

Committee: Senate Local Government

Wednesday, February 12, 2020 7:45 AM

Roll Call

Present: Sen. Cammack, Sen. Ewing, Sen. Schoenfish, Sen. Youngberg, Sen. Wismer, Sen. Duhamel, and Sen. Phil Jensen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Phil Jensen

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 10TH

Moved by: Duhamel
Second by: Youngberg
Action: Prevailed by voice vote

HB 1051 : revise certain provisions regarding public access to voter registration data.

MOTION: DO PASS HB 1051

Moved by: Duhamel
Second by: Youngberg
Action: Prevailed by roll call vote (4-3-0-0)

Voting Yes: Cammack, Ewing, Youngberg, and Duhamel

Voting No: Schoenfish, Wismer, and Phil Jensen

HB 1144 : remove the requirement for a ballot election in township elections if candidates are unopposed.

Presented by: Representative Tom Pischke
Proponents: Lisa Marso, self, Split Rock Township, SD
Kody Kyriss, SD Association of Towns and Townships

MOTION: DO PASS HB 1144

Moved by: Cammack
Second by: Youngberg
Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Cammack, Ewing, Schoenfish, Youngberg, Wismer, Duhamel, and Phil Jensen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1144 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 179 : revise the legal notice process.

Presented by: Senator Jordan Youngberg
Senator Troy Heinert

MOTION: AMEND SB 179

179A

On page 1, line 1, of the Introduced bill, after "legal " delete "notice "

On page 1, line 1, after "process" insert " for withholding certain licenses"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That § 1-55-11 be AMENDED:

1-55-11. Licenses, registrations, and permits withheld from person owing debt referred to center.

No person that owes a debt that is referred to the center may renew, obtain, or maintain:

- (1) ~~Any registration for any motor vehicle, motorcycle, or boat, in which the person's name appears on the title of the motor vehicle, motorcycle, or boat;~~
- (2) ~~Any driver license as defined by subdivision 32-12-1(1); or~~
- (3) ~~Any any hunting license, fishing license, state park permit, or camping permit;~~

unless the debt and cost recovery fee is either paid in full or the debtor has entered into a payment plan with the center and payment pursuant to the plan is current.

Section 2. That § 1-55-12 be AMENDED:

1-55-12. Hearing on debt determination dispute--Temporary license, registration, or permit.

No agency, board, or entity of the State of South Dakota may issue, renew, or allow an individual to maintain any ~~motor vehicle, motorcycle, or boat registration, driver license,~~ hunting license, fishing license, state park permit, or camping permit, after receiving notice from the center that the applicant, registrant, or licensee has a debt that is being collected by the center, unless the applicant, registrant, or licensee has paid the debt and cost recovery fee in full or the debtor has entered into a payment plan with the center and payment pursuant to the plan is current.

An applicant, registrant, or licensee who disputes a determination by the center that the applicant, registrant, or licensee has a debt that has been referred to the center for collection shall, upon request, be given a due process hearing by the center. Upon recommendation by the center, the agency or entity may issue a temporary license, registration, certification, or permit to the applicant, registrant, or licensee pending final resolution of the due process hearing.

Section 3. That § 1-55-15 be AMENDED:

1-55-15. Promulgation of rules.

The Bureau of Administration may promulgate rules, pursuant to chapter 1-26, in the following areas:

- (1) Definitions;
- (2) Procedure for remitting moneys collected to referring entities;
- (3) Processes and procedures for entering into payment agreements with debtors;
- (4) A process for the imposition of the cost recovery fee;
- (5) The data collection system;
- (6) The centralized electronic debt management system;
- (7) The settlement authority process;
- (8) ~~The procedure for sending information to the Division of Motor Vehicles concerning the nonrenewal of registrations for motor vehicles, motorcycles, and boats;~~
- (9) ~~The procedure for sending information to the Department of Public Safety concerning the nonrenewal of driver licenses;~~

(10) The procedure for sending information to the Department of Game, Fish and Parks concerning the nonissuance of hunting licenses, fishing licenses, state park permits, and camping permits; and

(11)(9) The setoff of debt process.

Section 4. That § 25-7A-56 be AMENDED:

25-7A-56. Prohibition against issuance or renewal of professional license, registration, certification, or permit of applicant in child support arrearage--Adoption of rules by state agencies.

No state agency or board may issue or renew the professional, sporting, or recreational license, registration, certification, or permit of any applicant after receiving notice from the Department of Social Services that the applicant has support arrearages in the sum of ~~one~~ two thousand dollars or more, unless the applicant first makes satisfactory arrangements with the Department of Social Services for payment of any accumulated arrearages. An applicant who disputes a determination by the Department of Social Services that the applicant has support arrearages of ~~one~~ two thousand dollars or more shall, upon request, be given a due process hearing by the department. Upon recommendation by the department, the licensing agency or board may issue a temporary license, registration, certification, or permit to the applicant pending final resolution of the due process hearing. The department may promulgate rules pursuant to chapter 1-26 to implement the provisions of this section.

The term professional license, registration, certification, or permit as specified by this section includes any profession or occupation as specified in Title 36; insurance brokers, agents, and solicitors as specified in chapter 58-30; teachers and administrators as specified in chapters 13-42 and 13-43; attorneys as specified in chapter 16-16; securities agents, securities brokers, investment advisers, or investment adviser representatives as specified in chapter 47-31B; pilots as specified in chapter 50-11; day care providers as specified in chapter 26-6; gaming employees as specified in chapter 42-7B; and law enforcement officers as specified in chapter 23-3. The state agencies or boards which govern the professions, recreational licenses, and occupations listed in this paragraph may adopt rules pursuant to chapter 1-26 to implement the provisions of this section for their particular profession or occupation.

Section 5. That § 25-7A-56.1 be AMENDED:

25-7A-56.1. Revocation, suspension, or restriction of licenses of child support obligors.

A circuit court may revoke, suspend, or restrict a person's ~~drivers~~, professional, occupational, sporting, or recreational license if the person owes past-due support, or if the person, after receiving appropriate notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding.

Section 6. That § 32-12-116 be REPEALED.

32-12-116. Restrictions on issuing license to person in arrears for child support--Notice of intent to revoke license--Request for hearing--Promulgation of rules.

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Moved by: Cammack
Second by: Ewing
Action: Prevailed by voice vote

THE CHAIR DEFERRED SB 179

SB 79 : modify provisions regarding the building of fences across certain unimproved highways.

Presented by: Senator Joshua Klumb

Proponents: Matt Eldridge, Self, Midland, SD
Doug Abraham, South Dakota Landowners and Outfitters Alliance (Handout(s) 1,2)

Jeromy Pankratz, South Dakota Soybean Association
Brenda Forman, South Dakota Cattleman's Association

Representative Spencer Gosch
Opponents: Paul Patterson, Self, Draper, SD

Chris Hesla, Self, SDWF
George Vandell, South Dakota Waterfowl Association
Kody Kyriess, SD Association of Towns and Townships
Paul Lepisto, South Dakota Issac Walton League
John Simpson, Self, Pierre, SD

MOTION: DO PASS SB 79

Moved by: Cammack
Second by: Youngberg
Action: Failed by roll call vote (2-5-0-0)

Voting Yes: Cammack and Youngberg

Voting No: Ewing, Schoenfish, Wismer, Duhamel, and Phil Jensen

MOTION: DEFER SB 79 TO THE 41ST LEGISLATIVE DAY

Moved by: Wismer
Second by: Schoenfish
Action: Prevailed by roll call vote (6-1-0-0)

Voting Yes: Ewing, Schoenfish, Youngberg, Wismer, Duhamel, and Phil Jensen

Voting No: Cammack

THE CHAIR DEFERRED SB 183 AND 180

MOTION: ADJOURN

Moved by: Youngberg
Second by: Duhamel
Action: Prevailed by voice vote

Mary Kirk, Committee Secretary

/s/ PHIL JENSEN
Phil Jensen, Chair