SOUTH DAKOTA BOARD OF REGENTS

Full Board

AGENDA ITEM: 32

DATE: December 12-13, 2012

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SUBJECT:  Board Sponsored Legislation

Eight bills have been developed for the Board’s review.

1. An Act to authorize the Board of Regents to construct multi-use storage facilities at South Dakota State University and to make an appropriation therefor.

   This bill appropriates $325,000 from grant and contract indirect recovery funds and plant funds to construct a 5,000 square foot storage facility.

2. An Act to authorize the Board of Regents for the construction of an addition, remodeling, and renovation of Medary Commons on the campus of South Dakota State University and to make appropriation therefor.

   This bill appropriates $2,250,000 from the higher education facilities fund for the construction of a 4,000 square foot addition to the Medary Commons and attendant renovation work, together with $750,000 from student fees for a total of $3,000,000 for the purpose of furnishing the addition.

3. An Act to authorize the Board of Regents to replace swine teaching and research facilities at South Dakota State University and to make an appropriation therefor.

   This bill appropriates $5,520,000 from donated funds to construct facilities estimated to comprise some 44,500 square feet.

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RECOMMENDED ACTION OF THE EXECUTIVE DIRECTOR

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.
4. An Act to authorize the Board of Regents to purchase a structure for use by South Dakota School of Mines and Technology and to make an appropriation therefor.

This bill authorizes the Board of Regents to purchase for $1 from the SDSM&T Foundation a 4,200 sq. ft. commercial building that the SDSM&T Foundation purchased in 1996, moved onto campus and renovated and equipped for use as a childcare facility.

5. An Act to authorize the Board of Regents to construct an indoor practice and human performance facility on the campus of South Dakota State University and to make an appropriation therefor.

This bill authorizes the Board of Regents to construct a 188,995 square feet facility at an estimated cost of $32,000,000, to be paid from donated funds, that will include spaces, furnishing and equipment for indoor athletic practices, sports medicine, rehabilitation and conditioning, offices and stands, together with related building systems and amenities.

6. An Act to authorize the South Dakota Building Authority and the Board of Regents to finance, design, construct, furnish and equip a Sports Performance Enhancement Facility Arena and a new Outdoor Track and Soccer Complex at the University of South Dakota, and to make appropriations therefor.

This bill authorizes the Building Authority and the Board of Regents to finance and to construct a new Sports Performance Enhancement Facility Arena and a new Outdoor Track and Soccer Complex, comprising 118,428 square feet and 11.1 acres respectively, at an estimated cost of $48,178,885, of which no more than $22,700,000 may be financed by Building Authority bonds, to be repaid from donated funds and from USD athletic department facility rentals and advertising revenues. The bill would also authorize the Building Authority and the Board of Regents to combine this project with the USD science, health and research laboratory building project authorized in 2012 if doing so would serve the purposes of efficiency and economy.

7. An Act to authorize the Board of Regents to accept the donation of land from the University of South Dakota Foundation for the use and benefit of the University of South Dakota.

This bill authorizes the Board to accept the donation of 13.95 acres of land from the USD Foundation. The land was originally purchased by the USD Foundation
at a cost of $209,195 in 2007, and the university plans to use it to replace marching band and football practice fields that will become the site for the proposed Outdoor Track and Soccer Complex.

8. An Act to clarify the location of the cow-calf research and education unit authorized in chapter 107 of the 2012 Session Laws.

This bill amends the 2012 ten year capital improvement legislation to clarify that the cow-calf research and education unit will be located near Brookings rather than at the Volga unit.
STATE OF SOUTH DAKOTA

2013 Session, LEGISLATIVE ASSEMBLY

BILL NO.

Introduced by:

FOR AN ACT ENTITLED,, An Act to authorize the Board of Regents to construct multi-
use storage facilities 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 may contract for the planning, site preparations,
construction, utilities, equipping, and maintaining of multi-use storage facilities at South
Dakota State University at an estimated cost of three hundred twenty five thousand
dollars ($325,000) consisting of an estimated 5,000 square feet.

Section 2. There is hereby appropriated three hundred twenty-five thousand
dollars ($325,000), from the grant and contract indirect recovery funds and plant funds to
accomplish the purposes of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2012
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, additional expenditures
required to comply with regulations adopted after the effective date of this Act, or donations,
federal or other funds received pursuant to section 4; provided that such adjustments to construction cost estimates for any given project may not exceed 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, unrestricted other fund transfers or any other source, all of which 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 in addition to the amounts otherwise authorized by this Act; provided that the aggregate increases to the estimated project funds from such sources may not exceed 125% of the estimated project construction cost stated in section 1 of this Act.

Section 5. 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. 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.
FOR AN ACT ENTITLED, An Act to authorize the Board of Regents for the construction of an addition, remodeling and renovation of Medary Commons on the campus of South Dakota State University and to make 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 construction of an addition, comprising approximately four thousand square feet, and for attendant remodeling and renovation of Medary Commons, 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 projects all at an estimated cost of three million fifty thousand dollars.

Section 2. There is hereby appropriated for the purposes authorized in this Act from the higher education facilities fund the sum of two million two hundred fifty thousand dollars ($2,250,000) for the construction of an addition, remodeling and renovation of Medary Commons and the sum of seven hundred fifty thousand dollars ($750,000) from other funds derived from student fees for a total of three million dollars ($3,000,000) for the purpose of furnishing the facility.
Section 3. The cost estimates contained in this Act have been stated in terms of 2012 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, additional expenditures required to comply with regulations adopted after the effective date of this Act, or donations, federal or other funds received pursuant to section 4; provided that such adjustments to construction cost estimates for any given project may not exceed 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, unrestricted other fund transfers or any other source, all of which 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 in addition to the amounts otherwise authorized by this Act; provided that the aggregate increases to the estimated project funds from such sources may not exceed 125% of the estimated project construction cost stated in section 1 of this Act.

Section 5. 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. 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.
FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct swine teaching and research facilities 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 may contract for the demolition of existing facilities, removal of rubbish, site preparation, construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, architectural and engineering services, asbestos abatement, and such other services and improvements as may be required to construct swine teaching and research facilities, comprising approximately forty-four thousand, five hundred square feet, at South Dakota State University in Brookings, in Brookings County, at an estimated cost of five million five hundred twenty thousand dollars.

Section 2. There is hereby appropriated the sum of five million five hundred twenty thousand dollars ($5,520,000), or so much thereof as may be necessary, payable from funds donated and accepted for the purposes of this Act to the Board of Regents for the projects authorized by this Act.
Section 3. The cost estimates contained in this Act have been stated in terms of 2012 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, additional expenditures required to comply with regulations adopted after the effective date of this Act, or donations, federal or other funds received pursuant to section 4; provided that such adjustments to construction cost estimates for any given project may not exceed 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, unrestricted other fund transfers or any other source, all of which 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 in addition to the amounts otherwise authorized by this Act; provided that the aggregate increases to the estimated project funds from such sources may not exceed 125% of the estimated project construction cost stated in section 1 of this Act.

Section 5. 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. 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.
FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase a structure for use by South Dakota School of Mines and Technology and to make an appropriation therefore.

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

Section 1. The Board of Regents may purchase from the South Dakota School of Mines and Technology Foundation an existing structure, comprising approximately four thousand two hundred square feet, that the South Dakota School of Mines and Technology Foundation purchased in 1996, moved onto campus, and renovated and equipped for use as a childcare facility occupied by South Dakota School of Mines and Technology pursuant to a lease which provided for the purchase of the facility, if approved by the Legislature, in consideration of accumulated lease payments, plus a lump sum payment of one dollar ($1).

Section 2. There is hereby appropriated a sum of one dollar ($1), payable from other funds, or so much thereof as may be necessary, to the Board of Regents for the purchase of the facility specified in section 1 of this Act.
FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct an indoor practice and human performance facility 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 may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, architectural and engineering services, asbestos abatement, and such other services and improvements as may be required to erect, an indoor practice and human performance facility, comprising approximately one hundred eight-nine thousand square feet, on the campus of South Dakota State University in Brookings, in Brookings County, at an estimated cost of thirty-two million dollars.

Section 2. There is hereby appropriated the sum of thirty-two million dollars ($32,000,000), or so much thereof as may be necessary, payable from funds donated and accepted for the purposes of this Act to the Board of Regents for the projects authorized by this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2012 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, additional expenditures
required to comply with regulations adopted after the effective date of this Act, or donations, federal or other funds received pursuant to section 4; provided that such adjustments to construction cost estimates for any given project may not exceed 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, unrestricted other fund transfers or any other source, all of which 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 in addition to the amounts otherwise authorized by this Act; provided that the aggregate increases to the estimated project funds from such sources may not exceed 125% of the estimated project construction cost stated in section 1 of this Act.

Section 5. 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. 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

2013 Session, LEGISLATIVE ASSEMBLY

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, construct, furnish and equip a Sports Performance Enhancement Facility Arena and a new Outdoor Track and Soccer Complex at the University of South Dakota, Vermillion, and to make appropriations 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, construction, completion, furnishing, equipping, and maintaining of, 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 provide for a Sports Performance Enhancement Facility Arena, comprising approximately one hundred eighteen thousand five hundred square feet, and a new Outdoor Track and Soccer Complex, comprising approximately eleven and one tenth acres, at the University of South Dakota, in Vermillion, all at the estimated cost of forty-eight million two hundred thousand dollars. The South Dakota Building Authority may finance up to twenty-two million seven hundred thousand dollars of the construction costs through the issuance of revenue bonds, in accordance with this Act and chapter 5-12.

Section 2. There is hereby appropriated the sum of forty-eight million two hundred thousand dollars ($48,200,000), or so much thereof as may be necessary, payable accumulated
athletic department rental and advertising revenue and from funds donated and accepted for the purposes of this Act, to the Board of Regents for the projects and debt service authorized by this Act.

Section 3. 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 statues of the state.

Section 4. The cost estimates contained in this Act have been stated in terms of 2012 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, additional expenditures required to comply with regulations adopted after the effective date of this Act, or donations, federal or other funds received pursuant to sections 2 or 5; provided that such adjustments to construction cost estimates for any given project may not exceed 125% of the estimated project construction cost stated in section 1 of this Act.

Section 5. 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, unrestricted other fund transfers or any other source, all of which comprise a special fund for the project or its debt service; and all monies deposited into that fund are hereby appropriated to the projects authorized by this Act in addition to the amounts otherwise authorized by this Act; provided that the aggregate increases to the estimated project funds from such sources may not exceed 125% of the estimated project construction cost stated in section 1 of this Act.
Section 6. The Building Authority and the Board of Regents may combine the projects authorized in this Act with the project authorized in subdivision (11) of section 3 of chapter 107 of the 2012 Session Laws if they find that doing so will serve the interests of efficiency and economy.

Section 7. 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. The executive director of the Board of Regents and the executive secretary of the Building Authority, or their designees, 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 sections 2 or 5 of this Act or from University of South Dakota athletic department rental and advertising revenues.
FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept the donation of land from the University of South Dakota Foundation for the use and benefit of the University of South Dakota.

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

Section 1. The Board of Regents may accept a donation from the University of South Dakota Foundation of a site comprising fourteen acres more or less for the use and benefit of the University of South Dakota, which site is described at Outlot A Block 6, Brooks Industrial Park Addition, City of Vermillion, Clay County, South Dakota.
FOR AN ACT ENTITLED, An Act to clarify the location of the cow-calf research and education unit authorized in chapter 107 of the 2012 Session Laws.

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

Section 1. That subdivision (10) of section 3 of chapter 107 of the 2012 Session Laws be amended to read as follows:

(10) South Dakota State University new cow-calf research and education unit near Volga, Brookings, South Dakota, not to exceed fifty-two thousand gross square feet, for an estimated construction cost of three million seven hundred six thousand dollars, of which no more than two million nine hundred thousand dollars may be financed through the issuance of revenue bonds, with the remaining funds being drawn from donations, federal, or other funds as provided in section 8 of this Act;