

AN ACT

ENTITLED, An Act to authorize the South Dakota Building Authority to contract for the construction of a multiple use center to provide academic and recreational facilities for Dakota State University and facilities for community activities for the city of Madison and to make an appropriation therefor.

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

Section 1. It being declared to be in the public interest, the South Dakota Building Authority may contract for the construction, completion, furnishing, equipping, and maintaining of a center to house academic and recreational facilities for the use and benefit of Dakota State University and community activities for the city of Madison, including heating, air conditioning, plumbing, water, sewer, electric facilities, architectural and engineering services, asbestos abatement, site preparation and the construction of sidewalks and driveways and landscaping the grounds of that facility, and such other services as may be required to accomplish the purposes of this Act, all at the estimated cost of eight million two hundred thirty-five thousand dollars (\$8,235,000). The Building Authority may finance the same, including the issuance of revenue bonds, in accordance with this section and chapter 5-12. In no event may the Building Authority issue bonds for more than three million two hundred fifty thousand dollars (\$3,250,000).

Section 2. 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 statutes of the state.

Section 3. The Building Authority and the Board of Regents may accept, transfer, and expend any funds obtained for these purposes from the city of Madison, federal sources, gifts, contributions, or any other source, all of which shall be deemed appropriated to this construction.

Section 4. The administration of the design and construction of these modifications and facilities

and oversight of building committees appointed therefor, as provided in § 5-14-3 shall be under the general charge and supervision of the Governor or his designee and the executive director of the Board of Regents or their designees. The executive secretary of the Building Authority, the Governor, and the executive director of the Board of Regents, or their designees shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 5. 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 special activity fees to be assessed for such purposes and from appropriations out of the higher education facilities fund to be made by the Legislature for the payment of such rent and to support the construction, completion, furnishing, equipping, and payment of revenue bonds issued pursuant to this Act.

Section 6. In addition to the funds in section 1 of this Act, the Board of Regents shall identify funds in the amount of seven hundred fifty thousand dollars (\$750,000) for the purpose of maintenance and repair of the facility authorized in section 1 of this Act. These funds shall be identified and accumulated at the rate of one percent of the estimated project cost per year for ten years. These funds may be identified from other funds under the control of the Board of Regents, from gifts and grants to Dakota State University, from restricted gifts and grants to foundations associated with the facility or Dakota State University, or from dedicated funds of the city of Madison. All other funds identified by the Board of Regents pursuant to this section, together with any gifts or grants received by Dakota State University for the purposes of this Act, shall be transferred into the Dakota State University-Madison Community Center Maintenance and Repair Fund, which is hereby created in the state treasury as a participating fund, and the Board of Regents may expend such funds, together with their earnings, as it deems necessary to provide for the maintenance or repair of the center authorized by this Act. Nevertheless, if the expenditure of the funds held in the Dakota State University-Madison Community Center Maintenance and Repair Fund

results in a reduction of the total identified funds for the purpose of maintenance and repair to less than the \$750,000 required by this Act, the Dakota State University-Madison Community Center Maintenance and Repair Fund shall be replenished at the rate of one percent of the estimated project cost per year until such time as the total identified funds for the maintenance and repair reserve equals or exceeds \$750,000.

Section 7. The Dakota State University's share of the annual operating cost for the facility may not exceed ten percent of the total costs. Any operating cost shortfalls shall be split between the Dakota State University and the city of Madison at the rate of forty percent/sixty percent, respectively.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1022

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1022
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State