

Committee: House Commerce and Energy

Wednesday, February 19, 2020 10:00 AM

Roll Call

Present: Rep. Beal, Rep. Chris Johnson, Rep. Milstead, Rep. Miskimins, Rep. Perry,
Rep. Weis, Rep. Willadsen, Rep. Zikmund, Rep. McCleerey, Rep. Sullivan,
Rep. Gosch, and Rep. Rounds
Excused: Rep. Wangsness

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Rounds

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 12TH

Moved by: Milstead
Second by: Miskimins
Action: Prevailed by voice vote

HB 1283 : revise the liability of a guarantor.

Presented by: Representative Kevin Jensen

MOTION: AMEND HB 1283

1283A

On page 1, line 1, of the Introduced bill, delete "revise the liability of a guarantor" and insert "require notice of a cross default clause"

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

"

Section 1. That a NEW SECTION be added:

56-1-29. Cross-default clause—Notice.

If a loan agreement contains a cross-default clause, the lender shall, at the time of signing, provide the borrower with a separate notice that:

- (1) Reprints the cross-default clause in its entirety, in at least 10-point bold type;
- (2) Contains a plain-language summary of the rights and duties created by the clause; and
- (3) Provides for a signature line wherein the borrower acknowledges that the borrower has been made aware of the provision by the lender and that the borrower comprehends and knowingly accepts the potential consequences of the clause.

A cross-default clause that is not supported by the notice requirements of this section is void and unenforceable.

"

Moved by: Milstead
Second by: Chris Johnson
Action: Prevailed by voice vote

THE CHAIR DEFERRED HB 1283

HB 1125 : revise conditions for selling non-temperature-controlled baked goods without license.

Presented by: Representative Nancy York
Proponents: Andrea Lindburg, self, Watertown

MOTION: AMEND HB 1125

1125B

On page 1, line 20, of the Introduced bill, after "shellfish."" delete "Any producer exempt from licensure under this chapter may request an identification number from the department that, if kept active within the department, may be used on the label required by this section in lieu of the producer's physical address of production, mailing address, and telephone number. When using an identification number, the label must include a statement that reads: "The producer's physical address of production, mailing address, and telephone number have been recorded with the South Dakota Department of Health and may be requested for a legal purpose. ""

On page 1, line 26, of the Introduced bill, after "purpose."" delete "Section 2. That a NEW SECTION be added:

34-18-37. 1. Identification number database--Requests for information--Purpose.

The department shall create and maintain a database that associates each identification number assigned under § 34-18-37 with the following up-to-date information about the producer:

- (1) Name;
- (2) Physical address of production;
- (3) Mailing address; and
- (4) Telephone number.

The department shall provide a producer's physical address of production, mailing address, and telephone number upon written request to any person who represents, under penalty of perjury, that the information will only be utilized for a legal purpose. The department shall retain a file of all requests that are made under § 34-18-37.

Section 3. That a NEW SECTION be added:

34-18-37. 2. Promulgation of rules.

The department shall promulgate rules, pursuant to chapter 1-26, to specify the manner in which a person may:

- (1) Obtain an identification number under § 34-18-37;
- (2) Keep an assigned identification number active, which shall include the producer notifying the department of any change of information; and
- (3) Request and obtain from the department under § 34-18-37. 1 the producer's physical address of production, mailing address, and telephone number."

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

MOTION: DO PASS HB 1125 AS AMENDED

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

Voting Yes: Beal, Chris Johnson, Milstead, Miskimins, Perry, Weis, Willadsen, Zikmund, McCleerey, Sullivan, Gosch, and Rounds

Excused: Wangsness

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1125 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1070 : modify requirements regarding the need to have a license to install certain electrical wiring.

Presented by: Representative Herman Otten

Others: J. J. Linn, South Dakota Electrical Commission

MOTION: AMEND HB 1070

1070A

On page 1, line 1, of the Introduced bill, delete "need to have a license to install" and insert "installation and inspection of"

On page 1, lines 14 through 16, after "misdemeanor." insert "

The commission shall promulgate rules, pursuant to chapter 1-26, to establish criteria for authorizing persons to install electric wiring under this section."

On page 1, line 15, after the end of the last paragraph insert "

Section 2. That § 36-16-30 be AMENDED:

36-16-30. Installation inspection fees--Number of inspections--Promulgation of rules.

The State Electrical Commission may promulgate rules, pursuant to chapter 1-26, to establish and collect installation inspection fees for: new residential installations, based on ampere capacity not to exceed three hundred dollars plus circuits; service connections on other installations, based on ampere capacity not to exceed three hundred seventy-five dollars plus circuits; circuit installations or alterations, based on ampere capacity not to exceed fifty dollars; remodeling work for each opening or connection not to exceed three dollars each and one dollar and fifty cents for each additional opening or connection, lighting fixture not to exceed three dollars for the first forty fixtures and not to exceed one dollar and fifty cents for each additional lighting fixture, motor or special equipment not to exceed eighteen dollars; apartment buildings per unit not to exceed fifty dollars; outdoor or area lighting per lighting standard not to exceed sixty dollars; field irrigation systems not to exceed one hundred dollars plus three dollars per motor; mobile home service and feeders not to exceed eighty dollars per unit; recreational vehicle service not to exceed twenty dollars per unit; swimming pools not to exceed two hundred dollars; each late correction order or wiring permit procedure not to exceed one hundred fifty dollars; carnivals and seasonal dwellings for each generator or transformer and reinspection of each unit not to exceed thirty dollars; wiring permits not to exceed fifteen dollars; modular homes and structures manufactured out-of-state not to exceed one hundred fifty dollars per day plus travel and living expenses.

The commission may also promulgate rules, pursuant to chapter 1-26, to set an allotted number of inspections for each installation under this section.

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Moved by: Perry

Second by: Beal

Action: Prevailed by voice vote

MOTION: DO PASS HB 1070 AS AMENDED

Moved by: Beal
Second by: Perry
Action: Prevailed by roll call vote (11-1-1-0)

Voting Yes: Beal, Chris Johnson, Milstead, Miskimins, Perry, Weis, Willadsen, Zikmund, Sullivan, Gosch, and Rounds

Voting No: McCleerey

Excused: Wangsness

MOTION: ADJOURN

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

Jean Denton, Committee Secretary

/s/ TIM ROUNDS
Tim Rounds, Chair