

2021 South Dakota Legislature | **January 25, 2021**

Week Two -Legislative News

The pace of the Legislature moved at a reasonable tempo; however, we have no new bills to track as the number of bills introduced is slow compared to recent years, as I have been told.

Updates on Previous Bills

SB 8: This bill was brought by the South Dakota Division of Banking as an act to revise various provisions related to banks and trusts. Karl Adam testified in support of this bill. SB 8 passed out of the Senate Commerce Committee 9-0 and passed out of its house of origin 34-0. First reading in House Commerce was on Jan. 22.

SB 9: This bill brought by the South Dakota Division of Banking will consolidate three chapters of South Dakota law dealing with bank trust departments and trust companies into two chapters and in the process will remove redundancy and reduce confusion. Karl Adam testified in support of this cleanup bill. SB 9 was passed out of Senate Commerce and passed by the Senate 34-0. Moved to consent calendar.

SB 35: This bill was introduced by the South Dakota Department of Revenue and would authorize an appropriation from the general fund to the Department of Revenue and the Department of Health for the purpose of implementing the constitutional provisions contained in Amendment A and the same with Initiated Measure 26. No formal action has taken place on this bill.

SB 71: This bill was introduced by Sen. Jim Bolin (R-Canton) and would designate June 19 as Juneteenth Day and as a *working holiday* recognizing this day in 1865 that the Civil War was over and that slavery in the United States had been abolished and that slaves were free persons.

SB 89: Introduced by Sen. Reynold Nesiba (D-Sioux Falls), this bill would designate June 19 as Juneteenth Day as a *state holiday* in South Dakota. It was introduced on Jan. 21.

HB 1002 is intended to revise certain provisions regarding fingerprint-based background checks for the Real Estate Commission and the Appraiser Certification Program. This bill was brought by the Department of Labor and goes in concert with HB 1015. This bill passed the House 69-0 and had its first reading in Senate Commerce on Jan. 22.

HB 1015 is introduced by the Department of Labor and is intended to provide rule-making authority for establishing an appraiser experience training program and the setting of fees. In anticipation of this proposed bill, the SDBA Board of Directors voted to support this legislation during its Dec. 3, 2020, board meeting. Karl Adam will testify before the House Commerce and Energy Committee on Jan. 25 in favor of this bill.

HB 1045 was introduced by Rep. Tina Mulally (R-Rapid City) and is to revise certain tenant and landlord rights. The SDBA was opposed to this bill in its original form as it did not contemplate prior perfected security interests. SDBA Legal Counsel Brett Koenecke offered an amendment that requires any property that is subject to a prior perfected security interest shall be turned over to the holder of the interest and may not be retained or disposed of by the landlord. A hearing is scheduled in the Local Government Committee on Jan. 26. Members of the committee have some reservation with the language of this bill. The SDBA will monitor this bill.

HB 1046 is brought by Rep. David Anderson (R-Hudson) on behalf of many industry representatives and is to limit liability for certain exposures to COVID-19. The SDBA was involved in the crafting of this legislation and was approved by the SDBA Board of Directors during its Dec. 3, 2020, board meeting to support this legislation. With more than 40 different industry representatives in favor of this measure, to limit proponent testimony SDBA Legal Counsel Brett Koenecke was one of four industry representatives that testified as a proponent of this measure. HB 1046 passed the House State Affairs Committee 12-1 as amended and will now be taken up on the House floor.

HB 1049 this bill was introduced by Rep. David Anderson (R-Hudson) and is an act to create a used vehicle dealer education program and revise provisions regarding used vehicle licensure requirements. The SDBA is watching this bill to ensure that “banks remained exempt” from this licensure requirements. A hearing is scheduled on Jan. 26.

This concludes week two’s report of bills that are being tracked by SDBA staff at the South Dakota Legislature. Should you have questions, please do not hesitate to contact me—SDBA President Karlton Adam.

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