

OFFICIAL OPINION NO. 74-23, Contribution of money or services by a county for the construction of the Dakota Dome.

STATE OF SOUTH DAKOTA
OFFICE OF
THE ATTORNEY GENERAL

June 24, 1974

Arthur L. Rusch
States Attorney, Clay County
Vermillion, South Dakota 57069

OFFICIAL OPINION NO. 74-23

Contribution of money or services by a county for the construction of the Dakota Dome.

Dear Mr. Rusch:

You have requested an opinion based on the following factual situation:

Chapter 148, (1974) S. D. Laws authorized the South Dakota building authority to construct and finance a multi-purpose physical education student recreation facility at the University of South Dakota, Vermillion, South Dakota. The building authority is empowered to contract up to the total of its financing authority of five million two hundred thousand dollars (\$5,200,000) together with funds obtained by the state board of regents from gifts, contributions or any other source for this purpose, not to exceed three million six hundred thousand dollars (\$3,600,000). This facility is commonly known as the Dakota Dome.

The Clay County Commissioners have been requested to make a contribution to the fund for the construction of the Dakota Dome.

You have asked the following questions:

1. May Clay County contribute money to the University of South Dakota to aid in the construction of the Dakota Dome?

2. If Clay County may not contribute money for the construction of the Dakota Dome, may it contribute services such as landscaping and the construction of access roads?

SDCL 7-18-11 provides as follows:

The board of county commissioners may in their discretion establish a county fund to promote industrial, tourist, and recreational activities by a levy of up to one-eighth mill on each dollar of taxable property, which tax levy shall be in addition to all other county tax levies or, in lieu thereof, may appropriate and transfer from the county general fund to the fund authorized by this section an amount not to exceed the equivalent of one-eighth mill. Such board shall have the power, by resolution, to make expenditures from such fund as it may from time to time determine, provided, however, that such expenditures shall be made only for the promotion of industrial, tourist, and recreational activities.

It is my opinion that this statute is broad enough to allow the board of county commissioners to contribute money toward construction of the Dakota Dome, provided they first establish the fund authorized by the statute and pass a resolution to make such an expenditure from the fund.

73 C.J.S. *promote* (1951) defines the word "promote" as meaning "to contribute to the growth, enlargement or prosperity of; to forward; encourage; advance; to further. It is sometimes used in the sense of aid, assistance, help, or advancement. ... " A contribution of money would fall within this definition, and Ch. 148, (1974) S.D. Laws designates the Dakota Dome as a recreation facility, where recreational activities will obviously take place.

The answer to your first question, then, is YES, and since it has been answered affirmatively, it is not necessary to deal with the second question.

Respectfully submitted,

Kermit A. Sande
Attorney General