

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0182

## HOUSE BILL NO. 1014

Introduced by: The Committee on Appropriations at the request of the Department of the  
Military

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the purchase of land by the  
2 South Dakota Department of the Military for use by the South Dakota Army National Guard  
3 and to declare an emergency.

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

5 Section 1. That the code be amended by adding a NEW SECTION to read:

6 The Department of the Military, South Dakota Army National Guard, may purchase land,  
7 comprising more or less of thirty acres located in Sturgis, South Dakota, adjacent to the Sturgis  
8 Brown High School and located in the S1/2, Section 1 and N1/2, Section 12, Township 5 North,  
9 Range 5 East, Black Hills Meridian, Sturgis, Meade County, South Dakota.

10 Section 2. That the code be amended by adding a NEW SECTION to read:

11 The Department of the Military and seller agree that, in entering into the agreement to  
12 purchase land pursuant to section 1 of this Act, the seller has taken into consideration the  
13 department's intended use of the real property and the long-standing relationship between the  
14 department and seller. The department agrees to grant to the seller a right of first refusal to  
15 purchase the property provided that the seller shall exercise the right within one hundred eighty



1 days of written notice from the department of the department's intent to sell, transfer, or convey  
2 the property or any portion thereof. For a period of ten years from the date of the purchase, the  
3 seller has the right of first refusal and may purchase the property for the same price for which  
4 the department is paying the seller. However, the price shall be adjusted for inflation using the  
5 core consumer price index as published by the United States Bureau of Labor Statistics. After  
6 the initial ten year period, the seller may exercise the seller's right of first refusal to purchase at  
7 fair market value. If the seller does not exercise the right, by submitting a written offer to  
8 purchase the portion of the property intended to be sold, transferred, or conveyed, within the one  
9 hundred eighty days, the seller's right of first refusal terminates as to said portion. The right of  
10 first refusal to purchase only applies to a sale, transfer, or conveyance of all of the department's  
11 rights, title, and interest in the real property and does not apply to a grant or conveyance by the  
12 department of a lesser interest including, without limitation, easements or leases. The seller's  
13 right of first refusal to purchase may only be exercised by the seller and cannot be transferred  
14 or assigned.

15 Section 3. There is hereby appropriated from the general fund the sum of three hundred sixty  
16 thousand dollars (\$360,000), or so much thereof as may be necessary, to the Department of the  
17 Military for the purchase of the land specified in section 1 of this Act.

18 Section 4. The adjutant general of the Department of the Military shall approve vouchers and  
19 the state auditor shall draw warrants to pay expenditures authorized by this Act.

20 Section 5. Any amounts appropriated in this Act not lawfully expended or obligated shall  
21 revert in accordance with the procedures prescribed in chapter 4-8.

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