

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

382S0604

## HOUSE BILL NO. 1180

Introduced by: Representatives Willadsen, Conzet, Fargen, Gosch, Haggar, Hansen (Jon), Hickey, Hubbel, Lust, Moser, Nelson (Stace), Novstrup (David), Sly, Steele, Street, and Wick and Senators Cutler, Buhl, Peters, Schlekeway, and Sutton

1 FOR AN ACT ENTITLED, An Act to revise and repeal certain outdated provisions regarding  
2 land surveying.

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

4 Section 1. That § 11-3-2 be amended to read as follows:

5 11-3-2. ~~The owner of the property, by himself or agent,~~ A registered land surveyor engaged  
6 by the owner shall at the time of surveying and laying out ~~of~~ the property cause to be planted  
7 and firmly fixed in the ground at the corners of each block, lot, parcel, or tract, permanent  
8 markers constructed and placed in accordance with the rules adopted pursuant to § 43-20-7;  
9 ~~referenced to at least two identifiable reference points at each marker as the surveyor shall~~  
10 ~~direct.~~ The point set shall be distinguished on the plat.

11 Section 2. That § 21-40-6 be amended to read as follows:

12 21-40-6. Upon the trial of an action under this chapter, the court shall make its judgment  
13 locating and defining the boundary lines involved by reference to well-known, permanent  
14 landmarks, if any there be, or if none, then to such landmarks as may be placed or established



1 for that purpose by the surveyor engaged in such work, and if it shall be deemed for the interest  
2 of the parties after the entry of judgment, the court may order a ~~competent~~ registered land  
3 surveyor to establish and mark such boundaries ~~by means of a stone or concrete block~~  
4 ~~containing at least one cubic foot and planted in the earth at least eighteen inches deep from the~~  
5 ~~top thereof at the corners or boundaries of such lands, or if it is impossible or impracticable to~~  
6 ~~place the same at the true and exact points where the same would otherwise be placed, then at~~  
7 ~~the next nearest convenient point thereto with the course and distance from the true and exact~~  
8 ~~point plainly marked thereon, and in accordance with the order or judgment and from which~~  
9 ~~future surveys of the land and boundaries embraced therein and adjoining lands and boundaries~~  
10 ~~shall be made.~~ Such landmarks so established, located, and ~~planted~~ placed in the earth shall have  
11 distinctly ~~cut and~~ marked thereon the words, judicial landmark or J. L., with the date that it was  
12 so placed and the name or initial letters of the name and the registration number of the surveyor  
13 who placed the ~~same~~ landmark.

14 Section 3. That § 43-18-10 be repealed.

15 ~~—43-18-10. All necessary chainmen and other assistants must be paid for their services by the~~  
16 ~~person for whom the survey is made, unless otherwise specially agreed.~~