

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0391

SENATE BILL NO. 44

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to revise the permanent endowment trust, to authorize the
2 Board of Regents to sell certain extraneous real property and to purchase certain real
3 property, to make an appropriation of sale proceeds, and to declare an emergency.

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

5 Section 1. The Legislature hereby removes from the permanent endowment trust for the state
6 universities that real estate and fixtures with a total cumulative appraised value of one million
7 five hundred sixty thousand five hundred dollars and described and known as:

8 (1) Known as the Box Elder real estate:

9 Tract B, less Lot H1, of Parcel No. 3 and Lot 1 of Parcel No. 5, all in Tract A-101,
10 located in the E ½ NE ¼ Section 25, Township 2N, Range 8, East of the Black Hills
11 Meridian, County of Pennington, State of South Dakota;

12 (2) Known as the Highmore real estate:

13 NW ¼ Section 11, Township 112N, Range 72, West of the 5th P.M., County of
14 Hyde, State of South Dakota;

15 (3) Known as the West River Agricultural Center:



1 Tract F of Foundation Springs Business Park, City of Rapid City, Pennington
2 County, South Dakota, consisting of 1.1 acres, more or less;

3 and replaces those properties in the permanent endowment trust for the state universities with
4 that real estate and fixtures on the campus of South Dakota State University, with an appraised
5 value of one million five hundred sixty thousand five hundred dollars and described as:

6 NE1/4SE1/4, NE1/4NW1/4SE1/4, and the NE1/4SE1/4NW1/4SE1/4, all in Section
7 24, of Township 110 North, Range 50 West of the 5th P.M. containing 52.5 acres
8 more or less;

9 thereby, complying fully with the Legislature's constitutional charge never to diminish the
10 permanent endowment trust for the state universities.

11 Section 2. Notwithstanding any other provision of law, upon the request of the Board of
12 Regents and the Governor, the commissioner of school and public lands shall, after making the
13 trust whole pursuant to S.D. Const., Art. VIII, § 7, sell all or any portion of the following real
14 estate and any related personal property and improvements located on the property:

15 (1) Known as the Box Elder real estate:

16 Tract B, less Lot H1, of Parcel No. 3 and Lot 1 of Parcel No. 5, all in Tract A-101,
17 located in the E ½ NE ¼ Section 25, Township 2N, Range 8, East of the Black Hills
18 Meridian, County of Pennington, State of South Dakota;

19 (2) Known as the Highmore real estate:

20 NW ¼ Section 11, Township 112N, Range 72, West of the 5th P.M., County of
21 Hyde, State of South Dakota;

22 (3) Known as the West River Agricultural Center:

23 Tract F of Foundation Springs Business Park, City of Rapid City, Pennington
24 County, South Dakota, consisting of 1.1 acres, more or less;

1 (4) Known as the Volga Grassland:
2 E ½ of the E ½ of Section 32; W ½ of Section 33; SE ¼ (except the west 165 feet of
3 SE ¼ of the SW ¼ of the SE ¼) of Section 33; all in Township 111N, Range 51W
4 of the 5th P.M., County of Brookings, State of South Dakota.

5 Real estate and related personal property and improvements on the property which are
6 generally considered a part of the tracts described in this section, but not specifically included
7 in the legal descriptions set out in this section, may be sold as provided in this Act as though the
8 property and improvements were specifically described in this section.

9 Section 3. The real estate and other property described in section 2 of this Act shall be
10 appraised by the board of appraisal established by § 5-9-3 and may be sold in any manner
11 authorized by law, subject to all applicable constitutional reservations.

12 The proceeds from the sale authorized by section 2 of this Act, net of any costs associated
13 with the preparation for sale and subsequent sale of the real estate and other property, shall be
14 deposited into the real property acquisition and capital improvement fund for the South Dakota
15 State University, as provided in §§ 5-2-2.1 to 5-2-2.3, inclusive.

16 Section 4. The Board of Regents may purchase, on behalf of South Dakota State University,
17 sites comprising 137.32 total acres, more or less, of real property and improvements, which site
18 is known as the Bothe real estate described as:

19 N1/2 SW1/4 - 15-110-50, consisting more or less of 77.45 acres; and S1/2 SW1/4
20 Except Lots H-1 and H-2 and Outlot "A" of the SW1/4 SW1/4 and Exc Blk 1 Bothe
21 Addn - 15-110-50 consisting more or less of 59.87 acres, all in the County of
22 Brookings, State of South Dakota.

23 Section 5. The proceeds from the sale of properties under this Act and as authorized for sale
24 in chapter 105 of the 2016 Session Laws are hereby appropriated, or so much thereof as may be

1 necessary, for the purposes authorized in this Act and to complete and make whole the
2 purchases authorized by chapter 122 of the 2018 Session Laws, pursuant to § 5-2-2.3.

3 Section 6. Notwithstanding the provisions of this Act, the Board of Regents and the
4 Governor may direct the commissioner of school and public lands to sell any real estate and
5 related personal property described in this Act to a political subdivision within which the real
6 estate and related personal property is located. The sale may be made without first offering the
7 real estate and related personal property for sale to the public. The sale price shall be at least the
8 appraised value as determined by the board of appraisal established by § 5-9-3, and is subject
9 to all applicable constitutional reservations.

10 Section 7. The executive director of the Board of Regents shall approve vouchers and the
11 state auditor shall draw warrants to pay expenditures authorized by this Act.

12 Section 8. Whereas, this Act is necessary for the support of the state government and its
13 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
14 full force and effect from and after its passage and approval.