



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

337I0333

## HOUSE LOCAL GOVERNMENT COMMITTEE

### ENGROSSED NO. **HB 1073** - 01/30/2003

Introduced by: Representatives Michels, Buckingham, Burg, Cradduck, Elliott, Haverly, Hennies, Hunhoff, Kroger, LaRue, Madsen, Murschel, O'Brien, Olson (Mel), Peterson (Jim), Rhoden, Schafer, and Teupel and Senators Ham, Dempster, Knudson, Koetzle, McCracken, Moore, Olson (Ed), Reedy, Sutton (Dan), and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain voting and participation requirements  
2 related to bond issues involving two or more political subdivisions.

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

4 Section 1. That § 6-3-3 be amended to read as follows:

5 6-3-3. The governing body of each participating political subdivision may appropriate money  
6 or may also issue the general obligation bonds of the subdivision, as provided in chapter 6-8B  
7 for the authorization, issuance, and sale of bonds, for the payment of its share of the cost of the  
8 building or improvement. No bonds may be issued ~~until~~ unless provision has been made by each  
9 of the other participating subdivisions for the payment of the subdivision's share of the cost and  
10 if there are two participating subdivisions, one subdivision agrees to bear at least thirty percent  
11 of the estimated cost of the building or improvement or if there are three or more participating  
12 subdivisions, at least two of the subdivisions each agree to bear at least twenty percent of the  
13 estimated cost of the building or improvement. The bonds may be issued if a simple majority of



1 all voters voting on the bond issue approve the bond issue.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

48110634

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

**HB 1128** - 02/11/2003

Introduced by: Representatives Solum and Smidt and Senators Sutton (Dan) and Abdallah

1 FOR AN ACT ENTITLED, An Act to revise the requirements for notice of nonrenewal for  
2 surety insurance.

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

4 Section 1. That § 58-1-14 be amended to read as follows:

5 58-1-14. Notice of refusal to renew an insurance policy as defined in §§ 58-9-5 to 58-9-30,  
6 inclusive, 58-9-32 and 58-9-33, ~~inclusive~~, is not effective unless mailed or delivered by the  
7 insurer to the named insured at least sixty days before the effective renewal date. The policy  
8 provisions control if the policy provides for a notice of refusal to renew that exceeds sixty days.  
9 This section does not apply to the cancellation and nonrenewal of automobile policies or  
10 coverages as defined in § 58-11-45 or to a policy of homeowner's insurance. This section also  
11 does not apply to any other personal lines policy. A notice of refusal to renew any other personal  
12 lines policy is not effective unless mailed or delivered by the insurer to the named insured at least  
13 thirty days before the effective renewal date. A notice of nonrenewal is not required if the  
14 policyholder is transferred to an insurer that is a member of the same insurance group as the  
15 previous insurer and notice of such transfer is given in the form adopted by rule by the Division



1 of Insurance pursuant to chapter 1-26.

2 Section 2. That chapter 58-1 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 Notice of refusal to renew an insurance policy as defined in § 58-9-31 is not effective unless  
5 mailed or delivered by the insurer to the named insured at least thirty days before the effective  
6 renewal date. The policy provisions control if the policy provides for a notice of refusal to renew  
7 that exceeds thirty days.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

174I0568

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1170** -

02/11/2003

Introduced by: Representatives Adelstein, Davis, Deadrick (Thomas), Hargens, and Lintz and  
Senators Diedrich (Larry), Duenwald, Jaspers, Nachtigal, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain administrative rules related to reports by  
2 pesticide applicators.

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

4 Section 1. That ARSD 12:56:07:05 be amended to read as follows:

5 12:56:07:05. ~~Each commercial applicator shall, upon written request,~~ The department may  
6 require any commercial applicator, not more than once in any five-year period, to furnish the  
7 department with ~~an annual~~ a summary for the preceding year, which shall include the following  
8 information by county: crop, site, or commodity treated, pest treated, trade or brand name and  
9 common name of pesticide applied, the percent of or pounds of active ingredient per gallon, and  
10 total volume used. The secretary of agriculture may require the information to be submitted more  
11 often than once every five-year period if circumstances require that such data are needed to  
12 protect the health and well-being of the citizens of South Dakota.

13 All summaries and the information therein submitted to the department shall be held in  
14 confidence unless that information is used by the department to compile an area or state-wide



1 report of usage of pesticides by commercial applicators or is subpoenaed by a court of law.

2 The department ~~shall~~ may not issue a renewed license or allow a certification to be renewed

3 if the commercial applicator applying for such a license or certification has not submitted the

4 requested summary for the preceding year.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

592I0732

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1260** - 02/24/2003

Introduced by: Representatives Bartling, Cutler, Deadrick (Thomas), Gillespie, Hennies, and Peterson (Jim) and Senators Nachtigal, Albers, Moore, and Napoli

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the release of  
2 satisfied liens and to provide an additional remedy for the unjust failure to do so.  
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:  
4 Section 1. That § 44-3-8 be amended to read as follows:  
5 44-3-8. Whenever any mortgage, pledge, or other lien of any kind has been satisfied either  
6 by payment, foreclosure, or other legal means, the holder of such lien ~~must within ten days after~~  
7 ~~written demand is made by the owner of the property~~ shall, within thirty days of satisfaction,  
8 deliver a sworn satisfaction to the debtor. However, immediately upon satisfaction of a lien or  
9 at any time thereafter, if the owner of the property makes written demand on the lienholder, the  
10 lienholder shall, within ten days of receipt, execute and deliver to ~~such owner~~ the debtor a  
11 sufficient sworn satisfaction, ~~discharge, or release~~ to cancel the ~~same~~ lien or any record thereof.  
12 ~~Failure~~ If the lienholder fails to execute and deliver such to the owner of the property a sworn  
13 satisfaction, ~~discharge, or release shall entitle~~ within ten days of receipt of a proper written  
14 demand, the owner of the property is entitled to recover from the person who ~~should have~~  
15 ~~executed the same~~ failed to comply with the provisions of this section all damages that he or she



1 may have sustained thereby, including his attorney's fees and an additional penalty in the sum of  
2 one hundred dollars.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0207

## HOUSE ENGROSSED NO. **SB 23** - 02/24/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to grant counties greater authority to prohibit the use of  
2 fireworks during periods of extreme fire danger.

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

4 Section 1. That § 34-37-19 be amended to read as follows:

5 34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside  
6 the boundaries of any municipality in those areas where the fire danger, as determined by use of  
7 the rangeland fire index as established by rule promulgated pursuant to chapter 1-26, by the  
8 secretary of agriculture ~~or his designee~~, has reached the extreme category in that county ~~for two~~  
9 ~~consecutive days~~ during the period from June twentieth ~~through June twenty-seventh~~ to July  
10 fifth, inclusive. During such period, the county's action is suspended if the rangeland fire index  
11 falls below the very high category and shall again become effective if the rangeland fire index  
12 reaches the extreme category.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

444I0525

## HOUSE ENGROSSED NO. **SB 145** - 02/24/2003

Introduced by: Senators Sutton (Duane), Dennert, Duxbury, Moore, Sutton (Dan), and Symens and Representatives Burg, Elliott, Frost, Hundstad, and Novstrup

1 FOR AN ACT ENTITLED, An Act to revise certain Central Plains Water Development District  
2 boundaries.

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

4 Section 1. That § 46A-3A-2 be amended to read as follows:

5 46A-3A-2. The Central Plains Water Development District is hereby established. The Central  
6 Plains Water Development District includes all of ~~Hand County; Franklin, Union, Banner, Spring~~  
7 ~~Lake, Illinois, Eden, Valley, Douglas, Washington, Loomis, Lincoln, William Hamilton,~~  
8 ~~Holabird, Highmore, and Bramhall townships in Hyde County; Peoria, Mentor, Bryon, Logan,~~  
9 ~~Blunt, Bretton, Harrold, Buckeye, Dry Run, and Canning townships in Hughes County; Lake and~~  
10 ~~Elk townships in Sully County; Enterprise, Freedom, Emerson, Fairview, Saratoga, Pulaski,~~  
11 ~~Myron, Devoe, Wesley, Bryant, Tamworth, Lafoon, Centerville, Pioneer, Orient, Arcade,~~  
12 ~~Hillsdale, and Zell townships in Faulk County; Exline, Redfield, Lodi, Frankfort, Lake, Tulare,~~  
13 ~~Crandon, Lincoln, Buffalo, Garfield, Belmont, and Cornwall townships in Spink County; Nance,~~  
14 ~~Bonilla, Altoona, Pleasant View, Whiteside, Allen, Broadland, Fairfield, Iowa, Wessington,~~  
15 ~~Wolsey, Hartland, Theresa, Valley, Sand Creek, Vernon, Dearborn, Clyde, Custer, Burr Oak,~~



1 ~~Kellogg, Carlyle, Grant, and Clifton townships in Beadle County; Faulk, Hand, Hughes, Hyde,~~  
2 and Sully counties and all municipalities that lie wholly or partially within the included area or  
3 that are contiguous to the included area.