

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

772E0833

## SENATE ENGROSSED NO. **SB 253** - 02/15/2001

Introduced by: Senators Symens, Everist, and Hutmacher and Representatives Peterson  
(Bill), Hanson (Gary), Olson (Mel), and Sigdestad

1 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Railroad Authority to  
2 acquire certain facilities owned by the Burlington Northern and Santa Fe Railway Company  
3 and to declare an emergency.

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

5 Section 1. It being declared in the public interest, the South Dakota Railroad Authority,  
6 pursuant to chapter 49-16B, is hereby authorized to take such action to acquire, by any of the  
7 means permitted in chapter 49-16B, property, real, personal, and mixed, from the Burlington  
8 Northern and Santa Fe Railway Company, consisting of easements, rights-of-way, trackage,  
9 bridges, rail lines, and spurs, located between mileposts 118.6 near Aberdeen, South Dakota, and  
10 milepost 65.60 at the North Dakota/South Dakota, which are in need of repair, improvement,  
11 or replacement. Such property acquired by the authority, and any improvements thereto  
12 undertaken as provided in this Act, are declared to be projects within the meaning of § 49-16B-  
13 10. Any property acquired by the authority pursuant to this Act may be acquired subject to  
14 existing mortgages on or security interests in such property.

15 Section 2. The authority may undertake, either directly or through a lessee or sub-lessee,

1 such improvements to the portion of the property described in section 1 of this Act as the  
2 authority may declare to be necessary to cause such property to be suitable for the uses to be  
3 made of it.

4 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,  
5 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
6 effect from and after its passage and approval.