

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

400S0644

HOUSE STATE AFFAIRS  
ENGROSSED NO. **HB 1232** - 2/16/2011

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 provide for the deposit of the proceeds, and to revise certain provisions relating to the sale  
3 of certain surplus property.

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

5 Section 1. The provisions of any law to the contrary, upon the request of the Governor, the  
6 Commissioner of School and Public Lands shall sell all or any portion of the following real  
7 estate located in Yankton County and any related personal property and improvements located  
8 on the property:

9 (a) Certain property under the control of the Department of Human Services described  
10 generally as Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section  
11 21, Township 94 North, Range 55, West of the 5th P.M., also described as Lot 13 and  
12 that portion of Lot 14 as described in Warranty Deed, F.V. Willhite, Grantor to  
13 Yankton State Hospital (administered by the South Dakota Department of Human  
14 Services) Grantee; as recorded August 26th 1918 in Book 120 on page 388 in the  
15 County of Yankton to wit: Commencing on the West or right bank of the James or



1 Dakota River at a point where the east and west section line between sections 21 and  
2 28 of Township 94 North, of Range 55 West of the 5th P.M. intersects said bank of  
3 said river; thence west along said section line 4.51 chains; thence north to the right  
4 bank of said river, thence down said stream along the right bank of said river to the  
5 place of beginning north to the right bank of said river, and accreted land; all of  
6 Section 21, Township 94 North, range 55, West of the 5th P.M., consisting of 15  
7 acres, more or less; and

8 (b) Certain property under the control of the Department of Human Services described  
9 generally as the East 1900 feet of the South 1300 feet of Lot A being a Subdivision  
10 of the SE1/4 of Section 36 Township 94 North Range 56 West of the 5th P.M.,  
11 consisting of 56.70 acres, more or less.

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

16 Section 3. The real estate 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 and  
19 5-9-36, subject to all applicable constitutional reservations.

20 Section 4. The proceeds from the sale of the real estate and other property described in  
21 section 1 of this Act under the control of the Human Services Center shall be deposited into the  
22 permanent fund established by Article VIII, Section 7, of the South Dakota Constitution for the  
23 use and benefit of the Human Services Center.

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

1       5-2-2.1. The Board of Regents, ~~the Department of Corrections, and the Department of~~  
2 ~~Human Services~~ may sell extraneous real property subject to the provisions of the Constitution  
3 and approval of the Legislature.

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

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

13       Section 6. That § 5-2-2.3 be amended to read as follows:

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

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

21       Section 7. Notwithstanding the provisions of this Act or any other law to the contrary, the  
22 Governor may direct the Commissioner of School and Public Lands to sell any real estate and  
23 related personal property described in section 1 of this Act to a political subdivision within  
24 which the real estate and related personal property is located. The sale may be made without

1 first offering the real estate and related personal property for sale to the public. The sale price  
2 shall be at least the appraised value as determined by the board of appraisal established by § 5-9-  
3 3, and is subject to all applicable statutory and constitutional reservations.