

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

367J0446

HOUSE BILL NO. 1297

Introduced by: Representatives Rhoden, Bartling, Begalka, Cradduck, Deadrick (Thomas), Elliott, Fryslie, Gillespie, Hanson, Hargens, Hennies, Hunhoff, Juhnke, LaRue, Lintz, McCaulley, McCoy, Novstrup, Olson (Ryan), Rounds, Sigdestad, and Teupel and Senators Koskan, Duenwald, Kleven, and Napoli

1 FOR AN ACT ENTITLED, An Act to restrict the alienation of public state real property to the
2 federal government.

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

4 Section 1. Neither the State of South Dakota nor any of its state agencies or political
5 subdivisions may transfer title to any real property in this state to the federal government or any
6 federal agency unless the Legislature has conceded its explicit authorization by prior legislation.

7 Section 2. The provisions of section 1 of this Act do not apply:

- 8 (1) If the transfer is the result of an eminent domain proceeding; or
9 (2) If the transfer is a sale negotiated under threat of an eminent domain proceeding or
10 under circumstances in which acquisition of the property by an eminent domain
11 proceeding would be justified; or
12 (3) If the transfer involves less than one hundred acres of unimproved land or less than
13 one million dollars worth of improved real estate; or
14 (4) If the transfer involves the trade of tracts of land of substantially equal value between



1 the state government or any of its entities and the federal government or any of its
2 entities.