



2022 South Dakota Legislature

Senate Bill 44

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 demolition of Briscoe**
2 **Hall and the existing Lincoln Hall, and the design and construction of the new**
3 **Lincoln Hall, at Northern State University, to make an appropriation therefor,**
4 **and to declare an 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, demolition authorized by section 2 of this Act, construction, furnishing, and
8 equipping of the new Lincoln Hall at Northern State University, together with furnishings and
9 equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities,
10 sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement,
11 and such other facilities, services, or actions as may be required to accomplish the projects
12 authorized in this Act, for an estimated cost of \$29,500,000, subject to permitted adjustments
13 pursuant to section 4 of this Act.

14 **Section 2.** The Board of Regents may demolish, remove, and dispose of the structures known
15 as Briscoe Hall, consisting of approximately 16,644 square feet, and the existing Lincoln Hall,
16 consisting of approximately 46,352 square feet, at Northern State University. This project
17 includes demolition, abatement of asbestos or other such hazardous materials, lawful disposal
18 of the fixtures or rubble, and any other action reasonably necessary to prepare the site for
19 the construction of the new Lincoln Hall authorized in section 1 of this Act.

20 **Section 3.** There is hereby appropriated to the Board of Regents, for the purposes authorized
21 in this Act, the sum of \$29,500,000 in federal fund expenditure authority from the American
22 Rescue Plan Act (ARPA) Capital Projects Fund moneys, together with any additional sums
23 received pursuant to section 5 of this Act, and permitted adjustments pursuant to section 4
24 of this Act.

1 **Section 4.** The cost estimates contained in this Act have been stated in terms of 2021 values.
2 The Board of Regents may adjust the cost estimates to reflect project inflation as measured
3 by the Building Cost Index, reported by the Engineering News Record, and additional
4 expenditures required to comply with regulations adopted after the effective date of this Act,
5 or additional sums received pursuant to section 5 of this Act. Any adjustments to construction
6 cost estimates for projects authorized in this Act may not exceed one hundred twenty-five
7 percent of the estimated cost stated in section 1 of this Act.

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

13 **Section 6.** No indebtedness, bond, or obligation incurred or created under the authority of
14 this Act may be or may become a lien, charge, or liability against this state, nor against the
15 property or funds of this state within the meaning of the state's Constitution and laws.

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

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

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

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

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