

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0301

HOUSE ENGROSSED NO. **HB 1074** - 2/23/2009

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

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

1 FOR AN ACT ENTITLED, An Act to increase certain expenditure authority previously granted
2 to the Board of Regents, to designate circumstances in which such authority may be used,
3 to appropriate funds therefor, and to declare an emergency.

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

5 Section 1. That subdivision (2) of section 2 of chapter 29 of the 2008 Session Laws be
6 amended to read as follows:

7 (2) The chemistry building ~~replacement~~ addition and partial renovation at the South
8 Dakota School of Mines and Technology in Rapid City, South Dakota, for an
9 estimated cost of seventeen million nine hundred fifty-seven thousand seven hundred
10 dollars of which ten million dollars shall be provided from proceeds of bonds issued
11 pursuant to subdivision (4) of section 3 of chapter 110 of the 2005 Session Laws and
12 not to exceed forty-eight thousand two hundred fifty-two gross square feet;

13 Section 2. That subdivision (3) of section 2 of chapter 29 of the 2008 Session Laws be
14 amended to read as follows:

15 (3) The paleontology building at the South Dakota School of Mines and Technology in



1 Rapid City, South Dakota, for an estimated cost of seven million sixty-three thousand
2 nine hundred sixty-three dollars and not to exceed thirty-five thousand gross square
3 feet;

4 Section 3. That section 7 of chapter 29 of the 2008 Session Laws be amended to read as
5 follows:

6 Section 7. Rental payments under the terms of the lease authorized in section 8 6 of this Act
7 shall be paid from appropriations to be made by the Legislature for the payment of such rent to
8 support the purpose and the payment of bonds issued to cover up to thirty-two million five
9 hundred thousand dollars of construction costs authorized in section 1 of this Act. Rental
10 payments under the terms of the lease authorized in section 8 6 of this Act shall be paid from
11 higher education facility fees or from special student fees assessed by the Board of Regents for
12 the payment of bonds issued to cover up to forty-two million dollars of construction costs
13 authorized in section 1 of this Act.

14 Section 4. That chapter 29 of the 2008 Session Laws be amended by adding thereto a NEW
15 SECTION to read as follows:

16 Section 8. Notwithstanding any other restriction in this Act to the contrary, the total project
17 cost authorized for the projects identified in subdivisions (2) and (3) of section 2 of this Act may
18 be increased by donations and grants received by the Board of Regents for the purposes of this
19 Act, and the Building Authority and the Board of Regents are hereby authorized to expend such
20 grants and donations for the construction, completion, furnishing, equipping, and maintaining
21 of, including heating, air conditioning, plumbing, water, sewer, electric facilities, architectural
22 and engineering services, asbestos abatement, removal of existing roofing and structures, and
23 such other services and improvements as may be required to erect the improvements authorized
24 in subdivisions (2) and (3) of section 2 of this Act. However, no adjustments to any cost

1 estimate may exceed one hundred twenty-five percent of the authorized expenditure authority
2 stated in subdivisions (2) and (3) of section 2 of this Act or one hundred ten percent of the gross
3 square footage authorized by subdivisions (2) and (3) of section 2 of this Act; provided that
4 increases in gross square footage estimates may be made only to accommodate design changes
5 needed to comply with building code requirements, to address unforeseeable structural, subsoil,
6 or environmental conditions, or to accommodate building program changes in the facility design
7 plan.

8 Section 5. That section 1 of chapter 99 of the 2008 Session Laws be amended to read as
9 follows:

10 Section 1. The Board of Regents may contract for the construction, completion, furnishing,
11 equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer,
12 electric facilities, architectural and engineering services, asbestos abatement, removal of existing
13 roofing and structures, and such other services and improvements as may be required to erect,
14 a student athlete development center, not to exceed thirty thousand gross square feet, on the
15 campus of South Dakota State University in Brookings, in Brookings County, at an estimated
16 cost of six million dollars.

17 Section 6. That section 2 of chapter 99 of the 2008 Session Laws be amended to read as
18 follows:

19 Section 2. ~~There is hereby appropriated~~ The Board of Regents is hereby authorized to
20 expend the sum of six million dollars (\$6,000,000), or so much thereof as may be necessary, of
21 other fund expenditure authority, payable from funds donated for the purposes of this Act, ~~to~~
22 ~~the Board of Regents~~ for the construction total project cost authorized by this Act.

23 Section 7. That section 1 of chapter 93 of the 2006 Session Laws be amended to read as
24 follows:

1 Section 1. The Board of Regents may contract for the construction, completion, furnishing,
2 equipping, and maintaining of, including heating air conditioning, plumbing, water, sewer,
3 electric facilities, architectural and engineering services, asbestos abatement, and such other
4 services as may be required to construct, a new dairy manufacturing plant at South Dakota State
5 University in Brookings, in Brookings County, at an estimated cost of ~~four million dollars~~ five
6 million eight hundred fifty-two thousand dollars and which may not exceed twenty-three
7 thousand nine hundred fifty-two gross square feet.

8 Section 8. That chapter 93 of the 2006 Session Laws be amended by adding thereto a NEW
9 SECTION to read as follows:

10 Notwithstanding any other restriction in this Act to the contrary, the total project cost
11 authorized for the projects identified in section 1 of this Act may be increased by donations and
12 grants received by the Board of Regents for the purposes of this Act, and the Board of Regents
13 is hereby authorized to expend such grants and donations for the construction, completion,
14 furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water,
15 sewer, electric facilities, architectural and engineering services, asbestos abatement, removal
16 of existing roofing and structures, and such other services and improvements as may be required
17 to erect the dairy manufacturing plant. However, no adjustments to any cost estimate may
18 exceed one hundred twenty-five percent of the authorized expenditure authority stated in section
19 1 of this Act or one hundred ten percent of the gross square footage authorized by section 1 of
20 this Act; provided that increases in gross square footage estimates may be made only to
21 accommodate design changes needed to comply with building code requirements, to address
22 unforeseeable structural, subsoil, or environmental conditions, or to accommodate building
23 program changes in the facility design plan.

24 Section 9. That chapter 99 of the 2008 Session Laws be amended by adding thereto a NEW

1 SECTION to read as follows:

2 Section 4. Notwithstanding any other restriction in this Act to the contrary, the total project
3 cost may be increased based on the receipts of grants or donations received pursuant to this Act.
4 However, no adjustment to any cost estimates authorized by this Act may exceed one hundred
5 twenty-five percent of the authorized expenditure authority stated in section 2 of this Act or one
6 hundred ten percent of the gross square footage authorized by this Act; provided that increases
7 in gross square footage estimates may be made only to accommodate design changes needed to
8 comply with building code requirements, to address unforeseeable structural, subsoil, or
9 environmental conditions, or to accommodate building program changes in the facility design
10 plan.

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

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