



# Legislative Bill Watch 2007

March 2 – Issue #6

AGR – Agriculture & Natural Resources    JUD – Judiciary  
 APP – Appropriations    LGT – Local Gov  
 COM – Commerce    STA – State Affairs  
 EDU – Education    TAX – Taxation  
 H&H – Health & Human Services    TRN - Transportation

Senate Bills	House of Origin			Second House			Signed by Gov
	Committee	Committee Action	House of Origin Action	Committee	Committee Action	Action in Second House	
<b>SB1</b> – Revises certain provisions regarding the review of initiated measures. <b>Business – Monitor</b>	STA	Pass Amend 2/7	Pass 2/9 29-1	STA	Tabled 2/21		
<b>SB2</b> – Establish procedures regarding the verification of initiative and referendum signatures. <b>Business – Monitor</b>	STA	Pass Amend 2/7	Pass 2/12 29-6	STA	Pass Amend 2/21	Pass 2/26 64-3	
<b>SB3</b> – Revise certain provisions relating to the circulation and signing of initiative and referendum petitions. <b>Business – Monitor</b>	STA	Pass Amend 2/7	Pass 2/13 19-15	STA	Pass 2/21	Pass 2/26 50-17	
<b>SB23</b> – Brought by SD PUC. This bill syncs SD Do-Not-Call law with federal law. Federal law preempts state provisions with regard to certain follow-up calls to set appointment times with potential customers. <b>Banking – Monitor</b>	COM	Pass 1/16	Pass 1/17 33-1	COM	Pass 1/24	Pass 2/6 70-0	Signed by Gov 1/14
<b>SB40</b> – An Act to revise the distribution process for the bank franchise tax. <b>Banking - Monitor</b>	TAX	Deferred to 41 <sup>st</sup> Day 1/14					
<b>SB44</b> – Require the conduct of criminal background checks for certain persons employed by the Division of Banking. Codifies current practice. <b>Banking – support</b>	COM	Pass 1/18	Pass 1/19 32-0	COM	Pass Consent 2/28	Pass 3/1 70-0	
<b>SB45</b> – Repeal the authority for state chartered savings and loan associations. Repeals antiquated, unused laws. <b>Banking – support</b>	COM	Pass Consent 1/18	Pass 1/19 32-0	COM	Pass Consent 2/28	Pass 3/1 69-0	
<b>SB47</b> – An Act to prevent illegal multiple employer welfare arrangements and other illegal health insurers. <b>Banking – monitor</b>	COM	Pass Amend Consent 1/30	Pass Amend 2/5 33-0	COM	Pass 2/21	Pass 2/26 67-0	
<b>SB62</b> – Allow for electronic service of orders to withhold income in the collection of child support only with the agreement between the payor and the Dept of Social Services. <b>Business – Monitor.</b>	JUD	Pass Consent 1/12	Pass 1/16 33-1	JUD	Pass 2/14	Pass 2/21 44-24	

This document is available on the membership section of the SDBA Web site at [www.sdba.com](http://www.sdba.com).  
 If you do not wish to receive this document via fax, contact the SDBA Office at (605) 224-1653.

# Senate Bills

Senate Bills	House of Origin			Second House			Signed by Gov
	House of Origin	House of Origin	House of Origin	Second House	Second House	Second House	
<b>SB69</b> – Revise the funding of K-12 education in SD. This is a clone of HB1082. They both represent the House and Senate Republican plan to revamp school funding, force reorganization of schools districts having enrollments of less than 200 students (except sparsely populated districts) and to sweep some district specific sources of funding into a pool to be distributed to all districts. School districts’ share of bank franchise tax would be swept into that pool. <b>Banking – monitor</b>	EDU	Pass Amend 2/13	Do Pass Failed 2/15 6-28				
<b>SB72</b> – Revise provisions regarding possessory liens on abandoned vehicles for the costs of removal and storage of those vehicles. <b>Banking – monitor</b>	TRN	Pass Consent 1/23	Pass 1/24 32-0	TRN	Pass Consent 2/1	Pass 2/6 65-5	Signed by Gov 2/15
<b>SB77</b> – Provide for an exclusive remedy for judgment creditors of limited liability partnerships. Bill comes from interests of trust practitioners. <b>Banking – monitor</b>	JUD	Pass Amend 1/22	Pass 1/24 31-1	JUD	Pass Consent 2/23	Pass 2/26 67-0	
<b>SB78</b> – Revise the rights of judgment creditors of limited liability companies. Bill comes from the interests of trust practitioners. <b>Banking – monitor.</b>	JUD	Pass 1/22	Pass 1/24 31-1	JUD	Pass Consent 2/23	Pass 2/26 67-0	
<b>SB80</b> – Increase from \$30 to \$40 the allowable fees which merchants are allowed to charge for handling a dishonored check. <b>Banking - monitor</b>	COM	Pass 1/23	Pass 1/24 32-0	COM	Hearing 2/26	Pass 2/28 51-18	
<b>SB82</b> – Increase fees charged by sheriff’s for services provided, including sheriff sale commissions – <b>Banking – Oppose in part</b>	LGT	Pass Amend 2/5	Pass 2/7 30-3	LGT	Pass 2/27	Pass 3/1 64-2	
<b>SB85</b> – Replace UCC Article 1, General Provisions, with 2001 model uniform language. As introduced, the model act contains language in the areas of Choice of Law and Good Faith which we will likely want to change. <b>Banking – amend</b>	JUD	Deferred to 41 <sup>st</sup> Day 2/2					
<b>SB89</b> – Uniform Prudent Management of Institutional Funds Act. <b>Banking – monitor</b>	JUD	Pass Amend 1/24	Pass 1/29 35-0	COM	Pass 2/12	Pass 2/21 68-0	
<b>SB92</b> – Double real estate transfer fees charged by register of deeds. <b>Banking – Monitor</b>	COM	Pass 1/25	Do Pass Failed 1/29 12-23				
<b>SB97</b> – Revise certain provisions of trust statutes per recommendations of the Governor’s Trust Task Force. <b>Banking – support</b>	JUD	Pass Amend 2/2	Pass Amend 2/7 33-0	JUD	Pass Consent 2/26	Pass 2/27 70-0	
<b>SB98</b> – Revise certain provisions relating to a creditor’s right to attach a beneficiary’s interest in various types of trusts. <b>Banking – monitor</b>	JUD	Pass Consent 2/2	Pass 2/6 35-0	JUD	Pass 2/26	Pass Amend 2/26 69-0	
<b>SB99</b> – Adopt the Uniform Principal and Income Act as pertains to trusts. <b>Banking – support</b>	JUD	Pass Consent 2/2	Pass 2/6 35-0	JUD	Pass 2/26	Pass 2/28 69-0	
<b>SB110</b> – Increase the minimum wage to \$7.25 per hr over 3 years. <b>Banking – monitor</b>	STA	Tabled 2/9					

## Senate Bills

	House of Origin		Second House				Signed by Gov
<b>SB124</b> – Repeal right to work laws contingent upon on voter repeal of right to work provisions of the SD Constitution. <b>Banking – monitor</b>	STA	Deferred to 41 <sup>st</sup> day 2/2					
<b>SB125</b> – Allow an abandoned mobile home or manufactured home to be moved under certain conditions. <b>Banking - Amend</b>	TAX	Pass Amend 2/2	Pass Amend 2/6 35-0	TRN	Pass Amend 2/13	Pass 2/21 68-0	
<b>SB129</b> – Establish a health reinsurance pool to spread the expenses of high-cost individuals.	H&H	Tabled 2/12					
<b>SB131</b> – Require that all state residents obtain health insurance, to provide assistance to those who cannot afford health insurance, and to provide penalties for those who can afford health insurance but do not have health insurance.	H&H	Tabled 2/12					
<b>SB132</b> – Establish the South Dakota Health Insurance Exchange.	H&H	Pass Amend 2/12	Pass Amend 2/14 31-1	STA	Tabled 2/26		
<b>SB137</b> – Prohibit certain forms of compensation for persons circulating petitions.	STA	Deferred to 41 <sup>st</sup> Day 1/29					
<b>SB151</b> – Provide additional compensation awards to workers' compensation claimants due to unconscionable acts of the insurer or employer, to provide an award in addition to and, which is not intended to replace existing penalties, and to provide for administrative action against workers' compensation insurers under certain circumstances.	COM	Deferred to 41 <sup>st</sup> Day 2/6					
<b>SB165</b> – Repeal and reestablish provisions to regulate mortgage lenders and brokers.	COM	Pass Amend 2/1	Pass 2/5 33-0	COM	Pass Amend 2/23	Pass Amend 2/28 69-0	
<b>SB176</b> – Establish the SD small business equity infusion subfund within the REDI fund	STA	Deferred to 41 <sup>st</sup> Day 2/7					
<b>SB202</b> – Increase the amount of retirement benefits exempt from process from \$250,000 to \$400,000. <b>Banking - ??</b>	JUD	Pass Amend 2/5	Pass 2/7 20-11	JUD	Pass Amend 2/23	Pass 2/28 64-5	
<b>SJR11</b> – Propose a constitutional amendment to revise certain provisions regarding initiatives and referendums. <b>Business – monitor.</b>	STA	Deferred to 41 <sup>st</sup> Day 2/5					

House Bills	House of Origin			Second House			Signed by Gov
	Committee	Committee Action	House of Origin Action	Committee	Committee Action	Action in Second House	
<b>HB1043</b> – An Act to revise certain dates pertaining to references to the Internal Revenue Code.	TAX	Pass Consent 1/16	Pass 1/17 70-0	TAX	Pass Consent 1/24	Pass 1/25 33-0	Signed by Gov 1/31
<b>HB1084</b> – Annual bill to revise the property tax levies for the support of K-12 schools. Commonly known as the Cutler / Gabriel Bill, it sets levies to make sure the state continues its commitment to provide property tax relief. <b>Business – monitor.</b>	STA	Pass 1/24	Pass 1/25 67-0	TAX	Pass Amend 2/28		
<b>HB1086</b> – Revise certain provisions related to the release of a lien by undertaking. <b>Banking – monitor.</b>	JUD	Pass Consent 1/26	Pass 1/29	JUD	Pass Consent 2/23	Pass 2/27 34-0	
<b>HB1111</b> – Permit local governments to use electronic payments and to permit the state and political subdivisions to accept electronic payments. <b>Banking – monitor.</b>	LGT	Pass Amend 1/23	Pass Amend 1/29 64-4	LGT	Pass Consent 2/5	Pass 2/6 35-0	Signed by Gov 1/14
<b>HB1114</b> – Allow postsecondary technical institutes to engage in business-type activities to include financing of purchases of computers by students and faculty. <b>Banking – monitor</b>	COM	Pass Amend Consent 1/29	Pass 1/31 67-1	COM	Pass Consent 2/13	Pass 2/14 33-1	Signed by Gov 2/23
<b>HB1115</b> – Authorize a county auditor to raise additional revenues for education from property taxes due to the results of certain court actions. <b>Business – Monitor</b>	LGT	Pass Consent 2/8	Pass 2/9 62-0	LGT	Do Not Pass Passed 2/27	Motion to Strike “Not” Failed 2/27 13-22	
<b>HB1119</b> – Directs the register of deeds to cancel a mechanics lien if the lienholder has not commenced action to enforce the lien within 30 days of filing of written demand to do so by the property owner. <b>Banking – monitor</b>	JUD	Pass 1/24	Pass Amend 1/25 67-0	JUD	Pass Amend Consent 2/12	Pass 2/14 33-1	Signed by Gov 3/1
<b>HB1129</b> – Provide for the conversion of certain cooperatives into business corporations – <b>Business – Monitor</b>	COM	Pass Amend Consent 1/29	Pass 1/31 68-0	COM	Pass Consent 2/13	Pass 2/20	Signed by Gov 3./1
<b>HB1131</b> – Increase funding for conservation and value added agricultural purposes from certain unclaimed motor fuel tax refunds – <b>Business – Monitor</b>	APP	Pass Amend 2/9	Pass Amend 2/13 61-8	TAX	Pass Amend 2/28		
<b>HB1137</b> – An Act to prohibit certain money lenders from providing a subsequent short-term consumer loan without some intervening time.	COM	Tabled 2/2					
<b>HB1151</b> – An Act to exempt the sale of coins, currency, and bullion from sales and use taxes.	TAX	Pass 2/6	Pass 2/7 44-25	TAX	Pass Consent 2/21	Pass 2/22 35-0	
<b>HB1156</b> – An Act to revise certain requirements concerning the pay and qualifications of petition circulators.	LGT	Pass 1/30	Pass 1/31 67-1	STA	Pass 2/21	Pass 2/22 35-0	

# House Bills

	House of Origin			Second House			Signed by Gov
<b>HB1163</b> – An Act to allow certain repossessed motor vehicles to be sold without title in the name of the entity selling these motor vehicles.	TRN	Pass 1/30	Pass 1/31 62-6	TRN	Pass 2/8	Pass 2/12 32-3	Signed by Gov 2/22
<b>HB1166</b> – An Act to establish the South Dakota Health Insurance Exchange.	STA	Tabled 2/9					
<b>HB1170</b> – An Act to establish a health reinsurance pool to spread the expenses of high-cost individuals.	STA	Tabled 2/9					
<b>HB1172</b> – An Act to clarify certain limits placed on persons lending money.	COM	Pass Amend 2/2	Pass 2/6 70-0	COM	Pass Consent 2/15	Pass 2/21 33-2	Signed by Gov 3/1
<b>HB1173</b> – An Act to allow the distribution of newly discovered property of a dissolved corporation.	JUD	Deferred to 41 <sup>st</sup> Day 1/31					
<b>HB1191</b> – An Act to provide for increases in the state minimum wage.	STA	Deferred to 41 <sup>st</sup> Day 1/31					
<b>HB1203</b> – An Act to restrict the use of garnishment to collect stale judgments.	JUD	Deferred to 41 <sup>st</sup> Day 2/9					
<b>HB1231</b> – Exempt wages accrued but not yet paid from claims in bankruptcy. <b>Banking – Monitor</b>	JUD	Pass Amend Consent 2/12	Pass 2/14 70-0	JUD	Pass Consent 2/23	Pass 2/27 34-0	
<b>HB1257</b> – Reduce the minimum number of board members of trust companies from 5 to 3. <b>Banking - Monitor</b>	COM	Pass Consent 2/2	Pass 2/5 65-1	COM	Pass Consent 2/13	Pass 2/14 33-1	Signed by Gov 2/23
<b>HB1275</b> – Establish a 3 year statute of limitations for real estate appraisers. <b>Banking – Monitor</b>	JUD	Pass 2/7	Pass 2/8	JUD	Pass Consent 2/23	Pass 2/27 34-0	
<b>HB1285</b> – Restrict unsolicited commercial electronic mail advertisements. <b>Banking – Monitor</b>	COM	Pass 2/7	Pass 2/8	COM	Pass Consent 2/15	Pass 2/20 35-0	Signed by Gov 2/23
<b>HB1288</b> – Permit trustees to decant a trust under certain circumstances. <b>Banking – Monitor</b>	JUD	Pass Consent 2/9	Pass 2/12 68-0	JUD	Pass Amend Consent 2/21	Pass 2/23 34-1	