

JOURNAL OF THE HOUSE

NINETY-FIFTH SESSION

FOURTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 05, 2020

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

The prayer was offered by the Chaplain, Fr. David Hussey, followed by the Pledge of Allegiance led by House pages Thomas LaFave and Nolan Rounds.

Roll Call: All members present except Reps. Deutsch, Glanzer, and Pourier 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 thirteenth 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

HONORED GUESTS

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3 Rep. Lana Greenfield introduced the Outstanding School Administrators for 2019: Joel
4 Jorgenson, superintendent, Madison; Michael Amolins, curriculum director, Harrisburg; Paul
5 Lundberg, business manager, Brandon Valley; Wendy Otheim, special education director, Brookings;
6 Matt Alley, elementary principal, West Central; Don Lyon, middle school principal, Spearfish; Joe
Childs, secondary principal, Mitchell; and Dave Preheim, assistant secondary principal, Tea.

7

REPORTS OF STANDING COMMITTEES

8

Mr. SPEAKER:

9 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
10 Enrolling has carefully compared **HB 1016** and finds the same correctly enrolled.

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Respectfully submitted,
Steven G. Haugaard, Chair

13

Also MR. SPEAKER:

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The Committee on House State Affairs respectfully reports that it has had under consideration
HB 1105 and returns the same with the recommendation that said bill be amended as follows:

16

1105A

17

18

On page 1, line 8, of the Introduced bill, remove the overstrikes from "engage in the sale of
marketable or public securities to the state"

19

On page 1, line 9, of the Introduced bill, after "state" insert the comma

20

On page 1, line 9, of the Introduced bill, remove the overstrikes from " or to any fund thereof"

21

22

On page 1, line 9, of the Introduced bill, after "thereof" insert ", which are invested by the
State Investment Council"

23

On page 1, line 9, of the Introduced bill, remove the overstrikes from the period

24

On page 1, line 10, of the Introduced bill, after "any " insert "No "

25

On page 1, line 10, of the Introduced bill, remove the overstrikes from "member "

26

On page 1, line 10, of the Introduced bill, after "member " insert "may "

27

28

And that as so amended, said bill do pass, and having been certified as uncontested, be placed
on the consent calendar.

29

Also MR. SPEAKER:

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The Committee on House State Affairs respectfully reports that it has had under consideration
HB 1106 and returns the same with the recommendation that said bill do pass, and having been
certified as uncontested, be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration
3 **HB 1132** which was tabled.

4 Respectfully submitted,
5 Lee Qualm, Chair

6 Also MR. SPEAKER:

7 The Committee on House Education respectfully reports that it has had under consideration
8 **HB 1081** and returns the same with the recommendation that said bill be amended as follows:

9 1081A

10 On page 1, line 11, of the Introduced bill, after "gallons " delete "or less "

11 " On page 1, line 11, of the Introduced bill, after "spirits, " insert "up to two hundred gallons of
12 "

13 On page 1, line 11, of the Introduced bill, delete "or " and insert "and up to two hundred gallons
14 of "

15 On page 1, line 14, of the Introduced bill, after "title." insert " Only students enrolled in a
16 course, faculty, researchers, or research participants directly involved in the purposes of this section
17 may consume alcohol produced under this section."

18 On page 1, line 21, of the Introduced bill, after "section." insert " No person permitted to
19 consume alcohol under this section may become under the influence due to the consumption of
20 alcohol."

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

22 Respectfully submitted,
23 Lana Greenfield, Chair

24 Also MR. SPEAKER:

25 The Committee on House Commerce and Energy respectfully reports that it has had under
26 consideration **HB 1048** and returns the same with the recommendation that said bill do pass.

27 Also MR. SPEAKER:

28 The Committee on House Commerce and Energy respectfully reports that it has had under
29 consideration **SB 10, 12, and 13** and returns the same with the recommendation that said bills do
30 pass, and having been certified as uncontested, be placed on the consent calendar.

31 Also MR. SPEAKER:

32 The Committee on House Commerce and Energy respectfully reports that it has had under
33 consideration **SB 23** and returns the same with the recommendation that said bill be amended as
34 follows:

35 23A

36 On page 2, line 27, of the Introduced bill, delete "(5)" and insert "(4)"

And that as so amended, said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Tim Rounds, Chair

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to return herewith **HB 1016** which has passed the Senate without change.

Also Mr. SPEAKER:

I have the honor to transmit herewith **SB 52 and 71** which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

Yesterday, Rep. Lana Greenfield announced her intention to reconsider the vote by which **HB 1085** lost.

Rep. Greenfield moved that the House do now reconsider the vote by which **HB 1085**.

The question being on Rep. Greenfield's motion to reconsider the vote by which **HB 1085** lost.

And the roll being called:

Yeas 34, Nays 33, Excused 3, Absent 0

Yeas:

Bartels, Beal, Borglum, Dennert, Finck, Goodwin, Gosch, Lana Greenfield, Hammock, Hansen, Kevin Jensen, Chris Johnson, David Johnson, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Mulally, Herman Otten, Perry, Sue Peterson, Pischke, Qualm, Randolph, Rasmussen, Reed, Reimer, St. John, Weis, Wiese, York, and Speaker Haugaard

Nays:

Anderson, Barthel, Bordeaux, Brunner, Chaffee, Chase, Cwach, Diedrich, Duba, Duvall, Frye-Mueller, Gross, Healy, Howard, Hunhoff, Johns, Karr, Koth, McCleerey, Miskimins, Olson, Overweg, Kent Peterson, Post, Ring, Rounds, Saba, Jamie Smith, Steele, Sullivan, Wangsness, Willadsen, and Zikmund

Excused:

Deutsch, Glanzer, and Poirier

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

HCR 6006: A CONCURRENT RESOLUTION, Requesting the members of South Dakota's congressional delegation to annually appear before a joint session of the Legislature to provide information and answer questions.

Introduced by: **Representative** Livermont

HCR 6007: A CONCURRENT RESOLUTION, Supporting students and other persons afflicted by epilepsy and raising awareness of epilepsy in South Dakota.

Introduced by: **Representative** Duba

Were read the first time, and the Speaker waived committee referral.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Qualm moved that the report of the Standing Committee on Local Government on **HB 1050** as found on page 111 of the House Journal be adopted. Which motion prevailed and the report was adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1227: FOR AN ACT ENTITLED, An Act to make an appropriation for the rural veterinary medical education program and to declare an emergency.

Introduced by: **Representative** Gross

HB 1228: FOR AN ACT ENTITLED, An Act to include children with a hearing loss in the reporting criteria required for deaf and hard-of-hearing children.

Introduced by: **Representative** Healy

HB 1229: FOR AN ACT ENTITLED, An Act to accommodate legislation related to electric service in a newly annexed area.

Introduced by: **Representative** Brunner

HB 1230: FOR AN ACT ENTITLED, An Act to provide for an increased distribution from the education enhancement trust fund in fiscal year 2021.

Introduced by: **Representative** Cwach

HB 1231: FOR AN ACT ENTITLED, An Act to authorize premium cigars to be shipped and transported and modify tax provisions pertaining to premium cigars.

Introduced by: **Representative** Karr

HB 1232: FOR AN ACT ENTITLED, An Act to provide an appropriation for adoption assistance grants.

Introduced by: **Representative** Olson

HB 1233: FOR AN ACT ENTITLED, An Act to make an appropriation to the gaming commission fund, to provide for the transfer of funds to the special racing revolving fund and the South Dakota-bred racing fund, and to declare an emergency.

Introduced by: **Representative** Dennert

HB 1234: FOR AN ACT ENTITLED, An Act to revise the definition of operator for the purposes of the one-call notification system for excavation activities.

Introduced by: **Representative** Miskimins

HB 1235: FOR AN ACT ENTITLED, An Act to revise provisions regarding immunizations.

Introduced by: **Representative** Qualm

HB 1236: FOR AN ACT ENTITLED, An Act to revise provisions regarding the management of the animal damage control program.

Introduced by: **Representative** Livermont

HB 1237: FOR AN ACT ENTITLED, An Act to establish the Early Learning Advisory Council.

Introduced by: **Representative** Healy

HB 1238: FOR AN ACT ENTITLED, An Act to permit modification of the term of a perpetual conservation easement after the death of the grantor.

Introduced by: **Representative** McCleerey

HB 1239: FOR AN ACT ENTITLED, An Act to require the costs of nursing homes to be rebased every five years for purposes of Medicaid reimbursement.

Introduced by: **Representative** McCleerey

HB 1240: FOR AN ACT ENTITLED, An Act to provide for the inspection of certain swimming pools and beaches.

Introduced by: **Representative** McCleerey

HB 1241: FOR AN ACT ENTITLED, An Act to revise requirements for legal newspapers.

Introduced by: **Representative** Brunner

HB 1242: FOR AN ACT ENTITLED, An Act to provide for the reissuance of certain enhanced permits to carry a concealed pistol and to declare an emergency.

Introduced by: **Representative** Brunner

HJR 5002: A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, relating to legislative reapportionment.

Introduced by: **Representative** Jamie Smith

Were read the first time.

The Speaker declared that **HB 1115** was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 71: FOR AN ACT ENTITLED, An Act to revise the offenses for which an order for interception of communications may be granted.

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

SB 52: FOR AN ACT ENTITLED, An Act to create a state seal specialty plate emblem.

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

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

Rep. Qualm moved that **HB 1054** be deferred to Thursday, February 6, 2020, the 15th legislative day.

Which motion prevailed.

Rep. Qualm moved that **HB 1056** be placed to follow HB 1144 on today's calendar.

Which motion prevailed.

HB 1033: FOR AN ACT ENTITLED, An Act to provide for the prevention of aquatic invasive species contamination in public waters and to declare an emergency.

Was read the second time.

Rep. Finck moved that **HB 1033** be amended as follows:

1033C

On page 4, line 7, of the Introduced bill, after "complete." delete "Section 8. That a NEW SECTION be added:

Promulgation of rules.

The commission shall promulgate rules, pursuant to chapter 1-26, establishing the following:

(1) The conditions under which the commission may authorize the possession, importation, shipment, or transport of an aquatic invasive species within the state;

(2) The conditions under which the commission may authorize the placement of a conveyance into waters within the state without first meeting the requirements of § 41-13A-4;

(3) The requirements and protocols for the cleaning, draining, and drying of a conveyance; and

(4) The standards and procedures for decontaminating a conveyance and for disposing of any organisms and organic material as provided in §§ 41-13A-6 and 41-13A-7. "

1 On page 4, line 20, of the Introduced bill, after "41-13A-7." insert "

2 **Section 8.** That § 41-2-18 be AMENDED:

3 41-2-18. Game, fish, and conservation laws--Promulgation of rules.

4 The Game, Fish and Parks Commission may adopt such rules as may be necessary to
5 implement the provisions of chapters 41-1 to 41-15, inclusive. The rules may be adopted to
6 regulate:

7 (1) The conservation, protection, importation, and propagation of wild animals and fish
8 except for any nondomestic animal which is regulated pursuant to § 40-3-26;

9 (2) The hunting, taking, killing, possession, sale, and transportation of all wild birds, wild
10 animals, and wild fish except for any nondomestic animal which is regulated pursuant to
11 § 40-3-26;

12 (3) The management of nongame, endangered, or threatened wildlife to ensure their
13 perpetuation as viable components of the ecosystem;

14 (4) The management, control of traffic, improvement and public use of all lands and water
15 owned, leased, or controlled by the state and Department of Game, Fish and Parks
16 designated as public shooting areas, game production areas, wildlife refuges, lake and
17 fishing access use areas and controlled hunting areas;

18 (5) The management, use, and improvement of all meandered and nonmeandered lakes,
19 sloughs, marshes, and streams extending to and over dry or partially dry meandered
20 lakes, sloughs, marshes, and streams, including all lands to which the state has acquired
21 any right, title or interest for the purpose of water conservation or recreation;

22 (6) The creation, modification, or vacation of state game refuges, state waterfowl refuges,
23 and state game bird refuges on all public land and on private land with the written
24 consent of the landowner;

25 (7) The management and improvement of all islands or accumulations of land formed in the
26 bed of a navigable stream or meandered lake on the Missouri River below the Fort Randall
27 Power Plant and Lake Francis Case;

28 (8) The appointment, management, bonding, and cancellation of licensing agents;

29 (9) The gathering, purchasing, distributing, and transferring of all wild animals and fish for
30 population management, stocking purposes, scientific study, and intergovernmental
31 trades;

32 (10) The form of and the manner and placement of any tags, coupons, or permits necessary
33 for the transportation of any wild animal or fish;

34 (11) The sale, breeding, raising, and transportation of any nondomestic animal which is not
35 regulated pursuant to § 40-3-26;

36 (12) The form, procedures for, and content of all license applications authorized under this
37 title;

38 (13) The form, procedures for, fee, and manner of validation, replacement, or cancellation of
39 all licenses authorized under this title that are not already established by statute;

40 (14) The devices, weapons, ammunition, traps, tackle, bait, lures, and equipment which may
41 be used to hunt, kill, capture, or locate any wild animal or fish if use of the above items
42 would adversely affect the health, safety, or welfare of people or wildlife resources;

- 1 (15) The hunting, fishing, and trapping in the boundary waters of this state;
- 2 (16) The release, hunting, and taking of animals and birds on private shooting preserves;
- 3 (17) The establishment of, and the opening, closing, modifying, or curtailing of hunting,
4 fishing, and trapping seasons, if the seasons are not established by statute;
- 5 (18) The setting of fees for special licenses not covered by statute to manage specific and
6 limited wildlife populations;
- 7 (19) The number of persons who may cooperate as a group in the pursuit, hunting, taking, or
8 killing of game birds or game animals;
- 9 (20) The acquisition, possession, use, and disposition of raptors;
- 10 (21) The acquisition, possession, transportation, sale, and release of bait fish and frogs;
- 11 (22) The regulation of, and the acquisition, possession, transportation, sale, and release of
12 fish, from private fish hatcheries;
- 13 (23) The regulation of fish houses or other sheltering structures maintained upon the ice of
14 any public waters;
- 15 (24) The issuance and cancellation of taxidermist licenses and the acquisition, possession,
16 and disposition of specimens for taxidermy purposes;
- 17 (25) The operation of controlled hunting areas;
- 18 (26) The conditions under which the commission may authorize the possession, importation,
19 shipment, or transport of an aquatic invasive species within the state;
- 20 (27) The conditions under which the commission may authorize the placement of a
21 conveyance into waters within the state without first meeting the requirements of § 41-
22 13A-4;
- 23 (28) The requirements and protocols for the cleaning, draining, and drying of a conveyance;
24 and
- 25 (29) The standards and procedures for decontaminating a conveyance and for disposing of
26 any organisms and organic material as provided in §§ 41-13A-6 and 41-13A-7.
- 27 The rules shall be adopted pursuant to chapter 1-26 and shall be in accordance with the
28 provisions of this chapter.
- 29 A violation of the substantive provision of any rule authorized by this section is a Class 2
30 misdemeanor. If the same incident is a violation of statute and of the rules authorized by this section
31 only the penalty authorized for the violation of the statute may be imposed."
- 32 Which motion prevailed.

33 Rep. Overweg moved that **HB 1033** be amended as follows:

34

1033D

35 On page 3, line 29, of the Introduced bill, delete "A law enforcement officer, upon evidence
36 that a conveyance is in violation of any of the provisions of §§ 41-13A-2 to 41-13A-4, inclusive, may
37 require a person to stop and submit the conveyance to an inspection and decontamination of the
38 conveyance. If a law enforcement officer conducts an inspection of a conveyance and finds or

1 suspects, based on articulable facts, the presence of organisms or organic material that may harbor
2 aquatic invasive species, a law enforcement officer may do the following:

3 (1) Escort the conveyance to the nearest inspection station for immediate decontamination;

4 (2) Issue an order requiring the decontamination of the conveyance; or

5 (3) Detain the conveyance until the decontamination is complete. " and insert "

6 A law enforcement officer may only stop a conveyance at a location other than an inspection
7 station established under this chapter, and may only inspect the conveyance for the presence of
8 organisms, or organic material that may harbor aquatic invasive species if the conveyance is visibly
9 transporting organisms or organic material, including animals, plants, or mud, or the law
10 enforcement officer otherwise reasonably believes, based on articulable facts, that the conveyance
11 is in violation of any of the provisions of §§ 41-13A-2 through 41-13A-4. If a law enforcement officer
12 conducts an inspection of a conveyance and finds the presence of organisms, organic material, or
13 water, that may harbor aquatic invasive species, a law enforcement officer may do the following:

14 (1) Escort the conveyance to the nearest inspection station for immediate decontamination;

15 (2) Issue an order requiring the decontamination of the conveyance; or

16 (3) Detain the conveyance until the decontamination is complete."

17 Which motion prevailed.

18 The question being "Shall **HB 1033** pass as amended?"

19 And the roll being called:

20 Yeas 59, Nays 7, Excused 4, Absent 0

21 Yeas:

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

28 Nays:

29 Goodwin, Gosch, Hansen, Chris Johnson, Karr, Latterell, and Pischke

30 Excused:

31 Deutsch, Glanzer, Koth, and Pourier

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

1 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing
2 Committees.

3 REPORTS OF STANDING COMMITTEES

4 MR. SPEAKER:

5 The Committee on House Judiciary respectfully reports that it has had under consideration
6 **HB 1047** and returns the same with the recommendation that said bill do pass.

7 Also MR. SPEAKER:

8 The Committee on House Judiciary respectfully reports that it has had under consideration
9 **HB 1012** and returns the same with the recommendation that said bill be amended as follows:

10 1012A

11 On page 23, line 17, of the Introduced bill, after "state." delete "Section 47. That § 15-39-69
12 be AMENDED:

13 15-39-69. Venue.

14 The venue is limited to the county of the residence of the defendant, if the defendant is a
15 natural person, or the county in which the cause of action arose. If the defendant is a corporation,
16 limited liability company, or a partnership, the proceedings shall be commenced in any county in
17 which the defendant has its place of business. However, if the plaintiff in an action brought by the
18 Bureau of Administration pursuant to § 1-14-14. 3 is the State of South Dakota, an agency, as
19 defined in subdivision 1-26-1(1), or employee of the state or any agency acting within the scope of
20 the employee's employment, the proceedings may only be commenced in Hughes County. No
21 change of venue may be recognized except by stipulations of the parties, or by order of the court
22 on a showing of good cause by the defendant. Nothing in this section waives the common law
23 doctrine of sovereign immunity or acts as a consent to suit by the State of South Dakota, its
24 agencies, or its employees acting within the scope of their employment."

25 1012B

26 On page 40, line 7, of the Introduced bill, after "23-3-64(2) " insert " as defined in subdivision
27 3-6C-1(25) "

28 1012D

29 On page 68, line 28, of the Introduced bill, remove the overstrikes from "§§ 51A-7-13 "

30 On page 68, line 28, delete "this chapter " and insert "through 51A-7-26, "

31 On page 70, line 26, remove the overstrikes from "a"

32 On page 70, line 26, after "a " delete "any modification "

33 On page 70, line 26, after "§ 54-11-10" insert " change in terms authorized in § 54-11-12"

34 1012E

35 On page 5, line 26, of the Introduced bill, after "bonds." delete "Section 16. That § 10-4-33 be
36 AMENDED:

37 10-4-33. Property used as employee day-care cooperative exempt--Determining value.

The board of county commissioners may exempt from taxation property used as an a licensed employee day-care cooperative which is licensed pursuant to § 26-6-31. Property used by the employees of a business exclusively for a licensed day-care cooperative licensed pursuant to § 26-6-31, may be exempt from taxation. For the purposes of determining the value of the taxable portion of the property, the appraised value of the entire property shall be multiplied by the percentage of the entire property used for other than day-care purposes."

On page 6, line 5, after "purposes." insert "

Section 16. That § 10-4-33 be REPEALED.

10-4-33. Property used as employee day-care cooperative exempt--Determining value. "

On page 6, line 5, after "purposes." delete "Section 17. That § 10-4-34 be AMENDED:

10-4-34. Exemption of property used for storing and dispensing alternative fuels.

The board of county commissioners may exempt from ad valorem taxation equipment, buildings, and structures attached to real property and used exclusively for the storing, dispensing, and retail sale of alternative fuels as defined by § 10-47A-1, for the operation of motor vehicles for a period of five years from the date of construction."

On page 6, line 15, after "Force." delete "(1) "

On page 6, line 18, remove the overstrikes from "(1)"

On page 6, line 18, after "members:

(1)" delete "(a)"

On page 6, line 21, remove the overstrikes from "(2)"

On page 6, line 21, after "party;

(2)" delete "(b)"

On page 6, line 25, remove the overstrikes from "(3)"

On page 6, line 25, after "background;

(3)" delete "(c)"

On page 6, line 27, remove the overstrikes from "(4)"

On page 6, line 27, after "and

(4)" delete "(d)"

On page 6, line 31, after "background." delete "(2) "

On page 7, line 4, after "appointment." delete "(3) "

On page 7, line 11, after "Board." delete "(4) "

On page 7, line 12, remove the overstrikes from "(1)"

On page 7, line 12, after "areas:

(1)" delete "(a)"

1 On page 7, line 14, remove the overstrikes from "(2)"

2 On page 7, line 14, after "6-33.28;

3 (2)" delete "(b)"

4 On page 7, line 18, remove the overstrikes from "(3)"

5 On page 7, line 18, after "2010;

6 (3)" delete "(c)"

7 On page 7, line 25, remove the overstrikes from "(4)"

8 On page 7, line 25, after "inclusive;

9 (4)" delete "(d)"

10 On page 7, line 32, remove the overstrikes from "(5)"

11 On page 7, line 32, after "and

12 (5)" delete "(e)"

13 On page 8, line 5, after "appropriate." delete "Section 19. That § 10-6-35. 20 be AMENDED:

14 10-6-35. 20. Property tax assessment credit.

15 An owner of real property is entitled to a property tax assessment credit for a renewable energy
16 resource system that produces ethyl alcohol for use as fuel. Such fuel may be consumed anywhere
17 subject to the limitation provided for in § 10-6-35. 10."

18 On page 9, line 6, after "district." delete "Section 23. That § 10-39A-3 be AMENDED:

19 10-39A-3. Mineral severance tax--Collection and administration.

20 The tax provided for in this chapter shall be collected and administered as provided in chapter
21 10-39. However, §§ 10-39-24 to 10-39-26, inclusive, §§ 10-39-28 to 10-39-31, inclusive and § 10-
22 39-35 do not apply to the tax imposed by this chapter."

23 On page 9, line 11, after "chapter." insert "

24 **Section 21.** That § 10-39A-3 be REPEALED.

25 10-39A-3. Collection and administration according to mineral severance tax procedures."

26 On page 23, line 13, after "Justice;

27 (4) "Magistrate," " delete "both magistrate judges and nonlaw-trained magistrates "

28 On page 23, line 14, after "§ 16-12A-1" insert " a magistrate judge as defined by 16-12A-1.1"

29 On page 29, line 12, remove the overstrikes from "credited pursuant to"

30 On page 29, line 12, after "§ 32-11-1 " insert " § 32-11-4. 1 "

31 On page 30, line 7, remove the overstrikes from "In the event of a tax sale or the issuance of
32 a tax deed, the provisions of"

1 On page 30, line 8, after "inclusive, " insert " §§ 9-43-112 and 9-43-113 "

2 On page 30, line 8, remove the overstrikes from "apply to all amounts so certified and then
3 delinquent, in the same manner as delinquent installments of special assessments. "

4 On page 36, line 32, after "inclusive." delete "Section 77. That § 32-5-65 be AMENDED:

5 32-5-65. Special plates for employees of commercial radio or broadcasting companies--Fee--
6 Surrender of plates--Violation as misdemeanor.

7 Any commercial radio station or broadcasting company that holds an unrevoked and unexpired
8 official license issued by the federal communications commission or employees of the station or
9 company when requested and approved by the station or the company, and who are residents of
10 this state and have complied with all the laws of this state in regards to the registration of a motor
11 vehicle, may apply for a set of special plates bearing an inscription thereon of the call letters
12 authorized for the station or company radio license by making application therefor as provided in
13 § 32-5-66. The special plates are in lieu of the regular number plates issued for the motor vehicle.
14 The special plates shall be displayed as set forth in § 32-5-98. In addition to the noncommercial
15 license plate fees, an additional fee of ten dollars shall be charged for the initial issuance of the
16 special plates. If the federal communication commission's license is revoked, the owner shall
17 surrender the special license plates to the department. If the employee is no longer employed by
18 the station or the broadcasting company, the employee shall surrender the special license plates to
19 the department. The secretary shall make the necessary changes in the registration file. The owner
20 shall obtain regular number plates. Failure to surrender the special license plates as required by this
21 section is a Class 2 misdemeanor."

22 On page 37, line 19, after "misdemeanor." delete "Section 78. That § 32-5-65. 1 be AMENDED:

23 32-5-65. 1. Special plates for amateur radio licensees--Fee--Surrender of plates--Violation as
24 misdemeanor.

25 Any owner of a motor vehicle who holds an unrevoked and unexpired official amateur radio
26 license, is a resident of this state and has complied with all the laws of this state in regards to the
27 registration of a motor vehicle, may apply for a set of special plates bearing an inscription thereon
28 of the call letters authorized for the owner's amateur radio license by making application therefor
29 as provided in § 32-5-66. The special plates are in lieu of the regular number plates issued for the
30 motor vehicle. The special plates shall be displayed as set forth in § 32-5-98. In addition to the
31 noncommercial license plate fees, an additional fee of ten dollars shall be charged for the initial
32 issuance of the special license plates. If the amateur radio license is revoked, the owner shall
33 surrender the special license plates to the department. The secretary shall make the necessary
34 changes in the registration file. The owner shall obtain regular number plates. Failure to surrender
35 the special license plates as required by this section is a Class 2 misdemeanor."

36 On page 38, line 1, after "misdemeanor." delete "Section 79. That § 32-10-3. 1 be AMENDED:

37 32-10-3. 1. Commission abolished--Performance of functions--Collection and forwarding of
38 fees.

39 The motor vehicle reciprocity commission is abolished, and all its functions shall be
40 administered by the Department of Revenue as provided by § 1-35-30. The reciprocity and proration
41 administrator shall be the secretary of revenue and all fees collected under the provisions of this
42 chapter shall be forwarded by the secretary to the state treasurer."

43 On page 38, line 8, after "treasurer." insert "

Section 75. That § 32-10-3.1 be REPEALED.

32-10-3.1. Commission abolished--Performance of functions--Collection and forwarding of fees. "

On page 41, line 25, remove the overstrikes from " In the event of a tax sale or the issuance of a tax deed, the provisions of"

On page 41, line 27, after "inclusive, " insert " §§ 9-43-112 and 9-43-113 "

On page 41, line 27, remove the overstrikes from "shall apply to all amounts so certified and then delinquent, in the same manner as delinquent installments of special assessments."

1012F

On page 83, line 25, of the Introduced bill, delete " 47-34" and insert " 47-34A"

On page 93, line 30, delete " 47-34" and insert " 47-34A"

On page 94, line 7, delete " 47-34" and insert " 47-34A"

On page 94, line 15, delete " 47-34" and insert " 47-34A"

1012H

On page 11, line 32, of the Introduced bill, after "percentage" insert the comma

On page 12, line 1, after "sponsor" insert " or as specified in the agreement between the authority and the housing sponsor of the original face amount of any investment or equity in any housing sponsor"

1012I

On page 79, line 28, of the Introduced bill, after "58-12-28." delete "Section 158. That § 58-15-30 be AMENDED:

58-15-30. Nonforfeiture benefits in policies issued prior to the adoption of standard nonforfeiture law.

This section shall apply only to policies of life insurance issued prior to the operative date specified in § 58-15-42.

The nonforfeiture benefit referred to in § 58-15-21 shall be available to the owner of the policy in event of default in premium payments, after premiums shall have been paid for three years, and shall be a stipulated form of insurance, the net value of which shall be at least equal to the reserve at the date of default on the policy and on any dividend additions thereto, computed according to a mortality table, interest rate, and method of valuation permitted by §§ 58-26-17 to 58-26-20, inclusive, less a sum not more than two and one-half percent of the amount insured by the policy and of any existing dividend additions thereto, and less any existing indebtedness to insurer on the policy. The policy shall stipulate that it may be surrendered to the insurer at its home office within one month from date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid and may stipulate that the insurer may defer payment for not more than six months after the application therefor is made. Provided, however, that if the benefits under the policy are calculated according to the commissioner's 1958 standard ordinary mortality table, the value of any extended term insurance, with accompanying pure endowment, if any, may be calculated according to rates of mortality not exceeding those shown in the commissioner's 1958 extended term insurance table, and that if the benefits under the policy are calculated according to any other more modern table than the American experience table of mortality, the value of any extended term insurance, with accompanying pure endowment, if any, may be calculated according to rates of mortality not exceeding one hundred thirty percent of the

1 rates according to such more modern table. The policy shall contain a table showing in figures the
2 options available each year upon default in premium payments during at least the first twenty years
3 of the policy, or during the term of the policy, whichever is the shorter. This section shall not apply
4 to term insurance of twenty years or less or to industrial life insurance policies."

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

6 Also MR. SPEAKER:

7 The Committee on House Judiciary respectfully reports that it has had under consideration
8 **HB 1013** and returns the same with the recommendation that said bill be amended as follows:

9 1013B

10 On page 13, line 13, of the Introduced bill, after "mains." delete "Section 35. That § 10-50-91
11 be REPEALED.

12 10-50-91. Schedule of reports--Publication--Pre-publication sales, distribution, etc. "

13 1013C

14 On page 14, line 23, of the Introduced bill, after "copies." delete "Section 47. That § 58-17-65
15 be REPEALED.

16 58-17-65. Individual health insurance plan used in conjunction with managed care plan or
17 utilization review organization. "

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

19 Also MR. SPEAKER:

20 The Committee on House Judiciary respectfully reports that it has had under consideration
21 **HB 1065** and returns the same with the recommendation that said bill be amended as follows:

22 1065E

23 On page 1, line 13, of the Introduced bill, remove the overstrikes from "Intentionally"

24 On page 1, line 14, delete " Use" and insert " use"

25 On page 1, line 15, after "drone" insert ", unless for a bona fide business or government
26 purpose,"

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

28 Also MR. SPEAKER:

29 The Committee on House Judiciary respectfully reports that it has had under consideration
30 **HB 1092** and returns the same with the recommendation that said bill be amended as follows:

31 1092A

32 On page 3, line 10, of the Introduced bill, after "constitutes " delete "gross "

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

34 Respectfully submitted,
35 Jon Hansen, Chair

There being no objection, the House proceeded to Order of Business No. 13 - Second Reading of House Bills and Joint Resolutions.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1007: FOR AN ACT ENTITLED, An Act to require certain adjustments to the assessed value of agricultural land if factors impact the land's productivity and to require those adjustments to be documented.

Was read the second time.

The question being "Shall **HB 1007** pass as amended?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, 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, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:

Deutsch, Glanzer, Koth, and Pourier

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

Was read the second time.

The question being "Shall **HB 1066** pass as amended?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, 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, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:

Deutsch, Glanzer, Koth, and Pourier

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 1084: FOR AN ACT ENTITLED, An Act to increase the maximum allowable height of certain vehicles carrying baled feed and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1084** pass as amended?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, 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, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:

Deutsch, Glanzer, Koth, and Pourier

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

HB 1025: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding plugging and performance bonds for oil and gas wells.

Was read the second time.

The question being "Shall **HB 1025** pass?"

And the roll being called:

Yeas 61, Nays 5, Excused 4, Absent 0

Yeas:

Anderson, Bartels, Barthel, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba, Duvall, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Latterell, 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, St. John, Steele, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:

Beal, Finck, Healy, Lesmeister, and Sullivan

Excused:

Deutsch, Glanzer, Koth, and Pourier

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 1026: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to use of security for cleanup and remediation of environmental problems.

Was read the second time.

The question being "Shall **HB 1026** pass?"

And the roll being called:

Yeas 65, Nays 0, Excused 5, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, 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, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:

Deutsch, Glanzer, Karr, Koth, and Pourier

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 1051: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding public access to voter registration data.

Was read the second time.

The question being "Shall **HB 1051** pass?"

And the roll being called:

Yeas 44, Nays 22, Excused 4, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Diedrich, Duvall, Finck, Frye-Mueller, Gosch, Lana Greenfield, Gross, Hammock, Hunhoff, Kevin Jensen, Johns, David Johnson, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Herman Otten, Overweg, Kent Peterson, Sue Peterson, Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Rounds, St. John, Steele, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:

Bordeaux, Cwach, Dennert, Duba, Goodwin, Hansen, Healy, Howard, Chris Johnson, Karr, Latterell, Lesmeister, McCleerey, Olson, Perry, Pischke, Ring, Saba, Jamie Smith, Sullivan, Wangsness, and Weis

Excused:

Deutsch, Glanzer, Koth, and Pourier

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

Was read the second time.

The question being "Shall **HB 1144** pass?"

And the roll being called:

Yeas 61, Nays 5, Excused 4, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, 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, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, York, and Zikmund

Nays:

Brunner, Karr, Rounds, Willadsen, and Speaker Haugaard

Excused:

Deutsch, Glanzer, Koth, and Pourier

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 1056: FOR AN ACT ENTITLED, An Act to authorize video monitoring of residents in assisted living centers and nursing facilities.

Was read the second time.

Rep. Reed moved that **HB 1056** be amended as follows:

1056C

On page 6, line 18, of the House Health and Human Services bill, delete "possess " and insert "possesses "

Which motion prevailed.

The question being "Shall **HB 1056** pass as amended?"

And the roll being called:

Yeas 56, Nays 11, Excused 3, Absent 0

Yeas:

Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Marty, McCleerey, Milstead, Miskimins, Mulally, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Rounds, Jamie Smith, St. John, Steele, Sullivan, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:

Anderson, Cwach, Goodwin, Gosch, Lana Greenfield, Livermont, Mills, Herman Otten, Ring, Saba, and Wangsness

1 Excused:
2 Deutsch, Glanzer, and Pourier

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 **SIGNING OF BILLS**

6 The Speaker publicly read the title to

7 **HB 1016:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding money
8 transmission.

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

10 **COMMEMORATIONS**

11 **HC 8012:** A LEGISLATIVE COMMEMORATION, Recognizing Peace Corps volunteers and
12 returned volunteers for their service to our country and the world.

13 Introduced by: **Representatives** Saba, Barthel, Beal, Bordeaux, Borglum, Cwach, Duba,
14 Finck, Goodwin, Healy, Koth, Olson, Perry, Jamie Smith, Wangsness, **and** Zikmund **and**
15 **Senators** Nesiba, Bolin, Castleberry, Curd, Duhamel, Foster, Heinert, Kennedy, Kolbeck, Partridge,
16 V. J. Smith, Soholt, Stalzer, Steinhauer, White, Wiik, **and** Wismer

17 **HC 8013:** A LEGISLATIVE COMMEMORATION, To commend and acknowledge the Ground
18 Works and South Dakota Agriculture in the Classroom as a South Dakota educational nonprofit that
19 incorporates interactive computer activities, youth summer camps, and teaching gardens to deliver
20 hands-on lessons in STEAM education, agriculture literacy, health and wellness, and student
21 leadership.

22 Introduced by: **Representatives** Saba, Barthel, Bordeaux, Borglum, Chase, Cwach, Duba,
23 Finck, Goodwin, Koth, McCleerey, Milstead, Perry, Jamie Smith, **and** Zikmund **and**
24 **Senators** Nesiba, Duhamel, Heinert, Lake, V. J. Smith, Soholt, **and** White

25 **HC 8014:** A LEGISLATIVE COMMEMORATION, Congratulating and honoring the Aberdeen
26 Wings for an excellent season and a victorious performance in the 2019 Robertson Cup
27 Championship.

28 Introduced by: **Representatives** Dennert, Gosch, Lana Greenfield, McCleerey, Perry, **and**
29 Weis **and Senators** Novstrup **and** Brock Greenfield

30 Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:48 p.m.
31 the House adjourned.

32 Mary Lou Goehring, Chief Clerk

