

SOUTH DAKOTA BOARD OF REGENTS

Full Board

***REVISED*
AGENDA ITEM: H**

DATE: December 17-18, 2009

SUBJECT: Board Sponsored Legislation

Five bills have been developed to address Board budget priorities and in furtherance of requests by the institutions.

1. An Act to authorize the Board of Regents to construct a visitor center on the grounds of McCrory Gardens, on the campus of South Dakota State University, and to accept donations for such purpose and to make an appropriation therefor.

This bill appropriates \$4,000,000 in donations guaranteed by the SDSU Foundation to the construction of a 10,000 square foot visitor's center in the McCrory Gardens. The estimated cost for the construction of the building itself is on the order of \$204 per square foot, but total project costs include substantial sums for road construction and parking in order to facilitate vehicle access to the visitor's center site.

2. An Act to authorize the Board of Regents to construct Phase II of the Electrical Engineering and Computer Science Building, on the campus of South Dakota State University, to accept donations for such purpose, to acquire land incidental thereto and to make appropriations therefor.

This bill appropriates \$4,400,000 in donations guaranteed by the SDSU Foundation to the construction of a 29,000 square foot expansion of the SDSU Electrical Engineering and Computer Science Building, and \$450,000 in other funds arising from sponsored program indirect receipts to construct and to equip a photovoltaic laboratory within the facility. An additional \$275,000 is appropriated from grant and contract indirect recovery, plant and royalty funds to permit the acquisition of property occupied by an SDSU sorority. The expansion project will extend onto the sorority property.

(continued)

RECOMMENDED ACTION OF THE EXECUTIVE DIRECTOR

Authorize the Executive Director to submit the proposed bills, to prepare additional legislation that may be required and to make such modifications or, following their introduction, amendments to the bills as may be in his best judgment prudent, provided that such modifications or amendments shall not change the fundamental purpose of the authorized legislation.

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3. An Act to authorize the Board of Regents to construct a motor pool building at South Dakota State University and to make an appropriation therefor.

This bill appropriates \$234,300 to construct a building to house the SDSU motor pool. The costs of construction are to be shared between SDSU and the Bureau of Administration. SDSU will allocate drawn upon sponsored program indirect cost receipts and service center cost recovery proceeds to fund \$184,300 of the construction costs. BOA will prepay facility rental in the amount of \$50,000 to round out the project funding.

4. An Act to authorize the Board of Regents and the South Dakota Building Authority to contract for construction of classroom facilities at University Center in Sioux Falls to replace facilities leased from the Sioux Falls School District and to make an appropriation therefor.

This bill authorizes the Building Authority to contract for the construction of classroom facilities for an estimated cost of \$10,530,172 and encompassing some 50,000 square feet. The authorized construction will replace to replace space of like square footage at SETI currently leased from the Sioux Falls School District. The Building Authority is authorized to bond up to \$8,970,000 of the construction costs, with the bonds to be repaid from HEFF. The Board of Regents is appropriated other fund authority in the amount of \$1,560,172 that the Sioux Falls School District will pay to buy out a portion of the Board's lease at SETI, and for donations or other receipts, the proceeds of which may be applied to construction costs. Any such sums will be applied to reduce the bonding requirements for the project.

5. An Act to appropriate additional funds to the Board of Regents for the construction of an addition to the Northern State University Joseph H. Barnett Center as authorized by chapter 91 of the 2009 Session Laws.

This bill increases the funding for the project and square footage from \$557,000 and 4,228 sq. ft. to \$3,200,000 and 27,878 sq. ft. The project is to be funded entirely from donations.

STATE OF SOUTH DAKOTA

2010 SESSION, LEGISLATIVE ASSEMBLY

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct a visitor center on the grounds of McCrory Gardens, on the campus of South Dakota State University, and to accept donations for such purpose and to make an appropriation thereof.

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

Section 1. The Board of Regents may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other services or actions as may be required to construct a visitor center, not to exceed ten thousand gross square feet, on the grounds of McCrory Gardens, on the campus of South Dakota State University, in Brookings, South Dakota.

Section 2. The Board of Regents is hereby appropriated the sum of four million dollars (\$4,000,000) of other fund expenditure authority, payable from funds donated for the purposes of this Act, for the total project cost authorized by this Act.

Section 3. Expenditure authority may be increased based on the receipt of grants or donations received pursuant to this Act. However, no adjustment to any cost estimate may exceed one hundred twenty-five percent of the authorized expenditure authority stated in section 2 of this Act. No increase in gross square footage authorized by section 1 of this Act may exceed ten percent. Any increase in gross square footage may only be made to accommodate design

changes needed to comply with building code requirements, to address unforeseeable structural, subsoil, or environmental conditions.

Section 4. The design and construction of the facility authorized in this Act shall be under the general supervision of the Bureau of Administration as provided in chapter 5-14. The commissioner of the Bureau of Administration and the executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act. No contract for construction shall be issued until the donated funds referred to in section 2 of this Act have been accumulated sufficient to pay for the construction, completion, furnishing, equipping, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, and architectural and engineering services required to construct the facility.

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

STATE OF SOUTH DAKOTA

2010 SESSION, LEGISLATIVE ASSEMBLY

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct Phase II of the Electrical Engineering and Computer Science Building, on the campus of South Dakota State University, to accept donations for such purpose, to acquire land incidental thereto and to make appropriations therefor.

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

Section 1. The Board of Regents may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other services or actions as may be required to construct Phase II of the Electrical Engineering and Computer Science Building, not to exceed twenty-nine thousand gross square feet, on the campus of South Dakota State University, in Brookings, South Dakota.

Section 2. The Board of Regents is hereby appropriated the sum of five million one hundred twenty-five thousand dollars (\$5,125,000) of other fund expenditure authority for the total project cost authorized by this Act.

- (1) Of that sum, four million four hundred thousand dollars (\$4,400,000) shall be payable from funds donated for the purposes of this Act, which sums are appropriated for project costs other than those authorized in subsection (2) of this Section or Section 6 of this Act.

- (2) Of that sum, four hundred fifty thousand dollars (\$450,000) in other funds arising from sponsored program indirect receipts are appropriated to construct and to equip a photovoltaic laboratory within the facility.
- (3) Of that sum, two hundred seventy five thousand dollars (\$275,000) from the grant and contract indirect recovery, plant and royalty funds, which sums are appropriated for the purpose of purchase of the property described in section 6 of this Act.

Section 3. Expenditure authority may be increased based on the receipt of grants or donations received pursuant to this Act. However, no adjustment to any cost estimate may exceed one hundred twenty-five percent of the authorized expenditure authority stated in section 2 of this Act. No increase in gross square footage authorized by section 1 of this Act may exceed ten percent. Any increase in gross square footage may only be made to accommodate design changes needed to comply with building code requirements, to address unforeseeable structural, subsoil, or environmental conditions.

Section 4. The design and construction of the facility authorized in this Act shall be under the general supervision of the Bureau of Administration as provided in chapter 5-14. The commissioner of the Bureau of Administration and the executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act. No contract for construction shall be issued until the donated funds referred to in section 2 of this Act have been accumulated sufficient to pay for the construction, completion, furnishing, equipping, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, and architectural and engineering services required to construct the facility.

Section 5. For the purposes of this Act, the term, gross square footage, means the sum of all areas on all floors of a building included within the outside faces of the building's exterior walls, including floor penetration areas, however insignificant, for circulation and shaft areas that

connect one floor to another as computed by physically measuring or scaling measurements from the outside faces of exterior walls, disregarding cornices, pilaster, buttresses, etc., which extend beyond the wall faces. The term includes excavated basement area; mezzanines, penthouses, and attics; garages; multiple floor parking structures; enclosed porches, inner or outer balconies whether walled or not, if the balconies are utilized for operational functions; and corridors whether walled or not, if the corridors are within the outside face lines of the building, to the extent of the roof drip line and the footprints of stairways, elevator shafts, and ducts on each floor through which the corridors pass. The term does not include open areas such as unenclosed parking lots, playing fields, courts, and light wells, clear span areas not exceeding three feet in height, or portions of upper floors eliminated by rooms or lobbies that rise above single-floor height.

Section 6. In order to secure regular dimensions for the site of the construction authorized in this Act, the Board of Regents may purchase improved real property adjacent to the campus of South Dakota State University at a cost not to exceed two hundred seventy five thousand dollars (\$275,000), the parcel of real property being described as follows:

W 85' of Lots 1, 2 and 3, Block 1, Wheaton's addition, city of Brookings, Brookings county, South Dakota.

Section 7. The Board of Regents is authorized to sell, to dismantle or otherwise to dispose of any improvements on the property described in Section 6 of this Act.

STATE OF SOUTH DAKOTA

2010 SESSION, LEGISLATIVE ASSEMBLY

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct a motor pool building at South Dakota State University and to make an appropriation thereof.

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

Section 1. The Board of Regents may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other services or actions as may be required to construct a motor pool building, not to exceed two thousand gross square feet, at an estimated cost of two hundred thirty-four thousand three hundred dollars (\$234,300) on the campus of South Dakota State University, in Brookings, South Dakota.

Section 2. The Board of Regents is hereby appropriated for the total project cost authorized by this Act the sum of two hundred thirty-four thousand three hundred dollars (\$234,300) of other fund expenditure authority, payable from sponsored program indirect cost receipts, from service center cost recovery and from prepaid rental in the amount of fifty thousand dollars (\$50,000) from the Bureau of Administration.

Section 3. Expenditure authority may be increased based on the receipt of grants or donations received pursuant to this Act. However, no adjustment to any cost estimate may exceed one hundred twenty-five percent of the authorized expenditure authority stated in section 2 of this Act. No increase in gross square footage authorized by section 1 of this Act may exceed ten percent. Any increase in gross square footage may only be made to accommodate design

changes needed to comply with building code requirements, to address unforeseeable structural, subsoil, or environmental conditions.

Section 4. The design and construction of the facility authorized in this Act shall be under the general supervision of the Bureau of Administration as provided in chapter 5-14. The commissioner of the Bureau of Administration and the executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

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

STATE OF SOUTH DAKOTA

2010 SESSION, LEGISLATIVE ASSEMBLY

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents and the South Dakota Building Authority to contract for construction of classroom facilities at University Center in Sioux Falls to replace facilities leased from the Sioux Falls School District and to make an appropriation therefor.

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

Section 1. The South Dakota Building Authority may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other services or actions as may be required to construct classroom facilities at University Center in Sioux Falls to replace facilities leased from the Sioux Falls School District, at the estimated cost of ten million, five hundred thirty thousand one hundred seventy-two dollars. The facilities may be erected as freestanding buildings, as additions to existing buildings or as a combination of buildings and additions, but the aggregate additional space at the University Center – Sioux Falls authorized by the Act may not exceed fifty thousand square feet.

Section 2. The South Dakota Building Authority may finance up to eight million, nine hundred seventy thousand dollars of the construction costs through the issuance of revenue bonds, in accordance with this Act and chapter 5-12.

Section 3. There is hereby appropriated the sum of one million five hundred sixty thousand one hundred seventy-two dollars of other fund expenditure authority for the construction authorized in section 1 of this Act payable from funds received from the Sioux Falls School District in consideration of the Board of Regents' release of a leasehold to a facility at the South East Technical Institute.

Section 4. The Building Authority and the Board of Regents may accept, transfer, and expend any property or funds obtained for these purposes from federal sources, gifts, contributions, or any source other than general funds, all of which shall comprise a special fund for the project authorized in this Act and all monies deposited into that fund are hereby appropriated to the construction authorized by this Act.

Section 5. No indebtedness, bond, or obligation incurred or created under the authority of this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor against the property or funds of the State of South Dakota within the meaning of the Constitution or statutes of the state.

Section 6. The Board of Regents may make and enter into a lease agreement with the South Dakota Building Authority and make rental payments under the terms thereof, pursuant to chapter 5-12, from the higher education facilities fund for the purposes of this Act.

Section 7. Expenditure authority may be increased based on the receipt of grants or donations received pursuant to this Act. However, no adjustment to any cost estimate may exceed one hundred twenty-five percent of the authorized expenditure authority stated in section 1 of this Act. No increase in gross square footage authorized by section 1 of this Act may exceed ten percent. Any increase in gross square footage may only be made to accommodate design changes needed to comply with building code requirements, to address unforeseeable structural, subsoil, or environmental conditions.

Section 8. The design and construction of the facility authorized in this Act shall be under the general supervision of the Bureau of Administration as provided in chapter 5-14. The commissioner of the Bureau of Administration and the executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

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

STATE OF SOUTH DAKOTA

2010 SESSION, LEGISLATIVE ASSEMBLY

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to appropriate additional funds to the Board of Regents for the construction of an addition to the Northern State University Joseph H. Barnett Center as authorized by chapter 91 of the 2009 Session Laws.

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

Section 1. That section 1 of chapter 91 of the 2009 Session Laws be amended as follows:

“Section 1. The Board of Regents may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other services or actions as may be required to construct an addition, not to exceed ~~four thousand two hundred twenty-eight~~ twenty-seven thousand eight hundred seventy-eight gross square feet, to the Northern State University Joseph H. Barnett Center, in Aberdeen, South Dakota.”

Section 2. That the section 2 of chapter 91 of the 2009 Session Laws be repealed.

Section 3. The Board of Regents is hereby appropriated the sum of three million two hundred thousand dollars (\$3,200,000) of other fund expenditure authority, payable from funds donated for the purposes of chapter 91 of the 2009 Session Laws, for the total project cost authorized by chapter 91 of the 2009 Session Laws and this Act.

Section 4. The appropriations made in section 3 shall be available for four full fiscal years following the effective date of this Act.