

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

578R0406

CONFERENCE COMMITTEE ENGROSSED NO. **SB 106** - 3/12/2010

Introduced by: Senators Dempster, Abdallah, Ahlers, Brown, Gant, Garnos, Gray, Hansen (Tom), Heidepriem, Jerstad, Knudson, Maher, Miles, Nelson, Olson (Russell), Peterson, Rhoden, Tieszen, and Turbak Berry and Representatives Noem, Blake, Bolin, Boomgarden, Burg, Curd, Cutler, Engels, Faehn, Gibson, Gosch, Hunhoff (Bernie), Kirkeby, Krebs, Lucas, Lust, McLaughlin, Moser, Peters, Putnam, Rausch, Rave, Rounds, Schlekeway, Solum, Thompson, Turbiville, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents and the Building
2 Authority to contract for construction of classroom facilities at the University Center in
3 Sioux Falls to replace facilities leased from the Sioux Falls School District, and to make an
4 appropriation therefor.

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

6 Section 1. The South Dakota Building Authority may contract for the construction,
7 completion, furnishing, equipping, and maintaining of, including heating, air conditioning,
8 plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and
9 engineering services, and such other services or actions as may be required to construct,
10 classroom facilities at the University Center in Sioux Falls to replace facilities leased from the
11 Sioux Falls School District, at the estimated cost of ten million five hundred thirty thousand one
12 hundred seventy-two dollars. The facilities may be erected as freestanding buildings, as



1 additions to existing buildings, or as a combination of buildings and additions, but the aggregate
2 additional space at the University Center in Sioux Falls authorized by this Act may not exceed
3 fifty thousand square feet.

4 Section 2. The Building Authority may finance up to eight million nine hundred seventy
5 thousand dollars of the construction costs through the issuance of revenue bonds, in accordance
6 with this Act and chapter 5-12.

7 Section 3. There is hereby appropriated the sum of one million five hundred sixty thousand
8 one hundred seventy-two dollars (\$1,560,172) of other fund expenditure authority for the
9 construction authorized in section 1 of this Act, payable from funds received from the Sioux
10 Falls School District in consideration of the Board of Regents' release of a leasehold to a facility
11 at Southeast Technical Institute.

12 Section 4. The Building Authority and the Board of Regents may accept, transfer, and
13 expend any property or funds obtained for these purposes from federal sources, gifts,
14 contributions, or any source other than general funds, all of which shall comprise a special fund
15 for the project authorized in this Act and all moneys deposited into that fund are hereby
16 appropriated to the construction authorized by this Act.

17 Section 5. No indebtedness, bond, or obligation incurred or created under the authority of
18 this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor
19 against the property or funds of the State of South Dakota within the meaning of the
20 Constitution or statutes of the state.

21 Section 6. The Board of Regents may make and enter into a lease agreement with the
22 Building Authority and make rental payments under the terms thereof, pursuant to chapter 5-12,
23 from the higher education facilities fund for the purposes of this Act.

24 Section 7. Expenditure authority may be increased based on the receipt of grants or

1 donations received pursuant to this Act. However, no adjustment to any cost estimate may
2 exceed one hundred twenty-five percent of the authorized expenditure authority stated in section
3 1 of this Act. No increase in gross square footage authorized by section 1 of this Act may exceed
4 ten percent. Any increase in gross square footage may only be made to accommodate design
5 changes needed to comply with building code requirements, and to address unforeseeable
6 structural, subsoil, or environmental conditions.

7 Section 8. The design and construction of the facility authorized in this Act shall be under
8 the general supervision of the Bureau of Administration as provided in chapter 5-14. The
9 commissioner of the Bureau of Administration and the executive director of the Board of
10 Regents shall approve vouchers, and the state auditor shall draw warrants to pay expenditures
11 authorized by this Act.

12 Section 9. For purposes of this Act, the term, gross square footage, means the sum of all
13 areas on all floors of a building included within the outside faces of the building's exterior walls,
14 including floor penetration areas, however insignificant, for circulation and shaft areas that
15 connect one floor to another as computed by physically measuring or scaling measurements
16 from the outside faces of exterior walls, disregarding cornices, pilaster, buttresses, or any other
17 features that extend beyond the wall faces. The term includes excavated basement area;
18 mezzanines and attics; garages; multiple floor parking structures; enclosed porches, inner or
19 outer balconies whether walled or not, if the balconies are utilized for operational functions; and
20 corridors whether walled or not, if the corridors are within the outside face lines of the building,
21 to the extent of the roof drip line and the footprints of stairways, elevator shafts, and ducts on
22 each floor through which the corridors pass. The term does not include open areas such as
23 unenclosed parking lots, playing fields, courts, and light wells, clear span areas not exceeding
24 three feet in height, or portions of upper floors eliminated by rooms or lobbies that rise about

1 single-floor height.

2 Section 10. The Board of Regents shall file its plan to provide for the operation and the
3 maintenance and repair expenses related to the project authorized in this Act, with the special
4 interim committee created in § 4-8A-2, no later than November 1, 2010.