

To: Joint Council Legislative Contacts
From: Steve Willard
Re: SD Legislative Update
Date: January 28, 2012

There have been 469 bills introduced (274 House Bills/ 195 Senate bills). Following the uneven start (a short week and then Governor Janklow's funeral), the pace picked up a lot as 297 bills were introduced this week.

The legislature has settled down to work. Committees are engaged and bills are being scheduled for hearings. In the House, the atmosphere is turning a little ugly as the Republicans are fighting among themselves. Fifty of the seventy House members are Republicans (counting the single Independent as a Republican) and their members took the rare action of moving Rep. Stace Nelson (R-Fulton) to the front of the House and refusing to recognize him while on the floor, a sort of public censure. The censure was the result of words that Nelson exchanged with Representative Nick Moser on the floor. Nelson and Lance Russell have been removed from the Republican caucus and intend to have their own meetings. There has been limited coverage in the media, but it's emotional up close. This past week, dozens of bills were introduced by Nelson and like minded members that would affect health care, guns, abortion, immigration, public records, political activity and more.

Bills of Interest:

HB 1032. Repeals certain provisions regarding the temporary permit for a specialty license plate with an organization or first responder decal. To House Transportation. Do Pass 9 to 0. Consent. Passed the House 64 to 0.

A clean up bill repealing outdated statutes, it was brought by the Division of Motor Vehicles. When the statutory change was made to allow license plates to stay with the owner when vehicle titles were transferred rather than staying with the vehicle, language was affected in many statutes. This permit was overlooked. It may have been one of the shortest bill presentations and hearings that I've ever seen.

HB 1054. Amends certain provisions concerning Worker's Compensation. To House Judiciary. Deferred to the 41st day 8 to 5.

An interesting bill that will likely have long term effects even though it lost. The Bar Association brought the measure after many of its lawyers claimed problems with the current law. It would have increased the number of days that an employee has to report a work related injury from three to seven. The issue created a massive dialogue among the insurance industry, the business community and the lawyers about the effect of the change. Uncertain effects probably killed the bill, but the dialogue will continue.

HB 1067. Guarantees an employee's right to secure a physician and other medical services of their choosing for care under a worker's compensation claim. To House Judiciary.

Brought by the Democrats and several Tea Party participants. It does just what the title states. The operative language is: "~~The employee shall have the initial selection to secure the employee's own physician, surgeon, or hospital services~~ right to secure and use a physician, surgeon, hospital, or other medical services of the employee's choosing at the employer's expense. The State Chamber of Commerce and Industry and the insurance companies are leading the opposition as they will be suggesting that the bill imperils the managed care system.

HB 1068. Guarantees the right of individuals to secure medical services of their choosing. To House Judiciary.

Brought by largely the same sponsors of HB 1067, the bill in its entirety, reads:

Section 1. No law of this state may interfere with the right of any person to secure the use of a physician, surgeon, hospital, or other medical services of the person's choosing." The business community is treating HB 1167 and HB 1168 similarly.

HB 1125. Clarifies the definition of engaging in business in certain circumstances. To House Judiciary.

Brought by Representative Roger Hunt (R-Brandon), the bill clarifies but does not change the number of days that a charitable, benevolent, religious organizations (etc.) can continue to engage in certain activities tax free.

HB 1129. Prohibits the use of certain handheld electronic wireless devices for electronic messaging while driving. To House State Affairs.

The bill would prohibit texting while driving but allows it in many other vehicular circumstances.

HB 1135. Revises the 911 emergency surcharge, to revise the collection and distribution of the emergency surcharge revenue, to provide for point of sale collection of the prepaid wireless 911 emergency surcharge, and to provide funding for the upgrade of 911 emergency services. To House Local Government.

The bill doesn't say anything and is essentially a House placeholder for any agreement that can be negotiated between all of the players in this issue. Discussions are active and ongoing and there is a companion bill in the Senate (SB 174) where most of the discussion is focused.

HB 1155. Regulates certain automatic periodic financial transfers for the purpose of funding political contributions. To House State Affairs.

The bill is brought almost every year by Representative Hal Wick (R-Sioux Falls) who wants to eliminate the ability of the unions (mainly the teachers union) to automatically withhold deductions for their PAC from paychecks. Lucky for the unions that that action affects many

other companies who engage in the same practice. The bill has been defeated in the past, but the House is becoming fairly conservative.

HB 1190. Requires Legislative approval before a health insurance exchange is created or implemented. To House Health and Human Services.

Introduced by Representative Laura Hubbel and five other Representatives (but no Senators), the bill seeks to interrupt ongoing efforts to comply with Obamacare. Hubbel has introduced several related bills affecting health care during her career.

HB 1191. Provides for an interstate compact on public health care, to establish an interstate advisory health care commission, to specify the relationship between the member states and the federal government, and to assert the right to federal funding in lieu of certain federally funded incentives. To House Health and Human Services.

Another of Representative Hubbel's bills. It allows SD to join a compact with like minded states in order to prevail upon Congress that we be exempt from Obamacare. The compact would be supposed to provide leverage against the federal government.

HB 1197. Exempts air ambulance services from sales and use taxes. To House Taxation.

Does just what the title states.

HB 1269. Makes an appropriation for certain costs related to disasters and to pine beetle suppression and to declare an emergency. To House Appropriations.

Brought by the Governor, the bill appropriates a little more than \$14 million to the emergency and disaster fund for costs related to disasters and more than \$6 million to the fire suppression fund to be used for pine beetle suppression.

Senate Bills

SB 36. Makes an appropriation for costs related to suppression of wildfires in the state and to declare an emergency. To Senate Appropriations.

The bill makes the annual appropriation for costs related to wildfires for the previous year. This year, the total is \$1,300,731.

SB 50. Revises the permissible uses of the cigarette fire safety standard act fund. To Senate Commerce and Energy.

Brought by the Dept of Public Safety, the bill allows the money within the cigarette fire safety standard act fund to be used for fire prevention activities and education.

SB 52. Provides for point of sale collection of the prepaid wireless 911 emergency surcharge. To Senate Judiciary.

The bill would allow prepaid wireless telephone cards to be assessed a uniform tax to go toward the SD 911 Coordination Fund.

SB 54. Revise the circumstances under which motor vehicle headlamps must be dimmed. To Senate Judiciary. Do Pass 6 to 1. Deferred. Defeated 17 to 16. Motion to reconsider, but it was never reconsidered.

The bill originated because of a court case in which a highway patrol officer pulled over a driver in a vehicle for not dimming their lights and discovered marijuana. The marijuana charge was subsequently tossed by a judge who said that the trooper did not have the authority to pull over the vehicle for not dimming their lights. If passed, the law would require lights to be dimmed when meeting another vehicle "at a distance of 500 feet or less" or when following another vehicle "at a distance of 300 feet or less".

SB 86. Grants limited immunity from arrest and prosecution for certain alcohol consumption related offenses to persons who assist certain persons in need of emergency assistance or who are themselves in need of emergency assistance. To Senate Judiciary.

Brought last year by a group of college students, most of them have returned as proponents. The bill would allow minors who provide medical assistance to other underage drinkers and contact law enforcement to be free from prosecution for underage consumption.

SB 173. Provides provisions allowing for the practice of medical-aesthetic services by trained professionals, to provide registration and oversight of such providers, and to provide a penalty therefor. To Senate Health and Human Services.

Brought by Senator Stan Adelstein (R-Rapid City), the bill would provide for the certification of medial aesthetic service providers if they are associated with a doctor or nurse. Such services would include laser alteration of skin tissue or hair, and botox and collagen injections.

SB 174. Increases the 911 emergency surcharge, to revise the collection and distribution of the surcharge revenue, to provide for point of sale collection of the prepaid wireless 911 emergency surcharge, and to provide funding for the upgrade of 911 emergency services. To Senate State Affairs.

The bill increases the surcharge per phone line from 75 cents to \$1.25. It would impose a 2 percent gross receipts tax on prepaid wireless card providers. It changes the distribution of the funds. Discussions are ongoing.