PHTA 2020 Legislative Recap: South Dakota

The PHTA Government Relations team monitored a wide variety of bills in South Dakota throughout the 2020 session. Many bills were halted or failed because of the ongoing COVID-19 Pandemic. SD adjourned on March 30. Before adjourning, there were several pool/spa related measures that were considered. Some have passed and some have failed- PHTA has highlighted and provided summaries for the ones that may impact you the most:

**HB 1070- Those Installing or Working with Electrical Wiring/Licensing:** This measure modifies requirements regarding the need to have a license to install certain electrical wiring.

This measure provides that no license is required of a person installing electric wiring in the person's own residence or farmstead, including on the premises of a single-family dwelling unit that is in the process of being constructed if the person owns the premises and intends to occupy the premises as the person's residence when construction is complete.

This measure gives the State Electrical Commission the authority to promulgate rules to set an allotted number of inspections for each new residential installations, circuit installations, or remodeling work. This measure was signed by Governor Kristi Noem (R) on March 9. This measure will take effect on July 1, 2020.

**HB 1240- Public Pool Owners and Operators:** FAILED This measure requires owners of public swimming pools to collect and submit water quality data to the Department of Environment and Natural Resources.

This measure requires the owner of a public swimming pool to:

(1) verify water clarity at least once a day;

(2) verify through a colorimetric test kit that disinfectant levels and total acid-alkalinity balance of the water are within acceptable limits at least once a day;

(3) record the above activity and results on a form provided by the Department of Environment and Natural Resources; and

(4) submit a water sample to a laboratory approved by the department for a bacteriological analysis to verify the absence of total coliform bacteria and pseudomonas aeruginosa at least once every seven days.

This is only required during the period when the pool is in operation.

These provisions do not apply to a public swimming pool regulated by the Department of Health or a swimming pool in a condominium project or apartment complex.
This measure failed upon the adjournment of the Legislature on March 12. This measure will not carry over to the 2021 Legislative Session. **This measure must be reintroduced to receive reconsideration.**

**HB 1276- Related to Occupational Licensing: FAILED** This measure provides that before an agency may be authorized to regulate entry into an occupation and before an agency’s regulation of entry into an occupation may be modified, the Department of Labor and Regulation must conduct a review to ensure that the regulation or modification being proposed is the least restrictive option for ensuring that consumers are protected from present, significant, and substantiated harms. In conducting the review, the Department of Labor and Regulation must presume that consumers are sufficiently protected by market competition and by private remedies. The department shall consider the existence of private certification programs that allow consumers to obtain information about a provider's knowledge and skills.

On or about May first of each year, the Executive Board of the Legislative Research Council must designate various occupations to be reviewed and analyzed by the Department of Labor and Regulation, with respect to the manner in which admissions into the occupations are regulated. The department shall consider:

1. The justification for occupational licensure;
2. Less restrictive alternatives to occupational licensure;
3. Personal qualifications necessary for occupational licensure; and
4. The scope of practice.

See the link above for additional licensure provisions for those with criminal convictions. **This measure failed upon the adjournment of the Legislature on March 12. This measure will not carry over to the 2021 Legislative Session. **This measure would need to be reintroduced to receive reconsideration.**