



2025 South Dakota Legislature

House Bill 1263

Introduced by: **Representative Roby**

1 **An Act to revise the authority of the South Dakota State Historical Society Board of**
 2 **Trustees regarding state-owned property.**

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

4 **Section 1. That § 1-19A-5 be AMENDED:**

5 **1-19A-5.** The South Dakota State Historical Society shall prepare and maintain a
 6 state register of historic places, including all those listed on the national register of historic
 7 places. A property owned in whole or in part by the state, or any political subdivision of
 8 the state, may not be listed on the state register without express written consent of the
 9 agency or office that has jurisdiction over the property. Pursuant to chapter 1-26, the
 10 ~~State Historical Society Board of Trustees~~ board shall adopt standards in rule for the listing
 11 of a historic property on the state register based on the standards of the national register
 12 and shall further adopt standards in rule for the continued listing of a property on the
 13 state register, consistent with the relevant federal standards of preservation and care.

14 **Section 2. That § 1-19A-11.1 be AMENDED:**

15 **1-19A-11.1.** The state, or any political subdivision of the state, ~~or any~~
 16 ~~instrumentality thereof,~~ may not undertake any project ~~which that~~ will encroach upon,
 17 damage, or destroy any historic property included in the ~~national register of historic places~~
 18 ~~or the~~ state register of historic places until the South Dakota State Historical Society office
 19 has been given notice and an opportunity to investigate and comment on the proposed
 20 project. The office may solicit the advice and recommendations of the board with respect
 21 to ~~such~~ the project and may direct that a public hearing be held ~~thereon~~. If the office
 22 determines ~~that~~ the proposed project will encroach upon, damage, or destroy any historic
 23 property ~~which is~~ included in the ~~national register of historic places or the~~ state register
 24 of historic places or the environs of ~~such~~ the property, the project may not proceed until:

1 (1) The Governor, ~~in the case of a project of the state or an instrumentality thereof or~~
 2 ~~the governing body of the political subdivision~~ has made a written determination,
 3 based upon the consideration of all relevant factors, that there is no feasible and
 4 prudent alternative to the proposal and that the ~~program~~ proposed project includes
 5 all possible planning to minimize harm to the historic property, resulting from ~~such~~
 6 the use; and

7 (2) Ten ~~day's~~ days' notice of the determination has been given, by certified mail, to
 8 the South Dakota State Historical Society. ~~A,~~ which notice must contain a complete
 9 record of factors considered ~~shall be included with such notice.~~

10 Any person aggrieved by the determination of the Governor ~~or governing body~~ may
 11 appeal the decision pursuant to the provisions of chapter 1-26.

12 The failure of the office to initiate an investigation of any proposed project within
 13 thirty days from the date of receipt of notice ~~thereof~~ is deemed approval of the project.

14 Any project subject to a federal historic preservation review need not be reviewed
 15 pursuant to this section.

16 **Section 3. That a NEW SECTION be added to chapter 1-19A:**

17 Except for property owned by the state, or any political subdivision of the state,
 18 listing a property on the national register of historic places constitutes listing the property
 19 on the state register of historic places. Any property owned by the state, or any political
 20 subdivision of the state, must be removed from the state register upon request of the
 21 agency or office with jurisdiction over the property.