

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0210

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO.

HB1039 - 2/5/99

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to repeal the licensing of resident and nonresident
2 professional dog trainers and to restrict the training of dogs on wild game birds.

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

4 Section 1. That § 41-6-78 be amended to read as follows:

5 41-6-78. ~~The Department of Game, Fish and Parks may issue any resident, as defined by this~~
6 ~~title, a resident professional dog training license. The license permits the licensee to train or~~
7 ~~engage in the business of training hunting or field trial dogs when and where wild game is found.~~
8 ~~For purposes of this section, a professional dog trainer is any person who trains or sells any~~
9 ~~breed of hunting dog for remuneration. The license shall be issued annually. No licensee may be~~
10 ~~allowed to No person may train dogs on wild game birds from April fifteenth to July thirty-first,~~
11 ~~inclusive. The licensee shall comply with rules adopted pursuant to § 41-2-18 by the Game, Fish~~
12 ~~and Parks commission to protect and perpetuate the wild game resources of the state. Such rules~~
13 ~~may limit the number of licenses issued and further restrict professional dog training on public~~
14 ~~lands. Failure to comply with such rules or the provisions of this section shall be cause for~~
15 ~~revocation of license and nonissuance of future licenses. No person may train dogs on wild game~~

1 birds from April fifteenth to July thirty-first, inclusive. The commission shall promulgate rules
2 pursuant to chapter 1-26 to impose restrictions on the methods, dates, and number of dogs that
3 may be trained on public lands and public rights-of-way. Any person who violates this section
4 is guilty of a Class 2 misdemeanor.

5 Section 2. That § 41-6-79 be repealed.

6 ~~—41-6-79. The department of game, fish and parks may issue any nonresident a nonresident~~
7 ~~professional dog training license. The nonresident professional dog training license entitles the~~
8 ~~licensee to all the privileges and is subject to all the restrictions and penalty provisions as the~~
9 ~~resident professional dog training license provided by § 41-6-78.~~

10 Section 3. That § 41-6-10 be amended to read as follows:

11 41-6-10. Licenses, permits, and stamps issued under this title are classified as follows:

- 12 (1) Disabled hunter permit;
- 13 (2) Export bait dealer license;
- 14 (2A) Fall three-day temporary nonresident waterfowl license;
- 15 (3) Fur dealer's license;
- 16 (4) Hoop net, trap or setline license;
- 17 (5) License for breeding and domesticating animals and birds;
- 18 (6) License to take fur-bearing animals;
- 19 (7) Nonresident big game license;
- 20 (8) Nonresident fishing license;
- 21 (9) Nonresident predator/varmint license;
- 22 (10) ~~Nonresident professional dog training license;~~
- 23 (11) Nonresident retail bait dealer license;
- 24 (12) Nonresident shooting preserve license;
- 25 (13) Nonresident small game license;

- 1 (14) Nonresident and resident migratory bird certification permit;
- 2 (15) Nonresident wholesale bait dealer license;
- 3 (16) Nonresident wild turkey license;
- 4 (17) Nursing facility group fishing license;
- 5 (18) Park user's license;
- 6 (19) Permit for transportation of big game animal;
- 7 (20) Private fish hatchery license;
- 8 (21) Resident big game license;
- 9 (22) Resident elk license;
- 10 (23) Resident fishing license and resident senior fishing license;
- 11 (24) ~~Resident professional dog training license;~~
- 12 (25) Resident retail bait dealer license;
- 13 (26) Resident small game license and resident youth small game license;
- 14 (27) Resident predator/varmint license;
- 15 (28) Resident wholesale bait dealer license;
- 16 (29) Resident wild turkey license;
- 17 (30) Scientific collector's license;
- 18 (31) Special nonresident waterfowl license;
- 19 (32) Special Pine Ridge Indian reservation resident and nonresident big game license;
- 20 (33) Taxidermist's license;
- 21 (33A) Spring five-day snow goose temporary nonresident waterfowl license;
- 22 (34) Temporary fishing and hunting licenses.

23 The rights and privileges of such licensees are set forth in §§ 41-6-12 to 41-6-45.1, inclusive,
24 and in § 41-17-13. The Game, Fish and Parks Commission shall promulgate rules pursuant to
25 chapter 1-26 to set the fees, eligibility, and duration for such licenses.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Agriculture and Natural Resources. H.J. 39

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 12, NAYS 0.

5 H.J. 364

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

921C0389

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1067** - 2/5/99

Introduced by: Representatives Brown (Richard), Jaspers, Kooistra, Napoli, Solum, and
Volesky and Senators Everist, Dunn (Rebecca), and Rounds

1 FOR AN ACT ENTITLED, An Act to mandate driver's education, to increase certain fees, and
2 to make a continuous appropriation to provide funding.

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

4 Section 1. That chapter 13-33 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any school district operating a secondary school shall offer a course in driver's education.

7 The school district may offer driver's education for academic credit, but is not required to do so.

8 A school district may offer driver's education through a contract with another school district or
9 a third-party provider so that driver's education is available to the school district's secondary

10 students. The school district shall allow any person between fourteen and nineteen years of age

11 to enroll in the driver's education course, whether or not the person is a student in the school

12 district. No person enrolled in driver's education courses may be included in a school district's

13 average daily membership for the purpose of state aid to education, unless that person normally

14 attends school in the school district. The course content of the driver's education course shall

15 comply with rules promulgated pursuant to chapter 1-26 by the Department of Education and

16 Cultural Affairs.

1 Section 2. That § 32-3-18 be amended to read as follows:

2 32-3-18. Application for a certificate of title shall be made to the secretary, upon a form
3 prescribed by the secretary, containing a full description of the vehicle with vehicle identification
4 numbers, if any, a statement of applicant's title and all liens and encumbrances thereon, the
5 county in which the vehicle is to be kept, the names and addresses of the holders of all liens, title
6 reservations and encumbrances thereon, and any other information as the secretary shall require.
7 The application shall be accompanied by a fee of ~~five~~ eight dollars. If a certificate of title has
8 previously been issued for the motor vehicle, trailer, or semitrailer in this state, it shall be
9 accompanied by the certificate of title duly assigned, unless provided for in this chapter.

10 Section 3. That § 32-12-16 be amended to read as follows:

11 32-12-16. The fee for an original driver's license or a renewal of a license is ~~eight~~ eighteen
12 dollars. The fee for a commercial license is twenty-five dollars if knowledge and skill testing is
13 required and fifteen dollars if no skill testing is required, and five dollars for each endorsement.
14 The fee for a duplicate license, a name change, or an address change is six dollars. The fee shall
15 be credited to the state motor vehicle fund.

16 Section 4. Notwithstanding § 13-42-4, the Department of Education and Cultural Affairs
17 shall issue a stand-alone teacher's certificate to teach driver's education to any person who has
18 completed eight semester hours of driver's education course work at an accredited postsecondary
19 institution.

20 Section 5. The Department of Education and Cultural Affairs and the Department of
21 Commerce and Regulation shall form a task force for the purpose of developing the course
22 guidelines for driver's education in secondary schools. The task force shall make a report of its
23 findings and recommendations to the Executive Board of the Legislative Research Council prior
24 to December 1, 1999.

25 Section 6. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The Department of Commerce and Regulation may not issue an operator's license to any
3 person under eighteen years of age who has not successfully completed an approved course in
4 driver's education. This section does not apply to instructional or restricted permits.

5 Section 7. The increase in revenue resulting from the fee increases in sections 2 and 3 of this
6 Act shall be deposited into the driver's education reimbursement fund which is hereby created
7 as a separate fund in the state treasury.

8 Section 8. Each school district shall be reimbursed in the amount of one hundred fifty dollars
9 for each student who successfully completes the driver's education course offered by the school
10 district.

11 Section 9. There is hereby continuously appropriated from the driver's education
12 reimbursement fund any money in the fund to the Department of Education and Cultural Affairs
13 for the purpose of reimbursing school districts as provided in section 8 of this Act.

14 Section 10. If the amount of money in the driver's education reimbursement fund is not
15 sufficient to fund the entitlement provided for in section 8 of this Act, then there is hereby
16 appropriated to the driver's education reimbursement fund out of any money in the general fund
17 an amount necessary to fully fund the entitlement provided for in section 8 of this Act.

18 Section 11. The secretary of the Department of Education and Cultural Affairs shall approve
19 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

20 Section 12. The Department of Education and Cultural Affairs may promulgate rules,
21 pursuant to chapter 1-26, to provide for the reimbursement to school districts as provided in this
22 Act.

23 Section 13. The Department of Commerce and Regulation may promulgate rules to establish
24 criteria for approved driver's education courses.

25 Section 14. Section 1 of this Act is effective August 15, 2000.

1 Section 15. Section 6 of this Act is effective September 1, 2001.

2 Section 16. That chapter 13-33 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any person with a physical disability between the ages of fourteen to nineteen years old,
5 inclusive, who is capable of learning to operate a motor vehicle, including a vehicle modified to
6 be operated by a person with a physical disability, may enroll in any driver's education course
7 offered pursuant to section 1 of this Act. The course, if necessary, shall train the student in the
8 use of a vehicle modified for operation by a person with a physical disability and shall have
9 available adequate equipment and personnel to accomplish such training. Any school district that
10 provides training required pursuant to this section that results in costs in excess of the amount
11 provided pursuant to section 8 of this Act shall be reimbursed for the excess costs from the
12 amount set aside pursuant to § 13-37-40 for extraordinary expenses incurred in the provision of
13 special education programs or services.

1 **BILL HISTORY**

2 1/15/99 First read in House and referred to Education. H.J. 67

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 Education Do Pass Amended, Passed, AYES 9, NAYS 1. H.J. 366

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

592C0376

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1144** - 2/8/99

Introduced by: Representatives Hunt, Crisp, Jaspers, McIntyre, Smidt, and Weber and Senators Frederick, Albers, Brown (Arnold), and Flowers

1 FOR AN ACT ENTITLED, An Act to increase the annual front footage assessment for certain
2 township road maintenance and repairs.

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

4 Section 1. That § 31-13-51 be amended to read as follows:

5 31-13-51. The township board of supervisors, prior to the assessment of real property within
6 the township for the next fiscal year, may levy annually for the purpose of maintaining or
7 repairing street ~~surfacing or pavement~~ surfaces, whether of a permanent type or not, a special
8 front foot assessment not to exceed ~~forty~~ eighty cents per front foot upon the real property
9 fronting and abutting ~~thereon~~ the roadway. Such assessment shall be apportioned on a front foot
10 basis and shall be levied pursuant to § 31-13-52.

1 **BILL HISTORY**

2 1/25/99 First read in House and referred to Local Government. H.J. 173

3 2/2/99 Scheduled for Committee hearing on this date.

4 2/4/99 Scheduled for Committee hearing on this date.

5 2/4/99 Local Government Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 388

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

525C0330

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1172** - 2/8/99

Introduced by: Representatives Slaughter, Diedrich (Larry), Duenwald, Engbrecht, McNenny, Smidt, and Weber and Senators Brown (Arnold) and Halverson

1 FOR AN ACT ENTITLED, An Act to authorize boards of county commissioners to hold certain
2 meetings at locations outside of the county seat.

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

4 Section 1. That § 7-8-16 be amended to read as follows:

5 7-8-16. The board of county commissioners shall hold its sessions as an open meeting and
6 transact all business in a public manner ~~and if the county has no courthouse or the courthouse~~
7 ~~is unfit or inconvenient, it may.~~ Meetings shall normally be held at the court house or at the usual
8 place of holding court; however the board may occasionally hold its sessions at any other suitable
9 place at the county seat or at other locations within the geographic county area if the meetings
10 are held in a public place and if notice of the meeting is published once a week for at least two
11 successive weeks before the meeting in the legal newspaper or newspapers of the county in
12 which the meeting is to be held. Joint county-municipal planning sessions may be held at any
13 suitable location within the county. All matters pertaining to the interests of the county shall be
14 heard by the board in session only, but it may continue any business from any regular session to
15 an intermediate day.

1 **BILL HISTORY**

2 1/26/99 First read in House and referred to Local Government. H.J. 192

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 Local Government Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 388

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

505C0752

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1196** - 2/8/99

Introduced by: Representatives Cutler and Koskan and Senator Paisley

1 FOR AN ACT ENTITLED, An Act to allow the investment council to invest certain public
2 funds and to restrict the investment of certain public funds.

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

4 Section 1. That § 4-4-2 be amended to read as follows:

5 4-4-2. ~~"State public funds" shall mean and shall include~~ The term, state public funds, means
6 cash, checks, bills, notes, drafts, stocks, bonds, and all similar mediums of exchange which are
7 received or disbursed under law, including rules ~~or regulations~~, by a department, institution,
8 commission, ~~or~~ any other agency of state government, or any entity created for the purpose of
9 risk sharing by joint powers agreement pursuant to chapter 1-24.

10 Section 2. That § 4-5-23 be amended to read as follows:

11 4-5-23. The state investment officer is responsible for the investment of the state public funds
12 as defined in chapter 4-4. All functions, powers, and duties presently vested by law in any officer,
13 official, employee, agency, or commission which relates to the investment of the state public
14 funds and accounts enumerated in this section are transferred to the state investment officer. In
15 addition, the state investment officer may enter into agreements for the investment of cash
16 accounts, reserves, and surplus funds with public entities created for the purpose of risk sharing

- 1 pursuant to chapter 1-24. These entities' investments shall be restricted as provided in § 4-5-26.
- 2 The agreements shall provide for the transfer of money from the public entities investment pool
- 3 to the investment council expense account as provided in § 4-5-30.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to committee assignment waived. H.J. 211

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/3/99 Scheduled for Committee hearing on this date.

5 2/5/99 Scheduled for Committee hearing on this date.

6 2/5/99 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 0. H.J. 389

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

844C0638

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1230** - 2/8/99

Introduced by: Representatives Derby, Crisp, Davis, Jaspers, Konold, and Peterson and
Senators Munson (David), Albers, Drake, Moore, Shoener, and Staggers

1 FOR AN ACT ENTITLED, An Act to provide for the recovery of damages for checks, drafts,
2 or orders not paid upon presentment.

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

4 Section 1. In any civil action brought for the purpose of collecting a check, draft, or order
5 of payment, any person who makes, draws, or issues any check, draft, or order of payment that
6 is dishonored and is not paid within thirty days after mailing of a notice of dishonor sent in
7 compliance with sections 4 and 5 of this Act is liable to the holder or assignee for collection for
8 an amount equal to three times the face amount of the check. However, in no case, including any
9 combination pursuant to section 6 of this Act, may the liability for damages be less than one
10 hundred dollars nor greater than two hundred dollars. The maker, drawer, or issuer is also liable
11 to the holder or assignee for allowable court costs, filing fees, and interest computed at the legal
12 rate from the date of the check, draft, or order of payment was issued. Subsequent to the
13 commencement of an action as provided for in this section, but prior to the court hearing, the
14 maker, drawer, or issuer may tender to the holder or assignee, as satisfaction of the claim, an
15 amount of money equal to the face amount of the check together with the returned check fee as
16 provided for under § 57A-3-421 together with accrued interest and incurred court costs.

1 Section 2. No holder or assignee for collection may assert that any maker, drawer, or issuer
2 has any liability pursuant to section 1 of this Act unless such liability has been determined by
3 entry of a final judgment by a court of competent jurisdiction.

4 Section 3. The maker, drawer, or issuer is not liable for the damages and costs specified in
5 section 1 of this Act if:

6 (1) The account contained sufficient funds or credit to cover the check, draft, or order at
7 the time the check, draft, or order was made, plus all other checks, drafts, and orders
8 on the account then outstanding and unpaid; or

9 (2) The check, draft, or order was not paid because a paycheck, deposited in the account
10 in an amount sufficient to cover the check, draft, or order, was not paid upon
11 presentation; or

12 (3) Funds sufficient to cover the check, draft, or order were garnished, attached, or setoff
13 and the maker, drawer, or issuer had no notice of such garnishment, attachment, or
14 setoff at the time the check, draft, or order was made; or

15 (4) The maker of the check, draft, or order was not competent or of full age to enter into
16 a legal contractual obligation at the time the check, draft, or order was made; or

17 (5) The making of the check, draft, or order was induced by fraud or duress; or

18 (6) The transaction which gave rise to the obligation for which the check, draft, or order
19 was given lacked consideration or was illegal.

20 Section 4. Notice that a check, draft, or order has not been paid upon presentment shall be
21 in writing and given in person and receipted for, or by personal service, or by depositing the
22 notice by certified mail, return receipt requested and postage prepaid, in the United States mail
23 and addressed to such person at the address shown on the check or at the most recent address
24 known to the sender. If the notice is mailed and not returned as undeliverable by the United
25 States Postal Service, notice shall be conclusively presumed to have been given on the date of

1 mailing. For the purposes of this section, the term, undeliverable, does not include unclaimed or
2 refused.

3 Section 5. The notice given pursuant to section 4 of this Act shall include the following
4 information regarding the unpaid check, draft, or order:

- 5 (1) The date the check, draft, or order was issued;
- 6 (2) The name of the bank, depository, person, firm, or corporation on which it was
7 drawn;
- 8 (3) The name of the payee;
- 9 (4) The face amount;
- 10 (5) A statement of total amount claimed, which shall be itemized and may not exceed the
11 amount permitted pursuant to section 1 of this Act;
- 12 (6) A statement that the maker has thirty days from the date notice was given to make
13 payment in full of the total amount claimed; and
- 14 (7) A statement that, if the total amount is not paid within thirty days after the date notice
15 was given, the maker is liable in a civil action for three times the face amount of the
16 check but not less than one hundred dollars nor greater than two hundred dollars and
17 that, in such civil action, the court may award court costs to the payee, holder, or
18 assignee for collection.

19 Section 6. If the same person is the maker, drawer, or issuer of two or more checks, drafts,
20 or orders, such instruments may be combined. An action for their recovery pursuant to section
21 1 of this Act may be brought in any county in which one of the dishonored checks, drafts, or
22 orders were issued or in the county in which the check writer resides. A cause of action under
23 this section may be brought in small claims court, if the amount of the demand does not exceed
24 the jurisdiction of that court, or in any other appropriate court.

25 Section 7. Nothing in this Act prevents the criminal prosecution of the person who makes,

1 draws, or issues a dishonored check, draft, or order.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to committee assignment waived. H.J. 218

3 2/5/99 Scheduled for Committee hearing on this date.

4 2/5/99 Judiciary Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 390

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

393C0179

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1246** - 2/8/99

Introduced by: Representatives Cerny, Chicoine, McNenny, and Wudel and Senators
Hutmacher, Benson, Moore, and Reedy

1 FOR AN ACT ENTITLED, An Act to provide a per diem allowance for county and municipal

2 housing and redevelopment commissioners.

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

4 Section 1. That § 11-7-16 be amended to read as follows:

5 11-7-16. ~~No commissioner shall receive compensation for his services, but each~~ Each

6 commissioner ~~shall~~ may be ~~entitled to receive necessary~~ reimbursed for expenses, including

7 traveling expenses, incurred in the performance of ~~his~~ the commissioner's duties. In addition,

8 each commissioner may receive per diem not to exceed thirty-five dollars for each day of actual

9 service for attending meetings or hearings.

1 **BILL HISTORY**

2 1/28/99 First read in House and referred to committee assignment waived. H.J. 244

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 Local Government Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 388

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

822C0437

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1266** - 2/8/99

Introduced by: Representatives Hunt, Brooks, Brown (Richard), Crisp, Diedrich (Larry), and Koetzle and Senators Hainje, Dunn (Rebecca), Everist, Munson (David), Olson, and Paisley

1 FOR AN ACT ENTITLED, An Act to revise the requirements for certifying eligibility for
2 owner-occupied classification.

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

4 Section 1. That § 10-13-40 be amended to read as follows:

5 10-13-40. To be eligible for a property classification pursuant to § 10-13-39, the owner of
6 each owner-occupied dwelling, as defined in § 10-13-39, shall submit a certificate to the county
7 director of equalization stating such person is the owner and occupant of the dwelling as of the
8 assessment date pursuant to § 10-6-2. The owner shall state on the certificate the portion of the
9 dwelling so occupied by the owner if it is less than fifty percent of the dwelling or if the dwelling
10 is a duplex, triplex, or fourplex. The owner-occupant shall submit the certificate by March
11 fifteenth. The owner of each manufactured or mobile home as defined in § 32-3-1, shall submit
12 a certificate to the county director of equalization stating such person is the owner and occupant
13 of the dwelling as of the assessment date. The owner-occupant of each manufactured or mobile
14 home shall submit the certificate during the time of registration pursuant to §§ 10-9-3 to 10-9-4,
15 inclusive. If the owner-occupant of a manufactured or mobile home fails to submit the certificate

1 by the date or time frame required pursuant to §§ 10-9-3 to 10-9-4, inclusive, it does not affect
2 the eligibility of the property to be classified as an owner-occupied dwelling. The
3 owner-occupant shall sign the certificate under penalty of perjury. If the director of equalization
4 classifies the property, mobile home, or manufactured home as owner-occupied single-family
5 dwelling, it shall retain the classification until such time as the property ownership is transferred
6 or the property has a change in use. The new owner-occupant of transferred property which is
7 already classified as owner-occupied may meet the requirements of this section by completing
8 and filing the certificate of value required pursuant to § 7-9-7 at the time of the transfer of the
9 property. The Department of Revenue shall prescribe the form of the certificate and the
10 certificate of value required pursuant to § 7-9-7. Appeals regarding the owner-occupied
11 classification shall be made directly to the county board of equalization pursuant to § 10-11-23.

12 Section 2. That § 7-9-7.2 be amended to read as follows:

13 7-9-7.2. The form of the certificate of value required by §§ 7-9-7 and 10-13-40 shall be
14 established by the secretary of revenue by rule promulgated pursuant to chapter 1-26.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to State Affairs. H.J. 281

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 389

5 2/4/99 State Affairs Place on Consent Calendar.

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

751C0746

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1279** - 2/8/99

Introduced by: Representatives Brown (Richard), Brooks, Chicoine, Crisp, Davis, Fiegen, Fischer-Clemens, Jaspers, Lucas, and Weber and Senators Rounds, Dunn (Jim), Dunn (Rebecca), Hainje, Hutmacher, Lange, Munson (David), and Stagers

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding mechanics' liens.

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

3 Section 1. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any owner or any person entering into a direct agreement with the owner, or the duly
6 authorized agent or representative of the owner, may file with the register of deeds of the county
7 in which the improved premises are situated a notice of project commencement. The notice of
8 project commencement shall contain the following information:

- 9 (1) The name and address of the person filing the notice of project commencement;
- 10 (2) The name and address of the owner or developer;
- 11 (3) A general description of the improvement; and
- 12 (4) The location of the project.

13 The notice shall be filed within thirty days of the commencement of work and shall be
14 accompanied by a filing fee of twenty dollars to be deposited in the county's general fund. The
15 register of deeds in each county shall maintain a separate book and index of all notices of project

1 commencements.

2 Section 2. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any person filing a notice of project commencement shall post the name and address of the
5 contractor and location notice at the job site. The location notice shall contain the following
6 statement: The contractor on this project has filed a notice of project commencement at the
7 county courthouse. Any sub-subcontractor and any supplier to a subcontractor shall comply with
8 the notice provisions of section 4 of this Act before filing liens in connection with this project.

9 Section 3. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 The filing of a notice of project commencement does not constitute a cloud, lien, or
12 encumbrance upon, or defect to, the title of the real property described in the notice, nor does
13 it alter the aggregate amounts of liens allowable by applicable statute, nor does it affect the
14 priority of any mortgage or future advances under any mortgage.

15 Section 4. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 If the provisions of sections 1 and 2 of this Act are first invoked, no sub-subcontractor or
18 supplier to subcontractors is entitled to extend, pursuant to § 44-9-15, a lien created pursuant
19 to subdivision 44-9-1(1), unless the sub-subcontractor or supplier has first provided notice of
20 furnishing labor or materials by certified or registered mail to the contractor identified in the
21 notice of project commencement. Notice pursuant to this section shall be made not later than
22 sixty days after doing the last of such work, or furnishing the last item of such skill, services,
23 material, or machinery. Such notice of furnishing labor or materials shall include:

- 24 (1) The name of the sub-subcontractor or supplier who claims payment;
25 (2) The name of the person with whom the claimant contracted or by whom the claimant

1 was employed;

2 (3) A description of the labor, services, or materials furnished and the contract price or
3 value thereof. Materials specifically fabricated by a person other than the one giving
4 notice and contract price or value thereof shall be separately stated in the notice;

5 (4) A description of the project, sufficient for identification;

6 (5) The date when the first and last item of labor or materials was actually furnished or
7 scheduled to be furnished; and

8 (6) The amount claimed to be due, if any.

9 Any person who gives notice in accordance with this section may extend a lien as provided
10 in § 44-9-15.

11 This section does not apply to claims of individual laborers when the amount of their lien is
12 less than two thousand dollars.

13 Section 5. The effective date of this Act is July 1, 2001.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to committee assignment waived. H.J. 284

3 2/5/99 Scheduled for Committee hearing on this date.

4 2/5/99 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 391

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

806C0186

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB66** - 2/8/99

Introduced by: Senators Lawler, Brown (Arnold), Dunn (Rebecca), and Ham and
Representatives Brown (Jarvis), Diedtrich (Elmer), Duniphan, and Kooistra

1 FOR AN ACT ENTITLED, An Act to prohibit passengers in the unenclosed cargo area of
2 certain vehicles unless certain conditions are met.

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

4 Section 1. No driver of a pickup truck, truck, trailer, or semitrailer may knowingly permit
5 any person who has not attained the age of eighteen years to ride in the unenclosed or unroofed
6 cargo storage area of the vehicle if the vehicle is traveling faster than twenty-five miles per hour,
7 unless either of the following applies:

8 (1) The cargo storage area of the vehicle is equipped with a properly secured seat to
9 which is attached a safety seat belt system that is in compliance with federal standards
10 and the person riding in the cargo storage area is in the seat and is wearing the seat
11 belt; or

12 (2) An emergency exists that threatens the life of the driver or the person being
13 transported in the cargo storage area of the pickup truck, truck, trailer, or semitrailer.

14 Any violation of this section is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/15/99 First read in Senate and referred to Health and Human Services. S.J. 53

3 1/20/99 Scheduled for Committee hearing on this date.

4 1/20/99 Health and Human Services Do Pass, Passed, AYES 4, NAYS 3. S.J. 127

5 1/21/99 Senate Do Pass, Passed, AYES 18, NAYS 17. S.J. 150

6 1/21/99 Intent to reconsider. S.J. 150

7 1/22/99 Senate Reconsidered, AYES 15, NAYS 19. S.J. 158

8 1/25/99 First read in House and referred to Judiciary. H.J. 177

9 1/29/99 Referred to Transportation. H.J. 263

10 2/3/99 Scheduled for Committee hearing on this date.

11 2/3/99 Transportation Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 392

12 2/4/99 Referred to Transportation. H.J. 369