



2025 South Dakota Legislature

House Bill 1205

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representative Auch**

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 ~~such~~
 11 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;

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

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

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

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

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

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

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

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

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