

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0196

HOUSE BILL NO. 1036

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

1 FOR AN ACT ENTITLED, An Act to revise provisions related to the Board of Technical
2 Professions.

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

4 Section 1. That § 34-9-10 be amended to read:

5 34-9-10. ~~No transfer of~~ A municipality may not transfer surplus funds pursuant to under
6 ~~§ 34-9-9 shall be made except under the conditions as follows unless:~~

- 7 (1) ~~That there is no~~ No other hospital ~~operated~~ operates within ~~such~~ the municipality ~~or~~
8 and the Department of Health has issued no license issued for such for the operation
9 by the State Department of Health of a hospital within the municipality;
- 10 (2) ~~That at~~ At least fifty percent of the total cost of ~~such~~ the construction project has been
11 ~~first~~ raised from sources other than those to be derived through the transfer of ~~such~~
12 the surplus funds, ~~such total cost~~ based upon estimates of any architect or firm of
13 architects ~~duly~~ registered by the ~~State Commission of Engineering, Architectural, and~~
14 ~~Land Surveying Examiners~~ Board of Technical Professions; and
- 15 (3) ~~That the~~ The articles of incorporation of ~~such~~ the hospital corporation provide that



1 no part of the hospital corporation's earnings shall inure, or may lawfully inure, to the
2 benefit of any member or private shareholder.

3 ~~No funds shall be transferred that are~~ Funds acquired through legal tax levy in the
4 municipality may not be transferred.

5 Section 2. That § 43-20-2 be amended to read:

6 43-20-2. ~~Except where the context indicates a different meaning, terms~~ Terms used in this
7 chapter shall be defined as follows mean:

8 (1) ~~A "property corner" is a geographic point on the surface of the earth, and is on, a part~~
9 ~~of, and controls a property line~~ "Accessory to a corner," any exclusively identifiable
10 physical object whose spatial relationship to the corner is recorded. The term includes
11 bearing trees, bearing objects, monuments, reference monuments, line trees, pits,
12 mounds, charcoal-filled bottles, steel or wooden stakes, or other similar objects;

13 (2) ~~A "property controlling corner" for a property is a public land survey corner, or any~~
14 ~~property corner, which does not lie on a property line of the property in question, but~~
15 ~~which controls the location for one or more of the property corners of the property~~
16 ~~in question~~ "Board," the Board of Technical Professions;

17 (3) ~~A "public land survey corner" is any corner actually established and monumented in~~
18 ~~an original survey or resurvey used as a basis of legal description for issuing a patent~~
19 ~~for the land to a private person from the United States government or the State of~~
20 ~~South Dakota~~ "Corner," unless otherwise qualified, a property corner, a property
21 controlling corner, or a public land survey corner;

22 (4) ~~A "corner," unless otherwise qualified, means a property corner, or a property~~
23 ~~controlling corner, or a public land survey corner, or any combination of these~~
24 "Monument," an accessory that is presumed to occupy the exact position of a corner;

- 1 (5) ~~An "accessory to a corner" is any exclusively identifiable physical object whose~~
2 ~~spatial relationship to the corner is recorded. Accessories may be bearing trees,~~
3 ~~bearing objects, monuments, reference monuments, line trees, pits, mounds,~~
4 ~~charcoal-filled bottles, steel or wooden stakes, or other objects~~ "Property controlling
5 ~~corner," any corner that may or may not lie on a property line, but that controls the~~
6 ~~location for one or more property corners;~~
- 7 (6) ~~A "monument" is an accessory that is presumed to occupy the exact position of a~~
8 ~~corner~~ "Property corner," a geographic point that controls a property line;
- 9 (7) ~~A "reference monument" is a special monument that does not occupy the same~~
10 ~~geographical position as the corner itself, but whose spatial relationship to the corner~~
11 ~~is recorded, and which serves to witness the corner~~ "Public land survey corner," any
12 ~~corner established and monumented in an original survey or resurvey used as a basis~~
13 ~~of legal description for issuing a patent for the land to a private person from the state~~
14 ~~or federal government;~~
- 15 (8) ~~A "survey" is any field operation in which corners are used to locate streets, roads,~~
16 ~~utilities, airports, railroads, buildings, dams, canals, drainage ways, or any other~~
17 ~~works as well as property boundaries~~ "Reference monument," a special monument
18 ~~that does not occupy the same geographical position as the corner itself, but whose~~
19 ~~spatial relationship to the corner is recorded and serves to witness the corner;~~
- 20 (9) ~~A "registered land surveyor" is a surveyor who is registered to practice land~~
21 ~~surveying under Title 36 and has a current certificate for that calendar year~~ "Survey,"
22 ~~any field operation in which corners are used to locate streets, roads, utilities,~~
23 ~~airports, railroads, buildings, dams, canals, drainage ways, or any other works as well~~
24 ~~as property boundaries;~~

1 (10) ~~The "commission" is the State Commission of Engineering, Architectural, and Land~~
2 ~~Surveying Examiners~~ "Registered land surveyor," a person who is licensed by the
3 board and is in good standing and legally authorized to practice land surveying in this
4 state.

5 Section 3. That § 43-20-7 be amended to read:

6 43-20-7. The ~~Commission of Engineering, Architectural, and Land Surveying Examiners~~
7 board shall, by rule adopted pursuant to chapter 1-26, prescribe the method of construction and
8 placement of corner markers or monuments used to identify reference points on plats and the
9 information ~~which~~ that is necessary to be included in the corner file. The ~~commission~~ board
10 shall ~~also~~ prescribe the form in which the corner record shall be presented and filed.