

2025s South Dakota Legislature

Draft 1

Requested by: at the request of the Governor

An Act to authorize the Department of Corrections to purchase and exchange certain real property, contract for the design of a prison facility, construct a prison facility in Minnehaha County for offenders committed to the Department of Corrections, to make an appropriation therefor, to transfer moneys to the incarceration construction fund, and to declare an emergency.

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

Section 1. The Department of Corrections is authorized to contract for the construction of a prison facility in Minnehaha County, on the real property described in section 3, for offenders committed to the Department of Corrections, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, architectural and engineering services, and other services and improvements, as may be required to complete the construction project.

Section 2. After the enactment of this Act, the Bureau of Human Resources and Administration and its construction manager at risk shall competitively procure each construction package publicly using the state website.

Section 3. The Department of Corrections is authorized to purchase, on behalf of the State of South Dakota, real property currently described as:

- (1) The Northeast Quarter (NE ¼), except the East 810.15 feet of the South 727.91 feet, Section 2, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, containing 137.46 acres, more or less;
- (2) The East 810.15 feet of the South 727.91 feet, except the East 280.15 feet and the South 316.96 feet of the Southeast Quarter of the Northeast Quarter (SE ¼ NE ¼) of Section 2, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, containing 11.15 acres, more or less; and
- (3) Tract 3 Wexford Addition to the City of Sioux Falls, Minnehaha County, South Dakota, containing 28.98 acres, more or less.

Section 4. The Department of Corrections shall exchange the real property owned by the State of South Dakota and described in this section, to the sellers of the real property, as described in section 3, with conveyance by a warranty deed:

(1) The Southeast Quarter (SE ¼) of Section 30, Township 99 North, Range 49 West, Lincoln County, South Dakota, containing 160 acres, more or less; and

(2) The Northeast Quarter (NE ¼) of Section 31, Township 99 North, Range 49 West, Lincoln County, South Dakota, containing 160 acres, more or less.

Section 5. The reversionary interest created pursuant to § 5-9-35 in the real properties described in section 4 is hereby transferred to the real properties acquired in section 3.

Section 6. The state treasurer shall transfer \$78,778,932 from the general revenue replacement fund to the incarceration construction fund, for the construction of the prison facility described in section 1.

Section 7. \$650,000,000 is appropriated from the incarceration construction fund to the Department of Corrections for both the purchase of the land and for the construction of the prison facility as described in this Act.

Section 8. The administration of the design and construction of the project authorized in this Act is under the general charge and supervision of the Bureau of Human Resources and Administration, as provided in chapter 5-14.

Section 9. The secretary of the Department of Corrections shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 10. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2032, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 11. That a NEW SECTION be added to chapter 24-1:

The prison facility authorized by this Act may not be used for the temporary detention of non-adjudicated noncitizens who are actively being deported by the Department of Homeland Security.

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