

**SOUTH DAKOTA BOARD OF REGENTS**

**Budget and Finance**

**REVISED  
AGENDA ITEM: 7 – B  
DATE: December 13-14, 2023**

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**SUBJECT**

**2024 Board Sponsored Legislation**

**CONTROLLING STATUTE, RULE, OR POLICY**

[SDCL § 13-51-1](#) – Legislative approval for facilities

[BOR Policy 6.10](#) – Legislative Authorization of Private or Grant Funded Facilities

[BOR Policy 1.5.1](#) – State Relations

**BACKGROUND / DISCUSSION**

This item has been updated to include Attachments I - II, which comprise the proposed legislative package for the Board during the 2024 Legislative Session. The Board’s proposed legislation includes:

**BHSU Rapid City Easement Proceeds (Attachment I)**

Authorization to allow for immediate use of easement proceeds from easements over BHSU-RC property for the benefit of the West River Health Sciences Center. The fair market value of these easements would otherwise be placed into trust.

**DSU Seasonal Dome Design and Construction (Attachment II)**

Authorization to expend donated funds for the purpose of designing and constructing a seasonal dome at DSU’s Trojan Field, which would allow for increased functionality and extended use by DSU students, athletes, and teams.

**Center for Quantum Information Science & Technology (TBD)**

\$6,064,444 in one-time funding to start the Center for Quantum Information Science & Technology at Dakota State University, the University of South Dakota, South Dakota State University, and the South Dakota School of Mines.

(Continued)

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**DRAFT MOTION 20231214\_7-B:**

I move to authorize the Executive Director to (1) submit the proposed bills and make such modifications or amendments to the bills as are necessary and appropriate, provided such modifications or amendments do not change the fundamental purpose of the legislation, and (2) submit such additional legislation as may be necessary and appropriate, upon concurrence of a majority of the legislative committee.

**IMPACT AND RECOMMENDATIONS**

With approval, Board office staff will introduce the Board-sponsored legislation in substantively similar form to that contained in Attachments I - II, and work with members of the Legislature and the Governor's office to have the legislation become law.

**ATTACHMENTS**

Attachment I – BHSU Rapid City Easement Proceeds Draft Legislation

Attachment II – DSU Seasonal Dome Design and Construction Draft Legislation

**STATE OF SOUTH DAKOTA  
NINETY-NINTH SESSION  
LEGISLATIVE ASSMEBLY, 2024**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept and use certain easement proceeds for the purposes authorized by Chapter 198 of the 2022 Session Laws and to make certain appropriations.

Section 1. The Board of Regents may accept and use the proceeds from the grant of any easements over or across the property located at the NE1/4NW1/4 of Section 34 and the S1/2SW1/4 of Section 27, all in Township 2 North, Range 8 East of the B.H.M, Pennington County, for the design, renovation, and construction of the addition for the health sciences center at Black Hills State University – Rapid City authorized by Chapter 198 of the 2022 Session Laws.

Section 2. Any proceeds received by the Board of Regents pursuant to Section 1 of this Act are dedicated in accordance with SDCL § 5-2-11 for the project authorized by Chapter 198 of the 2022 Session Laws and shall be deposited in the special fund created therein and expended in accordance with the provisions thereof.

**STATE OF SOUTH DAKOTA  
NINETY-NINTH SESSION  
LEGISLATIVE ASSMEBLY, 2024**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the design and construction of a seasonal dome at Trojan Field, on the campus of Dakota State University, to make an appropriation therefore, and to declare an emergency.

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

Section 1. The Board of Regents may contract for the design and construction of a seasonal dome for athletic practice and competition activities at Trojan Field on the campus of Dakota State University in Madison, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, refrigeration, laboratories, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and other services or actions as may be required to accomplish the project for an estimated cost not to exceed seven million dollars (\$7,000,000), 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 dollars (\$7,000,000), or so much thereof as may be necessary, in other fund expenditure authority to the Board of Regents from funds donated to the Board of Regents for the purposes authorized in section 1 of this Act, together with any additional sums received pursuant to section 4 of this Act, and permitted judgments pursuant to Section 3 of this Act

Section 3. The cost estimates contained in this Act have been stated in terms of 2024 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.

Section 7. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 8. 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.