

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

682A0327

SENATE BILL NO. 23

Introduced by: The Committee on State Affairs at the request of the State Treasurer

1 FOR AN ACT ENTITLED, An Act to make the state treasurer an ex officio, voting member of
2 all bonding authority boards.

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

4 Section 1. That § 5-12-1 be amended to read as follows:

5 5-12-1. There is created the South Dakota Building Authority, a body corporate and politic,
6 to consist of seven members appointed by the Governor with the advice and consent of the
7 senate. The terms for the initial appointments shall be as follows: one member four years; two
8 members three years; two members two years and two members one year. Not all of the
9 members ~~shall~~ may be of the same political party. No person ~~shall~~ may be appointed to the
10 building authority who is an elected official of the State of South Dakota or any subdivision
11 thereof. One of the members shall be designated by the Governor as chair. The state treasurer
12 shall be an ex officio, voting member of the authority.

13 Section 2. That § 1-16B-8 be amended to read as follows:

14 1-16B-8. The board of directors of the Economic Development Finance Authority consists
15 of ~~five~~ six members. The Governor shall appoint five members to the board for four-year

1 staggered terms. No more than four members of the board may be members of the same political
2 party. The state treasurer shall be an ex officio, voting member of the authority.

3 Section 3. That § 1-16A-4 be amended to read as follows:

4 1-16A-4. The Health and Educational Facilities Authority shall consist of seven members to
5 be appointed by the Governor who shall be residents of the state. Not more than four of ~~said~~ the
6 seven members of the authority shall be of the same political party. At least one of the members
7 to be appointed by the Governor shall be or shall have been a trustee, director, comptroller or
8 other employee of a public or of a private nonprofit hospital knowledgeable in hospital and health
9 care construction and financing. At least one of such appointed members shall be or shall have
10 been a trustee, director, comptroller or other employee of a public or nonprofit private college
11 or university knowledgeable in the construction and financing of such educational facilities. At
12 least one such appointed member shall be a person experienced in and having a favorable
13 reputation for skill, knowledge and experience in the field of state and municipal finance. At least
14 one of such appointed members shall be a person experienced in and having a favorable
15 reputation for skill, knowledge and experience in the field of health facility architecture. At least
16 one of such appointed members shall be a person experienced in and having a favorable
17 reputation for skill, knowledge and experience in the field of higher educational facility
18 architecture. In making appointments the Governor shall take into consideration nominees
19 recommended ~~to him~~ for appointment by professional organizations of hospitals, long term care
20 facilities, higher education associations, investment banking and architects. The state treasurer
21 shall be an ex officio, voting member of the authority.

22 Section 4. That § 11-11-12 be amended to read as follows:

23 11-11-12. The powers of the authority shall be vested in seven commissioners, who shall be
24 residents of the state, to be appointed by the Governor, with the advice and consent of the
25 senate. Not more than four of the commissioners ~~shall~~ may be of the same political party. The

1 state treasurer shall be an ex officio, voting member of the authority.

2 Section 5. That § 49-16B-3 be amended to read as follows:

3 49-16B-3. There is created the South Dakota Railroad Authority, a body corporate and
4 politic, to consist of seven members appointed by the Governor, by and with the advice and
5 consent of the senate. No person may be appointed to the authority who is an elected official of
6 the State of South Dakota or any subdivision thereof. The authority shall annually choose a
7 chairperson from its membership. The state treasurer shall be an ex officio, voting member of the
8 authority.

9 Section 6. That § 1-40-10 be amended to read as follows:

10 1-40-10. The Board of Environment and Natural Resources created by this chapter shall
11 perform all quasi-legislative, quasi-judicial, advisory and special budgetary functions (as defined
12 in § 1-32-1) of the former board of directors of the South Dakota Conservancy District, created
13 by chapter 46A-2. When acting in this capacity, the state treasurer shall be an ex officio, voting
14 member of the board.

15 Section 7. That § 5-17-2 be amended to read as follows:

16 5-17-2. The state cement commission is abolished. The South Dakota State Cement Plant
17 Commission is created. The commission shall consist of seven members to be appointed by the
18 Governor. The state treasurer shall serve as an ex officio, voting member of the commission for
19 all purposes with respect to the bonding authority granted to the commission by §§ 5-17-20 and
20 5-17-23. Members shall serve a four-year term. No more than five members ~~shall~~ may be
21 members of the same political party. The terms of members of the South Dakota State Cement
22 Plant Commission who are first appointed after the effective date of this order shall be: two
23 appointed for a term of one year; two appointed for a term of two years; two for a term of three
24 years; and one for a term of four years, and such initial terms shall be designated by the
25 Governor. Any member appointed to fill a vacancy arising from other than the natural expiration

1 of a term shall serve only for the unexpired term, but may be reappointed to a full term. The
2 commission shall annually choose from its membership a chair, a vice-chair and a
3 secretary-treasurer. No member shall be removed from office except for cause.

4 Section 8. That § 41-2-1 be amended to read as follows:

5 41-2-1. There is hereby continued the department of state government known as the
6 Department of Game, Fish and Parks, and a commission comprised of eight members, appointed
7 by the Governor as provided in § 41-2-3 subject to confirmation by the state senate. The state
8 treasurer shall be an ex officio, voting member of the commission for all purposes with respect
9 to the bonding authority granted to the commission by § 41-2-24.

10 Section 9. That chapter 1-10 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The state treasurer shall be an ex officio, voting member of the board of any agency,
13 authority, or commission authorized to conduct statewide programs in the State of South Dakota
14 and to issue bond and notes indebtedness. Any agency, authority, or commission authorized by
15 the statutes of this state to issue bonds shall upon first considering the issuance of any bond or
16 note immediately notify the state treasurer. The state treasurer may, pursuant to chapter 1-26
17 promulgate necessary rules to provide for such notification.