

Bill Watch

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Bills that are ~~Struck Through~~ have been killed in some manner, and are not included in this report.

**Signed by Governor*

Introduction

- The main run of the 2020 Legislative session ended in the evening of March 12th.
- March 30th is Veto Day.

HOUSE BILLS

***HB 1038 An act to revise certain provisions regarding manufactured home construction and safety standards.**

Sponsors: The Committee on Commerce and Energy at the request of the Department of Public Safety

Summary: This bill changes the responsibility for the adoption, administration, and enforcement of manufactured home and safety standards from the state administrative agency to the state fire marshal; this bill also adds language to include refusing to permit access to or copying of records, or to permit entry or inspection as prohibited.

Status: Passed House Commerce and Energy (13-0 consent) on January 24th; passed House floor (68-0) on January 27th; referred to Senate Taxation on January 28th; passed Senate Taxation (6-0 consent) on February 7th; delivered to Governor on February 13th; signed by the Governor on February 20th

***HB 1069 An Act to authorize certain veterans to attend courses offered at postsecondary technical institutes without payment of tuition**

Sponsor: Representative Wiese and Senator Nesiba

Summary: This bill allows veterans to attend courses offered at postsecondary technical institutes without payment of tuition; the bill goes on to say that no tuition benefit may be provided by the state under this section until the applicant has applied for all federal benefits and verify this accordingly.

Status: Referred to House Military and Veterans Affairs on January 21st; Passed House Military and Veterans Affairs (11-0) on February 10th; passed House floor (70-0) on February 18th; Referred to Senate Military and Veterans Affairs on February 19th; passed Senate Military and Veterans Affairs (35-0 consent) on March 5th; delivered to the Governor on March 11th; signed by the Governor on March 12th

***HB 1070 An Act to modify requirements regarding the need to have a license to install certain electrical wiring**

Sponsor: Representative Herman Otten, Beal, Goodwin, Gosch, Kevin Jensen, Mills, and Randolph and Senator Ernie Otten, Langer, Stalzer, and Wiik

Summary: This bill amends existing law to state that a license is not required by a person installing electric wiring on the premises of a single-family dwelling unit that is in the process of being constructed if the person owns the premises and intends to occupy the premises as the person's residence when

construction is complete; Amendment 70A allows the commission to promulgate rules to set an allotted number of inspections for each installation

Status: Referred to House Commerce and Energy on January 21st; passed House Commerce and Energy with Amendment 1071A (11-1) on February 19th; passed House floor (65-1) on February 24th; referred to Senate Commerce and Energy on February 25th; scheduled for hearing on February 27th; assigned to Senate Commerce Committee and passed 7-0 on February 27th; to the Senate floor; passed Senate (34-0) on March 2nd; delivered to the Governor on March 5th; signed by the Governor on March 9th

***HB 1083 An Act to rename the postsecondary technical institutes as technical colleges**

Sponsor: Representative Bartels and Senator White

Summary: This bill amends existing statutes to rename the postsecondary technical institutes as “technical colleges.”

Status: Referred to House Education on January 24th; passed House Education with Amendment 1083B (15-0) on January 29th; passed House floor (41-25) on February 4th; referred to Senate Education on February 5th; passed Senate Education (7-0) on February 11th; passed Senate floor (27-7) on February 18th; delivered to Governor on February 21st; signed by the Governor on February 25th

***HB 1091 An Act to revise provisions regarding the compensation of merchandise dealers for diagnostic and warranty work**

Sponsor: Representative Goodwin

Summary: This bill adds temperature control units and auxiliary idle reduction and temperature management system or auxiliary power units as merchandise that requires the manufacturer and suppliers of such to provide that dealer reasonable compensation for diagnostic work, as well as repair service, parts, and labor to the dealer.

Status: Referred to House Transportation on January 28th; passed House Transportation (13-0 consent) on February 6th; passed House floor (65-0) on February 7th; Referred to Senate Transportation on February 10th; passed Senate Transportation (7-0 consent) on February 19th; passed Senate floor (35-0) on February 20th; delivered to the Governor on February 25th; signed by the Governor on February 27th

HB 1099 An Act to authorize counties to impose a temporary sale and use tax and to issue revenue bonds to fund certain county infrastructure construction

Sponsor: Representative York and Senator Novstrup

Summary: This bill would add a new law that would allow the board of county commissioner, by a resolution approved by registered voters, impose a temporary non-ad valorem tax at a rate not to exceed one-half percent on the sale, use, storage, and consumption in the county of the items subject to state tax under chapters 10-45 and 10-46; the monies would be designated for a renovating or replacing a jail facility

Status: Referred to House Taxation on January 28th; passed House Taxation with Amendment 1099B (8-5) on February 6th; failed to pass House floor (32-35) on February 11th

***HB 1178 An Act to revise the seller’s property condition disclosure statement**

Sponsor: Representative Chase and Senator Langer

Summary: This bill completely overhauls the property disclosure statement by replacing the old property disclosure statement with a new property disclosure statement. However, the new property disclosure statement includes most of the old questions and information. One of the new parts of the property disclosure statement allows options of “Do not Know” and “N/A” for most of the questions. Additionally, the new property disclosure statement would allow for a comment section after each question.

Status: Referred to House Commerce and Energy on February 4th; passed House Commerce and Energy (12-0 consent) on February 10th; passed House floor (66-0) on February 11th; referred to Senate Taxation on February 12th; passed Senate Taxation (6-0) on February 26th; passed out of committee 6-0; passed Senate floor on February 27th (35-0); delivered to the Governor on March 4th; signed by the Governor on March 11th

HB 1185 An Act to limit public employer consideration of certain criminal backgrounds

Sponsor: Representative Bordeaux

Summary: This bill adds a new section of law stating that a public employer may not inquire into or consider the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview by the employer.

Status: Referred to House Commerce and Energy on February 4th; deferred to 41st legislative day (8-5) on February 10th

HB 1269 An Act to prohibit the internet publication of certain land records

Sponsor: Representative Frye-Mueller

Summary: This bill creates new law to prohibit register of deeds from publishing or posting any land record on the internet for public use without the express consent of the landowner.

Status: Referred to House Local Government on February 10th; Prime Sponsor changed at the request of the Prime Sponsor: Representative Rounds to Representative Frye-Mueller; House Local Government deferred to 41st day with Amendment 1269A (11-0) on February 20th

HB 1276 An Act to provide for a review of occupational regulation

Sponsor: Representative Latterell and Senator Phil Jensen

Summary: This bill creates new section of law to state that before an agency may be authorized to regulate entry into an occupation and before an agency's regulation of entry into an occupation may be modified, the Dept of Labor and Regulation shall conduct a review to ensure that the regulation or modification being proposed is the least restrictive option for ensuring that consumers are protected from present, significant, and substantiated harms.

Status: Referred to House State Affairs on February 11th; House state affairs tabled (11-0) on February 24th

SENATE BILLS

***SB 12 An act to revise certain provisions regarding comity licensure in the technical professions.**

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

Summary: This bill adds language to the comity licensure statute which states that the board may consider qualifying experience gained after initial licensure for the required years of experience.

Status: Passed Senate Commerce and Energy (6-0 consent) on January 21st; passed Senate floor (34-0) on January 22nd; referred to House Commerce and Energy on January 24th; passed House Commerce and Energy (13-0 consent) on February 5th; passed House floor (67-0) on February 6th; delivered to Governor on February 13th; signed by the Governor on February 19th

SB 29 An act to repeal provisions regarding manufactured and mobile home plumbing licenses and revise provisions regarding plumbing repair work.

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

Summary: This bill causes "plumbing work" to include replace of noncommercial appliances. This bill also allows the connecting manufactured or mobile homes to local water and waste systems without a license.

Status: Deferred to 41st legislative day (6-1) on January 23rd after testimony from a manufactured homes dealer

SB 36 An act to transfer funds from the budget reserve fund and to declare an emergency.

Sponsor: The Committee on Appropriations at the request of the Bureau of Finance and Management

Summary: This bill appropriates \$16,778,512 from the budget reserve fund to the general fund.

Status: Referred to Senate Committee on Appropriations on January 15th; passed Senate Committee on Appropriations with Amendment 36A (7-0) on February 21st; passed Senate floor (35-0) on February 25th; passed Senate (35-0) on February 25th; referred to House Appropriations Committee on February 27th; passed House Committee on Appropriations (7-1) on March 5th; passed House floor (50-16) on March 9th; delivered to the Governor on March 12th

SB 49 An act to add gravel to the definition of a mineral.

Sponsor: Senator Maher

Summary: This bill is to add gravel to the definition of a mineral.

Status: Referred to Senate Commerce and Energy on January 16th; scheduled for hearing on January 28th; Senate Commerce and Energy tabled (6-0) on January 28th

SB 54 An Act to regulate the use of auxiliary containers

Sponsor: Senator Wiik and Representative Post

Summary: This bill adds language to existing law to prohibit local units of government to regulate the use of auxiliary containers which the bill defines as any bag, cup, bottle, package, container, or other packing that is made of cloth, paper, plastic, cardboard, corrugated material, that is designed for transporting or protecting merchandise. Rather, any regulation will be within the exclusive province of the state, mandating state preemption so local units of government will not be permitted to regulate those products

Status: Referred to Senate Commerce and Energy on January 21st; passed Senate Commerce and Energy with Amendment 54D (4-2) on January 28th; passed Senate floor (22-12) on January 30th; referred to House Commerce and Energy on February 4th; passed House Commerce and Energy (11-2) on February 12th; failed to pass House floor (30-33) on February 13th; intent to reconsider on February 13th; House floor reconsidered passed (50-20) on February 18th; passed House floor (46-24) on February 18th; delivered to Governor on February 21st; signed by the Governor on February 27th

SB 104 An Act to limit entitlement to mechanics' liens

Sponsor: Senator Cammack

Summary: This bill amends existing law by adding language that an entitlement to a first lien does not extend to a contractor or subcontractor who furnishes skills, labor, services, or materials, for the development, improvement, operation, or repair of a public highway or roadway if the development, improvement, operation, or repair is undertaken principally for the benefit of a private entity that is not the owner of the abutting property.

Amendment 104A removes the language regarding entitlement to a first lien not extending to a contractor or subcontractor and instead adds language that states the owner of real property upon which a county highway or road has been constructed, improved, or repaired is not liable for the cost of the project.

Status: Referred to Senate Commerce and Energy on January 30th; Senate Commerce and Energy deferred to the 41st day (4-2) on February 13th; brought back to committee for an amendment, which passed and then the committee approved (4-3) and the full Senate passed, as amended on February 27th (29-6); referred to House Local Government on February 27th; House Local Government deferred to 41st legislative day (9-3) on March 5th

SB 108 An Act to revise the time period allowable for certain covenants not to compete

Sponsor: Senator Brock Greenfield

Summary: This bill amends the covenants not to compete law by reducing the time period from not exceeding two years to not exceeding one year.

Status: Referred to Senate Commerce and Energy on January 30th; Senate Commerce and Energy tabled (5-1) on February 11th

SB 135 An Act to increase the bid limit for certain public improvements

Sponsor: Senator Soholt and Representative Chaffee

Summary: This bill increases the bid limit from fifty thousand to one hundred thousand.

Status: Referred to Senate Local Government on January 30th; passed Senate Local Government (4-3) on February 7th; passed Senate floor (22-13) on February 10th; first House reading on February 11th; referred to

House Local Government on February 27th; passed House Local Government (12-0 consent) on March 5th; passed House floor (58-8) on March 9th; delivered to the Governor on March 12th

There are similarities between last year's HB 1079 and this year's HB 1070 and SB 29:

As you will recall, HB 1079 from last year was entitled An Act to allow a person to perform plumbing work on the person's own property without a license and establish a fee. This bill was sponsored by Representatives Otten (Herman), Barthel, Greenfield (Lana), Latterell, Marty, Mills, Pischke, Weis and Zikmund and Senators Otten (Ernie), Heinert, Nelson, Schoenbeck and Steinhauer. This bill stated that a license is not required if an individual is doing plumbing on premises that are in the process of being constructed, if the person "owns the premises" and "intends to actually occupy the premises as the person's residence when construction is complete." Despite our best efforts, this bill passed overwhelmingly and was signed into law on March 1, 2019.

This year's HB 1070 is almost identical as last year's HB 1079, with it pertaining to electrical instead of plumbing. As stated above, this bill amends existing law to state that a license is not required by a person installing electric wiring on the premises of a single-family dwelling unit that is in the process of being constructed if the person "owns the premises" and "intends to occupy the premises as the person's residence when construction is complete." This bill also had similar sponsors as last year: Representative Herman Otten, Beal, Goodwin, Gosch, Kevin Jensen, Mills, and Randolph and Senator Ernie Otten, Langer, Stalzer, and Wiik. Again, this bill passed overwhelmingly through the legislature and was signed into law on March 9th, 2020.

Finally, SB 29, had a similar goal of allowing individuals to "do it themselves." SB 29 stated that "plumbing work" would include the replacement of noncommercial appliances. Furthermore, this bill would have allowed the connecting manufactured or mobile homes to local water and waste systems without a license. This sponsor was the Committee on Commerce and Energy at the request of the Department of Labor and Regulation. Unlike the other two, this bill failed due to the opponent testimony of a Pierre resident who emphasized the importance of these licenses and people who perform such work.

These bills demonstrate that the legislature, and even Governor Noem, are attempting to remove what they feel is unnecessary regulation. It is not unreasonable to believe that future legislation will continue to follow this trend, continuing to impact both your occupations and Association as well as others. Only through showing the legislature the importance of these licenses will there be a chance to put a stop to like-kind legislation.

We have appreciated the opportunity to again assist you before the 2020 legislature. If you have any questions regarding this report or other matters which have arisen, please do not hesitate to contact us.