

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

786P0619

## HOUSE EDUCATION ENGROSSED NO. **HB 1251** - 2/7/2008

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

Introduced by: Representatives Lust, Ahlers, Brunner, Dreyer, Gilson, Gosch, Haverly, Hills, Howie, Kirkeby, McLaughlin, Olson (Ryan), Pederson (Gordon), Turbiville, and Van Etten and Senators McCracken, Dempster, Garnos, Gray, Katus, Knudson, McNenny, Napoli, and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire land and to  
2 construct a facility for the Higher Education Center--West River, and to make an  
3 appropriation therefor.

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

5 Section 1. It is in the public interest that the South Dakota Building Authority contract for  
6 the construction, completion, furnishing, equipping, and maintaining of, including heating, air  
7 conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping,  
8 architectural and engineering services, and such other services as may be required to construct  
9 a new facility for the higher education center--west river, in Rapid City, Pennington County, at  
10 an estimated cost of fifteen million four hundred thirty-eight thousand five hundred dollars. The  
11 South Dakota Building Authority may finance up to fifteen million four hundred thirty-eight  
12 thousand five hundred dollars of the construction costs through the issuance of revenue bonds,  
13 in accordance with this Act and chapter 5-12, with the remainder to be provided from grants or



1 donations.

2 Section 2. The Board of Regents may accept a donation of a site comprising twelve acres

3 more or less for the higher education center--west river from within a tract described as follows:

4 A tract of land situated in Section 27, Township 2 North, Range 8 East of the Black Hills

5 Meridian, Rapid City, Pennington County, South Dakota, more fully described as follows:

6 Commencing at the Section  $\frac{1}{4}$  Corner common to Sections 27 and 28, thence  $N67^{\circ}26'47''W$ , a

7 distance of 586.94 feet, to the point of beginning. Thence, first course:  $N89^{\circ}51'35''W$ , a distance

8 of 812.52 feet; Thence, second course:  $N00^{\circ}08'25''E$ , a distance of 101.13 feet; Thence, third

9 course:  $N42^{\circ}04'51''E$ , a distance of 200.57 feet; Thence, fourth course:  $N04^{\circ}15'17''W$ , a distance

10 of 139.40 feet; Thence, fifth course:  $N28^{\circ}03'24''W$ , a distance of 124.92 feet, to a point on the

11 southerly edge of Chicago and North Western Railroad Right-of-Way; Thence, sixth course:

12 along the southerly edge of said Railroad Right-of-way, curving to the left, on a curve with a

13 radius of 5779.58 feet, a delta angle of  $07^{\circ}34'45''$ , a length of 764.53 feet, a chord bearing of

14  $N58^{\circ}09'28''E$ , and chord distance of 763.98 feet; Thence, seventh course: curving to the right,

15 on a curve with a radius of 462.00 feet, a delta angle of  $03^{\circ}55'30''$ , a length of 31.65 feet, a

16 chord bearing of  $S36^{\circ}20'35''E$ , and chord distance of 31.64 feet; Thence, eighth course: curving

17 to the left, on a curve with a radius of 55.00 feet, a delta angle of  $77^{\circ}48'49''$ , a length of 74.70

18 feet, a chord bearing of  $S24^{\circ}34'19''E$ , and chord distance of 69.09 feet; Thence, ninth course:

19 curving to the right, on a curve with a radius of 30.00 feet, a delta angle of  $40^{\circ}07'48''$ , a length

20 of 21.01 feet, a chord bearing of  $S43^{\circ}24'49''E$ , and chord distance of 20.59 feet; Thence, tenth

21 course: curving to the right, on a curve with a radius of 462.00 feet, a delta angle of  $23^{\circ}29'20''$ ,

22 a length of 189.40 feet, a chord bearing of  $S11^{\circ}36'15''E$ , and chord distance of 188.08 feet;

23 Thence, eleventh course:  $S00^{\circ}08'25''W$ , a distance of 616.80 feet, to the point of beginning.

24 The authorization granted by this section is contingent upon the preparation of a plat of the

1 tract to be donated and delivery of an instrument of transfer that can be recorded.

2 Section 3. Notwithstanding the limitations of § 5-2-1, and using other funds at its disposal,  
3 the Board of Regents may buy an option or a right of first refusal to purchase contiguous lands  
4 comprising approximately nineteen acres, provided that no purchase or other acquisition may  
5 take place without the prior authorization of the Legislature.

6 Section 4. No indebtedness, bond, or obligation incurred or created under the authority of  
7 this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor  
8 against the property or funds of the State of South Dakota within the meaning of the  
9 Constitution or statutes of the state.

10 Section 5. The South Dakota Building Authority and the Board of Regents may accept,  
11 transfer, and expend any property or funds obtained for these purposes from federal sources,  
12 gifts, contributions, or any other source, all of which shall comprise a special fund for the  
13 benefitted project and all monies deposited into that fund are hereby appropriated to the projects  
14 authorized by this Act.

15 Section 6. The administration of the design and construction of the projects authorized in  
16 this Act shall be under the general charge and supervision of the Bureau of Administration as  
17 provided in chapter 5-14. The executive director of the Board of Regents and the executive  
18 secretary of the South Dakota Building Authority shall approve vouchers and the state auditor  
19 shall draw warrants to pay expenditures authorized by this Act.

20 Section 7. The Board of Regents may make and enter into a lease agreement with the  
21 Building Authority and make rental payments under the terms thereof, pursuant to chapter 5-12,  
22 from appropriations to be made by the Legislature for the payment of such rent and to support  
23 the construction, completion, furnishing, equipping, and payment of revenue bonds issued  
24 pursuant to this Act to fund thirteen million thirty-eight thousand five hundred dollars of the

- 1 construction cost, and from the higher education facilities fund to retire bonds issued to fund
- 2 two million four hundred thousand dollars of the construction cost.