

AN ACT

ENTITLED, An Act to authorize the relocation of the School for the Blind and the Visually Impaired and the transfer of its existing real estate and facilities to Northern State University, to authorize actions necessary to accomplish that relocation and transfer, to protect the permanent endowment trust through exchanges of real estate and facilities, to appropriate funds, and to declare an emergency.

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

Section 1. The School for the Blind and the Visually Impaired shall relocate from its site in Aberdeen, Brown County, to a new facility to be constructed on the Jerde Hall site of the Northern State University campus, and shall assume jurisdiction over the new facility and its grounds. Upon completion of the relocation, Northern State University shall assume jurisdiction over the real estate and facilities currently occupied by the School for the Blind and the Visually Impaired.

Section 2. The Legislature finds:

- (1) That the relocation and transfers of jurisdiction authorized by section 1 of this Act affect properties within two separate institutional trusts in the permanent endowment trust, and, to comport with S.D. Const. Art. VIII, § 7, the relocation and transfers shall be structured to preserve the value of each institutional trust;
- (2) That the real estate and fixtures comprising the campus of the School for the Blind and the Visually Impaired form part of the permanent endowment trust for the benefit of the School for the Blind and the Visually Impaired, having been donated by the City of Aberdeen pursuant to chapter 242 of the 1957 Session Laws and chapter 77 of the 1959 Session Laws; and that the appraised value for the real estate and fixtures is approximately one million four hundred forty-five thousand dollars;
- (3) That Jerde Hall on the campus of Northern State University was placed in the permanent

endowment trust pursuant to chapter 154 of the 1986 Session Laws, for the benefit of the state universities, and that the appraised value for the real estate and fixtures is approximately eight hundred fifty thousand dollars;

- (4) That the estimated project cost of a new facility for the School for the Blind and the Visually Impaired is thirteen million five hundred fifty-eight thousand nine hundred ninety-three dollars;
- (5) That the most expedient means to implement section 1 of this Act consistent with constitutional requirements is to remove Jerde Hall and its grounds from the permanent endowment trust for the state universities prior to the construction of a new facility for the School for the Blind and the Visually Impaired and to replace Jerde Hall and its grounds with a different Northern State University property from outside the permanent endowment trust for the state universities that has equal or greater appraised value than Jerde Hall; and
- (6) That Wolves Memorial Suites, a student residence facility constructed in 2017 on the campus of Northern State University pursuant to chapter 13-51A, with an appraised value of six million six hundred ninety-two thousand dollars, does not form part of the permanent endowment trust, being situated on land, with an appraised value of two hundred fifty-three thousand dollars, acquired by the state for the benefit of Northern State University in three purchases with general funds appropriated by chapter 205 of the 1966 Session Laws, and, pursuant to contracts for deed, with parking fees appropriated by chapter 112 of the 1972 Session Laws, and with parking fees appropriated by chapter 166 of the 1977 Session Laws.

Section 3. The Legislature hereby removes from the permanent endowment trust for the state universities that real estate and fixtures on the campus of Northern State University known as Jerde

Hall, with an appraised value of eight hundred fifty thousand dollars, and described as:

Huffman's Outlot one (1) of Huffman's Outlot One (1) and Two (2) in the Southeast Quarter (SE1/4) of Section 24, Township 123, North, Range 64, West of the 5th Principal Meridian, Brown County, South Dakota,

and replaces those properties in the permanent endowment trust for the state universities with that real estate and fixtures on the campus of Northern State University known as Wolves Memorial Suites, with an appraised value of six million nine hundred forty-five thousand dollars, and described as:

Lot 1 of Northern State University Suites Addition to Aberdeen in the Norwest 1/14 of Section 24, all of Township 123 North, Range 64 West of the 5th Principal Meridian, Brown County, South Dakota,

thereby, complying fully with the Legislature's constitutional charge never to diminish the permanent endowment trust for the state universities.

Section 4. The Board of Regents may demolish Jerde Hall for an estimated cost of two hundred forty-two thousand, seven hundred seventy-five dollars, payable from donations received for the purposes of this Act, and erect, equip, furnish, and otherwise prepare for occupancy on its site a new building, together with landscaping, sidewalks, parking and ancillary facilities, with an estimated project cost of thirteen million five hundred fifty-eight thousand, nine hundred ninety-three dollars, payable from funds obtained pursuant to section 8 of this Act. The new building shall be designed to meet the educational and operational needs of the School for the Blind and the Visually Impaired and to provide additional classroom space for cooperative programming with Northern State University to prepare teachers of the visually impaired.

Section 5. The Board of Regents shall notify the commissioner of school and public lands when the construction authorized in section 4 of this Act has been accepted, and the commissioner of

school and public lands shall remove from the permanent endowment trust and transfer the site presently comprising the campus and facilities of the School for the Blind and the Visually Impaired to Northern State University, and thereafter, the real estate and fixtures, with an appraised value of one million four hundred forty-five thousand dollars, known as the campus of the School for the Blind and the Visually Impaired and described as:

Blocks One (1), Two (2), Three (3) and Four (4), Melgaard Park Addition to Aberdeen, Brown County, South Dakota, and Hoff's Outlot One (1) Blocks One (1) to Block Two (2), and Hoff's Outlot (1) to Block Three (3), Melgaard Park Addition to Aberdeen, Brown County, South Dakota, being part of the Southeast Quarter (SE1/4) of Section 24, Township 123, North, Range 64, West of the 5th Principal Meridian, comprising nine and one half acres, more or less,

shall comprise part of the campus of Northern State University but will not be part of the permanent endowment trust for the state universities.

At the same time, the commissioner of school and public lands shall transfer into the permanent endowment trust for the School for the Blind and the Visually Impaired the real estate comprising the former site of Jerde Hall as improved by the new construction authorized by this Act, with an appraised value of ten million fifty-thousand dollars, and described as:

Huffman's Outlot one (1) of Huffman's Outlot One (1) and Two (2) in the Southeast Quarter (SE1/4) of Section 24, Township 123, North, Range 64, West of the 5th Principal Meridian,

as full replacement for the real estate and fixtures transferred to Northern State University pursuant to this Act, thereby, complying fully with the Legislature's constitutional charge never to diminish the permanent endowment trust for the School for the Blind and the Visually Impaired.

Section 6. When the transfers authorized in section 5 of this Act have been completed, the Board

of Regents may demolish the facilities formerly occupied by the School for the Blind and the Visually Impaired for an estimated cost of one hundred seventy thousand dollars, payable from funds received for the purposes of this Act.

Section 7. All cost estimates contained in this Act have been stated in terms of 2017 values and may be adjusted to reflect inflation as measured by the Building Cost Index reported by the Engineering News Record, additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 8 of this Act. However, any adjustments to project cost estimates for any given project may not exceed one hundred twenty-five percent of the estimated project cost stated in sections 4 or 6 of this Act.

Section 8. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in sections 4 and 6 of this Act from federal sources, donations, or any other sources, all of which comprise a special fund for the benefitted project. All monies deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 4, 6, and 7 of this Act.

Section 9. The administration of the design and construction of the projects authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 10. 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 11. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1071

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1071
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
SS.

Office of the Secretary of State

Filed _____ , 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State