

AN ACT

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

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

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

(1) In Aurora County:

- (a) Certain property under the control of the Department of Corrections and described generally as the N1/2 of the NE1/4, less the North 600', Section 13, Township 103, Range 64, consisting of 42.68 acres, more or less;
- (b) Certain property under the control of the Department of Corrections and described generally as the NW1/4, less the North 880', Section 13, Township 103, Range 64, consisting of 106.72 acres, more or less; and
- (c) Certain property under the control of the Department of Corrections and described generally as the N880' of the NE1/4 of Section 14, Township 103, Range 64, consisting of 53.44 acres more or less;

(2) In Custer County:

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

(3) In Fall River County:

- (a) Certain property under the control of the Department of Military and Veterans

- Affairs and described generally as Lots 1-5, inclusive, of Block 42; and Lots 13-23, inclusive, of Block 42, Second Minnekahta Addition, City of Hot Springs; and
- (b) Certain property under the control of the Department of Military and Veterans Affairs and described generally as Lots 1-12, inclusive, of Block 1; Lots 1-12, inclusive, of Block 2; Lots 1-24, inclusive, of Block 3; Lots 1-14, inclusive, of Block 4; Lots 1-12, inclusive, of Block 6; and Lots 1-4, inclusive, of Block 7, Cottage Grove Addition, City of Hot Springs;
- (4) In Minnehaha County:
- (a) Certain property under the control of the Department of Corrections and described generally as the SW1/4 of the NW1/4 and NW1/4 of the SW1/4, Section 7, Township 101, Range 50, consisting of 80 acres, more or less;
 - (b) Certain property under the control of the Department of Corrections and described generally as the W1/2 of the NW1/4 of the NW1/4 of Section 18, Township 101, Range 50, consisting of 20 acres, more or less;
 - (c) Certain property under the control of the Department of Corrections and described generally as the W1/2 of the NE1/4 and the SE1/4 of the NE1/4 of Section 12, Township 101, Range 51, consisting of 120 acres, more or less;
 - (d) Certain property under the control of the Department of Corrections and described generally as the N1/2 of the NW1/4 of Section 12, Township 101, Range 51, consisting of 80 acres, more or less;
 - (e) Certain property under the control of the Department of Corrections and described generally as the N1/2 of the SE1/4 and E1/2 of the SE1/4 of the SE1/4 of Section 12, Township 101, Range 51, consisting of 100 acres, more or less;
 - (f) Certain property under the control of the Department of Corrections and described

generally as the NE1/4 of the NE1/4 of Section 13, Township 101, Range 51, consisting of 40 acres, more or less;

- (g) Certain property under the control of the Department of Corrections and described generally as the S1/2 of the NW1/4 (except the South 806.87' of the West 810') and the N1/2 of the SW1/4 of Section 14, Township 101, Range 51, consisting of 145 acres, more or less; and
- (h) Certain property under the control of the Department of Corrections and described generally as a part of the SW1/4 of Section 4, Township 101, Range 49, lying east of the Big Sioux River diversion channel, including Lot "H-2", except Lot B of Lot "H-2" and except Lot "H-1," consisting of 32 acres, more or less; and

(5) In Spink County:

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

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

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

Section 4. The real property and other property described in section 1 of this Act shall be appraised by the board of appraisal established by § 5-9-3 and shall be sold according to the

procedure established in §§ 5-9-6 to 5-9-9, inclusive, §§ 5-9-11 to 5-9-15, inclusive, § 5-9-28 and 5-9-36, subject to all applicable constitutional reservations.

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

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

5-2-2.1. The Board of Regents may sell extraneous real property subject to the provisions of the Constitution and approval of the Legislature.

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

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

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

Section 8. Notwithstanding the provisions of this Act or any other law to the contrary, the Governor may direct the Commissioner of School and Public Lands to sell any real estate and related personal property described in section 1 of this Act to a political subdivision within which the real

estate and related personal property is located. The sale may be made without first offering the real estate and related personal property for sale to the public. The sale price shall be at least the appraised value as determined by the board of appraisal established by § 5-9-3, and is subject to all applicable statutory and constitutional reservations.

An Act to provide for the sale of certain surplus real estate, to appropriate the proceeds to the revolving economic development and initiative fund, and to revise certain provisions relating to the sale of certain surplus property.

I certify that the attached Act
originated in the

HOUSE as Bill No. 1231

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1231
File No. _____
Chapter No. _____

Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

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

Governor

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