

Committee: House State Affairs

Friday, January 22, 2021 7:45 AM

Roll Call

Present: Rep. Anderson, Rep. Beal, Rep. Chaffee, Rep. Goodwin, Rep. Gosch, Rep. Hansen, Rep. Kevin Jensen, Rep. Chris Johnson, Rep. Lesmeister, Rep. Kent Peterson, Rep. Reimer, Rep. Jamie Smith, and Rep. Wiese

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Kent Peterson

MOTION: INTRODUCE A BILL AT THE REQUEST OF THE OFFICE OF THE GOVERNOR ENTITLED:

An Act to provide for licensure by endorsement for certain licensed professionals and occupations

Moved by: Hansen
Second by: Gosch
Action: Prevailed by voice vote

**MOTION: INTRODUCE A BILL ENTITLED:
An Act to revise certain provisions regarding the South Dakota State Historical Society**

Moved by: Gosch
Second by: Hansen
Action: Prevailed by voice vote

HB 1046 : limit liability for certain exposures to COVID-19.

Presented by: Representative David Anderson
Proponents: Nathan Sanderson, South Dakota Retailers Association, Pierre (Handout(s) 1)
Wade Pogany, Associated School Boards of South Dakota
Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls
David Owen, South Dakota Chamber of Commerce and Industry
Brett Koenecke, South Dakota Bankers Association, Pierre
Brett Koenecke, South Dakota Dental Association, Pierre
Brett Koenecke, CenturyLink, Minneapolis
Brett Koenecke, South Dakota Electric Utility Companies, Pierre
Brett Koenecke, SD Synod Evangelical Lutheran Church in America, Sioux Falls
Opponents: Mark B Deak, South Dakota Health Care Association, Sioux Falls
Koopers Caraway, South Dakota Federation of Labor, SIOUX FALLS
Loren M Paul, South Dakota Education Association, Pierre
Eric J Nelson, American Association of Retired Persons
Others: Doug Abraham

MOTION: AMEND HB 1046

1046A

On page 4, line 26, of the Introduced bill, after "constitutes" insert " gross negligence,"
 On page 4, line 26, of the Introduced bill, after "recklessness" insert the comma
 On page 5, line 29, of the Introduced bill, delete " damages occurring after January 1, 2020" and
 insert " exposure to COVID-19, injury, latent injury, damages, claim, cause of action,
 or loss that occurs, accrues, or begins, whether known, unknown, or latent between
 January 1, 2020 and December 31, 2022"

Moved by: Hansen
 Second by: Beal
 Action: Prevailed by voice vote

MOTION: DO PASS HB 1046 AS AMENDED

Moved by: Gosch
 Second by: Beal
 Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: AMEND HB 1046

1046D

On page 4, line 25, of the Introduced bill, after "person " insert "or health care provider "
 Moved by: Hansen
 Second by: Wiese
 Action: Prevailed by voice vote

MOTION: DO PASS HB 1046 AS AMENDED

Moved by: Gosch
 Second by: Beal
 Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: AMEND HB 1046

1046B

On page 5, line 6, of the Introduced bill, delete "This section does not apply if:
 (1) The person that designs, manufactures, labels, sells, distributes, or donates disinfecting or
 cleaning supplies, personal protective equipment, or a qualified product had actual
 knowledge of a defect in the disinfecting or cleaning supplies, personal protective
 equipment, or a qualified product when put to the use for which the disinfecting or
 cleaning supplies, personal protective equipment, or a qualified product was designed,
 manufactured, sold, distributed, or donated, and the person recklessly disregarded a
 substantial and unnecessary risk that the disinfecting or cleaning supplies, personal
 protective equipment, or a qualified product would cause serious personal injury,
 death, or serious property damage; or
 (2) The person that designs, manufactures, labels, sells, distributes, or donates disinfecting or
 cleaning supplies, personal protective equipment, or a qualified product acted with the
 specific intent to cause exposure to and transmit COVID-19." and insert "
 This section does not relieve any person of liability for civil damages for any act or omission that
 constitutes recklessness or willful misconduct."

Moved by: Gosch
 Second by: Hansen
 Action: Prevailed by voice vote

MOTION: DO PASS HB 1046 AS AMENDED

Moved by: Gosch
Second by: Beal
Action: Prevailed by roll call vote (12-1-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Lesmeister, Kent Peterson, Reimer, and Wiese

Voting No: Jamie Smith

MOTION: ADJOURN

Moved by: Gosch
Second by: Hansen
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ KENT PETERSON
Kent Peterson, Chair