

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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ELEVENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, January 29, 2020

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House page Slater Dixon.

Roll Call: All members present except Rep. Pourier who was 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 tenth 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 Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1005, 1049, and 1052** and finds the same correctly enrolled.

Respectfully submitted,  
Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1062** and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1083** and returns the same with the recommendation that said bill be amended as follows:

1083B

On page 24, line 1, of the Introduced bill, after "coverage." insert "

**Section 1.** That § 13-39-75 be AMENDED:

13-39-75. Money from sales tax increase used to increase instructor salaries.

The presidents of the ~~postsecondary~~ technical ~~institutes~~ colleges, acting pursuant to rules established by the State Board of Technical Education, shall use the money provided pursuant to SL 2016, chapter 65 to increase instructor salaries to competitive levels at each ~~postsecondary~~ technical ~~institute~~ college. The amount of money provided each year shall be increased by the index factor as defined in § 13-13-10.1."

On page 24, line 1, after "coverage." insert "

**Section 2.** That § 13-55-42 be AMENDED:

13-55-42. Maintaining eligibility--Criteria--Waiver of criteria--Rescission of award.

In order to maintain eligibility, a student who has been awarded a Richard Hagen-Minerva Harvey memorial scholarship shall:

- (1) Maintain a cumulative 2.5 grade point average on a 4.0 grade point scale;
- (2) Be continuously enrolled for the fall and spring semesters in a public or nonpublic accredited university, college, or technical ~~institution~~ college;
- (3) Complete the equivalent of at least twelve credit hours of instruction per semester; and
- (4) Enroll in a public or nonpublic accredited university, college, or technical ~~institution~~ college no later than the fall semester after the scholarship has been awarded.

If factors beyond the control of a student who has been awarded a Richard Hagen-Minerva Harvey memorial scholarship prevent the student from meeting the requirements in this section, the board may temporarily waive the requirements of this section as eligibility criteria. The board

1 may rescind a scholarship award if the student does not maintain eligibility as prescribed by this  
2 section."

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

4 Respectfully submitted,  
5 Bob Glanzer, Vice-Chair

6 Also MR. SPEAKER:

7 The Committee on House Commerce and Energy respectfully reports that it has had under  
8 consideration **HB 1039 and 1040** and returns the same with the recommendation that said bills  
9 do pass, and having been certified as uncontested, be placed on the consent calendar.

10 Also MR. SPEAKER:

11 The Committee on House Commerce and Energy respectfully reports that it has had under  
12 consideration **HB 1041** and returns the same with the recommendation that said bill be amended  
13 as follows:

14 1041B

15 On page 1, line 2, of the Introduced bill, after "plan" insert " and to declare an emergency"

16 On page 1, line 9, after "2. " insert "Whereas, this Act is necessary for the support of the state  
17 government and its existing public institutions, an emergency is hereby declared to exist, and this  
18 Act shall be in full force and effect from and after its passage and approval."

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

20 Respectfully submitted,  
21 Spencer Gosch, Vice-Chair

22 Also MR. SPEAKER:

23 The Committee on House State Affairs respectfully reports that it has had under consideration  
24 **HB 1085** and returns the same with the recommendation that said bill be amended as follows:

25 1085A

26 On the Introduced bill, on page 1, line 1, delete "exempt this state from the observation of"  
27 and insert "provide for permanent".

28 On the Introduced bill, delete everything after the enacting clause and insert:

29 "**Section 3.** That a NEW SECTION be added:

30 1-1-29. Daylight savings time.

31 The State of South Dakota is in permanent daylight savings time pursuant to the provisions  
32 of 15 U.S.C. § 260a. This section may not be construed to affect the standard time established  
33 under federal law governing the movements of common carriers engaged in interstate commerce  
34 or the time for performance of an act by an officer or department of the United States, as established  
35 by a statute, lawful order, rule, or regulation of the United States or any agency of the United  
36 States."

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

2 Respectfully submitted,  
3 Lee Qualm, Chair

4 Also MR. SPEAKER:

5 The Committee on House Judiciary respectfully reports that it has had under consideration  
6 **HB 1096** and returns the same with the recommendation that said bill be amended as follows:

7 1096B

8 On page 2, line 7, of the Introduced bill, after "child." insert " The provisions in this section do  
9 not apply to any broker activity stemming from a commercial surrogacy entered into before July 1,  
10 2020."

11 On page 2, line 10, after "state" delete the comma

12 On page 2, line 11, after "state, " insert "after July 1, 2020, "

13 1096C

14 On page 1, line 23, of the Introduced bill, delete "participate in the creation " and insert "cause  
15 the gestation "

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

17 Respectfully submitted,  
18 Jon Hansen, Chair

19 **MESSAGES FROM THE SENATE**

20 Mr. SPEAKER:

21 I have the honor to return herewith **HB 1005, 1049, and 1052** which have passed the Senate  
22 without change.

23 Also Mr. SPEAKER:

24 I have the honor to transmit herewith **SB 1, 39, and 45** which have passed the Senate and  
25 your favorable consideration is respectfully requested.

26 Respectfully,  
27 Kay Johnson, Secretary

28 **MOTIONS AND RESOLUTIONS**

29 Rep. Qualm moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
30 Thursday, January 30, 2020, the 12<sup>th</sup> legislative day.

31 Which motion prevailed.

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**CONSIDERATION OF REPORTS OF COMMITTEES**

Rep. Qualm moved that the reports of the Standing Committees on Taxation on **HB 1006** as found on page 70 of the House Journal; and Health and Human Services on **HB 1063** as found on page 71 of the House Journal be adopted. Which motion prevailed and the reports were adopted.

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

**HB 1111:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the qualifications to serve on the Game, Fish and Parks Commission.

Introduced by: **Representative** Herman Otten

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

**HB 1112:** FOR AN ACT ENTITLED, An Act to authorize the hiring of law enforcement officers by the South Dakota State Brand Board.

Introduced by: **Representative** Brunner

**HB 1113:** FOR AN ACT ENTITLED, An Act to provide for remote participation in a shareholders' meeting.

Introduced by: **Representative** Rounds

**HB 1114:** FOR AN ACT ENTITLED, An Act to authorize additional abbreviations in naming corporations, limited liability companies, and limited liability partnerships.

Introduced by: **Representative** Rounds

**HB 1115:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to athlete agent conduct.

Introduced by: **Representative** Johns

**HB 1116:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of perpetual care trust funds to maintain cemeteries.

Introduced by: **Representative** Qualm

**HB 1117:** FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding riot, to establish the crime of incitement to riot, and to revise provisions regarding civil liability for riot and riot boosting.

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 **HB 1118:** FOR AN ACT ENTITLED, An Act to revise the boundaries of certain water  
 2 development districts and to revise certain provisions regarding the election of the board of directors  
 3 and the levying of taxes in the affected districts.

4 Introduced by: **Representative** Kent Peterson

5 **HB 1119:** FOR AN ACT ENTITLED, An Act to include certain offenses committed in another  
 6 state for purposes of an enhanced penalty.

7 Introduced by: **Representative** Barthel

8 **HB 1120:** FOR AN ACT ENTITLED, An Act to authorize the governing body of a second or third  
 9 class municipality to act as a planning and zoning commission.

10 Introduced by: **Representative** Goodwin

11 **HB 1121:** FOR AN ACT ENTITLED, An Act to establish immunity from liability for the inherent  
 12 risks of camping.

13 Introduced by: **Representative** Goodwin

14 **HB 1122:** FOR AN ACT ENTITLED, An Act to require child abuse or neglect investigations upon  
 15 the filing of truancy complaints.

16 Introduced by: **Representative** Cwach

17 **HB 1123:** FOR AN ACT ENTITLED, An Act to provide for the termination of a lease by a victim  
 18 of alleged domestic abuse.

19 Introduced by: **Representative** Diedrich

20 **HB 1124:** FOR AN ACT ENTITLED, An Act to provide for an increase in the assessment against  
 21 certain treated land.

22 Introduced by: **Representative** York

23 **HB 1125:** FOR AN ACT ENTITLED, An Act to revise conditions for selling non-temperature-  
 24 controlled baked goods without license.

25 Introduced by: **Representative** York

26 **HB 1126:** FOR AN ACT ENTITLED, An Act to provide authority for real estate brokers to  
 27 conduct real property evaluations.

28 Introduced by: **Representative** Chase

29 **HB 1127:** FOR AN ACT ENTITLED, An Act to revise provisions regarding real estate appraisers.

30 Introduced by: **Representative** Chase

31 **HJR 5001:** A JOINT RESOLUTION, To apply for a convention of states under Article V of the  
 32 Constitution of the United States to impose fiscal restraints on the federal government, to limit the  
 33 power and jurisdiction of the federal government, and to limit the terms of office for federal officials  
 34 and members of Congress.

35 Introduced by: **Representative** Steele

36 Were read the first time.

1 Speaker Haugaard requested a fiscal note on **HJR 5001**.

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

3 **SB 1:** FOR AN ACT ENTITLED, An Act to provide for the use of electronic communication in the  
4 involuntary commitment process and to declare an emergency.

5 **SB 39:** FOR AN ACT ENTITLED, An Act to establish the Jobs for South Dakota's Graduates  
6 program and the special donation fund.

7 **SB 45:** FOR AN ACT ENTITLED, An Act to transfer the functions of the South Dakota Value  
8 Added Finance Authority to the South Dakota Economic Development Finance Authority and the  
9 South Dakota Board of Economic Development and to abolish the South Dakota Value Added Finance  
10 Authority.

11 Were read the first time.

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 **HB 1061:** FOR AN ACT ENTITLED, An Act to exempt vehicles owned by improvement districts  
14 from certain vehicle registration fees.

15 Was read the second time.

16 The question being "Shall **HB 1061** pass?"

17 And the roll being called:

18 Yeas 62, Nays 7, Excused 1, Absent 0

19 Yeas:

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

27 Nays:

28 Dennert, Finck, Latterell, Marty, Perry, Pischke, and Randolph

29 Excused:

30 Pourier

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

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

2 Rep. Qualm moved that **HB 1032, 1033, and 1054** be deferred to Tuesday, February 4,  
3 2020, the 13<sup>th</sup> legislative day.

4 Which motion prevailed.

5 **HB 1055**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the termination  
6 of a political committee under certain circumstances.

7 Having had its second reading was up for consideration and final passage.

8 Rep. Anderson moved that **HB 1055** be amended as follows:

9 1055B

10 On page 1, line 14, of the House Local Government bill, delete "thirty " and insert " sixty "

11 On page 1, line 14, delete "receipt of the order" and insert " service by certified mail"

12 Which motion prevailed.

13 The question being "Shall **HB 1055** pass as amended?"

14 And the roll being called:

15 Yeas 58, Nays 11, Excused 1, Absent 0

16 Yeas:

17 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Deutsch, Diedrich, Duvall,  
18 Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard,  
19 Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister,  
20 Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent  
21 Peterson, Sue Peterson, Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Rounds, St. John,  
22 Steele, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

23 Nays:

24 Bordeaux, Cwach, Dennert, Duba, Healy, McCleerey, Pischke, Ring, Saba, Jamie Smith, and  
25 Sullivan

26 Excused:

27 Poirier

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

30

31 Speaker Pro tempore Gosch now presiding.



1           **HB 1057**: FOR AN ACT ENTITLED, An Act to prohibit certain acts against children and provide  
2 a penalty therefor.

3           Was read the second time.

4           Rep. Haugaard rose to a point of order regarding Rep. Olson's request for a show of hands  
5 from members.

6           Speaker sustained the point of order.

7           The question being "Shall **HB 1057** pass as amended?"

8           And the roll being called:

9           Yeas 46, Nays 23, Excused 1, Absent 0

10          Yeas:

11          Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Deutsch, Duvall, Finck, Frye-Mueller,  
12 Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard, Kevin Jensen, Chris  
13 Johnson, David Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Milstead, Miskimins, Mulally,  
14 Herman Otten, Overweg, Perry, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reimer,  
15 Steele, Wangsness, Weis, Wiese, York, and Speaker Haugaard

16          Nays:

17          Anderson, Bartels, Barthel, Bordeaux, Cwach, Diedrich, Duba, Healy, Hunhoff, Johns,  
18 Lesmeister, McCleerey, Olson, Kent Peterson, Reed, Ring, Rounds, Saba, Jamie Smith, St. John,  
19 Sullivan, Willadsen, and Zikmund

20          Excused:

21          Pourier

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

24           **HB 1023**: FOR AN ACT ENTITLED, An Act to permit the secretary of revenue to issue cease  
25 and desist orders and to impose a civil penalty on certain public auctions.

26           Was read the second time.

27           The question being "Shall **HB 1023** pass?"

28           And the roll being called:

29           Yeas 69, Nays 0, Excused 1, Absent 0

30          Yeas:

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

38          Excused:

39          Pourier

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

3 Speaker Haugaard now presiding.

4 **SIGNING OF BILLS**

5 The Speaker publicly read the title to

6 **HB 1005:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of  
7 telehealth technologies.

8 **HB 1049:** FOR AN ACT ENTITLED, An Act to establish a maximum on the number of words  
9 contained in a statement of a proponent or opponent for the ballot question pamphlet.

10 **HB 1052:** FOR AN ACT ENTITLED, An Act to change a reference from a secondary election to  
11 a runoff election to maintain consistency in terms.

12 And signed the same in the presence of the House.

13 **COMMEMORATIONS**

14 **HC 8008:** A LEGISLATIVE COMMEMORATION, Recognizing and honoring the Veterans Honor  
15 Park in Madison, South Dakota.

16 **Introduced by: Representatives** Wiese, Bartels, Barthel, Beal, Bordeaux, Borglum, Chase,  
17 Dennert, Duba, Duvall, Finck, Goodwin, Lana Greenfield, Gross, Hunhoff, David Johnson, Koth,  
18 McCleerey, Miskimins, Olson, Herman Otten, Perry, Kent Peterson, Sue Peterson, Pischke, Post,  
19 Reed, Reimer, Rounds, Jamie Smith, Steele, Wangsness, Willadsen, **and** Zikmund **and**  
20 **Senators** Duhamel, Ewing, Kennedy, Kolbeck, Lake, Langer, Nesiba, Novstrup, Ernie Otten, Rusch,  
21 Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, White, Wiik, **and** Youngberg  
22

23 **HC 8009:** A LEGISLATIVE COMMEMORATION, Recognizing February as Black History Month  
24 and South Dakota's rich history of African American achievements.

25 **Introduced by: Representative** Duba

26 **HC 8010:** A LEGISLATIVE COMMEMORATION, honoring and commending Brookings Area  
27 Habitat for Humanity for twenty-five years of working toward their vision of creating a world where  
28 everyone has a decent place to live by building and preserving decent and affordable housing.

29 **Introduced by: Representatives** Reed, Deutsch, Mills, Post, **and** Wiese **and Senators** V.  
30 J. Smith **and** Wiik

31 Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:21 p.m.  
32 the House adjourned.

33 Mary Lou Goehring, Chief Clerk