

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0678

CONFERENCE COMMITTEE ENGROSSED NO. **HB** **1238** - 02/28/2006

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase certain real
2 property for the sole purpose of providing a site for the operation of instructional, research
3 and service programs delivered through institutions established by the Legislature and
4 governed by the Board of Regents, to make an appropriation therefor, to require the Board
5 of Regents to submit a comprehensive plan and to make certain reports, and to declare an
6 emergency.

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

8 Section 1. The Board of Regents may purchase real property, approximately two hundred
9 sixty-three acres more or less, located in Minnehaha County from the Department of
10 Transportation at the value at which it was appraised no more than eighteen months prior to the
11 effective date of this Act. The real property being described as follows: the NW1/4 of Section
12 36, Township 102 North, Range 50 West, 5th P.M., less Lots H2, H3, H4, H5, H6 and H7
13 thereof, and Lot A in the NE1/4 of Section 36, Township 102 North, Range 50 West, 5th P.M.,
14 all located in Minnehaha County, South Dakota; Lot C, in the NE1/4 of Section 36, Township
15 102 North, Range 50 West, 5th P.M., Minnehaha County, South Dakota; Lot D, in the NE1/4



1 of Section 36, Township 102 North, Range 50 West, 5th P.M., Minnehaha County, South
2 Dakota.

3 Section 2. There is hereby appropriated the sum of five million eight hundred seventy
4 thousand dollars (\$5,870,000) of other fund expenditure authority, payable from funds donated
5 and accepted for the purposes of this Act, or so much thereof as may be necessary, to the Board
6 of Regents for the purchase of the land specified in section 1 of this Act.

7 Section 3. The expenditures authorized by this Act shall be solely for the purposes of
8 providing a site for the operation of instructional, research and service programs delivered
9 through institutions established by the Legislature and governed by the Board of Regents. The
10 Board of Regents may only use the property for the primary purpose of education or research.
11 It is the intent of the Board of Regents and the Eighty-first Legislature that the Board of Regents
12 may not without express legislative authorization:

- 13 (1) Organize the programs delivered at this site into a separate degree-granting
14 institution;
- 15 (2) Erect student residence facilities on the site;
- 16 (3) Construct facilities on the site for use as intercollegiate athletic practice or
17 competition;
- 18 (4) Establish intercollegiate athletic teams at the site;
- 19 (5) Sell any portion of the property acquired pursuant to this Act unless the property is
20 appraised and advertised and offered for sale at public auction. No portion of the
21 property may be sold except at public sale and for an amount less than the appraised
22 value;
- 23 (6) Offer courses taught on the property at any rate other than the self-support tuition
24 rate;

- 1 (7) Lease for nonagricultural purposes more than ten percent of the surface area of the
2 property to third parties;
- 3 (8) Lease to third parties more than ten percent of the useable space within any building
4 constructed with state funds appropriated by the Legislature; or
- 5 (9) Permit any free-standing commercial facility to be constructed on the property or any
6 commercial facility to be located within any building constructed with state funds
7 unless the commercial facility is reasonably needed to meet the convenience and
8 needs of the students and instructors using the building.

9 Section 4. Commencing in 2016 and every ten years thereafter, the provisions of section 3
10 of this Act shall be reviewed by a special legislative task force consisting of the speaker of the
11 House of Representatives and four other members of the House of Representatives appointed
12 by the speaker of the House of Representatives and the president pro-tempore of the Senate and
13 four other members of the Senate appointed by the president pro-tempore of the Senate. Not all
14 of the members from the House of Representatives or the Senate may be of the same party. The
15 special legislative task force shall review the appropriateness of the provisions of section 3 of
16 this Act and make recommendation to the Legislature regarding any revisions, additions, or
17 deletions to the various conditions contained in section 3 of this Act.

18 Section 5. The executive director of the Board of Regents shall approve vouchers and the
19 state auditor shall draw warrants to pay expenditures authorized by this Act.

20 Section 6. The Board of Regents shall prepare a comprehensive plan for the instructional
21 and research missions of the public universities. The plan shall address the time frame of the
22 first quarter of the twenty-first century. The plan shall include the following elements:

- 23 (1) Demographic patterns of the different populations sectors served by postsecondary
24 education including:

- 1 (a) Dual enrollment of high school students;
- 2 (b) Traditional age students eighteen to twenty-three years of age, inclusive;
- 3 (c) Nontraditional students twenty-four years of age and over; and
- 4 (d) Continuing education of the workforce;
- 5 (2) Access to higher education through different approaches including:
 - 6 (a) Residential campuses--Black Hills State University, Dakota State University,
 - 7 Northern State University, South Dakota School of Mines and Technology,
 - 8 South Dakota State University, and University of South Dakota;
 - 9 (b) Satellite campuses--Rapid City, Sioux Falls, Pierre;
 - 10 (c) Distance education--Electronic University Consortium;
 - 11 (d) Technical institute partnerships; and
 - 12 (e) Relationships with other accredited institutions--Native American,
 - 13 independent, and proprietary institutions;
- 14 (3) Activities and responses to the goals of the Governor's 2010 Economic Development
- 15 and 2010 Education Initiatives;
- 16 (4) Comparative information on state higher education policy; and
- 17 (5) Recommendations for changes necessary to respond to demographic patterns and
- 18 access to instructional and research mission opportunities.

19 The Board of Regents shall submit the plan and report to the Governor and Legislature no
20 later than November 15, 2006.

21 Section 7. The Board of Regents shall prepare a report containing the mission, function, and
22 activities of the Cooperative Extension Service to the Legislature no later than November 15,
23 2006.

24 Section 8. 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.