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

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by House pages Heath Brown and Carter Dreyer.

Roll Call: All members present except Reps. McCleerey and Mulally 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 sixteenth 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.
The oath of office was administered by Speaker Haugaard to the following named pages:

Heath Brown, Carter Dreyer, Sarah Hancock, Kaytlyn Hilligas, Lydia Hoffman, William Kessler, Olivia Olson, Kaylee Poppen, Kate Schnabel, Jackson Trandall, Emily Wedel, and Caleb Weiland.

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

REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1028 and 1031 and finds the same correctly enrolled.

Respectfully submitted,

Steven G. Haugaard, Chair

Also Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1015, 1017, 1018, and 1030 were delivered to her Excellency, the Governor, for her approval at 9:30 a.m., February 10, 2020.

Respectfully submitted,

Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration HB 1129 and returns the same with the recommendation that said bill be amended as follows:

1129A

On page 1, line 7, of the Introduced bill, after "agency " insert "or any public safety answering point on behalf of a law enforcement agency ".

On page 1, line 8, of the Introduced bill, after "the " delete "call ".

On page 1, line 15, of the Introduced bill, after "the " delete "call ".

On page 1, line 15, of the Introduced bill, after "agency" insert ", together with any known subscriber information and information regarding the last time the device was used"

On page 1, line 16, of the Introduced bill, delete "The department of public safety shall obtain and maintain from each" and insert " Each"

On page 1, line 17, of the Introduced bill, delete "the contact information necessary for a law enforcement agency to institute a request under this section and immediately provide the contact information to a law enforcement agency at the agency’s request" and insert " shall provide to the department of public safety a phone number for law enforcement emergency support services. Each carrier shall review the phone number at least twice each year and notify the department of any changes immediately."
The department shall maintain the list of phone numbers and provide the list to every public safety answering point and to the South Dakota state radio system"

On page 1, line 21, of theIntroduced bill, after "the " delete "call "

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration HB 1138 and returns the same with the recommendation that said bill be amended as follows:

On page 2, line 1, of the Introduced bill, after "former " delete "South Dakota "

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

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration HJR 5001 and returns the same with the recommendation that said resolution do pass.

Respectfully submitted,
Lee Qualm, Chair

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1077 and returns the same with the recommendation that said bill be amended as follows:

On page 1, line 8, of the Introduced bill, after "vehicle," " insert "any motor vehicle including"

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

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1107 and returns the same with the recommendation that said bill be amended as follows:

On page 1, line 14, of the Introduced bill, after "policy." delete "Section 2. That § 2-9-11 be AMENDED:


In addition to other powers and duties conferred by law or authorized by the executive board or by the Code Commission, the code counsel shall:

(1) Provide staff assistance to and attend all meetings of the Code Commission and make such recommendations to the commission as he deems essential for the general improvement of the laws of the State of South Dakota;
(2) Submit to each regular session of the Legislature the approved recommendations of the Code Commission as to the laws of the state, draft bills for proposed legislation to carry out such recommendations, and present them to the appropriate legislative committees;

(3) Advise and otherwise assist the members of the Legislature in legal research and in the preparation of bills;

(4) Prepare and index the session laws which shall include all rules of court adopted or amended subsequent to the publication of the last preceding volume of session laws;

(5) Protect the interest of the State of South Dakota in all material published under chapters 2-13 and 2-16, whether printed or on computer retrieval systems; and

(6) Make necessary style and form edits to legislative acts, without altering legislative meaning or effect, that are:

(a) Renumbering sections, subdivisions, and subsections;

(b) Rearranging sections, subdivisions, or subsections;

(c) Dividing sections, subdivisions, or subsections into other sections, subdivisions, or subsections so as to give to distinct subject matters a section, subdivision, or subsection identifier;

(d) Combining sections, subdivisions, or subsections into other sections, subdivisions, subsections;

(e) Substituting the proper title, chapter, section, or subdivision numbers for the terms "this act," "the preceding section," and the like;

(f) Substituting figures for written words and vice versa;

(g) Substituting the date on which the law becomes effective for the words "the effective date of this act," and the like;

(h) Substituting terms or phraseology, and names of boards, commissions, and agencies wherever the Legislature has expressly or by implication indicated an intention to do so, so as to provide consistency in the law;

(i) Changing capitalization for the purpose of uniformity;

(j) Correcting obvious clerical, typographical, grammatical, or punctuation errors;

(k) Correcting misspelled words;

(l) Changing reference numbers to agree with renumbered titles, chapters, sections, subdivisions, or subsections;

(m) Replacing gender-specific words with gender-neutral words and, if necessary, recast the sentences containing gender-specific words; and

(n) Making similar editorial changes to ensure the accuracy and utility of the code.

Any style and form edits under subsections (a), (b), (c), and (d) by the code counsel shall be submitted to the Code Commission for approval."

And that as so amended, said bill do pass.
The Committee on House Judiciary respectfully reports that it has had under consideration HB 1087 which was tabled.

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1113, 1114, and 1153 and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Jon Hansen, Chair

Also MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration HB 1131 and returns the same with the recommendation that said bill do pass.

The Committee on House Commerce and Energy respectfully reports that it has had under consideration HB 1178 and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Tim Rounds, Chair

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration HB 1152 and 1173 and returns the same with the recommendation that said bill do pass.

(Corrected in the House Journal of the twentieth day, February 13, 2020, page 280.)

The Committee on House Education respectfully reports that it has had under consideration HB 1157 and returns the same with the recommendation that said bill be amended as follows:

On page 1, line 10, of the Introduced bill, after "five " insert " on or "

And that as so amended, said bill do pass.

Respectfully submitted,
Lana Greenfield, Chair
MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to return herewith HB 1028 and 1031 which have passed the Senate without change.

Also Mr. SPEAKER:

I have the honor to transmit herewith SB 84 which has passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

Rep. Qualm moved that HCR 6003 be deferred to Tuesday, February 11, 2020, the 18th legislative day.

Which motion prevailed.

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.

Was read the second time.

Rep. Livermont moved that HCR 6006 as found on page 165 of the House Journal be adopted.

The question being on Rep. Livermont’s motion that HCR 6006 be adopted.

And the roll being called:

Yeas 55, Nays 13, Excused 2, Absent 0

Yeas:

Nays:
Anderson, Bartels, Barthel, Cwach, Duvall, Goodwin, Hansen, Johns, Olson, Kent Peterson, Reed, Steele, and Willadsen

Excused:
McCleerey and Mulally

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 6006 was adopted.
HCR 6013: A CONCURRENT RESOLUTION, Urging all South Dakotans to participate in the 2020 United States Census.

Was read the first time.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Qualm moved that the reports of the Standing Committees on Commerce and Energy on HB 1126 as found on page 221 of the House Journal; and Judiciary on HB 1067 as found on page 222 of the House Journal be adopted.

Which motion prevailed and the reports were adopted.

Rep. Bordeaux moved that HB 1134 be placed on the calendar of Tuesday, February 11, 2020, the 18th legislative day, pursuant to Joint Rule 6F-6.

The question being on Rep. Bordeaux's motion that HB 1134 be placed on the calendar of Tuesday, February 11, 2020, the 18th legislative day, pursuant to Joint Rule 6F-6.

And the roll being called:

Yeas 16, Nays 52, Excused 2, Absent 0

Yees:
Bordeaux, Cwach, Duba, Healy, Kevin Jensen, David Johnson, Koth, Lesmeister, Livermont, Pourier, Ring, Saba, Jamie Smith, St. John, Sullivan, and Speaker Haugaard

Nays:

Excused:
McCleerey and Mulally

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

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The Speaker declared that HB 1163 was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

The following bill was read on January 30, 2020, and today the Speaker assigned this bill to committee:

HB 1194 was referred to the Committee on State Affairs.
The following bills were read on February 4, 2020, and today the Speaker assigned these bills to committees:

HB 1217 was referred to the Joint Committee on Appropriations.

HB 1223, 1225, and 1226 were referred to the Committee on State Affairs.

HB 1224 was referred to the Committee on Transportation.

The following bills were read on February 5, 2020, and today the Speaker assigned these bills to committees:

HB 1236 was referred to the Committee on Agriculture and Natural Resources.

HB 1230 was referred to the House Committee on Appropriations.

HB 1227 and 1233 were referred to the Joint Committee on Appropriations.

HB 1231 and 1234 were referred to the Committee on Commerce and Energy.

HB 1228 was referred to the Committee on Education.

HB 1232, 1235, and 1240 were referred to the Committee on Health and Human Services.

HB 1242 was referred to the Committee on State Affairs.

The following bills were read on February 6, 2020, and today the Speaker assigned these bills to committees:

HB 1254, 1256, and 1257 were referred to the Committee on Agriculture and Natural Resources.

HB 1281 was referred to the House Committee on Appropriations.

HB 1272 and 1290 were referred to the Joint Committee on Appropriations.

HB 1265 was referred to the Committee on Commerce and Energy.

HB 1243, 1251, 1255, 1258, and 1285 were referred to the Committee on Education.

HB 1289 was referred to the Committee on Health and Human Services.

HB 1244, 1246, and 1266 were referred to the Committee on Judiciary.

HB 1269 and 1273 were referred to the Committee on Local Government.

HB 1261, 1267, and 1288 were referred to the Committee on State Affairs.

HB 1252, 1259, 1260, 1270, and 1274 were referred to the Committee on Taxation.

HB 1248 was referred to the Committee on Transportation.

The following bills were read on February 7, 2020, and today the Speaker assigned these bills to committees:

HB 1291, 1292, and 1293 were referred to the Joint Committee on Appropriations.
Rep. Qualm moved that HB 1156 be referred from the Committee on Education to the Committee on Judiciary.

Which motion prevailed.

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

**SB 84**: FOR AN ACT ENTITLED, An Act to authorize service animals in-training to enter certain establishments.

Was read the first time.

**SECOND READING OF CONSENT CALENDAR ITEMS**

Rep. Gosch requested that SB 28 be removed from the Consent Calendar.

Rep. Hansen requested that HB 1089 be removed from the Consent Calendar.

**HB 1082**: FOR AN ACT ENTITLED, An Act to revise the conditions under which a licensed vehicle dealer may display or sell certain vehicles.

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

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

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

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

**SB 11**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding third party insurance plan administrators.

Were read the second time.

The question being "Shall HB 1082 and 1097 pass as amended and HB 1086, 1206, and 1207, and SB 11 pass?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

**Yeas:**


**Excused:**

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

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

Rep. Qualm moved that HB 1065 and 1127 be deferred to Tuesday, February 11, 2020, the 18th legislative day.

Which motion prevailed.

Rep. Qualm moved that HB 1008, 1099, and 1164 be placed to follow HB 1029 on today's calendar.

Which motion prevailed.

HB 1048: FOR AN ACT ENTITLED, An Act to revise certain requirements for certain advisory committees under the Board of Medical and Osteopathic Examiners, Board of Nursing, and Board of Social Work Examiners.

Was read the second time.

The question being "Shall HB 1048 pass?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

Yeas:

Excused:
McCleerey and Mulally

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 1013: FOR AN ACT ENTITLED, An Act to correct technical errors in statutory cross-references.

Was read the second time.

Rep. Johns moved that HB 1013 be amended as follows:

On page 12, line 21, of the House Judiciary bill, after "practice." delete "Section 27. That § 1-16G-49 be REPEALED.
1-16G-49. Annual report to Government Operations and Audit Committee. "

On page 12, line 23, of the House Judiciary bill, after "Committee." delete "Section 28. That § 2-9-30. 1 be REPEALED.

2-9-30. 1. Initiated measure or initiated amendment to Constitution submitted before July 1, 2017. "

On page 12, line 26, of the House Judiciary bill, after "2017." delete "Section 29. That § 7-8-38 be REPEALED.

7-8-38. Allocation of county revenues for economic development. "

On page 12, line 28, of the House Judiciary bill, after "development." delete "Section 30. That § 8-6-7 be REPEALED.

8-6-7. Filing annual fiscal report. "

On page 13, line 2, of the House Judiciary bill, after "report." delete "Section 31. That § 9-38-50 be REPEALED.


On page 13, line 5, of the House Judiciary bill, after "assessment." delete "Section 32. That § 9-47-13 be REPEALED.

9-47-13. Purchase of pipes or mains financed by special assessments—Protest by property owners. "

On page 13, line 8, of the House Judiciary bill, after "owners." delete "Section 33. That § 9-47-14 be REPEALED.

9-47-14. Notice, hearing, and action by governing body on purchase of pipes and mains. "

On page 13, line 11, of the House Judiciary bill, after "mains." delete "Section 34. That § 9-47-15 be REPEALED.

9-47-15. Competitive bids not required for purchase of pipes or mains. "

On page 13, line 13, of the House Judiciary bill, after "mains." delete "Section 35. That § 13-6-85. 2 be REPEALED.

13-6-85. 2. Amendment, addition, or deletion of information—Time limits. "

On page 13, line 15, of the House Judiciary bill, after "limits." delete "Section 36. That § 13-19-2. 1 be REPEALED.

13-19-2. 1. Promissory note in anticipation of special education funds limited. "

On page 13, line 18, of the House Judiciary bill, after "limited." delete "Section 37. That § 13-37-24. 3 be REPEALED.


On page 13, line 20, of the House Judiciary bill, after "entitlement." delete "Section 38. That § 13-56-9 be REPEALED.

13-56-9. Recipients ineligible for physician tuition reimbursement program. "
On page 13, line 22, of the House Judiciary bill, after "program." delete "Section 39. That § 21-41-20 be REPEALED.

21-41-20. Inheritance tax determination in action--Service on Department of Revenue--Judgment of freedom from inheritance tax."

On page 14, line 3, of the House Judiciary bill, after "tax." delete "Section 40. That § 21-44-10 be REPEALED.

21-44-10. Proceedings for determination of inheritance tax due--Inventory--Service on Department of Revenue--Jurisdiction to determine tax."

On page 14, line 6, of the House Judiciary bill, after "tax." delete "Section 41. That § 34-3-12 be REPEALED.

34-3-12. County board provisions not applicable when full-time department maintained."

On page 14, line 9, of the House Judiciary bill, after "maintained." delete "Section 42. That § 34A-12-2 be REPEALED.

34A-12-2. One-time contribution from petroleum release compensation fund to response fund--Annual contribution to groundwater protection fund."

On page 14, line 12, of the House Judiciary bill, after "fund." delete "Section 43. That § 46A-2-33 be REPEALED.

46A-2-33. Dissolution of subdistrict--Authority of board to exercise necessary powers until commitment satisfied--Restriction on power to levy tax."

On page 14, line 15, of the House Judiciary bill, after "tax." delete "Section 44. That § 46A-6-52 be REPEALED.

46A-6-52. Annual audit of district when loan agreement in effect--Filing of copies."

On page 14, line 18, of the House Judiciary bill, after "copies." delete "Section 45. That § 46A-18-71. 1 be REPEALED.

46A-18-71. 1. Annual audit of district when loan agreement in effect--Filing of copies."

On page 14, line 21, of the House Judiciary bill, after "copies." delete "Section 46. That § 58-17-145. 1 be REPEALED.

58-17-145. 1. Deadline for submission of health claim under risk pool."

Which motion prevailed.

The question being "Shall HB 1013 pass as amended?"

And the roll being called:

Yeas 67, Nays 1, Excused 2, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeau, Borglum, Brunner, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm,
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 1092: FOR AN ACT ENTITLED, An Act to establish immunity from liability for injuries to or the death of a person engaged in off-road vehicle activity under certain circumstances.

Was read the second time.

The question being "Shall HB 1092 pass as amended?"

And the roll being called:

Yeas 57, Nays 11, Excused 2, Absent 0

Yeas:

Nays:
Chase, Duba, Healy, Johns, Milstead, Reed, Ring, Rounds, Steele, Sullivan, and Willadsen

Excused:
McCleerey and Mulally

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

Was read the second time.

The question being "Shall HB 1094 pass?"

And the roll being called:

Yeas 64, Nays 4, Excused 2, Absent 0

Yeas:
Nays:
Duba, Ring, Saba, and Sullivan

Excused:
McCleerey and Mulally

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 1024: FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of extraordinary litigation expenses and to declare an emergency.

Was read the second time.

The question being "Shall HB 1024 pass?"

And the roll being called:

Yeas 64, Nays 4, Excused 2, Absent 0

Yeas:

Nays:
Cwach, Healy, Jamie Smith, and Sullivan

Excused:
McCleerey and Mulally

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 1027: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency.

Was read the second time.

The question being "Shall HB 1027 pass?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

Yeas:
Excused:
McCleerey and Mulally

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 1029: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to suppression of wildfires in the state and to declare an emergency.

Was read the second time.
The question being "Shall HB 1029 pass?"
And the roll being called:
Yeas 66, Nays 1, Excused 3, Absent 0

Yeas:

Nays:
Beal

Excused:
McCleerey, Mulally, and Zikmund

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.

Rep. Qualm moved that the balance of the calendar including HB 1008, 1099, and 1164 be deferred to Tuesday, February 11, 2020, the 18th legislative day.
Which motion prevailed.

SIGNING OF BILLS

The Speaker publicly read the title to

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

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

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

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

HB 1031: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school district fiduciary funds.
HB 1037: FOR AN ACT ENTITLED, An Act to update the adoption of certain American Society for Testing and Materials and National Institute of Standards and Technology standards and certain federal regulations.

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

HR 7002: A RESOLUTION, To formally invite President Donald J. Trump and First Lady Melania Trump to the great state of South Dakota for the 4th of July fireworks celebration at Mount Rushmore.

SB 10: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding cosmetology licensees.

SB 12: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding comity licensure in the technical professions.

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

And signed the same in the presence of the House.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 3:35 p.m. the House adjourned.

Mary Lou Goehring, Chief Clerk