

2025 South Dakota Legislature

House Bill 1205**AMENDMENT 1205C
FOR THE INTRODUCED BILL**

1 **An Act to require legislative approval of real property leases that are necessary for**
2 **the operation of state government and exceed specified durations or rental**
3 **payments.**

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

5 **Section 1. That § 1-33-9 be AMENDED:**

6 **1-33-9.** The Bureau of Human Resources and Administration shall:

- 7 (1) Provide workers' compensation coverage and a group health and flexible benefit
8 plan for all state employees unless ~~such~~ the duties are delegated to another agency
9 pursuant to chapter 1-24;
- 10 (2) Administer recruitment and classification for all civil service employees unless
11 ~~such~~ the duties are delegated to another agency pursuant to chapter 1-24;
- 12 (3) Provide human resource management and programs including programs governing
13 human resource planning, training and development, internships, performance
14 evaluation, employee assessment and testing, classification, compensation,
15 recruitment, and other matters relating to human resource management for all of
16 the executive branch of state government under the control of the Governor and
17 by agreement for other state government agencies;
- 18 (4) Perform all administrative functions for the Civil Service Commission;
- 19 (5) Employ ~~such~~ staff as are necessary to perform its duties;
- 20 (6) Contract ~~as is~~ necessary to perform its duties;
- 21 (7) Keep an exact and true inventory of all property, real and personal, belonging to
22 the state and promulgate rules pursuant to chapter 1-26 enumerating the types
23 and classes of public personal property to be included in the inventory required by
24 § 5-24-1;
- 25 (8) Administer the procurement of supplies, services, and public improvements as
26 prescribed in chapters 5-18A, 5-18B, and 5-18D;

- 1 (9) Supervise ~~such central administrative services as~~ transportation, mail, records
 2 management,~~—and~~ document reproduction services, and other central
 3 administrative services, and make provisions for the supplying of office supplies
 4 and furniture;
- 5 (10) Maintain the buildings and grounds of the capitol complex and install central
 6 facilities to be used by all state agencies under rules the bureau promulgates
 7 pursuant to chapter 1-26;
- 8 (11) Contract for the provision of food services, candy, and beverages in the capitol
 9 complex;
- 10 (12) Supervise the administration of the Office of Hearings Examiners;
- 11 (13) Administer the federal surplus property allotted to the state;
- 12 (14) Provide for the lease of real property necessary for the operation of state
 13 government, in accordance with the limitations set forth in section 2 of this Act;
- 14 (15) Administer a program of risk management for state government;
- 15 (16) Contract for services required by multiple state agencies, if the contract improves
 16 the efficiency of state government; and
- 17 (17) Take any other function as may be required by statute, executive order, or
 18 administrative action.

19 **Section 2. That a NEW SECTION be added to chapter 1-33:**

20 The Bureau of Human Resources and Administration may not, without legislative
 21 consent, enter into or otherwise authorize the lease of real property necessary for the
 22 operation of state government, if the term of the lease exceeds ~~ten~~ fifteen years or the
 23 amount of rental payments due during the term of the lease exceeds ~~five~~ twenty million
 24 dollars.

25 In order to receive legislative consent, the commissioner of the bureau of human
 26 resources and administration shall:

27 (1) If the Legislature is in session, seek the introduction and adoption of a joint
 28 resolution consenting to the lease; or

29 (2) If the Legislature is in a recess or between legislative sessions, request that the
 30 Executive Board of the Legislative Research Council review and consent to the
 31 terms and conditions of the lease.

32 A lease of real property necessary for the operation of state government may not
 33 be divided or structured in order to avoid or otherwise defeat the approval threshold
 34 established in this section.

1 Any lease entered into in violation of this section is void and unenforceable.

2 **Section 3.** If a lease of real property entered into by the Bureau of Human Resources and
3 Administration, before the effective date of this Act, has a term that exceeds ~~ten~~ fifteen years
4 or if the amount of rental payments during the term of the lease exceeds ~~five~~ twenty million
5 dollars, the lease becomes void and unenforceable on ~~June 30~~ July 1, 2026, unless prior to
6 that date the commissioner of human resources and administration obtains legislative
7 consent, in the same manner as required for new leases under section 2 of this Act.