

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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NINTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, January 27, 2020

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

The prayer was offered by the Chaplain, Rev. John Fette, followed by the Pledge of Allegiance led by House page Sage Arnold.

Roll Call: All members present except Reps. Pourier and St. John 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 eighth day.

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

And we hereby move the adoption of the report.

Respectfully submitted,  
Steven G. Haugaard, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Haugaard to the following named pages:

2 Sage Arnold, Savannah Burton, Benjamin R. Connor, Slater Dixon, Gabe Fanning, Justice  
3 Jessop, Brayden Key, Grace Kock, Thomas LaFave, Nolan Rounds, Hadley Stiefvater, and Ella  
4 VanDam.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on House Judiciary respectfully reports that it has had under consideration  
9 **HB 1074** and returns the same with the recommendation that said bill do pass.

10 Respectfully submitted,  
11 Jon Hansen, Chair

12 **MESSAGES FROM THE SENATE**

13 Mr. SPEAKER:

14 I have the honor to transmit herewith **SB 9, 13, 27, 28, 31, 32, and 34** which have passed  
15 the Senate and your favorable consideration is respectfully requested.

16 Respectfully,  
17 Kay Johnson, Secretary

18 **MOTIONS AND RESOLUTIONS**

19 **HCR 6003:** A CONCURRENT RESOLUTION, Supporting the Electoral College.

20 Introduced by: **Representative** Mulally

21 Was read the first time.

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

23 **HB 1091:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the compensation of  
24 merchandise dealers for diagnostic and warranty work.

25 Introduced by: **Representative** Goodwin

26 **HB 1093:** FOR AN ACT ENTITLED, An Act to establish a pipeline liability fund, to authorize a  
27 special fee for extraordinary expenses, and to make a continuous appropriation therefor.

28 Introduced by: **Representative** Bordeaux at the request of the Committee on State-Tribal  
29 Relations

1       **HB 1094:** FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding permits for  
2       concealed pistols.

3       Introduced by: **Representative** Brunner

4       **HB 1097:** FOR AN ACT ENTITLED, An Act to modify requirements for a marriage license.

5       Introduced by: **Representative** Reimer

6       **HB 1098:** FOR AN ACT ENTITLED, An Act to authorize certain off-sale licenses for certain  
7       entities and to declare an emergency.

8       Introduced by: **Representative** Hansen

9       **HB 1099:** FOR AN ACT ENTITLED, An Act to authorize counties to impose a temporary sales  
10      and use tax and to issue revenue bonds to fund certain county infrastructure construction.

11      Introduced by: **Representative** York

12      **HB 1100:** FOR AN ACT ENTITLED, An Act to make an appropriation to begin the research and  
13      development of a new bioprocessing facility and to declare an emergency.

14      Introduced by: **Representative** Anderson

15      **HB 1101:** FOR AN ACT ENTITLED, An Act to provide for the reinstatement of a driver license  
16      under certain conditions.

17      Introduced by: **Representative** Kevin Jensen

18      Were read the first time.

19      **HB 1095:** FOR AN ACT ENTITLED, An Act to revise requirements regarding hunting mentors.

20      Introduced by: **Representative** Brunner

21      Was read the first time and referred to the Committee on Agriculture and Natural Resources.

22      **HB 1086:** FOR AN ACT ENTITLED, An Act to repeal certain fees charged by a clerk of courts.

23      Introduced by: The Committee on Judiciary at the request of the Chief Justice

24      **HB 1087:** FOR AN ACT ENTITLED, An Act to authorize a clerk of courts to provide certain  
25      notices by electronic mail.

26      Introduced by: The Committee on Judiciary at the request of the Chief Justice

27      **HB 1088:** FOR AN ACT ENTITLED, An Act to create a penalty for violation of a vulnerable adult  
28      protection order.

29      Introduced by: The Committee on Judiciary at the request of the Chief Justice

**HB 1089:** FOR AN ACT ENTITLED, An Act to provide for the discharge of certain persons who received a suspended imposition of sentence for a misdemeanor.

Introduced by: The Committee on Judiciary at the request of the Chief Justice

**HB 1092:** FOR AN ACT ENTITLED, An Act to establish immunity from liability for injuries to or the death of a person engaged in off-road vehicle activity under certain circumstances.

Introduced by: **Representative** Goodwin

**HB 1096:** FOR AN ACT ENTITLED, An Act to prohibit commercial surrogacy contracts and provide a penalty for facilitating a commercial surrogacy.

Introduced by: **Representative** Hansen

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

**HB 1090:** FOR AN ACT ENTITLED, An Act to make an appropriation to evaluate the feasibility of the use of telehealth services within the criminal justice system and to declare an emergency.

Introduced by: The Committee on Judiciary at the request of the Chief Justice

Was read the first time and referred to the Joint Committee on Appropriations.

#### **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

**SB 9:** FOR AN ACT ENTITLED, An Act to repeal the Department of Labor and Regulation's retirement plan and to transfer plan members and funds to the South Dakota Retirement System.

**SB 13:** FOR AN ACT ENTITLED, An Act to revise certain educational requirements for the practice of barbering.

**SB 27:** FOR AN ACT ENTITLED, An Act to establish a missing persons clearinghouse.

**SB 28:** FOR AN ACT ENTITLED, An Act to repeal provisions regarding the restricted real estate broker's license for auctioneers.

**SB 31:** FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions relating to the South Dakota Retirement System.

**SB 32:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the administration of certain family and surviving spouse benefits of the South Dakota Retirement System.

**SB 34:** FOR AN ACT ENTITLED, An Act to establish a qualified benefit preservation arrangement for eligible members of the South Dakota Retirement System.

Were read the first time.

#### **SECOND READING OF CONSENT CALENDAR ITEMS**

**HB 1019:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue Code.

**HB 1021:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South Dakota Lottery Commission.

**HB 1031:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school district fiduciary funds.

**HB 1037:** FOR AN ACT ENTITLED, An Act to update the adoption of certain American Society for Testing and Materials and National Institute of Standards and Technology standards and certain federal regulations.

**HB 1038:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding manufactured home construction and safety standards.

**HB 1053:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the submission process for ballot measures.

Were read the second time.

The question being "Shall **HB 1019, 1021, 1031, 1037, 1038, and 1053** pass?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

Yeas:

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

Excused:

Pourier and St. John

So the bills having received an affirmative vote of a majority of the members-elect, the Speaker declared the bills passed and the titles were agreed to.

## **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

Rep. Qualm moved that **HB 1032, 1054, and 1057** be deferred to Wednesday, January 29, 2020, the 11<sup>th</sup> legislative day.

Which motion prevailed.

**HB 1020:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of exemption certificates.

Was read the second time.

The question being "Shall **HB 1020** pass?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

1 Yeas:  
2 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
3 Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana  
4 Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson,  
5 David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead,  
6 Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,  
7 Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Steele,  
8 Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

9 Excused:  
10 Pourier and St. John

11 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
12 declared the bill passed and the title was agreed to.

13 Speaker Pro tempore Gosch now presiding.

14 **HB 1028:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding pesticide  
15 registration and application.

16 Was read the second time.

17 The question being "Shall **HB 1028** pass as amended?"

18 And the roll being called:

19 Yeas 67, Nays 1, Excused 2, Absent 0

20 Yeas:  
21 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
22 Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana  
23 Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson,  
24 David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead,  
25 Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,  
26 Post, Qualm, Randolph, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Steele, Sullivan,  
27 Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

28 Nays:  
29 Rasmussen

30 Excused:  
31 Pourier and St. John

32 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
33 declared the bill passed and the title was agreed to.

34 **HB 1022:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding dealer licenses  
35 for motor vehicle, snowmobile, and boat sales.

36 Was read the second time.

1 The question being "Shall **HB 1022** pass as amended?"

2 And the roll being called:

3 Yeas 68, Nays 0, Excused 2, Absent 0

4 Yeas:

5 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
6 Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana  
7 Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson,  
8 David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead,  
9 Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,  
10 Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Steele,  
11 Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

12 Excused:

13 Pourier and St. John

14 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
15 declared the bill passed and the title was agreed to.

16 **HB 1001:** FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the  
17 organization of the Legislature.

18 Was read the second time.

19 Rep. Hunhoff moved that **HB 1001** be amended as follows:

20 1001B

21 On page 1, lines 3 through 4, of the Introduced bill, after "Dakota:" delete "Section 1. That  
22 § 2-4-1 be REPEALED.

23 2-4-1. Time and place of regular sessions. "

24 On page 1, lines 5 through 6, after "sessions." delete "Section 2. That § 2-5-2 be REPEALED.

25 2-5-2. Elective officers of Senate."

26 On page 1, lines 7 through 8, after "Senate." delete "Section 3. That § 2-5-3 be REPEALED.

27 2-5-3. Elective officers of house. "

28 On page 1, lines 9 through 10, after "house." delete "Section 4. That § 2-5-3. 1 be REPEALED.

29 2-5-3. 1. Tie vote for organizing House of Representatives. "

30 On page 1, lines 11 through 12, after "Representatives." delete "Section 5. That § 2-5-5 be  
31 REPEALED.

32 2-5-5. Appointment of legislative employees by presiding officers. "

33 A voice vote was held which Speaker declared had failed.

34 A roll call vote was requested.

1 Rep. Sue Peterson rose to a point of order, saying the Speaker had gaveled before the roll call  
2 was requested. Which was not sustained.

3 Rep. Goodwin rose to a point of order, saying a roll call vote needs to be supported by 1/6 of  
4 the body. Which was sustained.

5 A roll call was supported.

6 The question being on Rep. Hunhoff's motion that **HB 1001** be amended.

7 And the roll being called:

8 Yeas 23, Nays 45, Excused 2, Absent 0

9 Yeas:

10 Anderson, Bartels, Barthel, Bordeaux, Borglum, Chase, Diedrich, Duba, Duvall, Glanzer, Healy,  
11 Hunhoff, Johns, David Johnson, Milstead, Olson, Herman Otten, Kent Peterson, Reed, Rounds,  
12 Sullivan, Willadsen, and York

13 Nays:

14 Beal, Brunner, Chaffee, Cwach, Dennert, Deutsch, Finck, Frye-Mueller, Goodwin, Gosch, Lana  
15 Greenfield, Gross, Hammock, Hansen, Howard, Kevin Jensen, Chris Johnson, Karr, Koth, Latterell,  
16 Lesmeister, Livermont, Marty, McCleerey, Mills, Miskimins, Mulally, Overweg, Perry, Sue Peterson,  
17 Pischke, Post, Qualm, Randolph, Rasmussen, Reimer, Ring, Saba, Jamie Smith, Steele, Wangsness,  
18 Weis, Wiese, Zikmund, and Speaker Haugaard

19 Excused:

20 Pourier and St. John

21 So the motion not having received an affirmative vote of a majority of the members-elect, the  
22 Speaker declared the motion lost.

23 The question being "Shall **HB 1001** pass?"

24 And the roll being called:

25 Yeas 42, Nays 26, Excused 2, Absent 0

26 Yeas:

27 Bartels, Beal, Bordeaux, Brunner, Chaffee, Dennert, Deutsch, Diedrich, Finck, Frye-Mueller,  
28 Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Howard, Kevin Jensen, Chris Johnson, Karr,  
29 Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Miskimins, Mulally, Perry, Sue Peterson,  
30 Pischke, Post, Qualm, Randolph, Rasmussen, Jamie Smith, Steele, Wangsness, Weis, Wiese, York,  
31 Zikmund, and Speaker Haugaard

32 Nays:

33 Anderson, Barthel, Borglum, Chase, Cwach, Duba, Duvall, Glanzer, Hammock, Healy, Hunhoff,  
34 Johns, David Johnson, Koth, Milstead, Olson, Herman Otten, Overweg, Kent Peterson, Reed, Reimer,  
35 Ring, Rounds, Saba, Sullivan, and Willadsen

36 Excused:

37 Pourier and St. John

38 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
39 declared the bill passed and the title was agreed to.



**HB 1002:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding documents of the Legislature.

Was read the second time.

The question being "Shall **HB 1002** pass?"

And the roll being called:

Yeas 66, Nays 2, Excused 2, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Saba, Jamie Smith, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugeard

Nays:

Latterell and Rounds

Excused:

Pourier and St. John

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

**HB 1003:** FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding legislative employees.

Was read the second time.

The question being "Shall **HB 1003** pass?"

And the roll being called:

Yeas 55, Nays 13, Excused 2, Absent 0

Yeas:

Bartels, Beal, Bordeaux, Brunner, Chaffee, Chase, Dennert, Deutsch, Diedrich, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Overweg, Perry, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reimer, Ring, Saba, Jamie Smith, Steele, Wangsness, Weis, Wiese, York, Zikmund, and Speaker Haugeard

Nays:

Anderson, Barthel, Borglum, Cwach, Duba, Duvall, Olson, Herman Otten, Kent Peterson, Reed, Rounds, Sullivan, and Willadsen

Excused:

Pourier and St. John

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

1 Speaker Haugaard now presiding.

2 **HB 1010:** FOR AN ACT ENTITLED, An Act to revise provisions regarding testimony of qualified  
3 mental health professionals at involuntary commitment hearings.

4 Was read the second time.

5 The question being "Shall **HB 1010** pass?"

6 And the roll being called:

7 Yeas 68, Nays 0, Excused 2, Absent 0

8 Yeas:

9 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
10 Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana  
11 Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson,  
12 David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead,  
13 Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,  
14 Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Steele,  
15 Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

16 Excused:

17 Pourier and St. John

18 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
19 declared the bill passed and the title was agreed to.

## 20 **COMMEMORATIONS**

21 **HC 8007:** A LEGISLATIVE COMMEMORATION, Commending the South Dakota Army National  
22 Guard's Ellwein family of Rapid City for being awarded the Association of the United States Army  
23 Volunteer Family of the Year Award for 2019.

24 **Introduced by: Representatives** Goodwin, Anderson, Bartels, Barthel, Borglum, Chaffee,  
25 Chase, Dennert, Diedrich, Duba, Duvall, Frye-Mueller, Lana Greenfield, Howard, Chris Johnson,  
26 Koth, Miskimins, Herman Otten, Perry, Kent Peterson, Pischke, Post, Reed, Rounds, Steele, **and**  
27 Willadsen **and Senators** Castleberry, Ewing, Brock Greenfield, Kennedy, Kolbeck, Lake, Nesiba,  
28 Ernie Otten, Partridge, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer,  
29 Steinhauer, White, Wiik, **and** Youngberg

30 Was read the first time.

31 Rep. Steele moved that the House do now adjourn, which motion prevailed and at 3:53 p.m.  
32 the House adjourned.

33 Mary Lou Goehring, Chief Clerk