

2022 South Dakota Legislature

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

1 **An Act to ~~make an appropriation for the wellness of South Dakota and to declare an~~**
2 **emergency require legislative approval for the acquisition, sale, or exchange**
3 **of real property by the Department of Game, Fish and Parks.**

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

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

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

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

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

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

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

1 **41-2-21.** The Department of Game, Fish and Parks may acquire by any means or
2 methods as specified in § 41-2-19 any public or private real property especially desirable
3 for purposes of establishing public shooting areas or for the purposes of water
4 conservation or recreation and may develop and improve the property for such purposes.

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

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

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

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

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

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

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