

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

578R0406

## HOUSE ENGROSSED NO. **SB 106** - 3/9/2010

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.

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

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



1 additional space at the University Center in Sioux Falls authorized by this Act may not exceed  
2 fifty thousand square feet.

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

6 Section 3. The Building Authority and the Board of Regents may accept, transfer, and  
7 expend any property or funds obtained for these purposes from federal sources, gifts,  
8 contributions, or any source other than general funds, all of which shall comprise a special fund  
9 for the project authorized in this Act and all moneys deposited into that fund are hereby  
10 appropriated to the construction authorized by this Act.

11 Section 4. No indebtedness, bond, or obligation incurred or created under the authority of  
12 this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor  
13 against the property or funds of the State of South Dakota within the meaning of the  
14 Constitution or statutes of the state.

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

18 Section 6. Expenditure authority may be increased based on the receipt of grants or  
19 donations received pursuant to this Act. However, no adjustment to any cost estimate may  
20 exceed one hundred twenty-five percent of the authorized expenditure authority stated in section  
21 1 of this Act. No increase in gross square footage authorized by section 1 of this Act may exceed  
22 ten percent. Any increase in gross square footage may only be made to accommodate design  
23 changes needed to comply with building code requirements, and to address unforeseeable  
24 structural, subsoil, or environmental conditions.

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

6 Section 8. For purposes of this Act, the term, gross square footage, means the sum of all  
7 areas on all floors of a building included within the outside faces of the building's exterior walls,  
8 including floor penetration areas, however insignificant, for circulation and shaft areas that  
9 connect one floor to another as computed by physically measuring or scaling measurements  
10 from the outside faces of exterior walls, disregarding cornices, pilaster, buttresses, or any other  
11 features that extend beyond the wall faces. The term includes excavated basement area;  
12 mezzanines and attics; garages; multiple floor parking structures; enclosed porches, inner or  
13 outer balconies whether walled or not, if the balconies are utilized for operational functions; and  
14 corridors whether walled or not, if the corridors are within the outside face lines of the building,  
15 to the extent of the roof drip line and the footprints of stairways, elevator shafts, and ducts on  
16 each floor through which the corridors pass. The term does not include open areas such as  
17 unenclosed parking lots, playing fields, courts, and light wells, clear span areas not exceeding  
18 three feet in height, or portions of upper floors eliminated by rooms or lobbies that rise about  
19 single-floor height.

20 Section 9. The Board of Regents shall file its plan to provide for the operation and the  
21 maintenance and repair expenses related to the project authorized in this Act, with the special  
22 interim committee created in § 4-8A-2, no later than November 1, 2010.