bonds issued by the SD Building Authority (principal and interest payments to be made by USD Foundation), (2) \$6,419,602 from USD capital funds, and (3) \$5,400,398 from the higher education facilities fund allocable to USD for the purposes of maintenance and repair to address the portion of the project that would otherwise involve maintenance and repair.

11. Construct Addition to and Renovate the National Music Museum (USD)

An Act to authorize the Board of Regents to contract for the design, renovation of, and addition to, the National Music Museum in Vermillion and to make an appropriation therefor.

This bill authorizes the Board to renovate and build and addition to the National Music Museum in Vermillion. The estimated cost is \$9,265,000. The fund sources are: (1) \$7,765,000 from private donations, and (2) \$1,500,000 from the higher education facilities fund allocable to USD for the purposes of maintenance and

repair to address the portion of the project that would otherwise involve maintenance and repair.

#### 12. Construct New SDSBVI Facility (SDSBVI)

An Act to authorize the relocation of the School for the Blind and Visually Impaired and the transfer of its existing real estate and facilities to Northern State University, to authorize actions necessary to accomplish that relocation and transfer, to protect the permanent endowment trust through exchanges of real estate and facilities, to appropriate funds and to declare an emergency.

This bill authorizes the Board to (1) swap Jerde Hall (trust land) with the Wolves Memorial Suites (non-trust land), (2) demolish Jerde Hall, (3) build a new facility for the SDSBVI on the Jerde Hall site, (4) transfer the new facility for the SDSBVI on the Jerde Hall site to the SDSBVI trust, and (5) transfer the current SDSBVI property to NSU. The estimated cost of the new facility for the SDSBVI is \$13,558,993. The fund source is from private donations.

#### 13. Employment of the Superintendent of SDSD and SDSBVI (SDSD)

An Act to amend the provisions concerning the employment of the superintendent of the State School for the Deaf and the State School for the Blind and Visually Impaired.

This bill aligns the statutory language regarding the employment of the superintendent of the School for the Deaf with the statutory language regarding the employment of the superintendent of the School for the Blind and Visually Impaired. This bill also explicitly states that the Board may hire one person to serve as the superintendent of both SDSD and SDSBVI.

#### 14. SDSD Property in Sioux Falls (SDSD)

An Act to expand the options for the beneficial disposition or use of certain real estate located in Minnehaha County, to make appropriations and to declare an emergency.

This bill amends Chapter 51 of the 2017 Sessions Laws to allow the Board the additional options of exchanging or leasing for commercial purposes the SDSD property in Sioux Falls. This bill also clarifies that only part of the property is part of the SDSD trust, and identifies both the portion of the property that is in the trust and the portion of the property that is outside the trust.

15. Amend Uniform Fraudulent Transfer Act Concerning Payments of Higher Education Expenses (BOR)

An Act to amend the Uniform Fraudulent Transfer Act concerning payments of higher education expenses.

This bill provides that a payment made by a parent or guardian to an institution of higher education in furtherance of the child's education is not voidable as a fraudulent transfer.

Additionally, SDSU requests the Board's support for legislation, to be introduced by others, that would authorize the construction of the Precision Agriculture Classroom and Laboratory Building and the renovation of Berg Agriculture Hall at SDSU. The project will include construction of a new classroom and laboratory building and the renovation of the first and second floors of Berg Agriculture Hall. The project's estimated cost is \$55,000,000, which is anticipated to be funded as follows:

\$ 6,000,000	Private funds from Corn Utilization Council
\$10,000,000	Private funds being identified
\$ 7,500,000	Building Authority Financing paid by SDSU's Research Infrastructure Improvement Fund
\$30,900,000	State of South Dakota Funds from 2016 Ag Property Tax Rebates
\$ 600,000	Corn Utilization Council provided to be used for facility design.

**IMPACT AND RECOMMENDATIONS**

With approval, Board office staff will introduce the Board-sponsored legislation and work with members of the Legislature and the Governor's office to have the legislation become law.

**ATTACHMENTS**

Attachment I – Demolish Lowry Hall and Construct the MadLabs (DSU)

Attachment II – Construct Two Athletic and Recreation Fields (NSU)

Attachment III – Purchase Unimproved Real Estate in Brown County (NSU)

Attachment IV – Purchase Unimproved Agricultural Real Estate in Meade County (SDSU)

Attachment V – Purchase Unimproved Agricultural Real Estate in Brookings County (SDSU)

Attachment VI – Construct American Indian Student Center (SDSU)

Attachment VII – Construct Outdoor Athletic Support Facility (SDSU)

Attachment VIII – Sell Real Estate and Acquire New West River Agriculture Center in Pennington County (SDSU)

Attachment IX – Demolish Swine Research Building (SDSU)

Attachment X – Renovate the Dakota Dome (USD)

Attachment XI – Construct Addition to and Renovate the National Music Museum (USD)

Attachment XII – Construct New SDSBVI Facility (SDSBVI)

Attachment XIII – Employment of the Superintendent of SDSD and SDSBVI (SDSD)

Attachment XIV – SDSD Property in Sioux Falls (SDSD)

Attachment XV – Amend Uniform Fraudulent Transfer Act Concerning Payments of Higher Education Expenses (BOR)

**STATE OF SOUTH DAKOTA  
NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of the Madison Cyber Labs (MadLabs) and the demolition of Lowry Hall at 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 planning, site preparation, construction, furnishing, and equipping of the Madison Cyber Labs (MadLabs) at 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 eighteen million five-hundred ninety-six dollars (\$18,000,596), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in section 1 of this Act the sum of eighteen million five-hundred ninety-six dollars (\$18,000,596), or so much thereof as may be necessary, in other fund expenditure authority 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 2017 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. However, any adjustments to construction cost estimates



for the project authorized in section 1 of this Act may not exceed one hundred twenty-five percent (125%) of the estimated project construction cost stated in section 1 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in section 1 of 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 section 1 of this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. The Board of Regents may demolish, remove, and dispose of the structure known as Lowry Hall, consisting of approximately eleven thousand seven hundred twenty-three square feet, at Dakota State University. This project includes demolition, abatement of asbestos or other such hazardous materials, lawful disposal of the fixtures or rubble, and any other action reasonably necessary to prepare the lot for the construction of the MadLabs authorized in section 1 of this Act.

Section 6. There is hereby appropriated to the Board of Regents for the purposes authorized in section 5 of this Act the sum of one hundred and fifty thousand dollars (\$150,000), or so much thereof as may be necessary, in other fund expenditure authority from gifts donated for the purposes of this Act.

Section 7. The administration of the design and construction of the project authorized in section 1 of this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 8. The executive director of the Board of Regents, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 9. 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-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of two athletic and recreation fields and related structures at Northern 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 planning, site preparation, construction, furnishing, and equipping of two athletic and recreation fields, spectator seating, and a building consisting of restrooms, concession stand, locker rooms, offices for coaches, media area, meeting rooms, and storage at Northern State University, including heating, air conditioning, plumbing, water, sewer, electricity, sidewalks, parking, landscaping, architectural and engineering services, and such other services or actions as may be required to accomplish the project, for an estimated cost of six million three-hundred and three thousand three-hundred fourteen dollars (\$6,303,314), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in this Act the sum of six million dollars (\$6,000,000), or so much thereof as may be necessary, in other fund expenditure authority from gifts donated for the purposes of this Act; and the sum of three-hundred and three thousand three-hundred fourteen dollars (\$303,314), or so much thereof as may be necessary, in other fund expenditure authority from the higher education facilities fund allocable to Northern State University for the purposes of maintenance and repair to address the portion of the project that would otherwise involve maintenance and repair projects, 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 2017 values. The Board of Regents may adjust such cost estimates to reflect the 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. However, any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent (125%) of the estimated project construction cost stated in section 1 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. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to 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, or a designee, 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-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase unimproved real property in Brown County, 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 may purchase on behalf of Northern State University a site comprising 0.86 acres, more or less, of unimproved real property, which site is described as:

Lot 1, Young's Railroad Addition to the City of Aberdeen, Brown County, South Dakota.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in section 1 of this Act the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, in other fund expenditure authority from gifts donated for the purposes of this Act.

Section 3. The executive director of the Board of Regents, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 4. 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-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase unimproved agricultural real property in Meade County, to construct a support facility on the property, 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 may purchase on behalf of South Dakota State University a site comprising 111.658 acres, more or less, of unimproved agricultural real property, which site is described as:

The South Half of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, less right of way, of Section 3, Township 5 North, Range 6 East of the Black Hills Meridian, Meade County South Dakota.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in section 1 of this Act the sum of five hundred two thousand four hundred sixty-one dollars (\$502,461) or so much thereof as may be necessary, in other fund expenditure authority from proceeds from the Research Park payout received in FY2017.

Section 3. The Board of Regents is hereby authorized to contract for site preparation, construction, furnishing, and equipping of a support facility at the location described in Section 1 together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other services or actions as may be required to accomplish the project, for an estimated cost of four hundred thousand dollars (\$400,000), subject to permitted adjustments pursuant to section 5 of this Act.

Section 4. There is hereby appropriated to the Board of Regents for the purposes authorized in section 3 of this Act the sum of four hundred thousand dollars (\$400,000), or so much thereof as may be necessary, in other fund expenditure authority from fees for services, together with any additional sums received pursuant to section 6 of this Act, and permitted adjustments pursuant to section 5 of this Act.

Section 5. The cost estimates contained in this Act have been stated in terms of 2017 values. The Board of Regents may adjust the cost estimates to reflect inflation as measured by the Building Cost Index reported by the Engineering News Record, additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 6 of this Act. However, any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 3 of this Act.

Section 6. 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. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 3, 4 and 5 inclusive, of this Act.

Section 7. 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 8. The executive director of the Board of Regents, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 9. 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-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

INTRODUCED BY:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase unimproved agricultural real property in Brookings County, 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 on behalf of South Dakota State University a site comprising 73.11 acres, more or less, of unimproved agricultural real property, which site is described as:

The West Half of the Southeast Quarter of Section 4, Township 110 North, Range 50 West, in Brookings County South Dakota, EXCLUDING therefrom the West 484' of the East 2148' of the South 620'.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in this Act the sum of six hundred sixty-five thousand dollars (\$665,000) or so much thereof as may be necessary, in other fund expenditure authority from proceeds from the Research Park payout received in FY2017.

Section 3. The executive director of the Board of Regents, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**STATE OF SOUTH DAKOTA  
NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of the American Indian Student Center at 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 planning, site preparation, construction, furnishing, and equipping of the American Indian Student Center 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 four million five hundred thousand dollars (\$4,500,000), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in this Act the sum of four million five hundred thousand dollars (\$4,000,000), or so much thereof as may be necessary, in other fund expenditure authority from gifts donated for the purposes of this Act; and five-hundred thousand (\$500,000), or so much thereof as may be necessary, in other fund expenditure authority from the annual allocation to SDSU of the School and Public Lands fund, 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 2017 values. The Board of Regents may adjust such cost estimates to reflect the 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. However, any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 1 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. 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, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**STATE OF SOUTH DAKOTA  
NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of an Athletic Support Facility at 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 planning, site preparation, construction, furnishing, and equipping of an Athletic Support Facility consisting of team rooms, officials' locker room, restrooms, concession stand, storage, and mechanical space at South Dakota State University, 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 six hundred thousand dollars (\$600,000), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in this Act the sum of six hundred thousand dollars (\$600,000), or so much thereof as may be necessary, in other fund expenditure authority from athletic and business enterprise revenues, 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 2017 values. The Board of Regents may adjust such cost estimates to reflect the 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. However, any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 1 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. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to 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, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**STATE OF SOUTH DAKOTA  
NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

INTRODUCED BY:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to sell existing real property in Pennington County, to acquire real property in Pennington County for the use and benefit of South Dakota State University West River Agriculture Center, 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 sell, after making the trust whole in accordance with § 5-3-7, at a minimum of its appraised value in accordance with §§ 5-2-2.1 and 5-2-2.2, all or any portion of the following real property currently used by South Dakota State University for the West River Agriculture Center, described as: Tract F of Fountain Springs Business Park located in the SE ¼ of Section 27, Township 2 North, Range 7 East of the Black Hills Meridian, Rapid City, Pennington County South Dakota containing 1.1 acres, more or less, and any related personal property and improvements located on the property.

Section 2. The proceeds from the sale authorized by this Act shall be deposited, in accordance with §§ 5-2-2.1 and 5-2-2.3, with the state treasurer, invested by the State Investment Council, and the earnings therefrom shall be credited to the support of South Dakota State University and its authorized real and personal property acquisitions and capital improvements, as provided by law. The proceeds from this sale and earnings therefrom may be applied to the purchase of property in Sections 3 and 4 of this Act.

Section 3. The Board of Regents may enter into a lease-purchase agreement to acquire improved real property in Pennington County for the use and benefit of South Dakota State University. The lease term shall not exceed twenty years. The total principal of the lease-purchase agreement shall not exceed three million five hundred thousand dollars (\$3,500,000) plus accrued

interest, all of which is hereby appropriated. The annual lease payment shall be authorized through the normal budgeting process and shall be made from the operating funds for cooperative extension service, the operating funds for agricultural experiment station, from other funds derived from the proceeds from the sale of real property authorized in Section 1 of this Act, and from the earnings generated from the investment of the sale proceeds authorized by Section 2 of this Act.

Section 4. The improved real property to be acquired pursuant to this Act, comprising 25,066 square feet of building and property is described as follows: Lot A of the Menard Subdivision, located in Section 32, Township 2 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County South Dakota.

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

**STATE OF SOUTH DAKOTA  
NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish a South Dakota State University building 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 demolish, remove, and dispose of a structure known as SDSU Building 0870, the Swine Research Building, consisting of six thousand nine hundred sixty square feet at South Dakota State University. This project includes demolition, abatement of asbestos or other such hazardous materials, the lawful disposal of the fixtures or rubble, and any other action reasonably necessary to restore the site to grade.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in section 1 of this Act the sum of seventeen thousand dollars (\$17,000), or so much thereof as may be necessary, in other fund expenditure authority from agricultural experiment station maintenance and repair funds.

Section 3. The executive director of the Board of Regents, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 4. 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-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority and the Board of Regents to finance, design, and renovate the Dakota Dome at the University of South Dakota, and to make an appropriation therefor.

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

Section 1. It is in the public interest that the South Dakota Building Authority contract for the design and renovation of the Dakota Dome at the University of South Dakota, 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, all at an estimated cost of twenty-six million three hundred twenty thousand dollars (\$26,320,000), subject to permitted adjustments pursuant to section 3 of this Act. The South Dakota Building Authority may finance up to fourteen million five-hundred thousand dollars (\$14,500,000) of the design and renovation costs through the issuance of revenue bonds, in accordance with this Act and chapter 5-12.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in this Act the sum of fourteen million five-hundred thousand dollars (\$14,500,000), or so much thereof as may be necessary, in other fund expenditure authority from the issuance of revenue bonds by the South Dakota Building Authority; the sum of six million four-hundred nineteen thousand six-hundred two dollars (\$6,419,602), or so much thereof as may be necessary, in other fund expenditure authority from University of South Dakota capital funds; and the sum of five million four-hundred thousand three-hundred ninety eight dollars (\$5,400,398), or so much thereof as may be necessary, in other fund expenditure authority from the higher education facilities fund allocable to the University of South Dakota for the purposes of maintenance and repair to address the portion of the project that would otherwise involve maintenance and repair

projects, 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 2017 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. However, any adjustments to design and renovation cost estimates for projects authorized in this Act may not exceed one hundred twenty-five percent (125%) of the estimated project cost stated in section 1 of this Act.

Section 4. The Building Authority and 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 or its debt service; and all moneys deposited into that fund are hereby appropriated to the projects authorized by this Act in addition to the amounts otherwise authorized by this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. No indebtedness, bond, or obligation incurred or created under the authority of this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor against the property or funds of the State of South Dakota within the meaning of the Constitution or statutes of the State.

Section 6. The administration of the design and renovation of the projects authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 7. The executive director of the Board of Regents, or a designee, and the executive secretary of the Building Authority shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 8. The Board of Regents may make and enter into a lease agreement with the Building Authority and make rental payments under the terms thereof, pursuant to chapter 5-12, from the donations received pursuant to this Act or from University of South Dakota capital funds.



**STATE OF SOUTH DAKOTA  
NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

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 National Music Museum in Vermillion 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 National Music Museum in Vermillion, 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 nine million two-hundred sixty-five thousand dollars (\$9,265,000), subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in this Act the sum of seven million seven-hundred sixty-five thousand dollars (\$7,765,000), or so much thereof as may be necessary, in other fund expenditure authority from gifts donated for the purposes of this Act; and the sum of one million five-hundred thousand dollars (\$1,500,000), or so much thereof as may be necessary, in other fund expenditure authority from the higher education facilities fund allocable to the University of South Dakota for the purposes of maintenance and repair to address the portion of the project that would otherwise involve maintenance and repair projects, 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 2017 values. The Board of Regents may adjust such cost estimates to reflect the 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. However, any adjustments to construction cost estimates for the project may not exceed one-hundred twenty-five percent (125%) of the estimated project construction cost stated in section 1 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. 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, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**STATE OF SOUTH DAKOTA  
NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the relocation of the School for the Blind and Visually Impaired and the transfer of its existing real estate and facilities to Northern State University, to authorize actions necessary to accomplish that relocation and transfer, to protect the permanent endowment trust through exchanges of real estate and facilities, to appropriate funds and to declare an emergency.

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

Section 1. The School for the Blind and Visually Impaired shall relocate from its site in Aberdeen, Brown County, to a new facility to be constructed on the Jerde Hall site of the Northern State University campus, and shall assume jurisdiction over the new facility and its grounds; upon completion of the relocation, Northern State University shall assume jurisdiction over the real estate and facilities currently occupied by the School for the Blind and Visually Impaired.

Section 2. The Legislature finds that:

- (1) That the relocation and transfers of jurisdiction authorized by section 1 of this Act affect properties within two separate institutional trusts in the permanent endowment trust, and, to comport with Article VIII, Section 7, of the South Dakota Constitution, the relocation and transfers must be structured to preserve the value of each institutional trust.

- (2) That the real estate and fixtures comprising the campus of the School for the Blind and Visually Impaired form part of the permanent endowment trust for the benefit of the School for the Blind and Visually Impaired, having been donated by the City of Aberdeen pursuant to SL 1957, ch 242, and SL 1959, ch 77; and that the appraised value for the real estate and fixtures is approximately [REDACTED].
- (2) That Jerde Hall on the campus of Northern State University was placed in the permanent endowment trust pursuant to SL 1986, ch 154, for the benefit of the state universities, and that the appraised value for the real estate and fixtures is approximately [REDACTED].
- (3) That the estimated value of a new facility for the School for the Blind and Visually Impaired is thirteen million five hundred fifty-eight thousand, nine hundred ninety-three dollars (\$13,558,993).
- (4) That the most expedient means to implement section 1 of this Act consistent with constitutional requirements is to remove Jerde Hall and its grounds from the permanent endowment trust for the state universities prior to the construction of a new facility for the School for the Blind and Visually Impaired and to replace Jerde Hall and its grounds with a different Northern State University property from outside the permanent endowment trust for the state universities that has equal or greater appraised value than Jerde Hall.
- (5) That Wolves Memorial Suites, a student residence facility constructed in 2017 on the campus of Northern State University pursuant to chapter 13-51A, at the cost of \$7,350,000, does not form part of the permanent endowment trust, being situated

on land acquired by the State of South Dakota for the benefit of Northern State University in three purchases with general funds appropriated by SL 1966, ch 205, and, pursuant to contracts for deed, with parking fees appropriated by SL 1972, ch 112, and with parking fees appropriated by SL 1977, ch 166.

Section 3. The Legislature hereby removes from the permanent endowment trust for the state universities that real estate and fixtures on the campus of Northern State University known as Jerde Hall, with an appraised value of [REDACTED], and described as:

Huffman's Outlot one (1) of Huffman's Outlot One (1) and Two (2) in the Southeast Quarter (SE1/4) of Section 24, Township 123, North, Range 64, West of the 5<sup>th</sup> Principal Meridian, Brown County, South Dakota,

and replaces those properties in the permanent endowment trust for the state universities with that real estate and fixtures on the campus of Northern State University known as Wolves Memorial Suites, with an appraised value of [REDACTED], and described as:

Lot 1 of Northern State University Suites Addition to Aberdeen in the Norwest 1/14 of Section 24, all of Township 123 North, Range 64 West of the 5<sup>th</sup> Principal Meridian, Brown County, South Dakota,

thereby, complying fully with the Legislature's constitutional charge never to diminish the permanent endowment trust for the state universities.

Section 4. The Board of Regents may demolish Jerde Hall for an estimated cost of [REDACTED], payable from donations received for the purposes of this Act, and erect on its site a new building, with an estimated value of thirteen million five hundred fifty-eight thousand, nine

hundred ninety-three dollars (\$13,558,993), payable from donations received for the purposes of this Act. The new building shall be designed to meet the educational and operational needs of the School for the Blind and Visually Impaired and to provide additional classroom space for cooperative programming with Northern State University to prepare teachers of the visually impaired.

Section 5. The Board of Regents shall notify the Commissioner of School and Public Lands when the construction authorized in section 4 of this Act has been accepted, and the Commissioner of School and Public Lands shall remove from the permanent endowment trust and transfer the site presently comprising the campus and facilities of the School for the Blind and Visually Impaired to Northern State University, and thereafter, the real estate and fixtures, with an appraised value of [REDACTED], known as the campus of the School for the Blind and Visually Impaired and described as:

Blocks One (1), Two (2), Three (3) and Four (4), Melgaard Park Addition to Aberdeen, Brown County, South Dakota, and Hoff's Outlot One (1) Blocks One (1) to Block Two (2), and Hoff's Outlot (1) to Block Three (3), Melgaard Park Addition to Aberdeen, Brown County, South Dakota, being part of the Southeast Quarter (SE1/4) of Section 24, Township 123, North, Range 64, West of the 5<sup>th</sup> Principal Meridian, comprising nine and one half acres, more or less,

shall comprise part of the campus of Northern State University but shall not be part of the permanent endowment trust for the state universities.

At the same time, the Commissioner of School and Public Lands shall transfer into the permanent endowment trust for the School for the Blind and Visually Impaired the real estate

comprising the former site of Jerde Hall as improved by the new construction authorized by this Act, with an appraised value of [REDACTED], and described as:

Huffman's Outlot one (1) of Huffman's Outlot One (1) and Two (2) in the Southeast Quarter (SE1/4) of Section 24, Township 123, North, Range 64, West of the 5<sup>th</sup> Principal Meridian, as full replacement for the real estate and fixtures transferred to Northern State University pursuant to this Act, thereby, complying fully with the Legislature's constitutional charge never to diminish the permanent endowment trust for the School for the Blind and Visually Impaired.

Section 6. When the transfers authorized in section 5 has been completed, the Board of Regents may demolish the facilities formerly occupied by the School for the Blind and Visually Impaired for an estimated cost of [REDACTED], payable from donations received for the purposes of this Act.

Section 7. All cost estimates contained in this Act have been stated in terms of 2017 values and may be adjusted to reflect inflation as measured by the Building Cost Index reported by the Engineering News Record, additional expenditures required to comply with regulations adopted after the effective date of this Act, or donations received pursuant to section 7 of this Act, provided that such adjustments to project cost estimates for any given project may not exceed one hundred twenty-five percent (125%) of the estimated project cost stated in sections 4 or 6 of this Act.

Section 8. The Board of Regents may accept, transfer, and expend donations given to finance the projects authorized in sections 4 and 6 of this Act, and sums so received shall comprise a special fund for the benefitted project, and all monies deposited into that fund are hereby appropriated to the projects authorized by this Act, provided that the aggregate increases to the estimated project funds from such sources may not exceed one hundred twenty-five percent of the estimated project construction cost stated in sections 4 or 6 of this Act.

Section 9. The administration of the design and construction of the projects authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 10. The executive director of the Board of Regents, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 11. Whereas, this Act is necessary for the support of the state government and its existing 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-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to amend the provisions concerning the employment of the superintendent of the State School for the Deaf and the State School for the Blind and Visually Impaired.

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

Section 1. That § 13-62-2 be amended to read as follows:

13-62-2. It shall be the duty of the Board of Regents to employ a superintendent ~~who shall be trained in the education of the deaf and skilled in the use of the sign language and capable and efficient in the instruction, management, and care of the deaf and hard of hearing and such instructors and staff as may be necessary.~~ The Board of Regents may hire one person to serve as the superintendent of both the South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf, and such person will receive a single salary.

Section 2. That § 13-61-3 be amended to read as follows:

13-61-3. The Board of Regents shall make rules for the government of the South Dakota School for the Blind and the Visually Impaired, consistent with the laws of this state, and in compliance with chapter 1-26, and to employ a superintendent and such instructors and staff as may be necessary. The Board of Regents may hire one person to serve as the superintendent of both the South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf, and such person will receive a single salary.

**STATE OF SOUTH DAKOTA  
NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to expand the options for the beneficial disposition or use of certain real estate located in Minnehaha County, to make appropriations and to declare an emergency.

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

Section 1. That section 1 of chapter 51 of the 2017 Session Laws be amended to read as follows:

Section 1. Notwithstanding any other provision of law, upon the request of the Board of Regents and the Governor, the commissioner of school and public lands shall sell, exchange or lease for commercial purposes all or any portion of the following real estate and any related personal property and improvements located on the property:

(1) All unplatted land located in the South Half of Section 15, Township 101 North, Range 49 West of the 5th Principal Meridian, Minnehaha County, South Dakota under the control of the Board of Regents, consisting of 14.35 acres, more or less.

Section 2. That section 2 of chapter 51 of the 2017 Session Laws be amended to read as follows:

Section 2. Any real estate and related personal property and improvements on the property which are generally considered a part of the tracts described in section 1 of this Act but not specifically included in the legal descriptions set out in section 1 of this Act may be sold, exchanged or leased for commercial purposes as provided in this Act as though the property and improvements were specifically described in section 1 of this Act.

Section 3. That section 3 of chapter 51 of the 2017 Session Laws be amended to read as follows:

Section 3. The real estate and other property described in section 1 of this Act shall be appraised by the board of appraisal established by § 5-9-3. Any unplatted land, fixtures and appurtenances located in the Southwest ¼ of Section 15, Township 101 North, Range 49 West of the 5th Principal Meridian, Minnehaha County, South Dakota under the control of the Board of Regents may be sold pursuant to this Act in any manner described in chapter 5-9. Any unplatted land, fixtures and appurtenances located in the Southeast ¼ of Section 15 may be sold pursuant to this Act for cash or on terms allowed under § 5-9-10. Property located in the Southeast ¼ of Section 15 may be offered for sale either at public auction or through sealed bids. Any exchange of property described in section 1 of this Act shall be made pursuant to § 5-3-7; provided that, notwithstanding the requirements of § 5-3-7, the value of the exchanged property may be less than seventy-five percent of the value of the property described in section 1 if the Board of Regents certifies that the meets all operating requirements of the School for the Deaf and subject to the requirement that the exchanged property be supplemented with cash to provide the state the full appraised value of the property described in section 1. Any of the property described in section 1 of this Act not leased by the Board of Regents pursuant to section 10 of this Act may be offered for commercial lease at public auction or through sealed bids. ~~and may be sold in any manner authorized by law~~ Any sale, exchange or lease for commercial purposes may be made, on the terms and conditions as the Governor, at the request of the Board of Regents, may require, subject to all applicable constitutional reservations. Any lease for commercial purposes may be made, on the terms and conditions as the Board of Regents may require, subject to all applicable constitutional reservations.

Section 4. That section 4 of chapter 51 of the 2017 Session Laws be amended to read as follows:

Section 4. The proceeds from the sale of ~~the real estate and other property described in section 1 of this Act~~ any unplatted land, fixtures and appurtenances located in the Southwest ¼ of Section 15, Township 101 North, Range 49 West of the 5th Principal Meridian, Minnehaha County, South Dakota under the control of the Board of Regents shall be deposited into the permanent fund created for the South Dakota School for the Deaf pursuant to S.D. Const., Art.

VIII, § 7. The proceeds from any unplatted land, fixtures and appurtenances located in the Southeast ¼ of Section 15, Township 101 North, Range 49 West of the 5th Principal Meridian, Minnehaha County, South Dakota under the control of the Board of Regents, net of any costs associated with the preparation for sale and subsequent sale of the real estate and other property described in section 1 of this Act, shall be deposited into the real property acquisition and capital improvement fund for the South Dakota School for the Deaf, as provided in §§ 5-2-2.1 through 5-2-2.3.

Section 5. That chapter 51 of the 2017 Session Laws be amended by adding a new section to read as follows:

The Board of Regents may undertake such renovations to the facilities used or occupied by the School for the Deaf as may be required to enhance the operations of the School for the Deaf, including construction of new garage facilities for specialty vehicles used to provide mobile audiology laboratory services. The Board of Regents may also acquire and equip an additional mobile audiology laboratory unit. Any monies deposited into the real property acquisition and capital improvement fund for the School for the Deaf pursuant to this Act are hereby appropriated to the Board of Regents for such purposes.

Section 6. That chapter 51 of the 2017 Session Laws be amended by adding a new section to read as follows:

The Board of Regents may undertake such renovations as may be required to adapt for commercial leasing portions of the facilities not used by the School for the Deaf for its operations. Any monies remaining in the real property acquisition and capital improvement fund for the School for the Deaf pursuant to this Act are hereby appropriated to the Board of Regents for such purposes.

Section 7. That chapter 51 of the 2017 Session Laws be amended by adding a new section to read as follows:

That § 5-2-2.1 be amended to read as follows:

The Board of Regents may sell extraneous real property subject to the provisions of the Constitution and approval of the Legislature. The proceeds from a sale of institutional endowment

lands shall be deposited as provided in chapter 5-3 and the proceeds of other extraneous real property, net of any costs associated with the sale of such land, including in the case of a sale comprising both endowment lands and other extraneous real property, costs allocable to the sale of endowment lands, under the Board of Regents shall be deposited with the state treasurer and credited to a fund specifically designated as the real property acquisition and capital improvement fund for each institution under the Board of Regents involved in such transaction. The net proceeds shall be invested by the State Investment Council in accordance with chapter 4-5. Expenditures from the fund shall be approved by the Legislature. This section does not apply to property acquired by revenue bonds which may be acquired and disposed of by the board of regents pursuant to SDCL 13-51A with such terms and conditions as the board may require.

Section 8. That chapter 51 of the 2017 Session Laws be amended by adding a new section to read as follows:

That § 5-2-2.3 be amended to read as follows:

~~The~~ Except for the proceeds from the sale of endowment lands, the net proceeds and accumulated interest from sale of land under the Board of Regents pursuant to § 5-2-2.1 shall be used by the Board of Regents for acquisition of real and personal property or capital improvements subject to the approval of the Legislature. For purposes of this section, the definition of capital improvement contained in § 5-14-1 applies.

Section 9. That chapter 51 of the 2017 Session Laws be amended by adding a new section to read as follows:

That § 5-10-1 be amended to read as follows:

The income from the leased lands of each class of school and public lands and the interest on the permanent fund of that class shall be assigned by the state treasurer to a fund to be known as the interest and income fund of such class; provided that the income from any commercial lease made by the commissioner of school and public lands shall be permanently appropriated to the endowed institution for use in maintaining the property and supporting the operations of the endowed institution. The principal of money derived from the sale of each class of lands granted to the state for educational and charitable purposes shall be assigned by the state treasurer to a fund to be known as the permanent fund of such class.

Section 10. That chapter 51 of the 2017 Session Laws be amended by adding a new section to read as follows:

That a new section be added to chapter 13-62 to read as follows:

The Board of Regents may lease for commercial purposes portions of School for the Deaf buildings that are no longer regularly and actively used by the School for the Deaf in the conduct of its operations. The purposes, terms, and conditions of such leases shall be both economical and consistent with the stewardship of public property. The Board of Regents may permit its lessee to undertake such renovations on the following conditions: (1) the construction is of comparable kind and quality as the original structure; (2) the Board of Regents has the right to prior review and approval of renovation designs and specifications that may affect shared building structural systems and related equipment and infrastructure; (3) the lessee provides such as-built documentation as the Board of Regents may require and (4) the lessee agrees title to the renovations shall vest with the Board of Regents on behalf of the state. The Board of Regents shall establish lease rental rates consistent with the rates for commercial leases for comparable properties in Sioux Falls and Minnehaha County. The Board of Regents may offer the leases to the public in any commercially reasonable manner. Lease income received through such leases by the Board of Regents pursuant to this Act shall be permanently appropriated to the School for the Deaf for use in maintaining the property and supporting the operations of the School for the Deaf.

Section 11. The executive director of the Board of Regents, or a designee, shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 12. Whereas, this Act is necessary for the support of the state government and its existing 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-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to amend the Uniform Fraudulent Transfer Act concerning payments of higher education expenses.

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

Section 1. That section 54-8A-8 be amended by adding a new subsection to read as follows:

A transfer or obligation is not voidable under sections 54-8A-4 or 54-8A-5 against an institution of higher education, as defined in 20 USC 1001, if the transfer was made or obligation incurred by a parent or guardian on behalf of a minor or adult child in furtherance of the child's education.