

JOURNAL OF THE HOUSE

NINETY-FIFTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 28, 2020

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House pages Savannah Burton and Benjamin R. Connor.

Roll Call: All members present except Reps. Deutsch and David Johnson 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 ninth 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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1006** and returns the same with the recommendation that said bill be amended as follows:

1006C

On page 1, line 8, of the Introduced bill, remove the overstrikes from "The "

On page 1, line 8, after "

The " delete "In order to determine the agricultural income value of agricultural land by county, the "

On page 1, line 9, after "revenue, " delete "with the consent of the Agricultural Land Assessment Implementation and Oversight Advisory Task Force, shall "

On page 1, line 10, delete "annually " and insert " upon notifying the Agricultural Land Assessment Implementation and Oversight Advisory Task Force, may "

On page 1, line 12, remove the overstrikes from "creating"

On page 1, line 12, after "creating" insert " or"

On page 1, line 13, remove the overstrikes from " to determine the agricultural income value of agricultural land by county"

On page 1, line 16, after "income" insert " value"

On page 1, line 16, delete "disregarded" and insert " discarded from the database and the remaining six years averaged"

On page 1, line 20, after "rents" delete ", rangeland acres, pastureland acres, and statewide cow and calf prices. The following noncropland data may also be included: rangeland"

On page 1, line 22, after "AUM's" delete " animal unit months per acre, pastureland"

On page 1, line 23, after "AUM's" delete " animal unit months per acre, and grazing season data"

On page 1, line 23, remove the overstrikes from " and statewide cow and calf prices"

On page 1, line 24, after "statewide " delete "cow and "

On page 1, lines 24 through 25, after "prices." insert " The noncropland data may also include rangeland and pastureland animal unit months per acre, rangeland and pastureland acres, and grazing season data."

On page 2, line 8, delete "Qualified entities " and insert "Any qualified entity "

On page 2, line 9, delete "under " and insert " pursuant to "

1006E

On page 1, line 2, of the Introduced bill, after "of " insert "creating or "

1 And that as so amended, said bill do pass.

2 Respectfully submitted,
3 Mark Willadsen, Chair

4 Also MR. SPEAKER:

5 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
6 under consideration **HB 1033** and returns the same with the recommendation that said bill do pass.

7 Respectfully submitted,
8 Thomas J. Brunner, Chair

9 Also MR. SPEAKER:

10 The Committee on House Health and Human Services respectfully reports that it has had under
11 consideration **HB 1063** and returns the same with the recommendation that said bill be amended
12 as follows:

13 1063B

14 On page 1, line 9, of the Introduced bill, remove the overstrikes from "To purchase or attempt
15 to purchase, to receive or attempt to receive, to possess, or to consume a tobacco product if a
16 person is under the age of"

17 On page 1, lines 10 through 11, after "eighteen" insert " twenty-one"

18 On page 1, line 10, remove the overstrikes from the semicolon

19 On page 1, line 11, remove the overstrikes from "(3) "

20 On page 1, line 13, remove the overstrikes from "(4)"

21 On page 1, line 13, after "(4)" delete "(3)"

22 On page 1, line 15, remove the overstrikes from "(5)"

23 On page 1, line 15, after "(5)" delete "(4)"

24 On page 1, line 22, remove the overstrikes from "(6)"

25 On page 1, line 22, after "(6)" delete "(5) "

26 On page 1, line 24, remove the overstrikes from " (5) of this section"

27 On page 1, line 24, after "section" delete " (4)"

28 On page 1, line 26, remove the overstrikes from "(7)"

29 On page 1, line 26, after "(7)" delete "(6)"

30 On page 2, lines 9 through 15, after "products."" insert "

31 Any owner, lessee, or person having control of any cigarette vending machine shall post, in a
32 conspicuous place on each machine in use within the state, a warning which shall be printed in bold

1 type letters each of which shall be at least one-half inch high and which shall be kept in easily legible
2 form and repair stating:

3 "Any person under 21 years of age is forbidden by law to purchase cigarettes from this
4 machine. ""

5 On page 2, line 14, remove the overstrikes from "various locations "

6 On page 2, line 15, after "locations" delete "each location "

7 On page 2, line 26, remove the overstrikes from "34-46-2(4) "

8 On page 2, line 26, after "(4)" delete "34-46-2(3) "

9 On page 2, line 30, after the end of the last paragraph insert "

10 **Section 5.** That § 26-10-20 be REPEALED.

11 26-10-20. Use or purchase of smokeless tobacco by minor prohibited--Petty offense.

12 "On page 2, line 30, after the end of the last paragraph insert "

13 **Section 6.** That § 26-10-24 be REPEALED.

14 26-10-24. Cigarette vending machine owner exempted--Warning required. "

15 And that as so amended, said bill do pass.

16 Respectfully submitted,
17 Kevin D. Jensen, Chair

18 Also MR. SPEAKER:

19 The Committee on House Transportation respectfully reports that it has had under
20 consideration **HB 1023** and returns the same with the recommendation that said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on House Transportation respectfully reports that it has had under
23 consideration **HB 1061** and returns the same with the recommendation that said bill do pass, and
24 having been certified as uncontested, be placed on the consent calendar.

25 Respectfully submitted,
26 John Mills, Chair

27 **MESSAGES FROM THE SENATE**

28 Mr. SPEAKER:

29 I have the honor to transmit herewith **SB 14, 15, 22, 23, 30, and 62** which have passed the
30 Senate and your favorable consideration is respectfully requested.

31 Respectfully,
32 Kay Johnson, Secretary

1

MOTIONS AND RESOLUTIONS

2

Rep. Karr moved that **HB 1024, 1027, 1029, 1034, 1035, 1044, 1045, and 1046** be referred from the House Committee on Appropriations to the Joint Committee on Appropriations.

3

Which motion prevailed.

4

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

5

HB 1104: FOR AN ACT ENTITLED, An Act to limit the scope of medical information that may be required as a condition of participation in sanctioned activities.

6

Introduced by: **Representative** Frye-Mueller

7

Was read the first time and referred to the Committee on Education.

8

HB 1110: FOR AN ACT ENTITLED, An Act to provide for a uniform template to be used by each state agency in the conduct of performance management reviews.

9

Introduced by: **Representative** Olson

10

Was read the first time and referred to the Committee on Government Operations and Audit.

11

HB 1103: FOR AN ACT ENTITLED, An Act to authorize the forensic medical examination of certain minor victims without parental or guardian consent.

12

Introduced by: **Representative** Reed

13

HB 1107: FOR AN ACT ENTITLED, An Act to define style and form and authorize the code counsel to make certain style and form edits to legislative acts.

14

Introduced by: **Representative** Johns

15

HB 1108: FOR AN ACT ENTITLED, An Act to adopt the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act.

16

Introduced by: **Representative** Johns

17

HB 1109: FOR AN ACT ENTITLED, An Act to revise the Uniform Limited Liability Company Act.

18

Introduced by: **Representative** Johns

19

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

20

HB 1105: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding restrictions on State Investment Council members.

21

Introduced by: **Representative** Bartels

1 **HB 1106:** FOR AN ACT ENTITLED, An Act to authorize the state investment officer to include
2 an indemnity provision in certain investment-related documents.

3 Introduced by: **Representative** Bartels

4 Were read the first time and referred to the Committee on State Affairs.

5 **HB 1102:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse the
6 aeronautics fund.

7 Introduced by: **Representative** David Johnson

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

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

11 **HB 1042 and 1043** were referred to the Joint Committee on Appropriations.

12 The following bill was read on January 24, 2020, and today the Speaker assigned this bill to
13 committee:

14 **HB 1081** was referred to the Committee on Education.

15 The following bills were read on January 27, 2020, and today the Speaker assigned these bills
16 to committees:

17 **HB 1094** was referred to the Committee on Agriculture and Natural Resources.

18 **HB 1098** was referred to the Committee on Commerce and Energy.

19 **HB 1101** was referred to the Committee on Judiciary.

20 **HB 1097** was referred to the Committee on Local Government.

21 **HB 1099** was referred to the Committee on Taxation.

22 **HB 1091** was referred to the Committee on Transportation.

23 **HB 1093 and 1100** were referred to the Joint Committee on Appropriations.

24 **HCR 6003** was referred to the Committee on State Affairs.

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

26 **SB 22:** FOR AN ACT ENTITLED, An Act to to revise certain provisions regarding pesticide
27 registration, pesticide application, and enforcement of pesticide laws.

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

1 **SB 23:** FOR AN ACT ENTITLED, An Act to repeal the high school graduation or equivalent
2 requirement for certain licensed professionals.

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

4 **SB 62:** FOR AN ACT ENTITLED, An Act to revise the membership and responsibilities of the
5 South Dakota Board on Geographic Names.

6 Was read the first time and referred to the Committee on State Affairs.

7 **SB 14:** FOR AN ACT ENTITLED, An Act to revise registration requirements for motor vehicles,
8 motorcycles, snowmobiles, trailers, and semitrailers.

9 **SB 15:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the retention of
10 motor vehicle title documents by the Department of Revenue.

11 **SB 30:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier
12 regulations.

13 Were read the first time and referred to the Committee on Transportation.

14 The following bills were read on January 27, 2020, and today the Speaker assigned these bills
15 to committees:

16 **SB 13 and 28** were referred to the Committee on Commerce and Energy.

17 **SB 27** was referred to the Committee on Judiciary.

18 **SB 9, 31, 32, and 34** were referred to the Committee on Retirement Laws.

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

20 **HB 1074:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the required
21 time that sexual assault kits be preserved.

22 Was read the second time.

23 The question being "Shall **HB 1074** pass?"

24 And the roll being called:

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

26 Yeas:

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

1 Excused:
2 Deutsch and David Johnson

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

5 Rep. Steele moved that the House do now adjourn, which motion prevailed and at 2:44 p.m.
6 the House adjourned.

7 Mary Lou Goehring, Chief Clerk