

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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TWELFTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, January 30, 2020

The House convened at 1:00 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 pages Gabe Fanning and Justice Jessop.

Roll Call: All members present except Reps. Deutsch, Pourier, and Sullivan 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 eleventh 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.

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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 1056** and returns the same with the recommendation that said bill be amended as follows:

1056B

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

**Section 1. That a NEW SECTION be added:**

34-12I-1. Definitions.

Terms as used in this chapter mean:

(1) "Assisted living center," any institution, rest home, boarding home, place, building, or agency, which is maintained and operated to provide personal care and services, beyond food, shelter, and laundry;

(2) "Authorized representative," the legal guardian of a resident, acting under a court order that specifically authorizes the guardian to consent to video monitoring of the resident, or the agent of a resident, acting under a durable power of attorney that specifically authorizes the agent to consent to video monitoring of the resident;

(3) "Decision-making capacity," the ability to understand, to a reasonable extent, the nature of and the risks and benefits of video monitoring, and to make and communicate, with reasonable accommodation if necessary, a decision regarding video monitoring;

(4) "Facility," an assisted living center or a nursing facility;

(5) "Nursing facility," any entity that is maintained and operated for the express or implied purpose of providing care to one or more persons, whether for consideration or not, who are not acutely ill but require nursing care and related medical services of such complexity as to require professional nursing care under the direction of a physician, twenty-four hours per day, or an entity that is maintained and operated for the express or implied purpose of providing care to one or more persons, whether for consideration or not, who do not require the degree of care and treatment that a hospital is designed to provide, but who because of their mental or physical condition require medical care and health services that can be made available to them only through institutional facilities;

(6) "Resident," a person who is at least eighteen years of age and resides in a facility;  
and

(7) "Video monitoring device," a camera or other device, which captures, records or broadcasts video and which is placed in a resident's room and used to monitor the resident or activities in the room.

**Section 2. That a NEW SECTION be added:**

34-12I-2. Consent form--Submission to facility.

Before initiating video monitoring, a resident shall complete and submit to the facility a notice and consent form that meets the requirements of § 34-12I-4. If the resident lacks decision-making capacity, as determined by a physician, the form may be completed and submitted by an authorized representative of the resident.

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

34-12I-3. Roommate--Consent--Refusal--Restrictions--Relocation.

If a resident has a roommate, the resident may not conduct video monitoring unless the roommate has provided written consent. If the roommate lacks decision-making capacity, as determined by a physician, the consent may be provided by an authorized representative of the roommate.

The roommate may refuse or withdraw consent to video monitoring. If consent is refused, the resident may not conduct video monitoring and if consent is withdrawn, the resident shall remove any video monitoring device from the room. If the resident fails to remove the video monitoring device, the facility shall remove the device.

The roommate may impose restrictions on the placement and operation of the resident's video monitoring device and on the dissemination and use of any data produced by the device. The restrictions must be included with the resident's notice and consent form, in accordance with § 34-12I-4.

The resident shall comply with any restrictions imposed by a roommate. Upon being notified by a roommate and determining that the resident is not in compliance with any such restriction, the facility shall remove the video monitoring device from the room.

If the roommate refuses to consent, the facility shall, upon the written request of the resident, relocate the resident to another room, as soon as circumstances permit. The facility is not required to provide the resident with a single room, unless the resident agrees to pay the increased charges.

**Section 4. That a NEW SECTION be added:**

34-12I-4. Consent form--Content.

The notice and consent form must include:

(1) A statement affirming that the resident consents to video monitoring and assumes full responsibility for implementing any restrictions imposed on the placement and use of the video monitoring device and on the dissemination and use of any data produced by the device;

(2) If the resident has a roommate, a statement affirming that the roommate, subject to any noted restrictions, consents to video monitoring by the resident and to the dissemination and use of any data produced by the device;

(3) A description of the video monitoring device, including the brand name and model number, and the installation and operating requirements;

(4) Restrictions that the resident or the roommate impose on the placement and use of the video monitoring device, including:

(a) Prohibitions on video recording;

(b) Prohibitions on broadcasting video recordings;

(c) Requiring that the video monitoring device be turned off or blocked during an examination or procedure by a health care provider;

(d) Requiring that the video monitoring device be turned off or blocked while dressing, bathing, or personal care is being performed; and

(e) Requiring that the video monitoring device be turned off or blocked during a visit with an attorney, financial planner, intimate partner, ombudsman, spiritual adviser, or other visitor;

1 (5) A statement of the circumstances under which a video recording may be  
2 disseminated;

3 (6) A section for documenting the withdrawal of consent by the resident or a roommate;

4 (7) The signature of the resident and the date of signing; and

5 (8) If the resident has a roommate, the signature of the roommate and the date of  
6 signing.

7 The resident or a roommate may amend the information contained in the notice and consent  
8 form. Any amendment must be dated, signed, and submitted to the facility.

9 If the notice and consent form or an amendment to the form is signed by an authorized  
10 representative, it must include a physician’s statement verifying that the person, on whose behalf  
11 the authorized representative is acting, lacks decision-making capacity, and a copy of the  
12 guardianship order or power of attorney granting the authorized representative authority to consent  
13 to video monitoring.

14 Upon receiving a completed notice and consent form, or any amendment to the form, the  
15 facility shall place the form in the resident’s file and provide a copy to the resident or an authorized  
16 representative of the resident, and to the resident's roommate or an authorized representative of  
17 the roommate.

18 The notice and consent form, or an amendment thereto, is not effective until it has been  
19 received by the facility.

20 **Section 5. That a NEW SECTION be added:**

21 34-12I-5. Cost--Liability.

22 The resident is liable for any costs associated with the installation, operation, maintenance,  
23 and removal of the video monitoring device, except that the facility may not impose a fee on the  
24 resident to cover the cost of electricity for operating the device.

25 **Section 6. That a NEW SECTION be added:**

26 34-12I-6. Connection to internet--Options--Conditions.

27 A resident may not use a facility’s local area network to connect the video monitoring device  
28 to the internet, unless the facility provides written consent to the resident. A facility that consents  
29 to a resident's use of the network may impose conditions on the use to prevent a data breach and  
30 to limit the consumption of available bandwidth.

31 If a facility does not consent to a resident's use of the network, the resident may arrange for  
32 access to the internet through an internet service provider. The facility may impose conditions on  
33 the installation of any wire, cable, or other technologies, required for internet access to:

34 (1) Prevent damage to the facility;

35 (2) Avoid the creation of a safety hazard; or

36 (3) Avoid the violation of any applicable building or electrical code.

37 **Section 7. That a NEW SECTION be added:**

38 34-12I-7. Video monitoring device--Placement--Conditions.

39 The resident shall place the video monitoring device in a conspicuously visible location in the  
40 resident's room. The facility may impose conditions on the placement of the device to:

- 1        (1)        Prevent damage to the facility;
- 2        (2)        Avoid the creation of a safety hazard; or
- 3        (3)        Avoid the violation of any applicable building or electrical code.

4        **Section 8. That a NEW SECTION be added:**

5        34-12I-8. Audio monitoring device--Use--Penalty.

6        Any person who places or operates an audio monitoring device in a resident's room is guilty of  
7        a Class 1 misdemeanor.

8        A facility is not civilly or criminally liable for any violation of a person's right to privacy arising  
9        out of the use of an audio monitoring device, except to the extent the violation was caused by the  
10       facility's intentional violation of this Act.

11       For purposes of this section, an "audio monitoring device," means a device that is designed to  
12       capture, record, or broadcast audio and when placed in a resident's room is used to monitor the  
13       resident's conversations or other sounds in the room.

14       **Section 9. That a NEW SECTION be added:**

15       34-12I-9. Removal of device--Authority.

16       A facility may deactivate and remove any video monitoring device that is installed, placed,  
17       operated, or used in violation of this Act or in violation of any condition imposed in accordance with  
18       this Act.

19       **Section 10. That a NEW SECTION be added:**

20       34-12I-10. Responsibility of resident--Facility.

21       A resident is responsible for the installation, operation, maintenance, and removal of the video  
22       monitoring device. Except as otherwise provided in this Act, a facility has no duty to perform any  
23       act or incur any cost related to the installation, operation, maintenance, or removal of a video  
24       monitoring device, or the implementation or enforcement of any restriction imposed by or in  
25       accordance with this Act.

26       **Section 11. That a NEW SECTION be added:**

27       34-12I-11. Notice.

28       If a resident is conducting video monitoring, the facility shall post conspicuous signage at the  
29       entrance to the resident's room indicating that the room is being monitored by means of a video  
30       monitoring device.

31       **Section 12. That a NEW SECTION be added:**

32       34-12I-12. Destruction prohibited--Penalty.

33       Except as otherwise provided in this Act, a person may not intentionally remove, hamper,  
34       obstruct, tamper with, or destroy a video monitoring device or a video recording produced by such  
35       device, without the permission of the resident. A violation of this section is a Class 1 misdemeanor.

36       **Section 13. That a NEW SECTION be added:**

1 34-12I-13. Access and dissemination--Penalty.

2 Except as otherwise provided in this Act, a person may not access or disseminate a recording  
3 produced by a video monitoring device, without the written consent of the resident. A violation of  
4 this section is a Class 1 misdemeanor.

5 **Section 14. That a NEW SECTION be added:**

6 34-12I-14. Allegation of misconduct--Request for video.

7 A person who possess a video recording created in accordance with this Act shall, upon the  
8 facility's written request, provide a copy of the recording to the facility if:

9 (1) An allegation of neglect, abuse, or other misconduct has been filed against the  
10 facility in a civil, criminal, or administrative action; and

11 (2) The recording contains evidence pertinent to the alleged neglect, abuse, or other  
12 misconduct.

13 The facility shall reimburse the person for any reasonable costs incurred in providing the video  
14 recording.

15 **Section 15. That a NEW SECTION be added:**

16 34-12I-15. Evidentiary material.

17 Subject to applicable rules of evidence and procedure, a video recording produced by a video  
18 monitoring device may be admitted into evidence in any civil, criminal, or administrative proceeding,  
19 provided:

20 (1) The video monitoring was conducted in accordance with this Act;

21 (2) The recording has not been edited or artificially enhanced; and

22 (3) The recording indicates the date and time that the events occurred.

23 **Section 16. That a NEW SECTION be added:**

24 34-12I-16. Discrimination--Retaliation--Prohibition.

25 A facility may not discriminate or retaliate against any resident or roommate for consenting to  
26 or refusing to consent to video monitoring.

27 A facility may not discriminate against any potential resident or potential roommate for  
28 consenting to or refusing to consent to video monitoring.

29 **Section 17. That a NEW SECTION be added:**

30 34-12I-17. Liability--Civil--Criminal.

31 A facility is not civilly or criminally liable for any violation of a person's right to privacy arising  
32 out of the use of a video monitoring device, except to the extent the violation was caused by the  
33 facility's intentional violation of this Act.

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1 **Section 18. That a NEW SECTION be added:**

2 34-12I-18. Complaint--Adjudication.

3 Any complaint alleging that a facility has violated this Act must be filed with the secretary of  
4 the Department of Health and adjudicated under chapter 1-26. A violation of this Act may not form  
5 the basis of any private civil cause of action."

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

7 Also MR. SPEAKER:

8 The Committee on House Health and Human Services respectfully reports that it has had under  
9 consideration **HB 1076** which was deferred to the 41st Legislative Day.

10 Also MR. SPEAKER:

11 The Committee on House Health and Human Services respectfully reports that it has had under  
12 consideration **HCR 6001** and returns the same with the recommendation that said resolution be  
13 concurred in.

14 Respectfully submitted,  
15 Kevin D. Jensen, Chair

16 Also MR. SPEAKER:

17 The Committee on House Taxation respectfully reports that it has had under consideration  
18 **HB 1007** and returns the same with the recommendation that said bill be amended as follows:

19 1007C

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

21 On page 1, line 11, remove the overstrikes from "may"

22 On page 1, line 11, after "may " delete "shall "

23 On page 1, line 12, after "director " insert "of equalization "

24 On page 1, line 12, after "extent" delete " any of"

25 On page 1, line 12, after "the" delete " agricultural land's"

26 On page 1, line 13, after "productivity" insert " of the land"

27 On page 1, line 16, delete "The location, size, soil " and insert "One or more of the following  
28 factors:

29 (a) Location;

30 (b) Size;

31 (c) Soil "

32 On page 1, line 16, delete ", terrain, and topographical" and insert ";

33 (d) Terrain;

1 (e) Topographical"

2 On page 1, line 16, delete " of the land including the climate, accessibility, carrying capacity  
3 and surface" and insert ";

4 (f) Climate;

5 (g) Accessibility;"

6 On page 1, line 17, after "surface " insert "or

7 (h) Surface "

8 On page 1, line 18, remove the overstrikes from "Each adjustment shall "

9 On page 1, line 18, after "shall " delete "The adjustment warranted by each factor in  
10 subdivisions (1) and (2) must "

11 On page 1, line 19, after "documented" delete " consistent with the county's established  
12 protocol for documenting an adjustment"

13 On page 1, line 20, delete " may" and insert " shall"

14 On page 1, line 26, after "standards, " insert "or if any factors listed in subdivision (2) exist  
15 that affect the productivity of the land, "

16 On page 2, line 1, after "equalization" insert " on a form prescribed by the department"

17 On page 2, line 1, remove the overstrikes from "The "

18 On page 2, line 1, after "The " delete "At the conclusion of the examination, the "

19 On page 2, line 2, delete " make a documented determination of " and insert " determine "

20 On page 2, line 2, remove the overstrikes from " to adjust"

21 On page 2, line 2, after "adjust" delete " or not an adjustment to"

22 On page 2, line 3, remove the overstrikes from " pursuant to the"

23 On page 2, line 3, after "the" delete " is warranted based on a consideration of all"

24 On page 2, line 4, after "(2)." insert "

25 The director of equalization shall document all supporting evidence for the adjustment  
26 determination. The director of equalization shall provide any adjustment documentation to the  
27 department upon request. The adjustment documentation must be kept in the director of  
28 equalization's office for the life of the adjustment."

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

30 Also MR. SPEAKER:

31 The Committee on House Taxation respectfully reports that it has had under consideration  
32 **HB 1060** and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Taxation respectfully reports that it has had under consideration  
3 **HB 1078** which was tabled.

4 Respectfully submitted,  
5 Mark Willadsen, Chair

6 Also MR. SPEAKER:

7 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
8 under consideration **HB 1058 and 1080** and returns the same with the recommendation that said  
9 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

10 Respectfully submitted,  
11 Thomas J. Brunner, Chair

12 Also MR. SPEAKER:

13 The Committee on House Transportation respectfully reports that it has had under  
14 consideration **HB 1066** and returns the same with the recommendation that said bill be amended  
15 as follows:

16 1066A

17 On page 2, line 12, of the Introduced bill, after "airport" insert ", any airport facility,"

18 On page 2, line 12, after "airport" delete ", and which can lead to damage to or loss of airport  
19 system equipment or property or the environment"

20 1066B

21 On page 4, line 19, of the Introduced bill, after "state" delete "aviation" and insert "  
22 aeronautics"

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

24 Also MR. SPEAKER:

25 The Committee on House Transportation respectfully reports that it has had under  
26 consideration **HB 1084** and returns the same with the recommendation that said bill be amended  
27 as follows:

28 1084B

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

30 On page 1, line 14, of the Introduced bill, after "2. " insert "Whereas, this Act is necessary for  
31 the immediate preservation of the public peace, health, or safety, an emergency is hereby declared  
32 to exist, and this Act shall be in full force and effect from and after its passage and approval."

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

1 Also MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under  
3 consideration **HB 1075** and returns the same with the recommendation that said bill do pass, and  
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 John Mills, Chair

7 **MOTIONS AND RESOLUTIONS**

8 **HCR 6004:** A CONCURRENT RESOLUTION, To create a task force for the purpose of reviewing  
9 the manner in which mental health services are delivered in this state and considering changes to  
10 existing models or alternative models that could be utilized for the delivery of mental health services  
11 on a regional basis in this state.

12 Introduced by: **Representative** Diedrich

13 **HR 7001:** A RESOLUTION, to ensure the existence of a healthy, sustainable equine population.

14 Introduced by: **Representative** Rasmussen

15 Were read the first time.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

17 Rep. Qualm moved that the reports of the Standing Committees on  
18 Education on **HB 1083** as found on page 78 of the House Journal; also  
19 Commerce and Energy on **HB 1041** as found on page 79 of the House Journal; also  
20 State Affairs on **HB 1085** as found on page 79 of the House Journal; and  
21 Judiciary on **HB 1096** as found on page 80 of the House Journal be adopted.  
22 Which motion prevailed and the reports were adopted.

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

24 **HB 1128:** FOR AN ACT ENTITLED, An Act to modify the penalty for causing a child to be  
25 present during methamphetamine use, distribution, or manufacture.

26 Introduced by: **Representative** Reed

27 **HB 1129:** FOR AN ACT ENTITLED, An Act to authorize the provision of call location information  
28 to law enforcement agencies.

29 Introduced by: **Representative** Hammock

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- 1        **HB 1130:** FOR AN ACT ENTITLED, An Act to revise the requirements for an enhanced permit  
2 to carry a concealed pistol.
- 3        Introduced by: **Representative** Brunner
- 4        **HB 1131:** FOR AN ACT ENTITLED, An Act to prohibit the use of misleading identification for  
5 telephonic communications.
- 6        Introduced by: **Representative** Diedrich
- 7        **HB 1133:** FOR AN ACT ENTITLED, An Act to provide a rebuttable presumption in favor of joint  
8 physical custody of a minor child.
- 9        Introduced by: **Representative** St. John
- 10       **HB 1143:** FOR AN ACT ENTITLED, An Act to prohibit school districts from using school or  
11 athletic team names, mascots, or nicknames that are determined to be racially derogatory or  
12 discriminatory.
- 13       Introduced by: **Representative** Bordeaux
- 14       **HB 1150:** FOR AN ACT ENTITLED, An Act to increase the annual assessment limits for certain  
15 road maintenance and repairs.
- 16       Introduced by: **Representative** Pischke
- 17       **HB 1151:** FOR AN ACT ENTITLED, An Act to establish the minimum value of the benefit of a  
18 street improvement.
- 19       Introduced by: **Representative** Pischke
- 20       **HB 1152:** FOR AN ACT ENTITLED, An Act to provide financial assistance for school sentinel  
21 training.
- 22       Introduced by: **Representative** Hammock
- 23       **HB 1153:** FOR AN ACT ENTITLED, An Act to authorize the limited possession of a knife in the  
24 state capitol.
- 25       Introduced by: **Representative** Hammock
- 26       **HB 1154:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding motor vehicle  
27 license plates.
- 28       Introduced by: **Representative** Frye-Mueller
- 29       **HB 1156:** FOR AN ACT ENTITLED, An Act to to prohibit the conduct of certain physical  
30 examinations or screenings on students in a school district without parental consent.
- 31       Introduced by: **Representative** Frye-Mueller
- 32       **HB 1157:** FOR AN ACT ENTITLED, An Act to provide for kindergarten enrollment options.
- 33       Introduced by: **Representative** Randolph

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- 1        **HB 1159:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the referral of opt  
2        outs made by school districts.
- 3        Introduced by: **Representative** Mills
- 4        **HB 1163:** FOR AN ACT ENTITLED, An Act to require parental permission and website posting  
5        of student survey instruments.
- 6        Introduced by: **Representative** Randolph
- 7        **HB 1164:** FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2019.
- 8        Introduced by: The Committee on Judiciary at the request of the Code Commission
- 9        **HB 1165:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the acceptance of gifts  
10       by municipalities.
- 11       Introduced by: **Representative** Reed
- 12       **HB 1166:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the appointment of  
13       inactive watershed district boards and the reactivation of watershed districts.
- 14       Introduced by: **Representative** Anderson
- 15       **HB 1167:** FOR AN ACT ENTITLED, An Act to revise provisions regarding confidential  
16       communications between a student and certain school employees.
- 17       Introduced by: **Representative** Chris Johnson
- 18       **HB 1169:** FOR AN ACT ENTITLED, An Act to prohibit the use of certain electronic devices while  
19       driving.
- 20       Introduced by: **Representative** Barthel
- 21       **HB 1170:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of certain  
22       lights by tow truck vehicles.
- 23       Introduced by: **Representative** Rounds
- 24       **HB 1171:** FOR AN ACT ENTITLED, An Act to require commercial pesticide applicators to  
25       maintain proof of financial responsibility.
- 26       Introduced by: **Representative** Rasmussen
- 27       **HB 1172:** FOR AN ACT ENTITLED, An Act to require the annual submission of a zero-based  
28       budget from certain departments or budget units.
- 29       Introduced by: **Representative** Howard
- 30       **HB 1173:** FOR AN ACT ENTITLED, An Act to prohibit a school board from denying an  
31       application for open enrollment from certain students with autism.
- 32       Introduced by: **Representative** Hansen

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- 1       **HB 1174:** FOR AN ACT ENTITLED, An Act to establish the date of kindergarten enrollment  
2 eligibility.
- 3       Introduced by: **Representative** Chase
- 4       **HB 1175:** FOR AN ACT ENTITLED, An Act to define dyslexia for the purposes of special  
5 education and related services.
- 6       Introduced by: **Representative** Rasmussen
- 7       **HB 1176:** FOR AN ACT ENTITLED, An Act to authorize the consumption of alcohol in certain  
8 common areas.
- 9       Introduced by: **Representative** Hansen
- 10       **HB 1177:** FOR AN ACT ENTITLED, An Act to require that school district elections occur in  
11 conjunction with the general election.
- 12       Introduced by: **Representative** Post
- 13       **HB 1178:** FOR AN ACT ENTITLED, An Act to revise the seller's property condition disclosure  
14 statement.
- 15       Introduced by: **Representative** Chase
- 16       **HB 1179:** FOR AN ACT ENTITLED, An Act to authorize series limited liability companies.
- 17       Introduced by: **Representative** Hansen
- 18       **HB 1180:** FOR AN ACT ENTITLED, An Act to require certain infrastructure standards in certain  
19 annexed areas.
- 20       Introduced by: **Representative** Reed
- 21       **HB 1181:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding bounties for  
22 coyotes.
- 23       Introduced by: **Representative** Brunner
- 24       **HB 1182:** FOR AN ACT ENTITLED, An Act to provide for the renewal of an enhanced permit to  
25 carry a concealed pistol.
- 26       Introduced by: **Representative** Brunner
- 27       **HB 1183:** FOR AN ACT ENTITLED, An Act to increase driver licensing fees and dedicate that  
28 increase to transit providers.
- 29       Introduced by: **Representative** Chase
- 30       **HB 1184:** FOR AN ACT ENTITLED, An Act to provide limited deer and antelope licenses to  
31 landowners.
- 32       Introduced by: **Representative** Brunner

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- 1       **HB 1185:** FOR AN ACT ENTITLED, An Act to limit public employer consideration of certain  
2 criminal backgrounds.
- 3       Introduced by: **Representative** Bordeaux
- 4       **HB 1186:** FOR AN ACT ENTITLED, An Act to revise certain education programs and promote  
5 efficiency in state government and to make an appropriation therefor.
- 6       Introduced by: **Representative** Karr
- 7       **HB 1187:** FOR AN ACT ENTITLED, An Act to to revise certain health care programs and make  
8 an appropriation therefor.
- 9       Introduced by: **Representative** Karr
- 10       **HB 1188:** FOR AN ACT ENTITLED, An Act to revise certain programs regarding the Board of  
11 Regents and promote efficiency in state government and to make an appropriation therefor.
- 12       Introduced by: **Representative** Karr
- 13       **HB 1189:** FOR AN ACT ENTITLED, An Act to revise certain provisions to enhance and promote  
14 South Dakota and to make an appropriation therefor.
- 15       Introduced by: **Representative** Karr
- 16       **HB 1190:** FOR AN ACT ENTITLED, An Act to accommodate legislation regarding modifications  
17 of revenue reporting.
- 18       Introduced by: **Representative** Haugaard
- 19       **HB 1191:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding legislative  
20 authority.
- 21       Introduced by: **Representative** Haugaard
- 22       **HB 1192:** FOR AN ACT ENTITLED, An Act to accommodate legislation enhancing criminal  
23 justice.
- 24       Introduced by: **Representative** Haugaard
- 25       **HB 1193:** FOR AN ACT ENTITLED, An Act to accommodate legislation enhancing health and  
26 human services.
- 27       Introduced by: **Representative** Haugaard
- 28       **HB 1194:** FOR AN ACT ENTITLED, An Act to authorize federally recognized Indian tribes to  
29 receive PEACE funds.
- 30       Introduced by: **Representative** Bordeaux
- 31       **HB 1195:** FOR AN ACT ENTITLED, An Act to establish certain fetal harm as an assault.
- 32       Introduced by: **Representative** Gosch

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1        **HB 1196:** FOR AN ACT ENTITLED, An Act to authorize the revival of certain civil claims.

2        Introduced by: **Representative** Bordeaux

3        **HB 1197:** FOR AN ACT ENTITLED, An Act to require testing of moisture meters and protein-  
4 measuring devices.

5        Introduced by: **Representative** Gosch

6        **HB 1198:** FOR AN ACT ENTITLED, An Act to to repeal provisions regarding maximum taxes  
7 levied by the board of a school district for the capital outlay fund.

8        Introduced by: **Representative** Gosch

9        **HB 1199:** FOR AN ACT ENTITLED, An Act to require certain annexation information be  
10 provided to electric utilities.

11        Introduced by: **Representative** Reed at the request of the Electric Services in an Annexed  
12 Area

13        **HB 1200:** FOR AN ACT ENTITLED, An Act to establish dates for the mowing of ditches on the  
14 state trunk highway system.

15        Introduced by: **Representative** Finck

16        **HB 1201:** FOR AN ACT ENTITLED, An Act to provide for the distribution of a list of possible  
17 reasonable accommodations to students with disabilities.

18        Introduced by: **Representative** Rasmussen

19        **HB 1202:** FOR AN ACT ENTITLED, An Act to revise provisions regarding certain sales and use  
20 tax rates.

21        Introduced by: **Representative** Finck

22        **HB 1203:** FOR AN ACT ENTITLED, An Act to revise provisions regarding out-of-state dealer  
23 permits to sell motorcycles.

24        Introduced by: **Representative** Chaffee

25        **HB 1204:** FOR AN ACT ENTITLED, An Act to lower the total amount of tax credits that may be  
26 claimed on annual premium tax returns.

27        Introduced by: **Representative** Willadsen

28        **HB 1205:** FOR AN ACT ENTITLED, An Act to revise provisions regarding a custodial parent  
29 relocating a minor child.

30        Introduced by: **Representative** Johns

31        **HB 1206:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
32 commitment of a delinquent child to the Department of Corrections.

33        Introduced by: **Representative** Kevin Jensen

1 **HB 1207:** FOR AN ACT ENTITLED, An Act to extend the termination date for the Juvenile  
2 Justice Public Safety Oversight Council.

3 Introduced by: **Representative** Kevin Jensen

4 **HB 1208:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the titling of motor  
5 vehicles.

6 Introduced by: **Representative** Anderson

7 **HB 1209:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the sales of certain  
8 older vehicles by auction agencies.

9 Introduced by: **Representative** Anderson

10 **HB 1210:** FOR AN ACT ENTITLED, An Act to require parental notice of a social and emotional  
11 learning questionnaire regarding a student.

12 Introduced by: **Representative** Randolph

13 **HB 1211:** FOR AN ACT ENTITLED, An Act to change the payment process for forensic medical  
14 examinations.

15 Introduced by: **Representative** Reed

16 **HB 1212:** FOR AN ACT ENTITLED, An Act to add certain persons to the list of mandatory  
17 reporters of suspected child abuse or neglect.

18 Introduced by: **Representative** Healy

19 **HB 1213:** FOR AN ACT ENTITLED, An Act to preclude the assignment of exclusive broadcast  
20 rights for certain high school interscholastic activities.

21 Introduced by: **Representative** Gosch

22 **HB 1214:** FOR AN ACT ENTITLED, An Act to revise provisions regarding autism spectrum  
23 disorder.

24 Introduced by: **Representative** Pischke

25 **HB 1215:** FOR AN ACT ENTITLED, An Act to prohibit the state from endorsing or enforcing  
26 certain policies regarding domestic relations.

27 Introduced by: **Representative** Randolph

28 Were read the first time.

29 **HB 1134:** FOR AN ACT ENTITLED, An Act to permit certain acts at a school honoring or  
30 graduation ceremony.

31 Introduced by: **Representative** Bordeaux

1 **HB 1145:** FOR AN ACT ENTITLED, An Act to authorize certain tribal members to attend certain  
2 institutions of higher education or postsecondary technical institutes without payment of tuition.

3 Introduced by: **Representative** Bordeaux

4 **HB 1162:** FOR AN ACT ENTITLED, An Act to provide certain provisions regarding sex education  
5 in public schools.

6 Introduced by: **Representative** Randolph

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

8 **HB 1136:** FOR AN ACT ENTITLED, An Act to provide for the licensure and regulation of  
9 practitioners of acupuncture and Oriental medicine and to establish the acupuncture regulation fund.

10 Introduced by: **Representative** St. John

11 **HB 1137:** FOR AN ACT ENTITLED, An Act to require the provision of medical billing information  
12 and a settlement offer for unpaid medical bills.

13 Introduced by: **Representative** Pischke

14 **HB 1141:** FOR AN ACT ENTITLED, An Act to require a feasibility study and actuarial analysis  
15 on long-term care services and supports.

16 Introduced by: **Representative** Cwach

17 **HB 1142:** FOR AN ACT ENTITLED, An Act to include post-traumatic stress disorder as a  
18 compensable injury for purposes of workers' compensation.

19 Introduced by: **Representative** Cwach

20 Were read the first time and referred to the Committee on Health and Human Services.

21 **HB 1139:** FOR AN ACT ENTITLED, An Act to require the payment of attorney's fees in cases  
22 addressing noncompliance with visitation orders.

23 Introduced by: **Representative** Pischke

24 **HB 1140:** FOR AN ACT ENTITLED, An Act to provide for a regular review of parenting  
25 guidelines.

26 Introduced by: **Representative** Pischke

27 **HB 1146:** FOR AN ACT ENTITLED, An Act to exclude second job income from child support  
28 obligations.

29 Introduced by: **Representative** Pischke

30 **HB 1147:** FOR AN ACT ENTITLED, An Act to recalculate abatement of the basic child support  
31 obligation.

32 Introduced by: **Representative** Pischke

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1       **HB 1148:** FOR AN ACT ENTITLED, An Act to provide for protection orders.

2       Introduced by: **Representative** Pischke

3       **HB 1149:** FOR AN ACT ENTITLED, An Act to establish qualifications for child custody  
4 evaluators.

5       Introduced by: **Representative** Pischke

6       **HB 1155:** FOR AN ACT ENTITLED, An Act to exempt certain retirement funds from division of  
7 property in a divorce.

8       Introduced by: **Representative** Frye-Mueller

9       **HB 1158:** FOR AN ACT ENTITLED, An Act to remove irreconcilable differences as a cause for  
10 divorce.

11       Introduced by: **Representative** Randolph

12       **HB 1168:** FOR AN ACT ENTITLED, An Act to revise tenant and landlord rights.

13       Introduced by: **Representative** Mulally

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

15       **HB 1144:** FOR AN ACT ENTITLED, An Act to remove the requirement for a ballot election in  
16 township elections if candidates are unopposed.

17       Introduced by: **Representative** Pischke

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

19       **HB 1132:** FOR AN ACT ENTITLED, An Act to create a Commission on Indian Affairs.

20       Introduced by: **Representative** Bordeaux

21       **HB 1135:** FOR AN ACT ENTITLED, An Act to provide certain provisions that require the  
22 Governor to consult the Legislature before mobilizing the National Guard or law enforcement in  
23 certain circumstances.

24       Introduced by: **Representative** Bordeaux

25       **HB 1138:** FOR AN ACT ENTITLED, An Act to establish shooting course requirements for current  
26 or former law enforcement officers seeking an enhanced permit to carry a concealed pistol.

27       Introduced by: **Representative** Hammock

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

1 **HB 1160:** FOR AN ACT ENTITLED, An Act to to remove the tax exemption for cosmetic medical  
2 procedures.

3 Introduced by: **Representative** Mills

4 Was read the first time and referred to the Committee on Taxation.

5 **HB 1161:** FOR AN ACT ENTITLED, An Act to revise the provision regarding emblem license  
6 plates.

7 Introduced by: **Representative** Mills

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

9 The following bills were read on January 29, 2020, and today the Speaker assigned these bills  
10 to committees:

11 **HB 1112 and 1118** were referred to the Committee on Agriculture and Natural Resources.

12 **HB 1125, 1126, and 1127** were referred to the Committee on Commerce and Energy.

13 **HB 1113, 1114, 1115, 1119, 1121, 1122, and 1123** were referred to the Committee on  
14 Judiciary.

15 **HB 1116 and 1120** were referred to the Committee on Local Government.

16 **HB 1117 and HJR 5001** were referred to the Committee on State Affairs.

17 **HB 1124** was referred to the Committee on Taxation.

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

19 The following bill was read on January 29, 2020, and today the Speaker assigned this bill to  
20 committee:

21 **SB 1** was referred to the Committee on Health and Human Services.

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

23 **HB 1039:** FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the Human  
24 Resources Commissioner regarding the drug screening program for certain state employees.

25 **HB 1040:** FOR AN ACT ENTITLED, An Act to increase the frequency of background  
26 investigations for certain state employees.

27 Were read the second time.

28 The question being "Shall **HB 1039 and 1040** pass?"

29 And the roll being called:

30 Yeas 66, Nays 1, Excused 3, Absent 0

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

9 Nays:  
10 Finck

11 Excused:  
12 Deutsch, Pourier, and Sullivan

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

## 15 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

16 **HB 1006:** FOR AN ACT ENTITLED, An Act to authorize the secretary of revenue to contract  
17 with certain entities for purposes of creating or maintaining a database to determine agricultural  
18 income value and to specify the mandatory and permissive data of the database.

19 Was read the second time.

20 Rep. Ring moved that **HB 1006** be amended as follows:

21 1006F

22 On page 2, line 14, of the House Taxation bill, after "learning, " delete "and "

23 On page 2, line 14, after "authority" insert ", or private entity"

24 Which motion prevailed.

25 The question being "Shall **HB 1006** pass as amended?"

26 And the roll being called:

27 Yeas 66, Nays 1, Excused 3, Absent 0

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

36 Nays:  
37 Latterell

38 Excused:  
39 Deutsch, Pourier, and Sullivan

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

1           **HB 1063:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the purchase,  
2 distribution, and sale of tobacco products to persons under the age of twenty-one.

3           Was read the second time.

4           The question being "Shall **HB 1063** pass as amended?"

5           And the roll being called:

6           Yeas 43, Nays 24, Excused 3, Absent 0

7           Yeas:

8           Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Cwach, Dennert,  
9 Diedrich, Duba, Finck, Glanzer, Lana Greenfield, Hammock, Healy, Hunhoff, Kevin Jensen, Johns,  
10 David Johnson, Koth, Lesmeister, McCleerey, Mills, Milstead, Miskimins, Olson, Herman Otten, Perry,  
11 Kent Peterson, Sue Peterson, Qualm, Reed, Reimer, Ring, Saba, Jamie Smith, St. John, Wangsness,  
12 Wiese, Willadsen, and York

13          Nays:

14          Brunner, Duvall, Frye-Mueller, Goodwin, Gosch, Gross, Hansen, Howard, Chris Johnson, Karr,  
15 Latterell, Livermont, Marty, Mulally, Overweg, Pischke, Post, Randolph, Rasmussen, Rounds, Steele,  
16 Weis, Zikmund, and Speaker Haugaard

17          Excused:

18          Deutsch, Pourier, and Sullivan

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

21           **HB 1062:** FOR AN ACT ENTITLED, An Act to increase the financial empowerment of state  
22 residents.

23          Was read the second time.

24          Rep. Brunner moved that **HB 1062** be laid on the table.

25          The question being on Rep. Brunner's motion that **HB 1062** be laid on the table.

26          And the roll being called:

27          Yeas 62, Nays 4, Excused 4, Absent 0

28          Yeas:

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

36          Nays:

37          Dennert, Kent Peterson, Sue Peterson, and Steele

38          Excused:

39          Deutsch, Post, Pourier, and Sullivan

1 So the motion having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the motion carried and **HB 1062** was tabled.

3

**COMMEMORATIONS**

4 **HC 8011:** A LEGISLATIVE COMMEMORATION, Commending and honoring Renee Ullom, a  
5 member of the Brandon Valley School District Board of Education, on her selection as the Associated  
6 School Boards of South Dakota Outstanding School Board Member of South Dakota for 2019.

7 Introduced by: **Representatives** Barthel, Bartels, Bordeaux, Borglum, Chase, Cwach,  
8 Dennert, Duba, Duvall, Finck, Goodwin, Gosch, Lana Greenfield, Healy, Hunhoff, Kevin Jensen,  
9 Johns, David Johnson, Koth, Lesmeister, McCleerey, Milstead, Miskimins, Olson, Herman Otten,  
10 Perry, Kent Peterson, Pischke, Reed, Reimer, Jamie Smith, St. John, Steele, Wiese, Willadsen, and  
11 Zikmund and **Senators** Sutton, Bolin, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield,  
12 Heinert, Kennedy, Kolbeck, Lake, Langer, Monroe, Nesiba, Novstrup, Ernie Otten, Partridge, Rusch,  
13 Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, White, Wiik, and Wismer

14 Was read the first time.

15 Rep. Steele moved that the House do now adjourn, which motion prevailed and at 2:09 p.m.  
16 the House adjourned.

17

Mary Lou Goehring, Chief Clerk