

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0334

SENATE BILL NO. 8

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

1 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority and the
2 Board of Regents to finance, design, construct, furnish, and equip a sports performance
3 enhancement facility arena and a new outdoor track and soccer complex at the University
4 of South Dakota and to make an appropriation therefor.

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

6 Section 1. It is in the public interest that the South Dakota Building Authority contract for
7 the design, construction, completion, furnishing, equipping, and maintaining of, including
8 heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking,
9 landscaping, architectural and engineering services, asbestos abatement, and such other services
10 or actions as may be required to provide for, a sports performance enhancement facility arena,
11 comprising approximately one hundred eighteen thousand five hundred square feet, and a new
12 outdoor track and soccer complex, comprising approximately eleven and one tenth acres, at the
13 University of South Dakota, all at the estimated cost of forty-eight million two hundred
14 thousand dollars. The South Dakota Building Authority may finance up to twenty-two million
15 seven hundred thousand dollars of the construction costs through the issuance of revenue bonds,



1 in accordance with this Act and chapter 5-12.

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

7 Section 3. No indebtedness, bond, or obligation incurred or created under the authority of
8 this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor
9 against the property or funds of the State of South Dakota within the meaning of the
10 Constitution or statutes of the state.

11 Section 4. The cost estimates contained in this Act have been stated in terms of 2012 values.
12 The Board of Regents may adjust such cost estimates to reflect inflation as measured by the
13 Building Cost Index, reported by the Engineering News Record, additional expenditures
14 required to comply with regulations adopted after the effective date of this Act, or donations or
15 federal funds received pursuant to this Act. However, any adjustments to construction cost
16 estimates for any given project may not exceed one hundred twenty-five percent of the estimated
17 project construction cost state in section 1 of this Act.

18 Section 5. The Building Authority and the Board of Regents may accept, transfer, and
19 expend any funds obtained for the projects authorized in this Act from federal sources or
20 donations, all of which comprise a special fund for the project or its debt service; and all moneys
21 deposited into that fund are hereby appropriated to the projects authorized by this Act in
22 addition to the amounts otherwise authorized by this Act. However, the aggregate increases to
23 the estimated project funds from such sources may not exceed one hundred twenty-five percent
24 of the estimated project construction cost stated in section 1 of this Act.

1 Section 6. The Building Authority and the Board of Regents may combine the projects
2 authorized in this Act with the project authorized in subdivision (11) of section 3 of chapter 107
3 of the 2012 Session Laws if they find that doing so will serve the interests of efficiency and
4 economy.

5 Section 7. The administration of the design and construction of the projects authorized in
6 this Act shall be under the general charge and supervision of the Bureau of Administration as
7 provided in chapter 5-14. The executive director of the Board of Regents and the executive
8 secretary of the Building Authority shall approve vouchers and the state auditor shall draw
9 warrants to pay expenditures authorized by this Act.

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