

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

400S0643

## HOUSE BILL NO. 1231

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for the sale of certain surplus real estate, to  
2 appropriate the proceeds to the revolving economic development and initiative fund, and to  
3 revise certain provisions relating to the sale of certain surplus property.

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

5 Section 1. Upon the request of the Governor, the Commissioner of School and Public Lands  
6 shall sell all or any portion of the following real estate and any related personal property and  
7 improvements located on the property:

8 (1) In Aurora County:

9 (a) Certain property under the control of the Department of Corrections and  
10 described generally as the South 740 feet of the N1/2 of the NE1/4 of Section  
11 13, Township 103, Range 64, consisting of 37.41 acres, more or less; and

12 (b) Certain property under the control of the Department of Corrections and  
13 described generally as the S1760' of the NW1/4 of Section 13, Township 103,  
14 Range 64, consisting of 100 acres, more or less;

15 (2) In Custer County:



1 (a) Certain property under the control of the Department of Corrections and  
2 described generally as HES#168, less Tract A and less Lot A, located in  
3 Sections 22 and 23, Township 4S, Range 4EBHM, consisting of 73.48 acres,  
4 more or less;

5 (3) In Fall River County:

6 (a) Certain property under the control of the Department of Military and Veterans  
7 Affairs and described generally as Lots 1-5, inclusive, of Block 42; and Lots  
8 13-23, inclusive, of Block 42, Second Minnekahta Addition, City of Hot  
9 Springs; and

10 (b) Certain property under the control of the Department of Military and Veterans  
11 Affairs and described generally as Lots 1-12, inclusive, of Block 1; Lots 1-12,  
12 inclusive, of Block 2; Lots 1-24, inclusive, of Block 3; Lots 1-14, inclusive,  
13 of Block 4; Lots 1-12, inclusive, of Block 6; and Lots 1-4, inclusive, of Block  
14 7, Cottage Grove Addition, City of Hot Springs;

15 (4) In Hughes County:

16 (a) Certain property under the control of the Bureau of Administration and  
17 described generally as the South 200' of the N1/2 of the N1/2 of the SW1/4 of  
18 the NE1/4 east of Hwy ROW, Section 34, Township 111, Range 79, consisting  
19 of parts of Lots One through Six, Block One, east of Hwy ROW, and parts of  
20 Lots One through Ten, Block Four, east of Hwy ROW, all in Baird's First  
21 Addition, City of Pierre;

22 (5) In Minnehaha County:

23 (a) Certain property under the control of the Department of Corrections and  
24 described generally as the SW1/4 of the NW1/4 and NW1/4 of the SW1/4,

- 1 Section 7, Township 101, Range 50, consisting of 80 acres, more or less;
- 2 (b) Certain property under the control of the Department of Corrections and  
3 described generally as the W1/2 of the NW1/4 of the NW1/4 of Section 18,  
4 Township 101, Range 50, consisting of 20 acres, more or less;
- 5 (c) Certain property under the control of the Department of Corrections and  
6 described generally as the W1/2 of the NE1/4 and the SE1/4 of the NE1/4 of  
7 Section 12, Township 101, Range 51, consisting of 120 acres, more or less;
- 8 (d) Certain property under the control of the Department of Corrections and  
9 described generally as the N1/2 of the NW1/4 of Section 12, Township 101,  
10 Range 51, consisting of 80 acres, more or less;
- 11 (e) Certain property under the control of the Department of Corrections and  
12 described generally as the N1/2 of the SE1/4 and E1/2 of the SE1/4 of the  
13 SE1/4 of Section 12, Township 101, Range 51, consisting of 100 acres, more  
14 or less;
- 15 (f) Certain property under the control of the Department of Corrections and  
16 described generally as the NE1/4 of the NE1/4 of Section 13, Township 101,  
17 Range 51, consisting of 40 acres, more or less;
- 18 (g) Certain property under the control of the Department of Corrections and  
19 described generally as the S1/2 of the NW1/4 (except the South 806.87' of the  
20 West 810') and the N1/2 of the SW1/4 of Section 14, Township 101, Range  
21 51, consisting of 145 acres, more or less; and
- 22 (h) Certain property under the control of the Department of Corrections and  
23 described generally as a part of the SW1/4 of Section 4, Township 101, Range  
24 49, lying east of the Big Sioux River diversion channel, including Lot "H-2",

1                   except Lot B of Lot "H-2" and except Lot "H-1," consisting of 32 acres, more  
2                   or less; and

3       (6)   In Spink County:

4           (a)   Certain property under the control of the Department of Human Services  
5               described generally as, Lot CC3, being a Subdivision of Government Lot 1 of  
6               Section 4, Township 116 North, Range 64 West of the 5th P.M. Spink County,  
7               South Dakota, containing 52.67 acres, more or less, less Hwy ROW of 2.15  
8               acres, more or less.

9       Section 2. Real property and related personal property and improvements on the property  
10       which are generally considered a part of the tracts described in section 1 of this Act but not  
11       specifically included in the legal descriptions set out in section 1 of this Act may be sold as  
12       provided in this Act as though they were specifically described in section 1 of this Act.

13       Section 3. Nothing in section 1 of this Act is intended to authorize the sale of real property  
14       under the control of the Department of Military and Veterans Affairs that is intended for use for  
15       construction of a new Veterans Home.

16       Section 4. The real property and other property described in section 1 of this Act shall be  
17       appraised by the board of appraisal established by § 5-9-3 and shall be sold according to the  
18       procedure established in §§ 5-9-6 to 5-9-9, inclusive, §§ 5-9-11 to 5-9-15, inclusive, § 5-9-28  
19       and 5-9-36, subject to all applicable constitutional reservations.

20       Section 5. Except as otherwise required by the South Dakota Constitution or applicable  
21       federal law, notwithstanding any other law to the contrary, the proceeds from the sale of the real  
22       estate and other property described in section 1 of this Act shall be deposited into the revolving  
23       economic development and initiative fund created by § 1-16G-3. The provisions of § 1-16G-7  
24       notwithstanding, the sale proceeds are hereby appropriated for the purpose of making loans and

1 grants for economic development pursuant to chapter 1-16G.

2 Section 6. That § 5-2-2.1 be amended to read as follows:

3 5-2-2.1. The Board of Regents, ~~the Department of Corrections, and the Department of~~  
4 ~~Human Services~~ may sell extraneous real property subject to the provisions of the Constitution  
5 and approval of the Legislature.

6 The proceeds from a sale of such land under the Board of Regents shall be deposited with  
7 the state treasurer and credited to a fund specifically designated as the "real property acquisition  
8 and capital improvement fund" for each institution under the Board of Regents involved in such  
9 transaction. The proceeds shall be invested by the State Investment Council in accordance with  
10 chapter 4-5. Expenditures from the fund shall be approved by the Legislature.

11 ~~The proceeds from the sale of land under the Department of Corrections and the Department~~  
12 ~~of Human Services shall be deposited in the Department of Corrections building improvement~~  
13 ~~fund and the Department of Human Services building improvement fund which are hereby~~  
14 ~~created in the state treasury.~~

15 Section 7. That § 5-2-2.3 be amended to read as follows:

16 5-2-2.3. The proceeds and accumulated interest from sale of land under the Board of  
17 Regents pursuant to § 5-2-2.1 shall be used by the Board of Regents for acquisition of real and  
18 personal property or capital improvements subject to the approval of the Legislature. For  
19 purposes of this section, the definition of capital improvement contained in § 5-14-1 applies.

20 ~~The proceeds of the sale of land under the Department of Corrections or the Department of~~  
21 ~~Human Services pursuant to § 5-2-2.1 shall be expended in such manner as determined by the~~  
22 ~~Legislature.~~