



## 2022 South Dakota Legislature

# House Bill 1235

### HOUSE APPROPRIATIONS ENGROSSED

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

Introduced by: **Representative** Karr

1 **An Act to require legislative approval for the acquisition, sale, or exchange of real**  
 2 **property by the Department of Game, Fish and Parks.**

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

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 accepted, received, or administered without specific  
4           approval by the Legislature.

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

6           **41-2-29.1.** The Department of Game, Fish and Parks shall sell real property owned  
7           by the state and held by the department if ~~such~~ the real property is no longer needed for  
8           game, fish, or parks purposes and the department obtains the specific approval of the  
9           Legislature. ~~Such~~ The sale may be made only by the following procedure:

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

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

21           **41-2-29.2.** The Department of Game, Fish and Parks, in addition to or as an  
22           alternative to the requirements and methods specified in § 41-2-29.1, may trade or  
23           exchange real property owned by the state and held by the department if the real property  
24           is no longer needed for game, fish or parks purposes or if real property more suitable to  
25           department purposes may be obtained by an exchange. The exchange may be made only  
26           for other real property of equal value as determined by a qualified appraiser employed by  
27           the department. Conveyance ~~shall~~ must be made in the name of the State of South Dakota  
28           acting by and through the Department of Game, Fish and Parks and executed in the  
29           manner provided by § 5-2-11.

30           Real property may not be accepted, received, or administered by the department  
31           until the attorney general certifies that the real property is free from any legal obligations,  
32           and the real property may not be traded, accepted, received, or administered without  
33           specific approval by the Legislature.