

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

400M0678

## SENATE ENGROSSED NO. **HB 1238** - 02/23/2006

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, and to declare an  
5 emergency.

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

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



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

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

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

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

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

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

18      Section 6. The purchase of real property pursuant to this Act is contingent on the legislative  
19      approval of construction of an instructional classroom building in Sioux Falls.

20      Section 7. Whereas, this Act is necessary for the support of the state government and its  
21      existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
22      full force and effect from and after its passage and approval.