

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0292

HOUSE ENGROSSED NO. **SB23** - 2/24/98

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct a performing
2 arts center at South Dakota State University; to authorize South Dakota State University to
3 contract with private parties to participate in financing, construction, and operation of a
4 wellness center; and to make an appropriation therefor.

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

6 Section 1. The Board of Regents may contract for the construction, completion, furnishing,
7 equipping, and maintaining of the Performing Arts Center at South Dakota State University,
8 Brookings, including utilities, furnishings, architectural and engineering services, and site
9 preparation and the construction of sidewalks and driveways and landscaping the grounds of that
10 facility, all at the estimated cost of ten million four hundred thousand dollars (\$10,400,000), to
11 be paid from other funds under the control of the Board of Regents, from gifts and grants to
12 South Dakota State University specifically for this purpose, including bond proceeds provided
13 by the city of Brookings, and from financing provided pursuant to chapter 13-51A, all of which
14 are hereby appropriated to the Board of Regents for the purposes of this Act.

15 Section 2. In addition to the funds in section 1 of this Act, the Board of Regents shall set
16 aside the sum of one million forty thousand dollars (\$1,040,000) for the purpose of maintenance

1 and repair of the facility authorized in section 1 of this Act to be paid from other funds under the
2 control of the Board of Regents, from gifts and grants to South Dakota State University,
3 including bond proceeds provided by the city of Brookings.

4 Section 3. The Board of Regents may accept, transfer, and expend any funds obtained for
5 these purposes from federal sources, gifts, contributions, or any other source, all of which shall
6 be deemed appropriated to this construction and maintenance and repair.

7 Section 4. The administration of the design and construction of these modifications and
8 facilities and oversight of building committees appointed therefor, as provided in § 5-14-3 shall
9 be under the general charge and supervision of the Governor or his designee and the executive
10 director of the Board of Regents.

11 Section 5. That section 2 of chapter 150 of the 1994 Session Laws be amended as follows:

12 Funding for the project authorized in section 1 of this Act is to be provided from gifts,
13 contracts, and grants to South Dakota State University specifically for this purpose. Contracts
14 authorized by this section may include agreements with private parties who are willing to
15 participate in financing and constructing the facility on the condition that they be allowed to
16 operate a wellness center in the facility for a commercially reasonable period of time to serve the
17 needs of the students and the general public. Any revenues to the university received pursuant
18 to such a contract are hereby permanently appropriated to the Board of Regents for the
19 financing, construction, and operation of the wellness center. The Board of Regents may accept
20 any gifts for the purposes authorized by this Act, and all such moneys so contributed are hereby
21 appropriated to the Board of Regents. No general funds may be used in the construction or
22 operation of the facility authorized by this Act. Prior to the issuance of any contracts pursuant
23 to this section, the Board of Regents shall submit a project financial plan to the committee
24 established in chapter 4-8A for approval. The financial plan shall include a description of sources
25 of funds to construct the facility, of operating costs, and a plan for a maintenance and repair fund

1 in an amount equal to ten percent of the final construction cost. The funds identified in the
2 maintenance and repair plan may be accumulated at no less than the rate of one percent of the
3 final project cost per year for ten years with the first year being the final year of facility
4 construction. These funds may be identified from other funds under the control of the Board of
5 Regents, or from gifts and grants to South Dakota State University, or as part of contracts
6 authorized by this Act, or from restricted gifts and grants to foundations associated with the
7 facility or South Dakota State University, or from any combination of these sources of funds. All
8 other funds identified by the Board of Regents pursuant to this section, together with any gifts,
9 grants, or contract proceeds for maintenance and repair, shall be transferred into the South
10 Dakota State University wellness facility maintenance and repair fund which is hereby created
11 in the state treasury as a participating fund, and the Board of Regents may expend such funds,
12 together with the earnings, as it deems necessary to provide for the maintenance or repair of the
13 facility.

1 **BILL HISTORY**

2 1/13/98 First read in Senate and referred to Appropriations. S.J. 24

3 1/15/98 Scheduled for Committee hearing on this date.

4 1/20/98 Scheduled for Committee hearing on this date.

5 1/20/98 Appropriations Deferred to another day.

6 2/6/98 Scheduled for Committee hearing on this date.

7 2/10/98 Scheduled for Committee hearing on this date.

8 2/10/98 Appropriations Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 409

9 2/12/98 Senate Do Pass Amended, Passed, AYES 35, NAYS 0. S.J. 484

10 2/13/98 First read in House and referred to Appropriations. H.J. 683

11 2/19/98 Scheduled for Committee hearing on this date.

12 2/19/98 Appropriations Do Pass, Passed, AYES 7, NAYS 0. H.J. 772

13 2/20/98 House of Representatives Deferred to another day. H.J. 826

14 2/23/98 House of Representatives Deferred to another day. H.J. 862

15 2/24/98 Motion to Amend, Passed.

16 2/24/98 Motion to Amend, Passed, AYES 35, NAYS 31.

17 2/24/98 House of Representatives Do Pass Amended, Failed, AYES 43, NAYS 24.

18 2/24/98 Intent to reconsider.