

Committee: Senate Commerce and Energy

Thursday, February 13, 2020 10:00 AM

Roll Call

Present: Sen. Monroe, Sen. Novstrup, Sen. Steinhauer, Sen. Kennedy,
Sen. Schoenbeck, and Sen. Stalzer

Excused: Sen. Curd

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Stalzer

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 11TH

Moved by: Monroe

Second by: Steinhauer

Action: Prevailed by voice vote

SB 181 : revise provisions regarding health benefit plans.

Presented by: Senator Rocky Blare

Proponents: Randy Moses, Independent Insurance Agents
Darla Polman Rogers, NAIFA-SD

MOTION: AMEND SB 181

181A

On page 2, line 10, of the Introduced bill, remove the overstrikes from "six-month "

On page 2, line 10, of the Introduced bill, after "six-month " delete "twelve-month "

On page 2, line 12, of the Introduced bill, after "care, " insert "short term major medical plan, "

On page 2, line 24, of the Introduced bill, after "individuals;" delete " and"

On page 2, line 27, of the Introduced bill, after "effect" insert "; and

(14) "Short term major medical plan," a major medical policy that is issued for a limited duration of
less than twelve months and renewable at the option of the insurer"

On page 2, line 28, of the Introduced bill, after "effect." delete "Section 2. That § 58-17J-1 be

AMENDED:

58-17J-1. Definitions.

Terms used in this chapter mean:

(1) "Health benefit plan," any hospital or medical expense policy or certificate, hospital or medical service plan, nonprofit hospital, medical-surgical health service corporation contract or certificate, provider sponsored integrated health delivery network, self-insured plan or plan provided by multiple employer welfare arrangements, health maintenance organization subscriber contract of more than six-month twelve-month duration, or any health benefit plan that affects the rights of a South Dakota insured and bears a reasonable relation to South Dakota, whether delivered or issued for delivery in South Dakota. The term does not include specified disease, hospital indemnity, fixed indemnity, accident only, credit, dental, vision, Medicare supplement, long-term care or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, automobile medical payment insurance, or any plan or coverage exempted from state regulation by the Employee Retirement Income Security Act of 1974 (ERISA), 29 U. S. C. 18;

(2) "Health insurer," any entity within the definitions set forth in subdivisions 58-17F-1(11), (12), and (15), any entity offering a health benefit plan as defined by § 58-17F-2, all self-insurers or multiple employer welfare arrangements, and self-insured employer-organized associations. The term does not include any entity exempted from

state regulation by the Employee Retirement Income Security Act of 1974 (ERISA), 29 U. S. C. 18;
(3) "Health care provider," any individual or entity within the scope of the definition of health care provider as defined by subdivision 58-17F-1(9)."
Moved by: Schoenbeck
Second by: Kennedy
Action: Prevailed by voice vote

MOTION: DO PASS SB 181 AS AMENDED

Moved by: Kennedy
Second by: Schoenbeck
Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Monroe, Novstrup, Steinhauer, Kennedy, Schoenbeck, and Stalzer

Excused: Curd

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 181 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 101 : prohibit internet service providers from selling certain customer data without consent.

Presented by: Senator Reynold Nesiba
Opponents: William Van Camp, Pierre, AT &T
Gerry Keegan, Washington DC, CTIA
Greg Dean, South Dakota Telecommunications Associates
Drew Duncan, Sioux Falls, Verizon
Grace Beck, Pierre, T-Mobile USA, Inc.
Dan Nelson, Sioux Falls, Midcontinent Communications
Mark Winegar, self, Vermillion

MOTION: DEFER SB 101 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck
Second by: Steinhauer
Action: Prevailed by roll call vote (5-1-1-0)

Voting Yes: Monroe, Novstrup, Steinhauer, Schoenbeck, and Stalzer

Voting No: Kennedy

Excused: Curd

SB 104 : limit entitlement to mechanics' liens.

Presented by: Senator Gary Cammack
Proponents: Jeremiah M. Murphy, South Dakota Stock Growers Association
Opponents: Deb Mortenson, Associated General Contractors of South Dakota

MOTION: DEFER SB 104 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck

Second by: Kennedy

Action: Prevailed by roll call vote (4-2-1-0)

Voting Yes: Novstrup, Kennedy, Schoenbeck, and Stalzer

Voting No: Monroe and Steinhauer

Excused: Curd

MOTION: ADJOURN

Moved by: Schoenbeck

Second by: Monroe

Action: Prevailed by voice vote

Mary Beth Fravel, Committee Secretary

/s/ JIM STALZER
Jim Stalzer, Chair