

AN ACT

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

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

Section 1. The South Dakota Building Authority may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other services or actions as may be required to construct, classroom facilities at the University Center in Sioux Falls to replace facilities leased from the Sioux Falls School District, at the estimated cost of ten million five hundred thirty thousand one hundred seventy-two dollars. The facilities may be erected as freestanding buildings, as additions to existing buildings, or as a combination of buildings and additions, but the aggregate additional space at the University Center in Sioux Falls authorized by this Act may not exceed fifty thousand square feet.

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

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

Section 4. The Building Authority and the Board of Regents may accept, transfer, and expend any property or funds obtained for these purposes from federal sources, gifts, contributions, or any

source other than general funds, all of which shall comprise a special fund for the project authorized in this Act and all moneys deposited into that fund are hereby appropriated to the construction authorized by this Act.

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

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

Section 7. Expenditure authority may be increased based on the receipt of grants or donations received pursuant to this Act. However, no adjustment to any cost estimate may exceed one hundred twenty-five percent of the authorized expenditure authority stated in section 1 of this Act. No increase in gross square footage authorized by section 1 of this Act may exceed ten percent. Any increase in gross square footage may only be made to accommodate design changes needed to comply with building code requirements, and to address unforeseeable structural, subsoil, or environmental conditions.

Section 8. The design and construction of the facility authorized in this Act shall be under the general supervision of the Bureau of Administration as provided in chapter 5-14. The commissioner of the Bureau of Administration and 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 9. For purposes of this Act, the term, gross square footage, means the sum of all areas on all floors of a building included within the outside faces of the building's exterior walls, including floor penetration areas, however insignificant, for circulation and shaft areas that connect one floor

to another as computed by physically measuring or scaling measurements from the outside faces of exterior walls, disregarding cornices, pilaster, buttresses, or any other features that extend beyond the wall faces. The term includes excavated basement area; mezzanines and attics; garages; multiple floor parking structures; enclosed porches, inner or outer balconies whether walled or not, if the balconies are utilized for operational functions; and corridors whether walled or not, if the corridors are within the outside face lines of the building, to the extent of the roof drip line and the footprints of stairways, elevator shafts, and ducts on each floor through which the corridors pass. The term does not include open areas such as unenclosed parking lots, playing fields, courts, and light wells, clear span areas not exceeding three feet in height, or portions of upper floors eliminated by rooms or lobbies that rise about single-floor height.

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

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I certify that the attached Act originated in the

SENATE as Bill No. 106

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 106
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State