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 Olivia Olson and Kaylee Poppen.

Roll Call: All members present.

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 twentieth 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.
HONORED GUESTS


REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1184 and returns the same with the recommendation that said bill be amended as follows:

1184B

On page 2, line 19, of the Introduced bill, after "owns" delete " or leases"

On page 3, line 6, of the Introduced bill, after "owned " delete "or leased "

On page 3, line 22, of the Introduced bill, after "operates" delete " or leases and operates"

On page 3, line 30, of the Introduced bill, after "owned " delete "or leased "

1184C

On page 2, line 26, of the Introduced bill, after "owned " delete "or leased "

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 HR 7001 and returns the same with the recommendation that said resolution be adopted.

Respectfully submitted,
Thomas J. Brunner, Chair

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration HB 1183 and 1200 which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration HB 1208 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,
John Mills, Chair
Also Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1040, 1055, and 1061 were delivered to her Excellency, the Governor, for her approval at 9:20 a.m., February 18, 2020.

Respectfully submitted,
Steven G. Haugaard, Chair

Also Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1020, 1066, 1075, and 1144 and finds the same correctly enrolled.

Respectfully submitted,
Steven G. Haugaard, Chair

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to return herewith HB 1020, 1066, 1075, and 1144 which have passed the Senate without change.

Also Mr. SPEAKER:

I have the honor to transmit herewith SB 24, 46, 65, 120, 139, and 146 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

Rep. Qualm moved that SB 54 be placed to precede HCR 6012 on today's calendar.

Which motion prevailed.

On Thursday, February 13, 2020, Rep. Post announced his intention to reconsider the vote by which SB 54 lost.

Rep. Post moved that the House do now reconsider the vote by which SB 54 lost.

The question being on Rep. Post's motion to reconsider the vote by which SB 54 lost.

And the roll being called:

Yeas 50, Nays 20, Excused 0, Absent 0
SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 54: FOR AN ACT ENTITLED, An Act to regulate the use of auxiliary containers.

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

The question being "Shall SB 54 pass as amended?"

And the roll being called:

Yeas 46, Nays 24, Excused 0, Absent 0

Yeas:

Nays:
Bartels, Barthel, Bordeaux, Borglum, Chaffee, Cwach, Diedrich, Duba, Healy, David Johnson, Lesmeister, McCleerey, Mills, Pourier, Rasmussen, Reed, Ring, Saba, 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.

There being no objection, the House reverted to Order of Business No. 8 - Motions and Resolutions.

MOTIONS AND RESOLUTIONS

HCR 6012: A CONCURRENT RESOLUTION, Supporting the right to pray in public schools.

Was read the second time.
Rep. Randolph moved that **HCR 6012** be amended as follows:

On page 2, line 6, of the Introduced bill, delete "secretary of the Senate " and insert "clerk of the House of Representatives "

Which motion prevailed.

Rep. Randolph moved that **HCR 6012** as found on page 251 of the House Journal be adopted as amended.

The question being on Rep. Randolph's motion that **HCR 6012** be adopted as amended.

And the roll being called:

Yeas 66, Nays 4, Excused 0, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Brunner, Chaffee, Chase, Cwach, Dennert, 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, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Borglum, Rasmussen, Reimer, 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 6012** was adopted as amended.

**SCR 604**: A CONCURRENT RESOLUTION, Recognizing June as Move Over Awareness Month and urging drivers to slow down and move over for stopped vehicles.

Was read the second time.

Rep. York moved that **SCR 604** as found on page 157 of the Senate Journal be concurred in.

The question being on Rep. York's motion that **SCR 604** be concurred in.

And the roll being called:

Yeas 70, Nays 0, Excused 0, Absent 0

Yeas:

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **SCR 604** was concurred in.
CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Qualm moved that the reports of the Standing Committees on
Education on HB 1173 as found on page 280 of the House Journal; also
Agriculture and Natural Resources on HB 1095 as found on page 280 of the House Journal; also
Taxation on HB 1260 as found on page 281 of the House Journal; also
Joint Appropriations on HB 1034 as found on page 281 of the House Journal; and
Transportation on HB 1169 as found on page 286 of the House Journal be adopted.
Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The following bills were read on February 6, 2020, and today the Speaker assigned these bills to committees:
HB 1280 was referred to the Committee on Agriculture and Natural Resources.
HB 1253 was referred to the House Committee on Appropriations.
HB 1264 was referred to the Committee on Local Government.
HB 1263 was referred to the Committee on State Affairs.
HB 1247 and 1278 were referred to the Joint Committee on Appropriations.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 24: FOR AN ACT ENTITLED, An Act to revise the fees for pesticide registration, private applicator licenses, commercial applicator licenses, and pesticide dealer licenses.
SB 46: FOR AN ACT ENTITLED, An Act to revise provisions related to the restoration to competency of criminal defendants.
SB 65: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to trusts.
SB 120: FOR AN ACT ENTITLED, An Act to establish exceptions regarding the possession of a pistol by a minor.
SB 139: FOR AN ACT ENTITLED, An Act to revise provisions regarding replacement nursing facilities.
SB 146: FOR AN ACT ENTITLED, An Act to revise provisions related to tribal identification cards.
Were read the first time.
The following bill was read on February 6, 2020, and today the Speaker assigned this bill to committee:

SB 75 was referred to the Committee on Agriculture and Natural Resources.

SECOND READING OF CONSENT CALENDAR ITEMS

HB 1181: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding bounties for coyotes.

SB 31: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions relating to the South Dakota Retirement System.

SB 32: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the administration of certain family and surviving spouse benefits of the South Dakota Retirement System.

SB 34: FOR AN ACT ENTITLED, An Act to establish a qualified benefit preservation arrangement for eligible members of the South Dakota Retirement System.

Were read the second time.

The question being "Shall HB 1181, and SB 31, 32, and 34 pass?"

And the roll being called:

Yeas 70, Nays 0, Excused 0, Absent 0

Yeas:

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

HB 1153: FOR AN ACT ENTITLED, An act to authorize the limited possession of a knife in the state capitol.

Was read a second time.

Rep. Hammock moved that HB 1153 be laid on the table.

The question being on Rep. Hammock's motion that HB 1153 be laid on the table.

And the roll being called:

Yeas 66, Nays 4, Excused 0, Absent 0
Yeas:

Nays:
Dennert, Pischke, Randolph, and Weis

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HB 1153 was tabled.

Rep. Qualm moved that HB 1036 be referred to the Joint Committee on Appropriations.
Which motion prevailed.

Rep. Qualm moved that HB 1170 be deferred to Thursday, February 20, 2020, the 23rd legislative day.
Which motion prevailed.

HB 1152: FOR AN ACT ENTITLED, An Act to provide financial assistance for school sentinel training.

Was read the second time.
The question being "Shall HB 1152 pass?"
And the roll being called:

Yeas 45, Nays 25, Excused 0, Absent 0

Yeas:

Nays:
Anderson, Bartels, Barthel, Bordeaux, Borglum, Chase, Cwach, Duba, Duvall, Healy, Hunhoff, Johns, Koth, McCleerey, Olson, Pourier, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Sullivan, York, and Zikmund

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 1069: FOR AN ACT ENTITLED, An Act to authorize certain veterans to attend courses offered at postsecondary technical institutes without payment of tuition.

Was read the second time.

The question being "Shall HB 1069 pass?"

And the roll being called:


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 1079: FOR AN ACT ENTITLED, An Act to authorize a county to assess an administration fee for the processing of certain title applications.

Was read the second time.

The question being "Shall HB 1079 pass as amended?"

And the roll being called:


Nays: Gosch, Lana Greenfield, Hansen, and Randolph

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

Was read the second time.
The question being "Shall HB 1112 pass as amended?"

Yeas 69, Nays 1, Excused 0, Absent 0

Yeas:

Nays:
Hunhoff

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

Was read the second time.

The question being "Shall HB 1117 pass?"

Yeas 45, Nays 25, Excused 0, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Dennert, Deutsch, Diedrich, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Hunhoff, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Latterell, Marty, Milstead, Miskimins, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Qualm, Reed, Reimer, Steele, Wangsness, Wiese, Willadsen, York, and Zikmund

Nays:
Bordeaux, Chase, Cwach, Duba, Healy, Howard, David Johnson, Lesmeister, Livermont, McCleerey, Mills, Mulally, Olson, Herman Otten, Pourier, Randolph, Rasmussen, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Weis, and Speaker Haugaard

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 1174: FOR AN ACT ENTITLED, An Act to establish the date of kindergarten enrollment eligibility.

Was read the second time.
Rep. Chase moved that HB 1174 be amended as follows:

On page 2, line 17, of the Introduced bill, after "interruption." insert "

Section 3. "On page 2, line 17, of the Introduced bill, after "interruption. " insert "This Act is effective on July 1, 2021."

Which motion prevailed.

The question being "Shall HB 1174 pass as amended?"

And the roll being called:

Yeas 62, Nays 7, Excused 1, Absent 0


Nays: Beal, Hansen, Hunhoff, Herman Otten, Post, Qualm, and Speaker Haugaard

Excused: Chaffee

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 1103: FOR AN ACT ENTITLED, An Act to authorize the forensic medical examination of certain minor victims without parental or guardian consent.

Was read the second time.

The question being "Shall HB 1103 pass?"

And the roll being called:

Yeas 70, Nays 0, Excused 0, Absent 0

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 1109: FOR AN ACT ENTITLED, An Act to revise the Uniform Limited Liability Company Act.

Was read the second time.

The question being "Shall HB 1109 pass?"

And the roll being called:

Yeas 64, Nays 1, Excused 5, Absent 0

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

Nays:
Frye-Mueller

Excused:
Bartels, Howard, Karr, Koth, and Post

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 the balance of the calendar including HB 1073, 1090, 1123, 1205, and 1257, and SB 9 and 28 be deferred to Wednesday, February 19, 2020, the 22nd legislative day.

Which motion prevailed.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1020: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of exemption certificates.

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

HB 1075: FOR AN ACT ENTITLED, An Act to repeal certain outdated provisions regarding annexation near airports.

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

SB 14: FOR AN ACT ENTITLED, An Act to revise registration requirements for motor vehicles, motorcycles, snowmobiles, trailers, and semitrailers.
SB 15: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the retention of
motor vehicle title documents by the Department of Revenue.

And signed the same in the presence of the House.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:59 p.m.
the House adjourned.

Mary Lou Goehring, Chief Clerk