

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

239C0931

## SENATE BILL NO. 252

Introduced by: Senators Everist, Albers, Brosz, Brown (Arnold), Duxbury, Frederick, Hainje, Munson (David), Rounds, Symens, and Vitter and Representatives Richter, Broderick, Brooks, Brown (Richard), Cerny, Cutler, Davis, Fiegen, Garnos, Hennies, Michels, Munson (Donald), and Peterson

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to lease a site for delivery  
2 of public higher education in Sioux Falls and to use money appropriated by the Legislature  
3 from the higher education facilities fund to make lease payments therefor.

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

5 Section 1. Notwithstanding any other provisions of law, the Board of Regents may enter into  
6 a lease agreement with the Sioux Falls public school district for the lease of a site to be used only  
7 for the delivery of public higher education programs. All such academic programs shall be  
8 directly provided by the following institutions:

- 9 (1) University of South Dakota;
- 10 (2) South Dakota State University;
- 11 (3) South Dakota School of Mines and Technology;
- 12 (4) Northern State University;
- 13 (5) Black Hills State University; or
- 14 (6) Dakota State University.

15 No postsecondary degrees may be awarded or conferred except by the above institutions.

1 The board may use funds annually appropriated by the Legislature from the higher education  
2 facilities fund, created in § 13-51-2, to make payments therefor.

3 Section 2. That § 13-51-2 be amended to read as follows:

4 13-51-2. There is continued an educational facilities fund in the state treasury from which on  
5 and after July 1, 1984, the Board of Regents may make expenditures, relating only to institutions  
6 of higher education under its jurisdiction, to:

7 (1) Make lease payments to the South Dakota Building Authority for projects authorized  
8 to be paid out of that fund by the Legislature;

9 (2) Maintain and repair existing facilities in amounts as may from time to time be  
10 authorized by the Legislature;

11 (3) Make rent payments from higher education facilities funds, appropriated through the  
12 general appropriation act for such purposes, to other private or public parties for  
13 educational facilities ~~authorized by the committee created by § 4-8A-2 that the~~  
14 ~~committee has determined to be~~ in accordance with § 13-51-1 as necessary to the  
15 proper and efficient delivery of instruction; and

16 (4) Build and equip new facilities as may from time to time be authorized by the  
17 Legislature.

18 No funding may be provided in any year for subdivision (3) or (4) of this section until the  
19 level of annual appropriations reaches three million dollars for subdivision (2) of this section.  
20 Authorizations for new lease payments, new construction, reconstruction, and renovation are  
21 restricted to and shall not exceed the amount of higher education facilities funds in excess of the  
22 sum of existing lease payments to the South Dakota Building Authority plus three million dollars  
23 for maintenance and repair.

24 Section 3. That § 4-8A-13 be repealed.

25 ~~4-8A-13. Any rent payments made pursuant to subdivision 13-51-2(3), as authorized by the~~

- 1 ~~committee created by § 4-8A-2, may not exceed a term of one year without approval of the~~
- 2 ~~Legislature at the next legislative session.~~