

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0162

SENATE COMMERCE AND ENERGY
ENGROSSED NO. **SB 44** - 1/25/2011

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding representations and
2 warranties in insurance and annuity applications.

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

4 Section 1. That § 58-11-44 be amended to read as follows:

5 58-11-44. All statements and descriptions in any application for an insurance policy,
6 certificate, or annuity contract, by or ~~in~~ on behalf of the insured or annuitant, shall be deemed
7 to be representations and not warranties. ~~Misrepresentations, omissions, concealment of facts,~~
8 ~~and incorrect statements shall not prevent~~ No misrepresentation, omission, concealment of fact,
9 or incorrect statement prevents a recovery under the policy or contract unless ~~either~~:

- 10 (1) Fraudulent or an intentional misrepresentation of a material fact; or
11 (2) Material either to the acceptance of the risk, or to the hazard assumed by the insurer;
12 or
13 (3) The insurer in good faith would either not have issued the policy or contract, or
14 would not have issued it at the same premium rate, or would not have issued a policy



1 or contract in as large an amount, or would not have provided coverage with respect
2 to the hazard resulting in the loss, if the true facts had been made known to the
3 insurer as required either by the application for the policy or contract or otherwise.

4 With respect to any health insurance policy or certificate, subdivisions (2) and (3) of this
5 section only apply to excepted benefits.

6 Any question, statement, or description in any application for an insurance policy,
7 certificate, or annuity contract, by or on behalf of the insured or annuitant, which requires the
8 insured or annuitant to assert a condition precedent is not permitted in any application for an
9 insurance policy, certificate, or annuity contract. No insured or annuitant may be asked to
10 warranty or certify whether or not the insured or annuitant is insurable.

11 Section 2. That chapter 58-11 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Nothing in § 58-11-44 prohibits an insurer or an insurer's representative from:

- 14 (1) Requesting information from an applicant for the purpose of determining that
15 applicant's insurability; or
16 (2) Underwriting an application or declining coverage based upon that applicant's failure
17 to meet the insurer's underwriting requirements.

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

750S0508

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 62** - 1/26/2011

Introduced by: Senators Nelson (Tom), Nygaard, and Tieszen and Representatives
Turbiville, Magstadt, and Munsterman

1 FOR AN ACT ENTITLED, An Act to revise procedures and amounts relating to compensation
2 and expense reimbursement for sanitary district board members.

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

4 Section 1. That § 34A-5-23 be amended to read as follows:

5 34A-5-23. ~~Any member of the board of trustees may receive travel and subsistence expense~~
6 ~~in accordance with the rules promulgated by the State Board of Finance. In addition, per diem,~~
7 ~~not to exceed one hundred twenty dollars per day, may be paid each member for each day of~~
8 ~~actual service for attending meetings, hearings, or investigations of the sanitary district board.~~
9 ~~Travel, subsistence, and per diem shall be paid on vouchers duly verified and approved~~
10 ~~according to the rules promulgated by the Board of Finance. Each sanitary district board of~~
11 ~~trustees shall establish amounts to reimburse board members for expenses for lodging, meals,~~
12 ~~and mileage and to provide compensation for each day of actual service for traveling to,~~
13 ~~attending, and returning from meetings, hearings, or investigations of the sanitary district board.~~
14 Such reimbursement and compensation shall be paid on vouchers duly verified and approved



1 according to the rules promulgated by the Board of Finance.

State of South Dakota

EIGHTY-SIXTH SESSION
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708S0095

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 73** - 1/26/2011

Introduced by: Senators Maher, Bradford, Nygaard, and Rhoden and Representatives Olson (Betty), Feickert, Kirkeby, and Verchio

1 FOR AN ACT ENTITLED, An Act to establish a preference for veterans and disabled persons
2 when leasing residential property owned by counties.

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

4 Section 1. That § 7-30-14 be amended to read as follows:

5 7-30-14. ~~If such~~ Any real estate ~~is to be~~ leased for ~~residence~~ residential purposes only, ~~and~~
6 which does not include the lease of any agricultural or grazing lands, it may be leased on terms
7 of month-to-month leasing by resolution of the county commissioners without public auction
8 or advertising. The resolution of the county commissioners ~~in such cases shall recite~~ shall
9 include the monthly rental ~~of such~~ fee of the property. If any person ~~shall offer~~ offers to pay in
10 advance a monthly rental fee twenty-five percent in excess of the rental ~~then being~~ fee currently
11 paid for ~~such residence~~ the residential property, the county commissioners ~~must~~ may accept the
12 ~~same offer~~ upon deposit of ~~such~~ the rental fee in advance. However, if the residential property
13 is currently leased to a veteran or a person who is disabled, the county commissioners may deny
14 the offer. For the purposes of the this section, the term, disabled, means any person who receives



1 or is qualified to receive monetary payments, pursuant to Title II, X, XIV, or XVI of the Social
2 Security Act, as amended to January 1, 2011.

3 Section 2. That § 7-30-10 be amended to read as follows:

4 7-30-10. The commissioners ~~are authorized to~~ may rent ~~such residential~~ property for
5 residence purposes only ~~for a term not exceeding one year, and subject to the right of sale of the~~
6 ~~same by the county, and~~ without any guaranty of title and possession by the county, ~~provided~~
7 ~~the leasing of such property for a term longer than one month has been advertised and the~~ but
8 not to exceed one year. The property shall be advertised and let to the highest bidder at the
9 annual leasing of other county real estate. ~~In such cases the~~ The county commissioners may
10 grant a preference to any veteran or disabled person, as that term is defined in § 7-30-14, when
11 letting the bid. The residential property shall be subject to the right of sale by the county. The
12 rent shall be payable monthly in advance and the commissioners may require security for
13 payment of the ~~same in their discretion. Upon default in~~ rent. If the tenant defaults in the
14 payment of any ~~such~~ rent, the tenant may be evicted under any procedure provided by law for
15 eviction in leases of private property.