

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

588Z0814

## HOUSE BILL NO. 1318

Introduced by: The Committee on Appropriations

1 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Health and Educational  
2 Facilities Authority to transfer or grant excess reserves to any South Dakota governmental  
3 entity and to declare an emergency.

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

5 Section 1. That § 1-16A-15 be amended to read:

6 1-16A-15. The authority ~~shall have~~ has the following powers together with all powers  
7 incidental ~~thereto~~ or necessary for the performance thereof:

- 8 (1) To have perpetual succession as a body politic and corporate;
- 9 (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- 10 (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court  
11 having jurisdiction of the subject matter and of the parties;
- 12 (4) To have and to use a corporate seal and to alter the same at pleasure;
- 13 (5) To maintain an office at such place or places as it may designate;
- 14 (6) To do all things necessary and convenient to carry out the purposes of this chapter;
- 15 and



1       (7)    To establish a minimum amount of cash and investment reserves and to transfer or  
2            grant, or otherwise use, funds in excess of the minimum amount of reserves to any  
3            South Dakota governmental entity to further any purpose of the authority, including  
4            any purpose set forth in § 1-16A-1.

5       Section 2. That chapter 1-16A be amended by adding a NEW SECTION to read:

6       Any determination of a minimum amount of cash and investment reserves and the existence  
7 of excess funds available for transfer, grant, or use pursuant to subdivision 1-16A-15(7), shall  
8 be evidenced by a resolution of the authority. In establishing the minimum amount of cash and  
9 investment reserves and authorizing the transfer, grant, or other use of any excess funds, the  
10 authority shall include in the minimum amount of cash and investment reserves:

- 11       (1)    Any funds that the authority determines are necessary for any expected operating  
12            expenses of the authority; and
- 13       (2)    Any funds that are pledged to or otherwise reserved for payment of any amounts in  
14            respect of any issue of bonds or other obligations issued by the authority.

15       The authority may require further findings or procedures that the authority deems necessary  
16 or appropriate regarding the establishment of a minimum amount of cash and investment  
17 reserves and the authorization of any transfer, grant, or use of excess funds.

18       Section 3. Whereas, this Act is necessary for the support of the state government and its  
19 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
20 full force and effect from and after its passage and approval.