

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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TWENTY-SECOND DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, February 19, 2020

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House page Emily Wedel.

Roll Call: All members present except Rep. Deutsch who was 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 twenty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Steven G. Haugaard, Chair

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**REPORTS OF STANDING COMMITTEES**

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1024, 1027, and 1029** were delivered to her Excellency, the Governor, for her approval at 9:30 a.m., February 19, 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 1023, 1032, 1039, 1051, 1074, 1083, and 1084** and finds the same correctly enrolled.

Respectfully submitted,  
Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1133** 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 1136** and returns the same with the recommendation that said bill be amended as follows:

1136I

On page 1, line 2, of the Introduced bill, after "the " insert "Acupuncture Licensing Board and"

On page 2, line 15, of the Introduced bill, after "service--Duties--Meetings." insert "There is hereby established the Acupuncture Licensing Board within the Department of Health. The board shall submit records, information, and reports in the form and as required by the secretary of health. The board shall report at least annually to the Department of Health."

On page 2, line 19, of the Introduced bill, after "to" insert ":

(1) "

On page 2, line 19, of the Introduced bill, delete "determine " and insert "Determine "

On page 2, line 21, of the Introduced bill, after "license" insert "; and

(2) Conduct any business that may properly come before the board"

On page 2, line 22, of the Introduced bill, after "year." insert "

At the expiration of a term, or if a vacancy occurs, the Governor shall appoint a new board member. The Governor may stagger the terms to enable the board to have different terms expire each year. The Governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct."

- 1 On page 2, line 23, of the Introduced bill, after "year." insert "
- 2 **Section 1.** That a NEW SECTION be added:
- 3 36-39-3. Officers of the board--Bond of secretary-treasurer.
- 4 The board shall organize annually by electing a president, vice-president, and secretary-  
 5 treasurer. The secretary-treasurer of the board may be required to give a bond in any sum and with  
 6 any conditions as the board directs."
- 7 On page 3, line 13, of the Introduced bill, after "means;" insert " and"
- 8 On page 3, line 15, of the Introduced bill, after "mobilization, " delete "manipulation, "
- 9 On page 3, line 16, of the Introduced bill, after "skin;" delete " and
- 10 (iii) Injection therapy including the injection of inert substances which include injectable saline,  
 11 vitamin B12, and homeopathics for the purpose of the stimulation of acupuncture points, including  
 12 painful trigger points. Injection therapy of any of the substances mentioned above is limited by  
 13 training approved by the National Certification Commission for Acupuncture and Oriental Medicine  
 14 and subject to federal regulation;"
- 15 On page 4, line 5, of the Introduced bill, delete "A chiropractor licensed under chapter 36-5"  
 16 and insert " Any person otherwise licensed under title 36"
- 17 On page 4, line 5, of the Introduced bill, after "36-5;" insert " and"
- 18 On page 4, line 8, of the Introduced bill, after "year" delete "; and
- 19 (4) Any acupuncturist licensed to practice in another state or country may practice acupuncture  
 20 in this state without a license if the acupuncturist is conducting treatment in relation to disaster  
 21 relief for a period of time not to exceed three consecutive months"
- 22 On page 4, line 13, of the Introduced bill, after "months." insert "
- 23 **Section 2.** That a NEW SECTION be added:
- 24 36-39-7. Advertising or practicing without valid license--Violation as misdemeanor.
- 25 Any person who advertises, practices, or attempts to practice acupuncture or who uses the  
 26 title, acupuncturist, or any other authorized title as provided in § 36-39-8 to induce any person to  
 27 believe that the person is an acupuncturist without having a valid license or renewal certificate is  
 28 guilty of a Class 1 misdemeanor."
- 29 On page 4, line 16, of the Introduced bill, after "acupuncturist, " delete "doctor of acupuncture  
 30 and Oriental medicine, "
- 31 On page 4, line 29, of the Introduced bill, after "a " delete "Diplomate of Chinese Herbology, "
- 32 On page 4, line 29, of the Introduced bill, after "Medicine" delete the comma
- 33 On page 5, line 4, of the Introduced bill, after "state" delete ", as well as any reported ethical  
 34 or criminal disciplinary actions involving any applicant"
- 35 On page 5, line 8, of the Introduced bill, delete "36-39-11" and insert "36-39-13"
- 36 On page 5, line 11, of the Introduced bill, after "years, " insert "in the even-numbered years,"
- 37 On page 5, line 16, of the Introduced bill, delete "36-39-11" and insert "36-39-13"

- 1 On page 5, line 17, of the Introduced bill, delete "may " and insert "shall "
- 2 On page 5, line 17, of the Introduced bill, after "education " delete "or other proof of
- 3 competency "
- 4 On page 5, line 20, of the Introduced bill, after "licensure." insert "
- 5 Each person licensed under this chapter who wants to renew the license shall obtain a renewal
- 6 of license from the secretary-treasurer of the board on or before the thirty-first day of December of
- 7 each odd-numbered year. The secretary-treasurer shall issue the renewal upon payment of the fee
- 8 established in rules promulgated by the board under § 36-39-13. The renewal license shall be in the
- 9 form of a receipt acknowledging payment of the required fee and signed by the secretary-treasurer."
- 10 On page 6, line 12, of the Introduced bill, delete "two " and insert "five "
- 11 On page 7, line 1, of the Introduced bill, after "collected." insert "
- 12 **Section 3.** That a NEW SECTION be added:
- 13 36-39-16. License signatures and seal--Display of license.
- 14 A license to practice acupuncture shall be signed by two members of the board and
- 15 authenticated by the seal of the board. The license and renewal certificate shall be conspicuously
- 16 displayed at the office of the practitioner."
- 17 On page 7, line 1, of the Introduced bill, after "collected." insert "
- 18 **Section 4.** That a NEW SECTION be added:
- 19 36-39-17. Grounds for license refusal or revocation--Promulgation of rules.
- 20 The board may, in compliance with chapter 1-26, refuse to grant a license to any person
- 21 otherwise qualified, and may revoke the license of any acupuncturist who is not of good moral
- 22 character; who solicits professional patronage by agents; who is guilty of unprofessional conduct,
- 23 incompetency, habitual intoxication, the use of narcotics, fraud, or deception; who is convicted of a
- 24 felony; or who practices contrary to the provisions of this chapter or the rules of the board. The
- 25 board shall define by rule, pursuant to chapter 1-26, the grounds for refusing to license or for license
- 26 revocation."
- 27 On page 7, line 1, of the Introduced bill, after "collected." insert "
- 28 **Section 5.** That a NEW SECTION be added:
- 29 36-39-18. Required state and federal criminal background check.
- 30 Each applicant for licensure shall submit to a state and federal criminal background
- 31 investigation by means of fingerprint checks by the Division of Criminal Investigation and the Federal
- 32 Bureau of Investigation. Upon application, the board shall submit completed fingerprint cards to the
- 33 Division of Criminal Investigation. Upon completion of the criminal background check, the Division
- 34 of Criminal Investigation shall forward to the board all information obtained as a result of the criminal
- 35 background check. This information shall be obtained prior to the permanent licensure of any
- 36 applicant. The board may require a state and federal criminal background check for any licensee
- 37 who is the subject of a disciplinary investigation by the board. Failure to submit to or cooperate with
- 38 the criminal background investigation is grounds for denial of an application or may result in
- 39 revocation of a license. The applicant shall pay for any fees charged for the cost of fingerprinting or
- 40 the criminal background investigation."
- 41 And that as so amended, said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under  
3 consideration **HB 1064, 1141, and 1219** which were deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 Kevin D. Jensen, Chair

6 Also MR. SPEAKER:

7 The Committee on House Commerce and Energy respectfully reports that it has had under  
8 consideration **HB 1070** and returns the same with the recommendation that said bill be amended  
9 as follows:

10 1070A

11 On page 1, line 1, of the Introduced bill, delete "need to have a license to install" and insert  
12 "installation and inspection of"

13 On page 1, lines 14 through 16, after "misdemeanor." insert "

14 The commission shall promulgate rules, pursuant to chapter 1-26, to establish criteria for  
15 authorizing persons to install electric wiring under this section."

16 On page 1, line 15, after the end of the last paragraph insert "

17 **Section 6.** That § 36-16-30 be AMENDED:

18 36-16-30. Installation inspection fees--Number of inspections--Promulgation of rules.

19 The State Electrical Commission may promulgate rules, pursuant to chapter 1-26, to establish  
20 and collect installation inspection fees for: new residential installations, based on ampere capacity  
21 not to exceed three hundred dollars plus circuits; service connections on other installations, based  
22 on ampere capacity not to exceed three hundred seventy-five dollars plus circuits; circuit  
23 installations or alterations, based on ampere capacity not to exceed fifty dollars; remodeling work  
24 for each opening or connection not to exceed three dollars each and one dollar and fifty cents for  
25 each additional opening or connection, lighting fixture not to exceed three dollars for the first forty  
26 fixtures and not to exceed one dollar and fifty cents for each additional lighting fixture, motor or  
27 special equipment not to exceed eighteen dollars; apartment buildings per unit not to exceed fifty  
28 dollars; outdoor or area lighting per lighting standard not to exceed sixty dollars; field irrigation  
29 systems not to exceed one hundred dollars plus three dollars per motor; mobile home service and  
30 feeders not to exceed eighty dollars per unit; recreational vehicle service not to exceed twenty  
31 dollars per unit; swimming pools not to exceed two hundred dollars; each late correction order or  
32 wiring permit procedure not to exceed one hundred fifty dollars; carnivals and seasonal dwellings  
33 for each generator or transformer and reinspection of each unit not to exceed thirty dollars; wiring  
34 permits not to exceed fifteen dollars; modular homes and structures manufactured out-of-state not  
35 to exceed one hundred fifty dollars per day plus travel and living expenses.

36 The commission may also promulgate rules, pursuant to chapter 1-26, to set an allotted  
37 number of inspections for each installation under this section. "

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

39 Also MR. SPEAKER:

40 The Committee on House Commerce and Energy respectfully reports that it has had under  
41 consideration **HB 1125** and returns the same with the recommendation that said bill be amended  
42 as follows:

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On page 1, line 20, of the Introduced bill, after "shellfish." delete "Any producer exempt from licensure under this chapter may request an identification number from the department that, if kept active within the department, may be used on the label required by this section in lieu of the producer's physical address of production, mailing address, and telephone number. When using an identification number, the label must include a statement that reads: "The producer's physical address of production, mailing address, and telephone number have been recorded with the South Dakota Department of Health and may be requested for a legal purpose. ""

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On page 1, line 26, of the Introduced bill, after "purpose." delete "Section 2. That a NEW SECTION be added:

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34-18-37.1. Identification number database--Requests for information--Purpose.

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The department shall create and maintain a database that associates each identification number assigned under § 34-18-37 with the following up-to-date information about the producer:

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- (1) Name;
- (2) Physical address of production;
- (3) Mailing address; and
- (4) Telephone number.

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The department shall provide a producer's physical address of production, mailing address, and telephone number upon written request to any person who represents, under penalty of perjury, that the information will only be utilized for a legal purpose. The department shall retain a file of all requests that are made under § 34-18-37.

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Section 3. That a NEW SECTION be added:

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34-18-37.2. Promulgation of rules.

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The department shall promulgate rules, pursuant to chapter 1-26, to specify the manner in which a person may:

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- (1) Obtain an identification number under § 34-18-37;
- (2) Keep an assigned identification number active, which shall include the producer notifying the department of any change of information; and
- (3) Request and obtain from the department under § 34-18-37.1 the producer's physical address of production, mailing address, and telephone number."

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

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Respectfully submitted,  
Tim Rounds, Chair

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Also MR. SPEAKER:

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The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1155 and 1158** which were deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration  
3 **HB 1168** which was tabled.

4 Also MR. SPEAKER:

5 The Committee on House Judiciary respectfully reports that it has had under consideration  
6 **HB 1156** 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 1246** and returns the same with the recommendation that said bill do pass, and having been  
10 certified as uncontested, be placed on the consent calendar.

11 Respectfully submitted,  
12 Jon Hansen, Chair

13 **MESSAGES FROM THE SENATE**

14 Mr. SPEAKER:

15 I have the honor to return herewith **HB 1023, 1032, 1039, 1051, 1074, 1083, and 1084**  
16 which have passed the Senate without change.

17 Also Mr. SPEAKER:

18 I have the honor to transmit herewith **SB 21, 81, and 128** which have passed the Senate and  
19 your favorable consideration is respectfully requested.

20 Respectfully,  
21 Kay Johnson, Secretary

22 **MOTIONS AND RESOLUTIONS**

23 The following bill was read on February 6, 2020, and today the Speaker assigned this bill to  
24 committee:

25 **HCR 6010** was referred to the Committee on Education.

26 **HCR 6014**: A CONCURRENT RESOLUTION, To encourage the Department of Game, Fish and  
27 Parks in 2020, as part of the biennial review of endangered and threatened species, to delist the  
28 river otter and manage this species as a harvested furbearer if scientifically-sound biological and  
29 ecological data support such a decision.

Introduced by: **Representative** McCleerey

30 Was read the first time and the Speaker waived the committee referral.

1           **HCR 6009:** A CONCURRENT RESOLUTION, Strengthening the sister-state ties between the  
 2 State of South Dakota and Taiwan; supporting the signing of a Bilateral Trade Agreement (BTA)  
 3 between Taiwan and the United States; and reaffirming support for increasing Taiwan’s international  
 4 participation.

5           Was read the second time.

6           Rep. Rounds moved that **HCR 6009** as found on page 251 of the House Journal be adopted.

7           The question being on Rep. Rounds' motion that **HCR 6009** be adopted.

8           And the roll being called:

9           Yeas 68, Nays 0, Excused 2, Absent 0

10          Yeas:

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

18          Excused:

19          Deutsch and Reimer

20          So the motion having received an affirmative vote of a majority of the members-elect, the  
 21 Speaker declared the motion carried and **HCR 6009** was adopted.

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

24          Was read the second time.

25          Rep. Rasmussen moved that **HR 7001** as found on page 290 of the House Journal be adopted.

26          The question being on Rep. Rasmussen's motion that **HR 7001** be adopted.

27          And the roll being called:

28          Yeas 63, Nays 5, Excused 2, Absent 0

29          Yeas:

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

37          Nays:

38          Chris Johnson, Olson, Pourier, Wiese, and York

39          Excused:

40          Deutsch and Reimer



1 So the motion having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the motion carried and **HR 7001** was adopted.

3 Rep. Qualm moved that **HCR 6013** be referred from the Committee on State Affairs to the  
4 floor of the House of Representatives.

5 Which motion prevailed.

6 **CONSIDERATION OF REPORTS OF COMMITTEES**

7 Rep. Qualm moved that the report of the Standing Committee on  
8 Agriculture and Natural Resources on **HB 1184** as found on page 290 of the House Journal be  
9 adopted.

10 Which motion prevailed and the report was adopted.

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

12 The following bill was read on February 5, 2020, and today the Speaker assigned this bill to  
13 committee:

14 **HB 1237** was referred to the Committee on Education.

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

16 **SB 21**: FOR AN ACT ENTITLED, An Act to authorize temporary variable speed limits on state  
17 highways under certain circumstances.

18 **SB 81**: FOR AN ACT ENTITLED, An Act to establish eligibility criteria for out-of-state health  
19 institutions to receive financing from the Health and Educational Facilities Authority.

20 **SB 128**: FOR AN ACT ENTITLED, An Act to revise entities who may contribute to a political  
21 committee.

22 Were read the first time.

23 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

26 **HB 1260**: FOR AN ACT ENTITLED, An Act to revise provisions regarding tax increment districts.

27 Were read the second time.

28 The question being "Shall **HB 1260** pass as amended, and **HB 1208** pass?"

1 And the roll being called:  
 2 Yeas 68, Nays 0, Excused 2, Absent 0  
 3 Yeas:  
 4 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
 5 Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield,  
 6 Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David  
 7 Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins,  
 8 Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier,  
 9 Qualm, Randolph, Rasmussen, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan,  
 10 Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard  
 11 Excused:  
 12 Deutsch and Reimer  
 13 So the bills having received an affirmative vote of a majority of the members -elect, the Speaker  
 14 declared the bills passed and the titles were agreed to.

15 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

16 Rep. Qualm moved that **HB 1169** be placed to precede **HB 1205** on today's calendar.  
 17 Which motion prevailed.  
 18 **HB 1169**: FOR AN ACT ENTITLED, An Act to prohibit the use of certain electronic devices while  
 19 driving.  
 20 Was read the second time.  
 21 The question being "Shall **HB 1169** pass as amended?"  
 22 And the roll being called:  
 23 Yeas 42, Nays 26, Excused 2, Absent 0  
 24 Yeas:  
 25 Anderson, Bartels, Barthel, Bordeaux, Borglum, Chase, Cwach, Diedrich, Duba, Duvall, Finck,  
 26 Glanzer, Gross, Hammock, Healy, Hunhoff, Johns, David Johnson, Koth, Lesmeister, McCleerey,  
 27 Mills, Milstead, Miskimins, Olson, Overweg, Kent Peterson, Pourier, Qualm, Rasmussen, Reed, Ring,  
 28 Saba, Jamie Smith, Steele, Sullivan, Wangsness, Wiese, Willadsen, York, Zikmund, and  
 29 Speaker Haugaard  
 30 Nays:  
 31 Beal, Brunner, Chaffee, Dennert, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Hansen,  
 32 Howard, Kevin Jensen, Chris Johnson, Karr, Latterell, Livermont, Marty, Mulally, Herman Otten,  
 33 Perry, Sue Peterson, Pischke, Post, Randolph, Rounds, St. John, and Weis  
 34 Excused:  
 35 Deutsch and Reimer  
 36 So the bill having received an affirmative vote of a majority of the members -elect, the Speaker  
 37 declared the bill passed and the title was agreed to.

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

3 Was read the second time.

4 The question being "Shall **HB 1205** pass?"

5 And the roll being called:

6 Yeas 68, Nays 1, Excused 1, Absent 0

7 Yeas:

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

15 Nays:

16 Dennert

17 Excused:

18 Deutsch

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

21 **HB 1073:** FOR AN ACT ENTITLED, An Act to authorize special event alcohol licenses for full-  
22 service restaurant licensees.

23 Was read the second time.

24 The question being "Shall **HB 1073** pass as amended?"

25 And the roll being called:

26 Yeas 61, Nays 8, Excused 1, Absent 0

27 Yeas:

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

34 Nays:

35 Brunner, Glanzer, Livermont, Marty, Randolph, Steele, Weis, and Speaker Haugaard

36 Excused:

37 Deutsch

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

1 **HB 1123**: FOR AN ACT ENTITLED, An Act to provide for the termination of a lease by a victim  
2 of alleged domestic abuse.

3 Was read the second time.

4 Rep. Mulally moved that **HB 1123** be amended as follows:

5 1123B

6 On page 1, line 16, of the House Judiciary bill, after "after " insert "written "

7 Which motion prevailed.

8 The question being "Shall **HB 1123** pass as amended?"

9 And the roll being called:

10 Yeas 69, Nays 0, Excused 1, Absent 0

11 Yeas:

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

19 Excused:

20 Deutsch

21 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
22 declared the bill passed.

23 The question being on the title.

24 Rep. Hansen moved that the title to **HB 1123** amended as follows:

25 1123E

26 On page 1, line 1, of the House Judiciary bill, delete "provide for the termination of a lease by  
27 a victim of alleged domestic abuse" and insert "revise provisions regarding termination of a lease  
28 by a victim of alleged domestic abuse"

29 Which motion prevailed and the title was so amended.

30 **HB 1257**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding hunting,  
31 fishing, or trapping on private property without permission.

32 Was read the second time.

1 The question being "Shall **HB 1257** pass?"  
 2 And the roll being called:  
 3 Yeas 68, Nays 1, Excused 1, Absent 0  
 4 Yeas:  
 5 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
 6 Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield,  
 7 Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David  
 8 Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins,  
 9 Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Pourier, Qualm,  
 10 Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan,  
 11 Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard  
 12 Nays:  
 13 Pischke  
 14 Excused:  
 15 Deutsch  
 16 So the bill having received an affirmative vote of a majority of the members -elect, the Speaker  
 17 declared the bill passed and the title was agreed to.

18 **HB 1090**: FOR AN ACT ENTITLED, An Act to make an appropriation to evaluate the feasibility  
 19 of the use of telehealth services within the criminal justice system and to declare an emergency.

20 Was read the second time.

21 The question being "Shall **HB 1090** pass?"  
 22 And the roll being called:  
 23 Yeas 69, Nays 0, Excused 1, Absent 0  
 24 Yeas:  
 25 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
 26 Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield,  
 27 Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David  
 28 Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins,  
 29 Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier,  
 30 Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele,  
 31 Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard  
 32 Excused:  
 33 Deutsch  
 34 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
 35 the Speaker declared the bill passed and the title was agreed to.

36 **HB 1034**: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for  
 37 elderly persons and persons with a disability, and to declare an emergency.

38 Was read the second time.

1 The question being "Shall **HB 1034** pass as amended?"  
 2 And the roll being called:  
 3 Yeas 69, Nays 0, Excused 1, Absent 0  
 4 Yeas:  
 5 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
 6 Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield,  
 7 Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David  
 8 Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins,  
 9 Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier,  
 10 Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele,  
 11 Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard  
 12 Excused:  
 13 Deutsch  
 14 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
 15 the Speaker declared the bill passed and the title was agreed to.  
 16 **HB 1095**: FOR AN ACT ENTITLED, An Act to revise requirements regarding hunting mentors.  
 17 Was read the second time.  
 18 The question being "Shall **HB 1095** pass as amended?"  
 19 And the roll being called:  
 20 Yeas 69, Nays 0, Excused 1, Absent 0  
 21 Yeas:  
 22 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
 23 Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield,  
 24 Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David  
 25 Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins,  
 26 Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier,  
 27 Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele,  
 28 Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard  
 29 Excused:  
 30 Deutsch  
 31 So the bill having received an affirmative vote of a majority of the members -elect, the Speaker  
 32 declared the bill passed and the title was agreed to.  
 33 Rep. Qualm moved that **HB 1173** be deferred to Thursday, February 20, 2020, the 23<sup>rd</sup>  
 34 legislative day.  
 35 Which motion prevailed.

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

**SB 28:** FOR AN ACT ENTITLED, An Act to repeal provisions regarding the restricted real estate broker's license for auctioneers.

Was read the second time.

Rep. Gosch moved that **SB 28** be amended as follows:

28B

On page 1, line 2, of the Introduced bill, after "auctioneers" insert " and to revise certain provisions regarding real estate licensing"

On page 4, line 4, of the Introduced bill, after "licensee." insert "

**Section 4.** That § 36-21A-29 be AMENDED:

36-21A-29. Persons and entities exempt from licensure.

This chapter does not apply to the following:

- (1) Any person who as a bona fide owner or lessor, performs any of the acts described in §§ 36-21A-6 and 36-21A-12 with reference to property owned, or leased by the person, or to any regular employees thereof, if such acts are performed in the regular course of, or as an incident to the management of such property or investment in such property;
- (2) Any public officer while performing the officer's duties;
- (3) Any person owning and operating a cemetery and selling lots solely for use as burial plots;
- (4) Any person acting as a receiver, trustee, personal representative, guardian or under court order, or while acting under authority of a deed, trust, or will;
- (5) Any custodian, janitor, or employee of the owner or manager of a residential building who exhibits a residential unit therein to prospective tenants, accepts applications for leases and furnishes prospective tenants with information relative to the rental of the unit, terms and conditions of leases required by the owner or manager and similar information;
- (6) Any owner, manager, or employee of a business holding a lodging license while engaging in the lodging business;
- (7) Any attorney at law, admitted to practice in South Dakota, unless the attorney holds himself or herself out to be in the real estate business or solicits real estate business, in which event the attorney may obtain a real estate license without examination, but the attorney is otherwise subject to the provisions of this chapter;
- (8) Any bank, bank holding company or subsidiary thereof, credit union, trust company, savings and loan association, public utility, or any land mortgage or farm loan association organized under the laws of this state or the United States, if engaged in the transaction of business within the scope of its corporate powers as provided by law;
- (9) Any person or company whose business practice is to collect a fee or compensation to publish real estate listings in print, electronic, or other media;

1 (10) Any person holding, in good faith, a duly executed power of attorney from the owner,  
 2 authorizing the final consummation and execution for the sale, purchase, leasing, or  
 3 exchange of real property if such acts are not of a recurrent nature and done with the  
 4 intention of evading this chapter; ~~and~~

5 (11) Any employee of any person enumerated in this section whose principal duties are other  
 6 than those duties described in §§ 36-21A-6 and 36-21A-12, if engaged in the specific  
 7 performance of the employee's duties; and

8 (12) Any person employed or contracted by a licensee to call or take bids in an auction."

9 On page 4, line 4, of the Introduced bill, after "licensee." insert "

10 **Section 5.** That § 36-21A-89 be AMENDED:

11 **36-21A-89. Promulgation of rules for administration and enforcement of chapter.**

12 The commission may promulgate rules pursuant to chapter 1-26 relating to the administration  
 13 and enforcement of the provisions of this chapter in the following areas:

- 14 (1) Procedures for conducting the commission's business;
- 15 (2) Procedures and qualifications for application, minimum requirements for examination,  
 16 procedures for the examination and the administration of the examination, the required  
 17 score for passing the examination, and procedures for replacement of a license;
- 18 (3) Requirements for dividing a commission with a broker in another state, requirements for  
 19 application for licensure by reciprocity and the practice of a nonresident licensee in the  
 20 state;
- 21 (4) Procedures for application to provide classroom instruction or correspondence work for  
 22 prelicensing education, qualifications of the instructors and facilities, and procedures for  
 23 approving classroom instruction and correspondence work and for withdrawing the  
 24 approval;
- 25 (5) Procedures for disciplinary proceedings, including requirements for filing a complaint,  
 26 dismissal of a complaint, informal and formal resolution of a complaint, formal complaint  
 27 and answer requirements, final action and review, disqualification of a commission  
 28 member from a hearing and authorization for per diem and mileage;
- 29 (6) Procedures for declaratory rulings, petitions for rules and contested cases;
- 30 (7) Requirements for a real estate auction, use of unlicensed persons to call or take bids,  
 31 and the requirements, duties and responsibilities of an auctioneer;
- 32 (8) Requirements for mortgage brokers, including areas such as trust accounts, record-  
 33 keeping, written contracts, full disclosure and restrictions on chargeable costs and  
 34 expenses;
- 35 (9) Requirements for continuing education including procedures for granting a certificate of  
 36 accreditation; notification of a material change in an approved course offering;  
 37 suspension, revocation and denial of course approval; notice to students regarding the  
 38 course and opportunity for comment; auditing; certificates of attendance; preregistration  
 39 and limits on correspondence courses;
- 40 (10) Requirements for property managers, including areas such as trust accounts, auditing,  
 41 contracts, disclosure, disciplinary matters, financial obligations and records, and property  
 42 management accounting; and



1 (11) Requirements for establishing and maintaining teams and the requirements, duties, and  
 2 responsibilities of team leaders."

3 Which motion prevailed.

4 The question being "Shall **SB 28** pass as amended?"

5 And the roll being called:

6 Yeas 68, Nays 1, Excused 1, Absent 0

7 Yeas:

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

15 Nays:

16 Brunner

17 Excused:

18 Deutsch

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

21 **SB 9:** FOR AN ACT ENTITLED, An Act to repeal the Department of Labor and Regulation's  
 22 retirement plan and to transfer plan members and funds to the South Dakota Retirement System.

23 Was read the second time.

24 The question being "Shall **SB 9** pass?"

25 And the roll being called:

26 Yeas 69, Nays 0, Excused 1, Absent 0

27 Yeas:

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

35 Excused:

36 Deutsch

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

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**SIGNING OF BILLS**

The Speaker publicly read the title to

**HB 1023:** FOR AN ACT ENTITLED, An Act to permit the secretary of revenue to issue cease and desist orders and to impose a civil penalty on certain public auctions.

**HB 1032:** FOR AN ACT ENTITLED, An Act to revise the authority of the Board of Education Standards to promulgate rules regarding certification.

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

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

**HB 1074:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the required time that sexual assault kits be preserved.

**HB 1083:** FOR AN ACT ENTITLED, An Act to rename the postsecondary technical institutes as technical colleges.

**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.

**SB 8:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding insurance holding companies.

**SB 62:** FOR AN ACT ENTITLED, An Act to revise the membership and responsibilities of the South Dakota Board on Geographic Names.

And signed the same in the presence of the House.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:35 p.m. the House adjourned.

Mary Lou Goehring, Chief Clerk