

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

948Q0442

HOUSE BILL NO. 1183

Introduced by: Representatives Lust, Boomgarden, Cronin, Curd, Dreyer, Feinstein, Gosch, Jensen, Kopp, McLaughlin, Olson (Ryan), Romkema, Rounds, Sly, Thompson, Turbiville, Verchio, and Wink and Senators Haverly, Abdallah, Adelstein, Dempster, Knudson, Nelson, Rhoden, Tieszen, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents and the South Dakota
2 Building Authority to contract for construction of the Higher Education Center-West River
3 and to make an appropriation therefor.

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

5 Section 1. The Board of Regents may enter into an agreement to acquire a site for the Higher
6 Education Center-West River in Rapid City, Pennington County, South Dakota, through a
7 partial donation and partial sale on the terms herein provided. The real property being described
8 as follows: that part of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) and that
9 part of the South Half of the Southwest Quarter (S1/2SW1/4) of Section 27, Township 2 North,
10 Range 8 East of the Black Hills Meridian, in the City of Rapid City, Pennington County, South
11 Dakota, lying south of Lot H7 as conveyed to the Chicago and North Western Railway
12 Company in Deed Book 145, Page 192 and as shown on the plat filed in Highway Plat Book 4,
13 Page 90, EXCEPTING therefrom Lot A of Tract B, as shown on the plat filed in Plat Book 10,
14 Page 4; EXCEPTING therefrom that portion of Lots 1, 2 and 3 in Block 1 of Heartland Retail



1 Center located in the SW1/4SW1/4 of Section 27, as shown on the plat filed in Plat Book 31,
2 Page 111; -AND- the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section
3 34, Township 2 North, Range 8 East of the Black Hills Meridian, in the city of Rapid City,
4 Pennington County, South Dakota; EXCEPTING therefrom that portion of Lots 1, 2 and 3 in
5 Block 1 located in the NW1/4NW1/4 of said Section 34, and all of Lots 1 and 2 in Block 2 of
6 Heartland Retail Center and Cheyenne Boulevard, all as shown on the plat filed in Plat Book
7 31, Page 111; and EXCEPTING therefrom the East 200 feet of the NW1/4NW1/4 of said
8 Section 34 and EXCEPTING therefrom Lot H3 of the N1/2 of said Section 34, as shown on the
9 plat filed in Highway Plat Book 11, Page 162.

10 The real property has an appraised value of three million six hundred forty-five thousand
11 dollars, and it encompasses the twelve-acre tract whose donation was the subject of chapter 94
12 of the 2008 Session Laws. The Board of Regents may purchase the entire tract for two million
13 two hundred thirty-three thousand seven hundred fifty-five dollars, which sum represents the
14 value of buildable property adjoining the twelve-acre tract that will be donated. The difference
15 between the appraised value and the sale price, one million four hundred eleven thousand two
16 hundred forty-five dollars, may be recognized as a donation by the seller.

17 Section 2. There is hereby appropriated the sum of two million two hundred thirty-three
18 thousand seven hundred fifty-five dollars (\$2,233,755), or so much thereof as may be necessary,
19 of other fund expenditure authority, payable from funds donated for the purposes of this Act,
20 to the Board of Regents for the purchase of the land described in section 1 of this Act.

21 Section 3. The South Dakota Building Authority may contract for the construction,
22 completion, furnishing, equipping, and maintaining of, including heating, air conditioning,
23 plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and
24 engineering services, and such other services or actions as may be required to construct, the

1 Higher Education Center-West River in Rapid City, Pennington County, at the estimated cost
2 of thirteen million, four hundred twenty-five thousand dollars and not to exceed fifty-four
3 thousand two hundred forty-one square feet.

4 Section 4. The South Dakota Building Authority may finance up to thirteen million, four
5 hundred twenty-five thousand dollars of the construction costs through the issuance of revenue
6 bonds, in accordance with this Act and chapter 5-12.

7 Section 5. There is hereby appropriated the sum of two million five hundred seventy-five
8 thousand dollars (\$2,575,000), or so much thereof as may be necessary, of other fund
9 expenditure authority, payable from funds donated for the purposes of this Act, to the Board of
10 Regents for the construction authorized by this Act.

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

18 Section 8. The design and construction of the Higher Education Center-West River shall be
19 under the general supervision of the Bureau of Administration as provided in chapter 5-14. The
20 executive director of the Board of Regents and the executive secretary of the South Dakota
21 Building Authority, shall approve vouchers and the state auditor shall draw warrants to pay
22 expenditures authorized by this Act.

23 Section 9. All courses offered at the Higher Education Center-West River shall be at self-
24 support tuition rates established by the Board of Regents, with the exception of nursing courses

1 through the University of South Dakota and South Dakota State University, which can be
2 offered at state-support rates if authorized by the board.

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