

2022 South Dakota Legislature

House Bill 1235**AMENDMENT 1235A FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to make an appropriation for the wellness of South Dakota and to declare an**
2 **emergency.**

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

4 **Section 1. That § 41-2-19 be AMENDED:**

5 **41-2-19.** The Department of Game, Fish and Parks may, on behalf and in the
6 name of the state, acquire public or private property by gift, grant, devise, purchase,
7 lease, or condemnation proceedings, and may manage, control, and improve the property
8 for the purpose of exercising the powers granted in this title.

9 Real property may not be accepted, received, or administered by the department
10 until the attorney general certifies that the real property is free from any legal obligations,
11 and the real property may not be accepted, received, or administered without specific
12 approval by the Legislature.

13 **Section 2. That § 41-2-20 be AMENDED:**

14 **41-2-20.** Any personal property or buildings or fixtures on real estate, acquired
15 pursuant to § 41-2-19, may be sold by the Game, Fish and Parks Commission if the
16 commission determines it to be obsolete or no longer useful and obtains the specific
17 approval of the Legislature. The property ~~shall~~ must be sold according to procedures
18 prescribed by the commissioner of the Bureau of Administration.

19 **Section 3. That § 41-2-21 be AMENDED:**

20 **41-2-21.** The Department of Game, Fish and Parks may acquire by any means or
21 methods as specified in § 41-2-19 any public or private real property especially desirable

1 for purposes of establishing public shooting areas or for the purposes of water
2 conservation or recreation and may develop and improve the property for such purposes.

3 Real property may not be accepted, received, or administered by the department
4 until the attorney general certifies that the real property is free from any legal obligations,
5 and the real property may not be accepted, received, or administered without specific
6 approval by the Legislature.

7 **Section 4. That § 41-2-29.1 be AMENDED:**

8 **41-2-29.1.** The Department of Game, Fish and Parks shall sell real property owned
9 by the state and held by the department if ~~such~~ the real property is no longer needed for
10 game, fish, or parks purposes and the department obtains the specific approval of the
11 Legislature. ~~Such~~ The sale may be made only by the following procedure:

- 12 (1) At the full value established by a qualified appraiser employed by the department;
- 13 (2) For cash at public auction;
- 14 (3) Five days after the last of at least two publications of notice of the sale in at least
15 three daily newspapers of the state. The publications shall disclose all details
16 relative to the sale;
- 17 (4) Money received shall be deposited with the state treasurer and credited to the
18 game, fish and parks fund;
- 19 (5) Conveyance shall be made in the name of the State of South Dakota acting by and
20 through the Department of Game, Fish and Parks and executed in the manner
21 provided by § 5-2-11.

22 **Section 5. That § 41-2-29.2 be AMENDED:**

23 **41-2-29.2.** The Department of Game, Fish and Parks, in addition to or as an
24 alternative to the requirements and methods specified in § 41-2-29.1, may trade or
25 exchange real property owned by the state and held by the department if the real property
26 is no longer needed for game, fish or parks purposes or if real property more suitable to
27 department purposes may be obtained by an exchange. The exchange may be made only
28 for other real property of equal value as determined by a qualified appraiser employed by
29 the department. Conveyance ~~shall~~ must be made in the name of the State of South Dakota
30 acting by and through the Department of Game, Fish and Parks and executed in the
31 manner provided by § 5-2-11.

32 Real property may not be accepted, received, or administered by the department
33 until the attorney general certifies that the real property is free from any legal obligations,

1 and the real property may not be traded, accepted, received, or administered without
2 specific approval by the Legislature.
3

AMENDMENT