

## 2022 South Dakota Legislature

## Senate Bill 130 ENROLLED

An Act

ENTITLED An Act to authorize the Board of Regents to acquire property, contract for the design and construction of the Dakota State University Applied Research Lab, to make an appropriation therefor, and to declare an emergency.

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

**Section 1.** The Board of Regents is hereby authorized to contract for the planning, site preparation, construction, furnishing, and equipping of the Dakota State University Applied Research Lab, together with furnishings and equipment, on the real property acquired pursuant to section 5 of this Act, including heating, air conditioning, plumbing, water, sewer, electric facilities, technology infrastructure, sidewalks, parking, landscaping, architectural and engineering services, and such other facilities, services or actions as may be required to accomplish the project, for an estimated cost of \$50,000,000, subject to permitted adjustments pursuant to section 3 of this Act.

**Section 2.** There is hereby appropriated to the Board of Regents for the purposes authorized in section 1 of this Act the sum of \$50,000,000 in other fund expenditure authority to expend donations for the purposes of this Act, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

**Section 3.** The cost estimates contained in this Act have been stated in terms of 2021 values. The Board of Regents may adjust such cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act. Any adjustments to construction cost estimates for the project authorized in section 1 of this Act may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 1 of this Act.

**Section 4.** The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in section 1 of this Act from federal sources, donations, or any other

external sources, all of which comprise a special fund for the benefitted project; and all moneys deposited into that fund are hereby appropriated to the project authorized by section 1 of this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

**Section 5.** The Board of Regents may accept, on behalf of Dakota State University, for the purposes authorized in sections 1 and 6 of this Act, the donation of up to sixteen acres of real property from Sanford Heath, located within the following described parcel:

THE NORTHWEST QUARTER (NW1/4) OF SECTION 6, TOWNSHIP 101 NORTH, RANGE 49 WEST OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, INCLUDING LOTS FE1 AND FE3 AND EXCEPT LOTS H1, H2, H3 AND H4 AND EXCEPT SANFORD SPORTS COMPLEX SOUTH ADDITION TO THE CITY OF SIOUX FALLS CONTAINED THEREIN.

**Section 6.** Any transfer of real property pursuant to section 5 of this Act is contingent upon the land and any improvements constructed thereon being used for the operation of technology research and educational programs and related contracted technology service programs in furtherance of Dakota State University's mission and purpose, or related business activity that compliments Dakota State University's technology focus.

**Section 7.** Notwithstanding any other provision of law, should any real property transferred pursuant to section 5 of this Act cease to be used for the purposes stated in section 6 of this Act, or in the event the Board of Regents, on behalf of Dakota State University, desires to sell any real property transferred pursuant to section 5 of this Act, Sanford Health shall have the option to purchase the real property and any improvements constructed thereon at the thenappraised value.

**Section 8.** Any deed transferring title pursuant to section 5 of this Act must contain the restrictions necessary to effectuate the requirements of sections 6 and 7 of this Act.

**Section 9.** The administration of the design and construction of the project authorized in section 1 of this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

**Section 10.** Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

**Section 11.** The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**Section 12.** Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

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I certify that the attached Act originated in the:  Senate as Bill No. 130	Received at this Executive Office this day of, 2022 atM.
Secretary of the Senate	By for the Governor
President of the Senator Attest:	The attached Act is hereby approved this day of, A.D., 2022
Secretary of the Senate	STATE OF SOUTH DAKOTA,  SS.
Speaker of the House Attest:	Office of the Secretary of State
Chief Cler	Secretary of State
Senate Bill No. <u>130</u> File No Chapter No.	By Asst. Secretary of State