



2023 South Dakota Legislature

Senate Bill 179

Introduced by: **Senator Maher**

1 **An Act to revise provisions related to the South Dakota Science and Technology**
 2 **Authority.**

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

4 **Section 1. That § 1-16H-5 be AMENDED:**

5 **1-16H-5.** The governing and administrative powers of the authority are vested in
 6 its board of directors, consisting of seven voting members~~and the~~. The president of the
 7 South Dakota School of Mines and Technology as an and the president of Black Hills State
 8 University are ex-officio, nonvoting~~member~~ members. The Governor shall appoint the
 9 voting members, with the advice and consent of the Senate. Not all voting members of
 10 the board may be of the same political party. The terms of the voting members of the
 11 board~~shall be~~ are six years. Members of the board may serve more than one term.

12 **Section 2. That § 1-16H-15 be AMENDED:**

13 **1-16H-15.** The authority may:
 14 (1) Have perpetual succession as a body politic and corporate exercising essential
 15 public functions;
 16 (2) Sue and be sued in its own name;
 17 (3) Have an official seal and alter the seal at will;
 18 (4) Maintain an office at such places within the state as the authority may designate;
 19 (5) Make and execute contracts and all other instruments necessary or convenient for
 20 the performance of its duties and the exercise of its powers and functions under
 21 this chapter;
 22 (6) Employ fiscal consultants, engineers, attorneys, and such other consultants and
 23 employees as may be required and contract with agencies of the state to provide
 24 staff and support services;

- 1 (7) Procure insurance against any loss in connection with its property and other assets,
2 including loans and notes in such amounts and from such insurers as it may deem
3 advisable;
- 4 (8) Borrow money and issue bonds as provided by this chapter;
- 5 (9) Procure insurance, letters of credit, guarantees, or other credit enhancement
6 arrangements from any public or private entities, including any department,
7 agency, or instrumentality of the United States or the state, for payment of all or
8 any portion of any bonds issued by the authority, including the power to pay
9 premiums, fees, or other charges on any such insurance, letters of credit,
10 guarantees, or credit arrangements;
- 11 (10) Receive and accept from any source financial aid or contributions of moneys,
12 property, labor, or other things of value to be held, used, and applied to carry out
13 the purposes of this chapter subject to the conditions upon which the grants or
14 contributions are made, including, gifts or grants from any department, agency, or
15 instrumentality of the United States for any purpose consistent with the provisions
16 of this chapter;
- 17 (11) Provide technical assistance to local public bodies and to profit and nonprofit
18 entities to foster and facilitate scientific and technological investigation,
19 experimentation, and development;
- 20 (12) Collaborate with Black Hills State University and the South Dakota School of Mines
21 and Technology to provide educational and outreach opportunities;
- 22 ~~(13)~~ To the extent permitted under its contract with the holders of bonds of the
23 authority, consent to any modification with respect to the rate of interest, time,
24 and payment of any installment of principal or interest, or any other term of any
25 contract, loan, loan note, loan note commitment, contract, lease, or agreement of
26 any kind to which the authority is a party;
- 27 ~~(13)~~(14) To make loans and grants to, and enter into financing agreements with, any
28 governmental agency or any person for the costs incurred in connection with the
29 development, construction, acquisition, improvement, maintenance, operation, or
30 decommissioning of a project, or for the maintenance of the physical or structural
31 integrity of real or personal property incorporated or which may be incorporated
32 into a project, in accordance with a written agreement between the authority and
33 such governmental agency or person. However, no such loan or grant may exceed
34 the total cost of such project as determined by the governmental agency or person
35 and approved by the authority;

- 1 ~~(14)~~(15) Cooperate with and exchange services, personnel, and information with any
2 governmental agency;
- 3 ~~(15)~~(16) Enter into agreements for management on behalf of the authority of any of its
4 properties upon such terms and conditions as may be mutually agreeable;
- 5 ~~(16)~~(17) Sell, exchange, lease, donate, and convey any of its properties whenever the
6 authority finds such action to be in furtherance of the purposes for which it was
7 organized;
- 8 ~~(17)~~(18) Acquire, hold, lease, and dispose of real and personal property, and construct,
9 develop, maintain, operate, and decommission projects for the purposes for which
10 the authority was created;
- 11 ~~(18)~~(19) Indemnify any person or governmental agency for such reasonable risks as the
12 authority deems advisable if the indemnification is a condition of a grant, gift, or
13 donation to the authority. However, any such obligation to indemnify may only be
14 paid from insurance or from revenues of the authority, and such obligation does
15 not constitute a debt or obligation of the State of South Dakota; and
- 16 ~~(19)~~(20) Do any act and execute any instrument which in the authority's judgment is
17 necessary or convenient to the exercise of the powers granted by this chapter or
18 reasonably implied from it.
- 19