

JOURNAL OF THE HOUSE

NINETY-FIFTH SESSION

FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 21, 2020

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Greg Kroger, followed by the Pledge of Allegiance led by House page Maddie Brink.

Roll Call: All members present except Reps. Howard, Latterell, Post, and Wangsness who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Steven G. Haugaard, Chair

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REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1005** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Kevin D. Jensen, Chair

Also MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration **HB 1049 and 1052** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration **HB 1055** and returns the same with the recommendation that said bill be amended as follows:

1055A

On page 1, line 22, of the Introduced bill, delete "a committee does not submit the delinquent report or pay the penalty" and insert "the secretary of state does not receive the payment of the penalty and the delinquent report " after "If"

And that as so amended, said bill do pass.

Respectfully submitted,
Herman Otten, Chair

Also MR. SPEAKER:

The Joint Committee on Legislative Procedure respectfully reports that it has had under consideration the following additions to the joint rules and returns the same with the recommendation that said rules be adopted:

3-1. Appointment of legislative employees. The president pro tempore of the Senate shall appoint all necessary employees for the Senate. The speaker of the House shall appoint all necessary employees of the House. All employee positions shall be described in a uniform compensation and classification ~~manual schedule~~ which shall be annually reviewed by the Executive Board of the Legislative Research Council ~~and approved by the Joint Select Committee on Compensation.~~

3-1.1 Administration of intern program. The Executive Board shall administer the program and supervise the college student interns who are assigned to the legislative branch of government.

6A-1. Legislative Documents. Only bills and the following may be introduced in the Legislature:

(1) A House or Senate resolution pertains to the affairs of one house only and requires action only by the legislative chamber concerned. A House or Senate resolution may be used to express

1 an opinion or principle of one house, to express an opinion to or make a request of the other house,
 2 to regulate procedure, or to refer a topic to the Executive Board of the Legislative Research Council
 3 for possible study by an interim study committee;

4 (2) A concurrent resolution does not have the force of law. A concurrent resolution shall only
 5 be used to express an opinion or principle of the Legislature, to authorize interim studies, sessions
 6 or committees, to instruct a department of state government, or to petition federal agencies;

7 (3) A joint resolution contains matters of legislation only. A joint resolution may be used to
 8 refer a matter for referendum to the people, to place a constitutional amendment on the ballot at
 9 the next general election, to ratify proposed amendments to the United States Constitution, to enact
 10 legislative reapportionment, or to grant a water right pursuant to § 46-5-20.1;

11 (4) A House or Senate resolution of disapproval as provided under Article IV, Section 8, of the
 12 South Dakota Constitution; and

13 (5) A legislative commemoration expresses recognition of service or achievements of national
 14 or statewide importance or expresses sorrow over death or loss.

15 **6A-8. Title and sponsors placed on bills and resolutions.** Before a bill or resolution is
 16 introduced, its title and the name or names of the member, members, or committee introducing the
 17 bill or resolution shall be ~~printed~~shown on it.

18 **6B-1. Time for introduction of bills, ~~number of copies for introduction,~~ and bills are**
 19 **property of Legislature.** Any member or committee desiring to introduce a bill, resolution, or
 20 commemoration shall electronically file two copies of the bill, resolution, or commemoration with
 21 the bill clerk at least two hours prior to the opening of the daily session. Any bill, resolution, or
 22 commemoration filed ~~with the bill clerk~~ and duly numbered becomes the property of the Legislature.

23 **6B-2. Numbering of bills and resolutions.** Bills shall be numbered consecutively as
 24 introduced, beginning with No. 1 for Senate bills and with No. 1001 for House bills. ~~Resolutions shall~~
 25 ~~be numbered consecutively as introduced, beginning with No. 1001 for House resolutions and with~~
 26 ~~No. 1 for Senate resolutions.~~ Joint resolutions shall be numbered consecutively as introduced,
 27 beginning with No. 501 for Senate joint resolutions and with No. 5001 for House joint resolutions.
 28 Concurrent resolutions shall be numbered consecutively as introduced, beginning with No. 601 for
 29 Senate concurrent resolutions and with No. 6001 for House concurrent resolutions. Resolutions shall
 30 be numbered consecutively as introduced, beginning with No. 701 for Senate resolutions and with
 31 No. 7001 for House resolutions.

32 **6B-4. Sponsorship of bills and resolutions.** Any bill, joint resolution, or concurrent
 33 resolution may be introduced by any member or members of the house of origin. Any member or
 34 members of the other house may join the member or members of the house of origin in introducing
 35 the bill or resolution. After introduction, a member's name may be electronically added as a
 36 cosponsor or as prime sponsor to a bill or resolution upon the request of the member and the
 37 approval of the prime sponsor of the bill or resolution any time before the enrolling of the bill. After
 38 introduction, a member's name may be removed upon the request of the member any time before
 39 the enrolling of the bill.

40 **6B-5. Committee introduction of bills and resolutions.** No bill or joint resolution may be
 41 introduced in either house of the Legislature by any committee thereof, except:

42 (1) A bill or a joint resolution introduced by any standing committee of either
 43 house;

44 (2) A bill or joint resolution referred to the Legislature from an interim committee
 45 of the State Legislative Research Council;

46 (3) A bill or joint resolution introduced at the request of the interim Rules Review
 47 Committee, the interim Government Operations and Audit Committee, the interim Retirement Laws
 48 Committee, the interim Joint Bonding Review Committee, and the interim State-Tribal Relations
 49 Committee by one or more committee members upon majority vote of the interim committee; or

50 (4) A bill or joint resolution introduced at the request of the Governor, an executive
 51 agency or of the chief justice of the Supreme Court.

52 **6B-5.1. Bill introduction by standing committees.** Before a bill or joint resolution can be
 53 introduced by a standing committee pursuant to § 2-7-6.1, the bill or resolution shall have received
 54 an affirmative vote of a majority of the members of a standing committee at one of its regular
 55 meetings ~~with a statement of such fact on a separate slip attached to the cover of the bill and signed~~

1 ~~by the chair of the committee. The chair of the committee shall electronically file the bill or resolution~~
 2 ~~for the committee.~~

3 **6E-2. Hoghouse amendments.** A substitute bill shall be treated as an amendment and shall
 4 be governed by the rules governing amendments. ~~A substitute bill shall include a listing of the~~
 5 ~~sponsors of the substitute bill, who shall be sponsors of the bill as amended by the substitute~~
 6 ~~bill.~~ Final committee action on any bill amended with a substitute bill may not be heard until one
 7 legislative day has intervened, if a request for delay is made and supported by at least one-fifth of
 8 the committee members-elect unless the chair otherwise delays action on the bill as amended. A
 9 request for delay is not in order on the final day for the committee to act upon the bill, according to
 10 the committee's schedule.

11 **6H-1. Introduction of commemorations.** Any member may introduce a legislative
 12 commemoration, which may be cosponsored by other members of either house,
 13 ~~by electronically filing it with the bill clerk of that member's house.~~ The prime sponsor shall submit
 14 all necessary information to the legislative research council prior to introduction. However, no
 15 member may introduce a legislative commemoration after the deadline prescribed by Joint Rule
 16 Chapter 17.

17 **6H-2. Numbering of commemorations.** Each legislative commemoration shall be numbered
 18 consecutively as introduced beginning with No. ~~1-801~~ for the Senate and No. ~~1001-8001~~ for the
 19 House of Representatives.

20 ~~**6H-3. Printing and calendaring**~~ **Calendaring of commemorations.** Upon introduction,
 21 ~~the presiding officer shall order the legislative commemoration printed in the journal of that~~
 22 ~~legislative day.~~ The presiding officer shall place each pending legislative commemoration on the
 23 calendar of the next legislative day ~~following its printing.~~

24 **6I-2. Waiving electronic requirement.** The presiding officer may waive the requirement
 25 that any filing, submission, or approval be done electronically, if the electronic system is not
 26 available and functional.

27 **7-2. Committee reports.** Each committee shall report final committee actions on legislative
 28 proposals. The chair of a committee shall ~~sign~~ electronically approve the reports of the committee
 29 and present them to the body when the call for committee reports is made. The chair is responsible
 30 for the accuracy and propriety of the chair's statements and shall answer any questions pertaining
 31 to the report. This rule does not prohibit the committees on legislative procedure from reporting at
 32 any time. Formal actions shall be reported to the body not later than the next legislative day in an
 33 informational committee report which is printed in the daily journal.

34 **7-12. Joint committees on appropriations.** The Joint Committee on Appropriations,
 35 consisting of the Senate and House Committees on Appropriations, is deemed to be a standing
 36 committee of the Senate and House of Representatives for the limited purposes of hearing agency
 37 or other budget presentations, and introducing, hearing, or acting on bills that authorize the sale of
 38 state property, appropriate money, or adjust school district property tax levies pursuant to an
 39 appropriations bill. All Joint Committee on Appropriations action shall be approved by a majority
 40 vote of the Joint Committee unless a member calls for a separate vote of the House Committee on
 41 Appropriations and the Senate Committee on Appropriations in which case a majority vote of each
 42 committee is required to adopt the action. Each agenda for the Joint Committee on Appropriations
 43 shall be electronically approved by the chair of the Senate Committee on Appropriations and the
 44 chair of the House Committee on Appropriations. The respective vice chair of each committee
 45 may ~~sign~~ electronically approve the agenda in the absence of the chair.

46 **8-2. Conference committee meetings, committee reports, and reports must be**
 47 **germane.** Conference committees shall meet in open session, and minutes shall be taken and
 48 prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the house of
 49 origin shall announce to that body the time and location of each conference committee meeting.
 50 The co-chairs of each conference committee shall report the results of each meeting to the body in
 51 a conference committee report ~~jointly signed~~ electronically approved by both. The conference
 52 committee report must be germane to the title of the bill as submitted to the conference committee.

1 The adoption of any conference committee report constituting final disposition must be approved by
2 the recorded affirmative vote of at least two members from each house.

3 **15-1. Communications by messages.** Any communication between the Senate and the
4 House of Representatives shall be by message which shall be ~~signed~~approved by the secretary or
5 chief clerk, respectively, and ~~sent~~transmitted to the house to which it is addressed.

6 Respectfully submitted,
7 Brock L. Greenfield, Chair

8 **CONSIDERATION OF REPORTS OF COMMITTEES**

9 Rep. Qualm moved that the report of the Standing Committee on Legislative Procedure as
10 found on page 24 of the House Journal be adopted and that the temporary House rules adopted by
11 the Ninety-fifth Legislative Session be adopted as the permanent House rules of the Ninety-fifth
12 Legislative Session with the changes adopted in the House Legislative Procedure Committee report.

13 And the roll being called:

14 Yeas 64, Nays 2, Excused 4, Absent 0

15 Yeas:

16 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,
17 Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana
18 Greenfield, Gross, Hammock, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David
19 Johnson, Karr, Koth, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally,
20 Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Qualm, Randolph,
21 Rasmussen, Reed, Reimer, Ring, Saba, Jamie Smith, St. John, Steele, Sullivan, Weis, Wiese,
22 Willadsen, York, Zikmund, and Speaker Haugaard

23 Nays:

24 Herman Otten and Rounds

25 Excused:

26 Howard, Latterell, Post, and Wangsness

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the motion prevailed and the report was adopted.

29 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

30 **HB 1070:** FOR AN ACT ENTITLED, An Act to modify requirements regarding the need to have
31 a license to install certain electrical wiring.

32 Introduced by: **Representative** Herman Otten

33 Was read the first time and referred to the Committee on Commerce and Energy.

34 **HB 1065:** FOR AN ACT ENTITLED, An Act to revise drone surveillance protections.

35 Introduced by: **Representative** David Johnson

1 **HB 1067:** FOR AN ACT ENTITLED, An Act to modify certain provisions regarding notice,
2 service, and execution of judgments.

3 Introduced by: **Representative** Reed

4 **HB 1068:** FOR AN ACT ENTITLED, An Act to include out-of-state convictions for the basis of
5 an enhanced penalty for the crime of stalking.

6 Introduced by: **Representative** Hansen

7 Were read the first time and referred to the Committee on Judiciary.

8 **HB 1069:** FOR AN ACT ENTITLED, An Act to authorize certain veterans to attend courses
9 offered at postsecondary technical institutes without payment of tuition.

10 Introduced by: **Representative** Wiese

11 Was read the first time and referred to the Committee on Military and Veterans Affairs.

12 **HB 1071:** FOR AN ACT ENTITLED, An Act to revise provisions regarding surface water quality
13 complaints.

14 Introduced by: **Representative** Bartels

15 Was read the first time.

16 **HB 1066:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions regarding aviation.

17 Introduced by: **Representative** David Johnson

18 Was read the first time and referred to the Committee on Transportation.

19 The following bills were read on January 14, 2020, and today the Speaker assigned these bills
20 to committees:

21 **HB 1026** was referred to the Committee on Agriculture and Natural Resources.

22 **HB 1021, 1040, 1041, and 1048** were referred to the Committee on Commerce and Energy.

23 **HB 1023** was referred to the Committee on Transportation.

24 **HB 1050, 1053, and 1054** were referred to the Committee on Local Government.

1 The following bills were read on January 16, 2020, and today the Speaker assigned these bills
2 to committees:

3 **HB 1059** was referred to the Committee on Agriculture and Natural Resources.

4 **HB 1060** was referred to the Committee on Taxation.

5 The following bills were read on January 17, 2020, and today the Speaker assigned these bills
6 to committees:

7 **HB 1061** was referred to the Committee on Transportation.

8 **HB 1062** was referred to the Committee on Education.

9 **COMMEMORATIONS**

10 **HC 8004: A LEGISLATIVE COMMEMORATION**, Commending the nation of Israel for its cordial
11 and mutually beneficial relationship with the United States and with the State of South Dakota.

Introduced by: **Representatives** Deutsch, Borglum, Brunner, Chaffee, Dennert, Finck, Glanzer, Goodwin, Gosch, Lana Greenfield, Hammock, Hansen, Haugaard, Howard, Hunhoff, Kevin Jensen, David Johnson, Koth, Mulally, Herman Otten, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Qualm, Randolph, Reimer, Steele, Weis, Wiese, Willadsen, York, and Zikmund

12 Was read the first time.

13 Rep. Steele moved that the House do now adjourn, which motion prevailed and at 2:30 p.m.
14 the House adjourned.

15 Mary Lou Goehring, Chief Clerk

