

Committee: House Commerce and Energy

Monday, February 24, 2020 10:00 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Rounds

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 21ST

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

MOTION: AMEND HB 1142

1142D

On page 1, line 1, of the Introduced bill, after "to " insert "provide for a study of "
On page 1, line 1, after "disorder " insert "among first responders"
On the Introduced bill, delete everything after the enacting clause and insert:
"

Section 1. That a NEW SECTION be added:

Post-traumatic stress disorder—Study committee.

A study committee is created for the purpose of examining issues related to post-traumatic stress disorder among first responders, during the period beginning July 1, 2020, and ending December 31, 2020. The committee must consist of:

- (1) Three members of the Legislature, appointed by the Executive Board of the Legislative Research Council, provided two of the members are from the majority party and one member is from the minority party;
- (2) The secretary of the department of public safety, or the secretary's designee;
- (3) The secretary of the department of health, or the secretary's designee;
- (4) One first responder appointed by the Governor from a list of three nominees submitted by the South Dakota Fire Chiefs Association;
- (5) One first responder appointed by the Governor from a list of three nominees submitted by the South Dakota Police Chiefs Association;
- (6) One first responder appointed by the Governor from a list of three nominees submitted by the South Dakota Sheriffs Association;
- (7) One individual appointed by the Governor from a list of three nominees submitted by the South Dakota Municipal League;
- (8) One licensed psychologist appointed by the Governor from a list of three nominees submitted by the South Dakota Psychological Association, provided the individual has a specialty in post-traumatic stress disorder, has experience in law enforcement psychology, or has a background in law, criminology, or any other relevant specialty; and
- (9) One individual appointed by the Governor from a list of three nominees submitted by the South Dakota Association of County Commissioners.

Any vacancy on the committee is to be filled in the same manner as the original appointment.

Section 2. That a NEW SECTION be added:

Post-traumatic stress disorder study—Content—Report--Funding.

The committee created in section 1 of this Act shall examine:

- (1) The prevalence of post-traumatic stress disorder among first responders;
- (2) The extent to which first responders' employment benefits provide health insurance coverage for the treatment of post-traumatic stress disorder;
- (3) The extent to which the state, political subdivisions, and private sector employers provide services to first responders to address post-traumatic stress disorder, and the sufficiency of any existing services;
- (4) The degree to which employers of first responders are able to reassign employees affected by post-traumatic stress disorder to less stressful positions, in order that they may continue employment while receiving mental health services;
- (5) The difficulty in establishing that post-traumatic stress disorder is causally related to the line of employment;
- (6) The cost to employers and taxpayers from creating a rebuttal presumption that post-traumatic stress disorder occurred as a result of service in the line of duty, and ways to mitigate such cost;
- (7) The high rates of suicide among emergency responders and linkages of those rates to:

 - (a) Occupational stress;
 - (b) Exposure to emotional trauma;
 - (c) Medication;
 - (d) Substance abuse;
 - (e) Disciplinary action; and
 - (f) Interaction with the criminal and civil court system;
- (8) State policies that increase the stress levels for or suicide rates of emergency responders; and
- (9) Any other issues deemed relevant to the study.

The committee shall report any findings and recommendations, including any legislation necessary to implement the recommendations, to the Executive Board of the Legislative Research Council and the Governor, on or before December 1, 2020.

The committee shall be funded and staffed as an interim legislative committee.

"

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

HB 1142 : include post-traumatic stress disorder as a compensable injury for purposes of workers' compensation.

Presented by: Representative Ryan Cwach
 Proponents: Jerome Harvey, self, Rapid City
 Jeremy Walla, self, Rapid City
 Cliff McClure, self, Interior
 Maynard Konechne, South Dakota Emergency Medical Services Association
 Nick Carlson, self, Rapid City
 Staci Ackerman, SD Sheriffs Association
 Mike Milstead, self, Sioux Falls
 Yvonne Taylor, South Dakota Municipal League

Opponents: Doug Abraham, American Property Insurance Association
 David Owen, South Dakota Chamber of Commerce
 Bob Riter, National Federation of Independent Business
 Randy Moses, Independent Insurance Agents
 Mallori Barnett, Bureau of Human Resources

MOTION: DEFER HB 1142 TO THE 41ST LEGISLATIVE DAY

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

MOTION: SUBSTITUTE MOTION: DO PASS HB 1142 AS AMENDED

Moved by: Milstead
 Second by: Sullivan
 Action: Failed by roll call vote (3-9-1-0)

Voting Yes: Milstead, Zikmund, and Sullivan

Voting No: Beal, Chris Johnson, Miskimins, Perry, Wangsness, Weis, Willadsen, Gosch, and Rounds

Excused: McCleerey

Revert to previous motion

MOTION: SUBSTITUTE MOTION: AMEND THE PENDING AMENDMENT

1142E

On amendment (1142D),

On page 1, line 9, after "responders" delete ", during the period beginning July 1, 2020, and ending December 31, 2020. The committee must consist of:

- (1) Three members of the Legislature, appointed by the Executive Board of the Legislative Research Council, provided two of the members are from the majority party and one member is from the minority party;
- (2) The secretary of the department of public safety, or the secretary's designee;
- (3) The secretary of the department of health, or the secretary's designee;
- (4) One first responder appointed by the Governor from a list of three nominees submitted by the South Dakota Fire Chiefs Association;
- (5) One first responder appointed by the Governor from a list of three nominees submitted by the South Dakota Police Chiefs Association;
- (6) One first responder appointed by the Governor from a list of three nominees submitted by the South Dakota Sheriffs Association;
- (7) One individual appointed by the Governor from a list of three nominees submitted by the South Dakota Municipal League;"

On page 2, line 1, after "League;" delete "(8) One licensed psychologist appointed by the Governor from a list of three nominees submitted by the South Dakota Psychological Association, provided the individual has a specialty in post-traumatic stress disorder, has experience in law enforcement psychology, or has a background in law, criminology, or any other relevant specialty; and

- (9) One individual appointed by the Governor from a list of three nominees submitted by the South Dakota Association of County Commissioners.

Any vacancy on the committee is to be filled in the same manner as the original appointment"

On page 2, line 12, after "study—Content—Report--Funding." delete "The committee created in section 1 of this Act shall examine:

- (1) The prevalence of post-traumatic stress disorder among first responders;
- (2) The extent to which first responders' employment benefits provide health insurance coverage for the treatment of post-traumatic stress disorder;
- (3) The extent to which the state, political subdivisions, and private sector employers provide services to first responders to address post-traumatic stress disorder, and the sufficiency of any existing services;
- (4) The degree to which employers of first responders are able to reassign employees affected by post-traumatic stress disorder to less stressful positions, in order that they may continue employment while receiving mental health services;
- (5) The difficulty in establishing that post-traumatic stress disorder is causally related to the line of employment;
- (6) The cost to employers and taxpayers from creating a rebuttal presumption that post-traumatic stress disorder occurred as a result of service in the line of duty, and ways to mitigate such cost;
- (7) The high rates of suicide among emergency responders and linkages of those rates to:
 - (a) Occupational stress;
 - (b) Exposure to emotional trauma;
 - (c) Medication;
 - (d) Substance abuse;
 - (e) Disciplinary action; and
 - (f) Interaction with the criminal and civil court system;
- (8) State policies that increase the stress levels for or suicide rates of emergency responders; and
- (9) Any other issues deemed relevant to the study.

On page 3, line 6, after "Governor" delete ", on or before December 1, 2020"

Moved by: Sullivan
 Second by: Wangsness
 Action: Failed by roll call vote (6-6-1-0)

Voting Yes: Milstead, Wangsness, Weis, Zikmund, Sullivan, and Rounds

Voting No: Beal, Chris Johnson, Miskimins, Perry, Willadsen, and Gosch

Excused: McCleerey

Revert to previous motion

MOTION: DEFER HB 1142 TO THE 41ST LEGISLATIVE DAY

Moved by: Willadsen
 Second by: Gosch
 Action: Prevailed by roll call vote (9-3-1-0)

Voting Yes: Beal, Chris Johnson, Miskimins, Perry, Wangsness, Weis, Willadsen, Gosch, and Rounds

Voting No: Milstead, Zikmund, and Sullivan

Excused: McCleerey

MOTION: ADJOURN

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

Jean Denton, Committee Secretary

/s/ TIM ROUNDS
Tim Rounds, Chair