STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 11, 2020

The House convened at 2:00 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 page Sarah Hancock.

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 seventeenth 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.
REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1006, 1022, and 1038 and finds the same correctly enrolled.

Respectfully submitted,
Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1071 and 1171 which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1112 and returns the same with the recommendation that said bill be amended as follows:

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

On page 3, line 16, of the Introduced bill, after "4. " insert "Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1118 which was tabled.

Respectfully submitted,
Thomas J. Brunner, Chair

Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration HB 1151 and 1160 which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration HB 1159 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Mark Willadsen, Chair
Also MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration HB 1116 and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration HB 1165 and returns the same with the recommendation that said bill be amended as follows:

On page 1, line 8, of the Introduced bill, after "of " delete "the improvement or ornamentation of "

On page 1, line 9, of the Introduced bill, remove the overstrikes from " or for improvement or ornamentation of the same"

On page 1, line 14, of the Introduced bill, after "board" delete " or agreed to under the policy established by resolution of the governing body"

On page 1, line 15, of the Introduced bill, after "body." insert " A municipality may, by resolution, establish a policy for the acceptance of gifts of personal property of value below an amount determined by the governing body."

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

Respectfully submitted,
Herman Otten, Chair

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration HB 1079 and returns the same with the recommendation that said bill be amended as follows:

On page 1, line 6, of the Introduced bill, delete "under " and insert "pursuant to "

On page 1, line 10, of the Introduced bill, after "transfer." insert " The county treasurer shall notify the department within ten days of the adoption of the administration fee. The notification shall include an effective date and the amount of the administration fee."

On page 1, line 12, of the Introduced bill, after "any " insert "insurance company or "

On page 1, line 13, of the Introduced bill, after "Dakota." insert "

Section 1. That a NEW SECTION be added:

32-3A-21.1. Administration fee--Title applications processed by mail.

If an application made to the county treasurer for a certificate of title pursuant to §§ 32-3A-20 and 32-3A-21 is received and processed entirely by mail, the county treasurer may charge an administration fee for the processing of the title application. An administration fee charged under this section shall be established by resolution of the board of county commissioners and may not
exceed twenty-five dollars per title transfer. The county treasurer shall notify the department within ten days of the adoption of an administration fee. The notification shall include the effective date and amount of the administration fee. Any administration fees collected shall be deposited in the county general fund. No administration fee under this section may be charged to any insurance company or dealer licensed in South Dakota.”

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration HB 1150 which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration SB 14 and 15 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,
John Mills, Chair

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration SB 50 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration HB 1014 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,
Kevin D. Jensen, Chair

Also MR. SPEAKER:

The Committee on House Military and Veterans Affairs respectfully reports that it has had under consideration HB 1036 and 1069 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Larry P. Zikmund, Chair

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to return herewith HB 1006, 1022, and 1038 which have passed the Senate without change.
Also Mr. SPEAKER:

I have the honor to transmit herewith SB 16, 37, 70, 80, 98, and 135 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

HCR 6002 was read on January 16, 2020, and today the Speaker waived the referral to committee.

HCR 6005 was read on February 4, 2020, and today the Speaker waived the referral to committee.

HCR 6009 and 6012 were read on February 6, 2020 and today the Speaker waived the referral to committee.

The following bills were read on January 30, 2020, and today the Speaker assigned these bills to committees:

HR 7001 was referred to the Committee on Agriculture and Natural Resources.

HCR 6004 was referred to the Committee on Health and Human Services.

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

HCR 6011 was referred to the Committee on Agriculture and Natural Resources.

HCR 6008 was referred to the Committee on Health and Human Services.

The following bill was read on February 10, 2020, and today the Speaker assigned this bill to committee:

HCR 6013 was referred to the Committee on State Affairs.

HCR 6003: A CONCURRENT RESOLUTION, Supporting the Electoral College.

Was read the second time.

Rep. Mulally moved that HCR 6003 be amended as follows:

On page 2, line 6, of the Introduced bill, delete "declares " and insert "believes "

On page 2, line 6, of the Introduced bill, delete "is " and insert "may be 

On page 2, line 7, of the Introduced bill, after "unconstitutional" insert the period

Which motion prevailed.
Rep. Mulally moved that HCR 6003 as found on page 60 of the House Journal be concurred in.

The question being on Rep. Mulally’s motion that HCR 6003 be concurred in.

And the roll being called:

Yeas 61, Nays 5, Excused 4, Absent 0

Yeas:

Nays:
Bordeaux, Cwach, Duba, Ring, and Saba

Excused:
Deutsch, Pourier, Jamie Smith, and Sullivan

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 6003 was concurred in.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Qualm moved that the reports of the Standing Committees on State Affairs on HB 1129 as found on page 232 and HB 1138 as found on page 233 of the House Journal; also Judiciary on HB 1077 and 1107 as found on page 233 of the House Journal; and Education on HB 1157 as found on page 235 of the House Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The Speaker declared that HB 1162 was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

The Speaker declared that HB 1269 changed prime sponsor at the request of the prime sponsor.

The following bills were read on January 30, 2020, and today the Speaker assigned these bills to committees:

HB 1186, 1187, 1188, and 1189 were referred to the House Committee on Appropriations.

HB 1204 was referred to the Committee on Education.
HB 1180, 1199, and 1202 were 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 1220, 1221, and 1222 were referred to the Committee on State Affairs.

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

HB 1238 was referred to the Committee on Agriculture and Natural Resources.

HB 1239 was referred to the Committee on Health and Human Services.

HB 1241 was referred to the Committee on Judiciary.

HB 1229, and HJR 5002 were 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 1283 was referred to the Committee on Commerce and Energy.

HJR 5003 was referred to the House Committee on Appropriations.

HB 1275 was referred to the Committee on Judiciary.

HB 1279 was referred to the Committee on Local Government.

HB 1245, 1249, 1250, 1262, 1276, and 1277 were referred to the Committee on State Affairs.

HB 1268, 1284, and 1287 were referred to the Committee on Taxation.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 16: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain health care professionals who have complied with the requirements for certain health care recruitment assistance programs and to declare an emergency.

SB 37: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to disasters in the state and to declare an emergency.

SB 70: FOR AN ACT ENTITLED, An Act to authorize other languages to be used in the process of issuing certain driver licenses and permits.

SB 80: FOR AN ACT ENTITLED, An Act to revise certain sheriff's fees and costs.

SB 98: FOR AN ACT ENTITLED, An Act to extend the notification period for possession of a concealed pistol in the state capitol.

SB 135: FOR AN ACT ENTITLED, An Act to increase the bid limit for certain public improvements.

Were read the first time.
SECONd READING OF CONSENT CALENDAR ITEMS

Rep. Sullivan requested that HB 1153 be removed from the Consent Calendar.

Which request was granted.

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

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

HB 1178: FOR AN ACT ENTITLED, An Act to revise the seller’s property condition disclosure statement.

Were read the second time.

The question being “Shall HB 1113, 1114, and 1178 pass?”

And the roll being called:


Excused: Deutsch, Pourier, Jamie Smith, and Sullivan

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 1152 and 1173 be deferred to Wednesday, February 12, 2020, the 19th legislative day.

Which motion prevailed.

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

Was read the second time.

The question being “Shall HB 1127 pass?”

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Excused: Deutsch, Pourier, Jamie Smith, and Sullivan

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 1065: FOR AN ACT ENTITLED, An Act to revise drone surveillance protections.

Was read the second time.

Rep. David Johnson moved that HB 1065 be amended as follows:

On the House Judiciary engrossed bill, delete the previously adopted amendment(s), thus restoring the bill to the Introduced version.

On page 1, line 12, remove the overstrikes from "Intentionally use"

On page 1, line 12, remove the overstrikes from "a drone to photograph, record, or otherwise observe another person in a private place where the person has a reasonable expectation of privacy"

On page 1, line 26, remove the overstrikes from "drone operator operating a drone for"

On page 2, line 1, after "agricultural " insert "bona fide business or bona fide government"

On page 2, line 1, remove the overstrikes from "purposes"

On page 2, line 1, after "purposes" insert the comma

On page 2, line 2, remove the overstrikes from "nor do they apply to an"

On page 2, line 2, after "to " delete "an"

On page 2, line 2, after "an " insert "a"

Which motion prevailed.

The question being "Shall HB 1065 pass as amended?"

And the roll being called:

Yeas 60, Nays 6, Excused 4, Absent 0

Yeas:
Johnson, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Saba, St. John, Wangsness, Weis, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Karr, Pischke, Post, Rounds, Steele, and Wiese

Excused:
Deutsch, Pourier, Jamie Smith, and Sullivan

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 1089: FOR AN ACT ENTITLED, An Act to provide for the discharge of certain persons who received a suspended imposition of sentence for a misdemeanor.

Was read the second time.

The question being "Shall HB 1089 pass?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:

Excused:
Deutsch, Pourier, Jamie Smith, and Sullivan

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 1008: FOR AN ACT ENTITLED, An Act to legalize the growth, production, and transportation of industrial hemp in the state, and to declare an emergency.

Was read the second time.

The question being "Shall HB 1008 pass as amended?"

And the roll being called:

Yeas 54, Nays 12, Excused 4, Absent 0

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

Excused:
Deutsch, Pourier, Jamie Smith, and Sullivan

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 1099**: FOR AN ACT ENTITLED, An Act to authorize counties to impose a temporary voter-approved half-cent sales and use tax and to issue revenue bonds to fund certain county infrastructure construction.

Was read the second time.

The question being "Shall HB 1099 pass as amended?"

And the roll being called:

Yeas 32, Nays 35, Excused 3, Absent 0

Yeas:
Bartels, Barthel, Bordeaux, Brunner, Chaffee, Chase, Duvall, Finck, Glanzer, Gosch, Lana Greenfield, Gross, Hammock, Johns, David Johnson, Koth, Lesmeister, Livermont, McCleerrey, Milstead, Miskimins, Olson, Overweg, Perry, Qualm, Reed, Jamie Smith, St. John, Wangsness, Wiese, Willadsen, and York

Nays:
Anderson, Beal, Borglum, Cwach, Dennert, Diedrich, Duba, Frye-Mueller, Goodwin, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Chris Johnson, Karr, Latterell, Marty, Mills, Mulally, Herman Otten, Kent Peterson, Sue Peterson, Pischke, Post, Randolph, Rasmussen, Reimer, Ring, Rounds, Saba, Steele, Weis, Zikmund, and Speaker Haugaard

Excused:
Deutsch, Pourier, and Sullivan

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

**HB 1164**: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2019.

Was read the second time.

The question being "Shall HB 1164 pass?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:
Excused: Deutsch, Pourier, and Sullivan

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

Was read the second time.

The question being "Shall HB 1126 pass as amended?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:

Excused: Deutsch, Gosch, Pourier, and Sullivan

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 1067: FOR AN ACT ENTITLED, An Act to modify certain provisions regarding notice, service, and execution of judgments.

Was read the second time.

Rep. Reed moved that HB 1067 be amended as follows:

1067F

On page 1, line 7, of the House Judiciary bill, after "court." insert " A plaintiff shall only be required to provide service by publication once under this section.

Publication under this section shall be made in a newspaper printed in the county where the subject property or some part of the property is situated. If no paper meets that criteria, service shall be provided in a newspaper published nearest to the county seat of such county.

A plaintiff who provides notice by publication under this section is exempt from the requirements of § 15-9-17.

On page 1, line 24, of the House Judiciary bill, after "the" delete " first"

On page 1, line 24, of the House Judiciary bill, delete " § 15-9-7" and insert " § 15-9-7.1"

Which motion prevailed.
The question being "Shall HB 1067 pass as amended?"

And the roll being called:

Yeas 63, Nays 3, Excused 4, Absent 0

Yeas:

Nays:
Bordeaux, Cwach, and Ring

Excused:
Deutsch, Gosch, Pourier, and Sullivan

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.

Rep. Qualm moved that HB 1131 and HJR 5001 be deferred to Wednesday, February 12, 2020, the 19th legislative day, and SB 28 be deferred to Thursday, February 13, 2020, the 20th legislative day.

Which motion prevailed.

COMMEMORATIONS

HC 8020: A LEGISLATIVE COMMEMORATION, To honor the Sioux Falls O’Gorman Knights as the 2019 Class 11 AAA State High School Football Champions.

Introduced by: Representatives Sue Peterson, Bartels, Barthel, Beal, Borglum, Deutsch, Diedrich, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Howard, Hunhoff, Johns, Karr, Koth, Mills, Milstead, Herman Otten, Perry, Kent Peterson, Qualm, Randolph, Rasmussen, Reed, Rounds, Steele, Wangsness, Weis, and Wiese and Senators Kolbeck, Bolin, Duhamel, Nesiba, Novstrup, Partridge, Schoenbeck, V. J. Smith, and Steinhauer

Was read the first time.

SIGNING OF BILLS

The Speaker publicly read the title to

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

HB 1022: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding dealer licenses for motor vehicle, snowmobile, and boat sales.
HB 1038: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding manufactured
home construction and safety standards.

And signed the same in the presence of the House.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:13 p.m.
the House adjourned.

Mary Lou Goehring, Chief Clerk