

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

400B0391

HOUSE ENGROSSED NO. **SB 44** - 2/7/2019

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

5 Section 7. Whereas, this Act is necessary for the support of the state government and its  
6 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
7 full force and effect from and after its passage and approval.