

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

228H0316

## HOUSE BILL NO. 1186

Introduced by: Representatives Teupel, Adelstein, Derby, Frost, and Madsen and Senators Brosz, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to require that a noxious weed buyer awareness form be  
2 signed by a buyer of certain real property.

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

4 Section 1. That chapter 43-4 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Terms used in this Act mean:

- 7 (1) "Buyer," a person negotiating or attempting to become an owner of real property by  
8 means of a transfer that is subject to this Act;
- 9 (2) "Noxious weed buyer awareness form," the noxious weed buyer awareness form  
10 required in this Act;
- 11 (3) "Seller," an owner of real property who is offering to sell real property or any person  
12 or agency that is selling real property for the owner of real property that is subject to  
13 this Act;
- 14 (4) "Transfer," pertaining to real property, a sale, exchange, installment sale contract,  
15 lease with an option to purchase, other option to purchase, or a ground lease coupled



1 with improvement.

2 Section 2. That chapter 43-4 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 The seller of any real property of at least one acre but no more than forty acres in size that  
5 is located outside the boundaries of an incorporated municipality shall furnish to the buyer at the  
6 time of closing of the sale a noxious weed buyer awareness form. The seller shall also provide  
7 an identification brochure of state-declared noxious weeds and a brochure or list of locally-  
8 declared noxious weeds, if available, to the buyer at the time of the closing of the sale. The buyer  
9 shall sign the noxious weed buyer awareness form, and the seller shall send the signed form to  
10 the county weed and pest supervisor or, if there is no county supervisor, to the county weed and  
11 pest board chairman from the county in which the transferred property is located. The form shall  
12 be sent within sixty days of the date on which the property was transferred.

13 The noxious weed buyer awareness form shall, at a minimum, include a statement describing  
14 the requirements of this section that apply to buyers and sellers, a listing or brief description of  
15 South Dakota statutes that pertain to the duties of property owners with respect to the control  
16 of weeds and pests, a line in which the legal description of the transferred property shall be  
17 entered, and a line for the signature of the buyer. The South Dakota Weed and Pest Control  
18 Commission shall promulgate rules, pursuant to chapter 1-26, to design the noxious weed buyer  
19 awareness form and each brochure required by this section. The rules shall specify where the  
20 form and brochures are available to the public and how they may be obtained.