



2022 South Dakota Legislature

Senate Bill 43

Introduced by: The Senate Committee on Appropriations at the request of the Board of Regents

1 **An Act to authorize the Board of Regents to contract for the design, renovation, and**
 2 **construction of an addition for a health sciences center at Black Hills State**
 3 **University–Rapid City, to make an appropriation therefor, and to declare an**
 4 **emergency.**

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

6 **Section 1.** The Board of Regents is hereby authorized to contract for the planning, site
 7 preparation, renovation, furnishing, equipping, and construction of an addition for a health
 8 sciences center at Black Hills State University–Rapid City, together with furnishings and
 9 equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities,
 10 sidewalks, parking, landscaping, architectural and engineering services, and such other
 11 facilities, services or actions as may be required to accomplish the project authorized in this
 12 Act, for an estimated cost of \$15,114,644, subject to permitted adjustments pursuant to
 13 section 3 of this Act.

14 **Section 2.** There is hereby appropriated to the Board of Regents, for the purposes authorized
 15 in this Act, the sum of \$8,000,000 in federal fund expenditure authority from the American
 16 Rescue Plan Act (ARPA) Capital Projects Fund moneys; the sum of \$5,114,644 in other fund
 17 expenditure authority from those portions of the higher education facilities fund allocable to
 18 Black Hills State University and South Dakota State University; and the sum of \$2,000,000 in
 19 other fund expenditure authority from donated funds, together with any additional sums
 20 received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3
 21 of this Act.

22 **Section 3.** The cost estimates contained in this Act have been stated in terms of 2021 values.
 23 The Board of Regents may adjust the cost estimates to reflect project inflation as measured
 24 by the Building Cost Index, reported by the Engineering News Record, and additional
 25 expenditures required to comply with regulations adopted after the effective date of this Act,
 26 or additional sums received pursuant to section 4 of this Act. Any adjustments to construction

1 cost estimates for the project authorized in this Act may not exceed one hundred twenty-five
2 percent of the estimated cost stated in section 1 of this Act.

3 **Section 4.** The Board of Regents may accept, transfer, and expend any funds obtained for
4 the project authorized in this Act from federal sources, donations, or any other external
5 sources, all of which comprise a special fund for the benefitted project. All moneys deposited
6 into that fund are hereby appropriated to the projects authorized by this Act, subject to the
7 limitations stated in sections 1 to 3, inclusive, of this Act.

8 **Section 5.** The South Dakota Building Authority may finance the Health Sciences Center
9 authorized in section 1 of this Act, including the issuance of higher education facilities fund
10 bonds not to exceed a total of \$7,114,644, in accordance with this Act and chapter 5-12.

11 **Section 6.** 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 this state, nor against the
13 property or funds of this state, within the meaning of the state's Constitution and laws.

14 **Section 7.** The administration of the design and construction of the project authorized in this
15 Act shall be under the general charge and supervision of the Bureau of Administration as
16 provided in chapter 5-14.

17 **Section 8.** The executive director of the Board of Regents shall approve vouchers and the
18 state auditor shall draw warrants to pay expenditures authorized by this Act.

19 **Section 9.** Any amounts appropriated in this Act not lawfully expended or obligated shall
20 revert in accordance with the procedures prescribed in chapter 4-8.

21 **Section 10.** The Board of Regents shall comply with any federal guidance on using the
22 American Rescue Plan Capital Projects Fund.

23 **Section 11.** Whereas, this Act is necessary for the support of the state government and its
24 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
25 full force and effect from and after its passage and approval.