

You are viewing: Legislative Cumulative Report for South Dakota

REPORT KEY	
When you see...	It means this...
Highlighted Entry Header	New Bill Added to the Report
** Double Asterisk	Updated "Status" or "Outlook"
Underlined Text	New Information Added

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## SOUTH DAKOTA Workers' Compensation Legislation - **WORKERS' COMPENSATION (GENERAL)**

**Summary:** Increases the amount an employer shall pay, for the burial expense and the expense of a headstone grave marker, for an employee whose death resulted from an injury. The amount is not to exceed \$7,500.



H.B. 1057: <http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1057P.htm>

Requires employers to satisfy their obligation of payment of medical expenses in circumstances where the medical expenses have been denied by the employer, paid by a health plan, insurer or an individual and are later determined to be compensable. Requires employers to make payment directly to the health care provider if the medical expenses have not yet been paid. Requires an employer to satisfy the employer's obligation of disability benefits that have been paid by a health insurer and the benefits are later determined to be compensable by paying the health insurer directly.

S.B. 26: <http://legis.state.sd.us/sessions/2009/Bill.aspx?File=SB26P.htm>

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## SOUTH DAKOTA H.B. 1060 - **BACKGROUND CHECKS**

**Sponsor:** SD House Commerce Committee



**Summary:** Current version (March 10) requires applicants for licensing as a mortgage lender, mortgage broker, or mortgage loan originator, to furnish to the nationwide mortgage licensing system and registry information concerning the applicant's identity, including:

- 1) Fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal history background check
- 2) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, including the submission of authorization for the nationwide mortgage licensing system and registry and the director to obtain:
  - a) An independent credit report from a consumer reporting agency as of January 1, 2009
  - b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction

Defines "nationwide mortgage licensing system and registry" as a system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators.

Defines "mortgage broker" as any person who acts as a mortgage loan originator and has not less than a 10% interest in a mortgage brokerage.

Exempts the following from the requirement of a mortgage lender or mortgage broker license:

- 1) Any state bank and its subsidiary
- 2) Any national bank and its subsidiary
- 3) Any bank holding company and its subsidiary
- 4) Any other federally insured financial institution, and its holding company and subsidiary

5) Any South Dakota chartered trust company

Effective 90 days after adjournment.

Introduced version:

<http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1060P.htm>

House Committee version:

<http://legis.state.sd.us/sessions/2009/Amendment.aspx?Amend=amd1060sd.htm>

House version:

<http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1060H.htm>

Senate Committee version:

<http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1060SCO.htm>

Senate version:

<http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1060S.htm>

**Status:** Introduced January 8, 2009. Referred to House Commerce January 13. Hearing held and deferred January 26. Reported with amendments January 30. Passed House February 4. Referred to Senate Commerce Committee February 5. Deferred February 24. Reported with amendments March 3. Passed Senate March 10. House concurred March 11. Sent to Governor Mike Rounds (R) March 13. Signed by Governor Mike Rounds (R) March 16.

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## **SOUTH DAKOTA H.B. 1176 - UNEMPLOYMENT INSURANCE**

**Sponsor:** Representative Brian Gosch (R)

**Summary:** Final version (March 11) adds that if continued employment presents a hazard to an employee's health, the employee is authorized to collect unemployment benefits if they are a spouse of certain military personnel.



Introduced version: <http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1176P.htm>

Final version: <http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1176ENR.htm>

**Status:** Introduced and referred to House State Affairs Committee January 28, 2009. Hearing held, passed committee February 19. Passed House February 24. Referred to Senate Commerce Committee February 25. Hearing held, passed committee March 5. Passed Senate March 9. Passed House March 11. Delivered to Governor March 12. Signed by Governor Mike Rounds (R) March 13.

**Companion Bill:** 2009 S.B. 111

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## **SOUTH DAKOTA H.B. 1240 - WORK ENVIRONMENT**

**Sponsor:** Representative Bob Faehn (R)

**Summary:** Final version (March 10) prohibits smoking tobacco or carrying lighted tobacco products in any public place or place of employment. Defines "place of employment," as any enclosed area under the control of a public or private employer. Defines "enclosed area," as any space between a floor and a ceiling that is enclosed, exclusive of doorways, on all sides by permanent or temporary walls or windows. Defines "public place," as any enclosed area to which the public is invited or in which the public is permitted. Provides that the law does not apply to retail tobacco stores that: (1) generate 65%



of its annual gross income from the sale of tobacco, tobacco products, and accessories for such products; (2) is enclosed by solid walls or windows, a ceiling, and a solid door that provides egress to the outdoors; and (3) does not allow the consumption of alcoholic beverages on the premises. Provides that the law does not pertain to establishments that: (1) generate 10% or more of its annual gross income from the sale of cigars; (2) has a humidor on the premises; and (3) is enclosed by solid walls or windows, a ceiling, and a solid door and is equipped with a ventilation system by which exhausted air is not recirculated to nonsmoking areas and smoke is not backstreamed into nonsmoking areas.

Introduced version: <http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1240P.htm>

Final version: <http://legis.state.sd.us/sessions/2009/Bill.aspx?File=HB1240ENR.htm>

**Status:** Introduced and referred to House State Affairs February 2, 2009. Hearing held, passed House State Affairs Committee February 18. Passed House February 23. Referred to Senate Health and Human Services Committee February 24. Passed Committee March 2. Passed Senate March 4. Passed House March 9. Delivered to Governor Mike Rounds (R) March 11. Signed by Governor March 19.

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### **SOUTH DAKOTA S.B. 83 - WORK ENVIRONMENT**

**Sponsor:** Senator Dave Knudson (R)



**Summary:** Current version (February 3): Mandates that no person may smoke tobacco or carry any lighted tobacco product in any public place or place of employment. A violation of this law is a class two misdemeanor. Requires any person that owns, manages, operates, or otherwise controls a public place or place of employment shall inform persons of this law. Defines "place of employment," as any enclosed area under the control of a public or private employer. Defines "public place," any enclosed area to which the public is invited or in which the public is permitted.

Excludes businesses that: (1) generate 10% or more of its annual gross income from the sale of cigars; (2) has a humidor on the premises; and (3) is enclosed by solid walls or windows, a ceiling, and a solid door and is equipped with a ventilation system by which exhausted air is not recirculated to nonsmoking areas and smoke is not backstreamed into nonsmoking areas.

<http://legis.state.sd.us/sessions/2009/Bill.aspx?File=SB83P.htm>

**Status:** Introduced and referred to Senate Health and Human Services January 23, 2009. Hearing scheduled February 2. Passed Senate Health and Human Services Committee February 2. Amended by Senate February 3. Failed to Pass Senate February 3. Failed upon adjournment March 30.

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### **SOUTH DAKOTA S.B. 111 - UNEMPLOYMENT INSURANCE**

**Sponsor:** Senator Jeffrey Haverly (R)



**Summary:** Adds that if continued employment presents a hazard to an employee's health, the employee is authorized to collect unemployment benefits if they are a spouse of certain military personnel.

<http://legis.state.sd.us/sessions/2009/Bill.aspx?File=SB111P.htm>

**Status:** Introduced and referred to Senate Commerce Committee January 28, 2009. Hearing scheduled February 3. Tabled by Senate Commerce Commerce February 3. Failed upon adjournment March 30.

**Companion Bill:** 2009 H.B. 1176

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### **SOUTH DAKOTA S.B. 134 - MANDATED BENEFITS**

**Sponsor:** Senator Nancy Turbak Berry (D)



**Summary:** Mandates that every policy of health insurance that provides coverage for prescription drugs and devices, except for policies that provide coverage for specified disease or other limited benefit coverage, shall provide coverage for contraceptive drugs and devices approved by the Federal Drug Administration that are subject to the same dollar limits, deductibles and coinsurance factors as for other prescription drugs or devices. Provides that if a health care provider determines that none of the drugs or devices designated by the insurer are medically appropriate for the insured, the insurer shall provide coverage for another approved contraceptive drug or device prescribed by the insured's health care provider.

<http://legis.state.sd.us/sessions/2009/Bill.aspx?File=SB134P.htm>

**Status:** Introduced and referred to Senate Health and Human Services Committee January 29, 2009. Hearing held, failed vote February 20. Deferred until 41st legislative day February 20. Motion to not pass February 23. Failed upon adjournment March 30.

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