

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

790S0456

HOUSE BILL NO. 1166

Introduced by: Representatives Hubbel, Liss, Munsterman, Nelson (Stace), and Olson (Betty)
and Senator Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to restrict, under certain circumstances, the transfer of
2 certain land parcels by the federal government.

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

4 Section 1. No county register of deeds may record any deed, will, or other instrument
5 transferring any fee interest in any parcel of real property in this state that aggregates thirty acres
6 or more, except as provided in this Act.

7 Section 2. If any person presents any instrument transferring to the federal government any
8 parcel of real property in that county that aggregates thirty acres or more to the register of deeds
9 for recordation, the register of deeds shall forthwith notify the board of county commissioners
10 and shall certify a copy of the instrument to the board of county commissioners.

11 Section 3. The board of county commissioners shall hold a public hearing on the subject of
12 the transfer in the county courthouse within sixty days of notification pursuant to section 2 of
13 this Act. Prior to the public hearing, the board of county commissioners shall give timely and
14 effective notice of the meeting to the transferor, the transferee, the general public, and any other
15 party that the board may know to be interested in the property transfer.



1 Section 4. At the public meeting, the board of county commissioners shall solicit and
2 consider any relevant testimony concerning whether or not the transfer of the parcel of real
3 property is in the best interest of the people of the county and surrounding affected areas
4 including:

- 5 (1) Whether the property is to be used for its best and highest purpose;
- 6 (2) Whether the property transfer is likely to adversely impact the economy,
7 environment, or tax base;
- 8 (3) Whether the parties to the property transfer are open to expressions of public concern
9 and are responsive to such of those public concerns as may be reasonably,
10 economically, and effectively addressed; and
- 11 (4) Whether the property transfer is in the broader public interest.

12 The board of county commissioners is entitled to consider the failure of either party to the
13 property transfer to appear at the public hearing as evidence that the transfer is not in the public
14 interest.

15 Section 5. If the board of county commissioners, by motion, finds that the property transfer
16 is in the public interest, the board shall release the register of deeds to record the transfer
17 instrument.

18 If the board of county commissioners, by motion, finds that the property transfer is not in
19 the public interest, the board shall direct the register of deeds that the transfer document may
20 not be recorded; or the board may, of its own accord, or at the request of any party, provide for
21 additional public hearings.

22 Section 6. The board of county commissioners shall, in performing its responsibilities
23 pursuant to this Act, strive in good faith to facilitate the public interest without undue
24 interference or delay.

1 Section 7. If the board of county commissioners does not find that the property transfer is
2 in the public interest, either the transferor or the transferee, or both, may appeal the decision of
3 the board of county commissioners to the Legislature. The Legislature may concede or withhold
4 its explicit authorization by legislative enactment.