

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

914N0392

SENATE ENGROSSED NO. **HB 1101** - 03/01/2007

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Juhnke, Deadrick, and Putnam and Senator Garnos

1 FOR AN ACT ENTITLED, An Act to make an appropriation for maintenance and repair
2 projects of the Board of Regents deemed critical to facility safety and function, and to
3 declare an emergency.

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

5 Section 1. It is in the public interest that the South Dakota Building Authority contract for
6 the construction, completion, furnishing, equipping, and maintaining of, including heating, air
7 conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping,
8 architectural and engineering services, asbestos abatement, removal of existing roofing and
9 structures, and such other services or actions as may be required to complete maintenance and
10 repair projects selected by the Board of Regents as critical to facility safety and function at
11 academic and support facilities on the university campuses, all at the estimated cost of eight
12 million six hundred thousand dollars (\$8,600,000). The South Dakota Building Authority may
13 finance the project costs, together with any related costs of financing, through the issuance of
14 revenue bonds, in accordance with this Act and chapter 5-12.

15 Section 2. The Board of Regents may make and enter into a lease agreement with the



1 Building Authority relating to any projects described in section 1 of this Act and make rental
2 payments under the terms thereof pursuant to chapter 5-12 from appropriations to be made by
3 the Legislature pursuant to chapter 5-12. In addition, the Board of Regents may assess and
4 collect special maintenance and repair fees from students and use such fees to pay or supplement
5 any rental payments, or reduce the amount of appropriations otherwise required, for such rental
6 payments. Such fees shall be deposited in a special fund established for the purposes of this Act
7 and used to reduce the amount of appropriations required to pay rentals under the lease with the
8 Building Authority. Upon receipt of payment of the balance of rental payments made under the
9 terms of any lease entered into pursuant to section 2 of this Act, the Building Authority shall
10 convey the property leased under the lease to the Board of Regents pursuant to § 5-12-15.

11 Section 3. No indebtedness, bond, or obligation included 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 4. The Building Authority and the Board of Regents may accept, transfer, and
16 expend any property or funds obtained for these purposes from federal sources, gifts,
17 contributions, or any other source, all of which shall be deemed appropriated to the projects
18 authorized by this Act in addition to the amounts otherwise authorized by this Act.

19 Section 5. The administration of the design and construction of the projects authorized in
20 this Act shall be under the general charge and supervision of the Bureau of Administration as
21 provided in chapter 5-14. The executive director of the Board of Regents and the executive
22 secretary of the Building Authority, or their designees, shall approve vouchers and the state
23 auditor shall draw warrants to pay expenditures authorized by this Act.

24 Section 6. Whereas, this Act is necessary for the support of the state government and its

- 1 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 2 full force and effect from and after its passage and approval.