

State of South Dakota

SEVENTY-FIFTH SPECIAL SESSION
LEGISLATIVE ASSEMBLY, 2000

268F0004

SENATE BILL NO. 1

Introduced by: The Committee of the Whole at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to amend South Dakota law in connection with the sale of
2 substantially all of the assets of the South Dakota State Cement Plant Commission, to enable
3 the continued operation and use of real property relating to the business of the cement plant,
4 by amending chapter 43-2A relating to alien ownership of agricultural land restrictions, to
5 amend chapter 47-9A relating to corporate farming restrictions, to amend Title 11 relating
6 to zoning, to amend chapter 5-17 relating to the mineral leasing authority of the South
7 Dakota State Cement Plant Commission, to zone South Dakota Cement Plant property, and
8 to declare an emergency.

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

10 Section 1. That chapter 43-2A be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The restrictions of this chapter do not apply to agricultural land owned by a corporation for
13 immediate or potential use in nonfarming purposes. A corporation may hold such agricultural
14 land in such acreage as may be necessary to its nonfarm business operations. However, pending
15 the development of agricultural land for nonfarm purposes, such land may not be used for

1 farming except under lease to a family farm unit, a family farm corporation, or an authorized
2 farm corporation.

3 All real property owned or held by the State of South Dakota by and through the South
4 Dakota State Cement Plant Commission as of December 28, 2000, is owned or held by it and
5 its successors in title for immediate or potential use for nonfarming purposes and the real
6 property is necessary for nonfarming business operations.

7 Section 2. That chapter 47-9A be amended by adding thereto a NEW SECTION to read as
8 follows:

9 All real property owned or held by the State of South Dakota by and through the South
10 Dakota State Cement Plant Commission as of December 28, 2000, is owned or held by it and
11 its successors in title for immediate or potential use for nonfarming purposes and the real
12 property is necessary for nonfarming business operations.

13 Section 3. That chapter 11-2 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 All real property owned, leased, or otherwise held by the State of South Dakota by and
16 through the South Dakota State Cement Plant Commission as of December 28, 2000, is hereby
17 zoned to conform to its use as of December 28, 2000, as if it were owned, operated, and used
18 by a private business, and all applicable municipal and county records shall be revised
19 accordingly.

20 Section 4. That chapter 11-4 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 All real property owned, leased, or otherwise held by the State of South Dakota by and
23 through the South Dakota State Cement Plant Commission as of December 28, 2000, is hereby
24 zoned to conform to its use as of December 28, 2000, as if it were owned, operated, and used

1 by a private business, and all applicable municipal and county records shall be revised
2 accordingly.

3 Section 5. That chapter 5-17 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Notwithstanding any other provision of law, including but not limited to chapter 5-7, the
6 South Dakota State Cement Plant Commission when selling substantially all of its assets may
7 lease all of the mineral interests reserved to the State of South Dakota in all real property owned,
8 sold, acquired, leased, or conveyed by the State of South Dakota acting by and through the
9 South Dakota State Cement Plant Commission in a manner and upon terms acceptable to the
10 commission.

11 Section 6. Because the South Dakota State Cement Plant monies have been necessary for
12 the support of state government and its existing public institutions, and the proceeds of any sale
13 are necessary for the support of state government and its existing public institutions, an
14 emergency is hereby declared to exist, and this Act shall be in full force and effect from and after
15 its passage and approval.

16 Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace,
17 health, and safety of the state and its people, an emergency is hereby declared to exist, and this
18 Act shall be in full force and effect from and after its passage and approval.