

House Daily Reader

Wednesday, February 07, 2001

Bills Included				
HB 1095	HB 1122	HB 1177	HB 1198	HB 1225
HB 1257				

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

528E0070

SENATE ENGROSSED NO. **HB 1095** - 02/05/2001

Introduced by: Representatives Michels and Bartling and Senators Olson (Ed), Ham, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise the sizes of plats that may be filed with the register
2 of deeds.

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

4 Section 1. That § 11-3-10 be amended to read as follows:

5 11-3-10. ~~All plats~~ Each plat filed with the register of deeds shall be fifteen by twenty-six
6 inches, eleven by seventeen inches, or eight and one-half by fourteen inches. ~~Plats~~ Each plat shall
7 be drawn on drafting linen, matte film, or mylar, with waterproof black ink and ~~all signatures~~
8 each signature shall be made with permanent ink. No other plat may be recorded.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

273E0130

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1122 - 02/05/2001

Introduced by: Representatives Brown (Jarvis), Bartling, Flowers, Garnos, Hennies (Thomas), Jaspers, Juhnke, Lintz, Napoli, and Slaughter and Senators de Hueck, Hagen, Koetzle, Putnam, Reedy, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to modify the time required for a temporary custody hearing
2 to be held in certain juvenile legal proceedings.

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

4 Section 1. That § 26-7A-15 be amended to read as follows:

5 26-7A-15. The officer or party who takes a child into temporary custody, with or without
6 a court order, except under a court order issued during a noticed hearing after an action has been
7 commenced, shall immediately, without unnecessary delay in keeping with the circumstances,
8 inform the child's parents, guardian, or custodian of the temporary custody and of the right to
9 a prompt hearing by the court to determine whether temporary custody should be continued. If
10 the child's parents, guardian, or custodian cannot be located after reasonable inquiry, the officer
11 or party taking temporary custody of the child shall report that fact and the circumstances
12 immediately to the state's attorney. The state's attorney shall notify the child's parents, guardian,
13 or custodian, without unnecessary delay, of the time, date, and place of the temporary custody
14 hearing. The hearing shall be held within forty-eight hours if it concerns any apparent abused or

1 neglected child or within twenty-four hours if it concerns any apparent delinquent child pursuant
2 to § 26-8C-3 or any apparent child in need of supervision pursuant to § 26-8B-3, excluding
3 Saturdays, Sundays, and court holidays, after taking the child into temporary custody, unless
4 extended by order of the court. Failure to notify the child's parents, guardian, or custodian of the
5 temporary custody hearing is not cause for delay of the hearing if the child is represented by an
6 attorney at the hearing.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

663E0609

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1177 - 02/05/2001

Introduced by: Representatives Slaughter, Bartling, Flowers, Hennies (Thomas), Jaspers, Madsen, and Sebert and Senators Diedrich (Larry), McCracken, and Moore

1 FOR AN ACT ENTITLED, An Act to revise when certain assessments have to be paid before
2 an assessment may be appealed.

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

4 Section 1. That § 10-59-9 be amended to read as follows:

5 10-59-9. Any taxpayer against whom a certificate of assessment is issued may request a
6 hearing before the secretary if the taxpayer believes that the assessment is based upon a mistake
7 of fact or an error of law. A request for hearing shall be made in writing within thirty days from
8 the date of the certificate of assessment and shall contain a statement indicating the portion of
9 the assessment being contested and the mistake of fact or error of law the taxpayer believes
10 resulted in an invalid assessment. Amended or additional statements of facts or errors of law may
11 be made not less than fourteen days prior to the hearing if the hearing examiner determines such
12 additional or amended statements are in the interest of justice and do not prejudice either party.
13 Hearings are conducted and appeals taken pursuant to the provisions of ~~chapter 1-26~~ chapters
14 1-26 and 1-26D. A copy of the hearing examiner's proposed decision, findings of fact and

1 conclusions of law shall be served on all parties when furnished to the secretary. ~~No~~ If the
2 secretary, pursuant to chapter 1-26D, accepts the final decision of the hearing examiner, no
3 appeal from a final decision of the secretary upon an assessment may be taken unless any amount
4 ordered paid by the secretary is paid or a bond filed to insure payment of such amount. However,
5 if the final decision of the secretary, pursuant to chapter 1-26D, rejects or modifies the decision
6 of the hearing examiner regarding the amount due on the assessment, an appeal may be taken
7 without payment of the amount ordered to be paid and without filing of a bond. If the secretary's
8 decision is affirmed by the circuit court, no appeal may be taken unless any amount ordered to
9 be paid by the secretary is paid or a bond is filed to insure payment of such amount.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

655E0510

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1198 - 02/05/2001

Introduced by: Representative Duniphan and Senator Albers

1 FOR AN ACT ENTITLED, An Act to provide for a possessory lien on the contents of certain
2 towed vehicles.

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

4 Section 1. That § 32-30-18 be amended to read as follows:

5 32-30-18. The sheriff, law enforcement officer, or towing agency taking custody of any
6 vehicle under the provisions of §§ 32-30-12 to 32-30-17, inclusive, 32-30-19, and 32-36-4 ~~shall~~
7 ~~have~~ has a possessory lien on the vehicle and the contents of the vehicle for the reasonable costs
8 in taking custody and storing of the vehicle which may not exceed five hundred dollars. No
9 possessory lien attaches to the tools and implements which a person uses and keeps for the
10 purpose of carrying on his or her trade or business or to any clothing or food.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

463E0613

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1225 - 02/05/2001

Introduced by: Representatives Sebert, Derby, Michels, and Solum and Senators Albers
and Vitter

1 FOR AN ACT ENTITLED, An Act to clarify the courts in which garnishment proceedings may
2 be pursued.

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

4 Section 1. That § 21-18-1 be amended to read as follows:

5 21-18-1. In any action or small claims proceeding to recover damages founded upon
6 contract, express or implied, or ~~upon~~ pursuant to judgment or decree, any creditor ~~shall be~~ is
7 entitled to proceed by garnishment in any court having jurisdiction of the subject of the action,
8 against any person, as defined in § 15-7-1, including the state and any municipal or public
9 corporation, and including any corporation organized or authorized to be organized by or under
10 the laws of any state or of the United States, which has the power to sue or be sued who shall
11 be indebted to or have any property, real or personal, in ~~his~~ its possession or under ~~his~~ its control
12 belonging to such creditor's debtor, in the cases, upon the conditions, and in the manner
13 prescribed in this chapter.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

661E0676

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1257 - 02/05/2001

Introduced by: Representatives Van Gerpen and Michels and Senator Putnam

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the reimbursement of
2 attorney fees by certain indigent defendants.

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

4 Section 1. That § 23A-40-10 be amended to read as follows:

5 23A-40-10. If the court finds that funds are available for payment from or on behalf of a
6 defendant to carry out, in whole or in part, the provisions of this chapter, the court may order
7 that the funds be paid, as court costs or as a condition of probation, to the court for deposit with
8 the county or municipal treasurer, to be placed in the county or municipal general fund or in the
9 public defender fund in those counties establishing the office pursuant to subdivision
10 23A-40-7(1) as a reimbursement to the county or municipality to carry out the provisions of this
11 section. The court may also order payment to be made in the form of installments or wage
12 assignments, in amounts set by a judge of the circuit court or a magistrate judge, either during
13 the time a charge is pending or after the disposition of the charge, regardless of whether the
14 defendant has been acquitted or the case has been dismissed by the prosecution or by order of
15 the court. The provisions of this section also apply to persons who have had counsel appointed

- 1 under chapters 26-7A, 26-8A, 26-8B, and 26-8C. The reimbursement is a credit against any lien
- 2 created by the provisions of this chapter against the property of the defendant.