

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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TWENTY-THIRD DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, February 20, 2020

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

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by House pages Kate Schnabel and Caleb Weiland.

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-second 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.

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**HONORED GUESTS**

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Rep. Perry introduced Chesney Olson of Langford, the 2020 South Dakota Snow Queen, and Annika Estwick of Sisseton, the 2020 South Dakota Junior Snow Queen.

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**COMMUNICATIONS AND PETITIONS**

5

February 19, 2020

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Mr. Speaker and Members of the House of Representatives:

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I have the honor to inform you that on February 19, 2020, I approved House Bills 1006, 1010, 1019, 1021, 1022, 1028, 1031, 1037, 1038, and 1053, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,  
Kristi Noem  
Governor

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**REPORTS OF STANDING COMMITTEES**

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Mr. SPEAKER:

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The Committee on Legislative Procedure respectfully reports that **HB 1020, 1066, 1075, and 1144** were delivered to her Excellency, the Governor, for her approval at 10:40 a.m., February 20, 2020.

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Respectfully submitted,  
Steven G. Haugaard, Chair

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Also Mr. SPEAKER:

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The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1033, 1047, and 1058** and finds the same correctly enrolled.

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Respectfully submitted,  
Steven G. Haugaard, Chair

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Also MR. SPEAKER:

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The Committee on House Taxation respectfully reports that it has had under consideration **HB 1124** and returns the same with the recommendation that said bill do pass.

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Also MR. SPEAKER:

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The Committee on House Taxation respectfully reports that it has had under consideration **HB 1270** which was tabled.

Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1284** and returns the same with the recommendation that said bill be amended as follows:

1284A

On page 1, line 1, of the Introduced bill, delete the comma and insert " and"

On page 1, line 2, of the Introduced bill, after "fund" delete ", and to repeal certain sales tax exemptions"

On page 2, line 25, of the Introduced bill, after "county." delete "Section 4. That § 10-45-12.1 be AMENDED:

10-45-12.1. Services specifically exempt from tax.

The following services enumerated in the Standard Industrial Classification Manual, 1987, as prepared by the Statistical Policy Division of the Office of Management and Budget, Office of the President are exempt from the provisions of this chapter: health services (major group 80); educational services (major group 82) except schools and educational services not elsewhere classified (industry no. 8299); social services (major group 83); agricultural services (major group 07) except veterinarian services (group no. 074) and animal specialty services, except veterinary (industry no. 0752); forestry services (group no. 085); radio and television broadcasting (group no. 483); railroad transportation (major group 40); local and suburban passenger transportation (group no. 411) except limousine services; school buses (group no. 415); trucking and courier services, except air (group no. 421) except collection and disposal of solid waste; farm product warehousing and storage (industry no. 4221); establishments primarily engaged in transportation on rivers and canals (group no. 444); establishments primarily engaged in air transportation, certified carriers (group no. 451); establishments primarily engaged in air transportation, noncertified carriers (group no. 452) except chartered flights (industry no. 4522) and airplane, helicopter, balloon, dirigible, and blimp rides for amusement or sightseeing; pipe lines, except natural gas (major group 46); arrangement of passenger transportation (group no. 472); arrangement of transportation of freight and cargo (group no. 473); rental of railroad cars (group no. 474); water supply (industry no. 4941); sewerage systems (industry no. 4952); security brokers, dealers and flotation companies (group no. 621); commodity contracts brokers and dealers (group no. 622); credit counseling services provided by individual and family social services (industry no. 8322); construction services (division C) except industry no. 1752 and locksmiths and locksmith shops; consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies (group no. 732), if the debt was incurred out-of-state and the client does not reside within the state. The following are also specifically exempt from the provisions of this chapter: financial services of institutions subject to tax under chapter 10-43 including loan origination fees, late payment charges, nonsufficient fund check charges, stop payment charges, safe deposit box rent, exchange charges, commission on travelers checks, charges for administration of trusts, interest charges, and points charged on loans; commissions earned or service fees paid by an insurance company to an agent or representative for the sale of a policy; services of brokers and agents licensed under Title 47; the sale of trading stamps; rentals of motor vehicles as defined by § 32-5-1 leased under a single contract for more than twenty-eight days; advertising services; services provided by any corporation to another corporation which is centrally assessed having identical ownership and services provided by any corporation to a wholly owned subsidiary which is centrally assessed; continuing education programs; tutoring; vocational counseling, except rehabilitation counseling; and motion picture rentals to a commercially operated theater primarily engaged in the exhibition of motion pictures."

And that as so amended said bill be referred to the Committee on Transportation.

Respectfully submitted,  
Drew Dennert, Vice-Chair

1 Also MR. SPEAKER:

2 The Committee on House Education respectfully reports that it has had under consideration  
3 **HB 1167** and returns the same with the recommendation that said bill be amended as follows:

4 1167A

5 On page 1, line 18, of the Introduced bill, after "communication " insert "exchanged privately"

6 On page 1, line 21, of the Introduced bill, after "subjected " insert "or exposed "

7 On page 1, line 21, of the Introduced bill, after "abuse" insert ", neglect, or other illegal  
8 conduct"

9 1167C

10 On page 1, line 21, of the Introduced bill, after "guardian." insert " A custodial parent or legal  
11 guardian to whom a counselor, school psychologist, or social worker must disclose under this section  
12 may opt-out of the disclosure in writing on a form to be provided by the school."

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

14 Also MR. SPEAKER:

15 The Committee on House Education respectfully reports that it has had under consideration  
16 **HB 1204** which was tabled.

17 Also MR. SPEAKER:

18 The Committee on House Education respectfully reports that it has had under consideration  
19 **HB 1210 and 1243** which were deferred to the 41st Legislative Day.

20 Respectfully submitted,  
21 Lana Greenfield, Chair

22 Also MR. SPEAKER:

23 The Committee on House Transportation respectfully reports that it has had under  
24 consideration **HB 1161** which was tabled.

25 Also MR. SPEAKER:

26 The Committee on House Transportation respectfully reports that it has had under  
27 consideration **HB 1224** which was deferred to the 41st Legislative Day.

28 Also MR. SPEAKER:

29 The Committee on House Transportation respectfully reports that it has had under  
30 consideration **SB 52** and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under  
3 consideration **SB 69** and returns the same with the recommendation that said bill do pass, and  
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 John Mills, Chair

7 Also MR. SPEAKER:

8 The Committee on House State Affairs respectfully reports that it has had under consideration  
9 **HB 1004** and returns the same with the recommendation that said bill be amended as follows:

10 1004A

11 On page 1, line 5, of the Introduced bill, after "defend" delete " any law"

12 On page 1, line 5, of the Introduced bill, delete " any law, in any civil action or proceeding in  
13 which the state is an interested party" and insert ", the establishment of any legislative district under  
14 S.D. Const. Art. III, § 5"

15 On page 1, line 9, of the Introduced bill, after "general " insert "if the attorney general declines"

16 On page 1, line 10, of the Introduced bill, after "action" delete " or proceeding under § 2-18-1"

17 On page 1, line 10, of the Introduced bill, after "§ 2-18-1;" insert " or"

18 On page 1, line 11, of the Introduced bill, after "(b)" delete "File or intervene in any civil action  
19 or proceeding on behalf of the Legislature; or

20 (c) "

21 On page 1, line 13, of the Introduced bill, after "Legislature" insert ", either house of the  
22 Legislature, any member of the Legislature who is sued in that member's official capacity, or any  
23 individual who is sued in that individual's capacity as an agent of the Legislature"

24 On page 1, line 19, of the Introduced bill, after "Legislature." delete "Section 3. That a NEW  
25 SECTION be added:"

26 On page 2, line 1, of the Introduced bill, after "added:" delete "Employment of legal counsel  
27 by each house of the Legislature--Purposes--Process."

28 On page 2, line 2, of the Introduced bill, after "Legislature--Purposes--Process." delete "

29 (1) In any civil action or proceeding under § 2-18-2, each house of the Legislature may assert  
30 an independent legal position and employ legal counsel other than the attorney general to represent  
31 the respective house in the action or proceeding.

32 (2) The speaker of the House of Representatives, in consultation with the majority leader of  
33 the House of Representatives and the minority leader of the House of Representatives, shall  
34 determine the legal position of the House of Representatives.

35 (3) The president pro tempore of the Senate, in consultation with the majority leader of the  
36 Senate and the minority leader of the Senate, shall determine the legal position of the Senate.

37 (4) Each house of the Legislature shall approve the employment of legal counsel under this  
38 section by resolution adopted by a majority of the members-elect of the respective house."

1 On page 2, line 16, of the Introduced bill, after "house." delete "Section 4. That a NEW SECTION  
2 be added:"

3 On page 2, line 17, of the Introduced bill, after "added:" delete "Employment of legal counsel  
4 by each house of the Legislature--Defense of member, agent, house."

5 On page 2, line 18, of the Introduced bill, after "house." delete "

6 (1) The speaker of the House of Representatives may employ legal counsel other than the  
7 attorney general to defend:

8 (a) A member of the House of Representatives who is sued in that member's capacity as a  
9 representative;

10 (b) An individual who is sued in that individual's capacity as an agent of the House of  
11 Representatives; or

12 (c) The House of Representatives if the House of Representatives is sued as a body.

13 (2) The president pro tempore of the Senate may employ legal counsel other than the attorney  
14 general to defend:

15 (a) A member of the Senate who is sued in that member's capacity as a senator;

16 (b) An individual who is sued in that individual's capacity as an agent of the Senate; or

17 (c) The Senate if the Senate is sued as a body."

18 On page 3, line 8, of the Introduced bill, after "§ 2-18-2" delete ", 2-18-3, or 2-18-4"

19 1004B

20 On page 1, line 10, of the Introduced bill, delete "Represent " and insert "Defend "

21 On page 1, line 13, of the Introduced bill, delete "represent " and insert "defend "

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

23 Also MR. SPEAKER:

24 The Committee on House State Affairs respectfully reports that it has had under consideration  
25 **HB 1182** and returns the same with the recommendation that said bill be amended as follows:

26 1182A

27 On page 1, line 22, of the Introduced bill, delete "successfully " and insert ":

28 (a) Successfully "

29 On page 1, line 23, of the Introduced bill, after "§ 23-7-58" insert ";

30 (b) Received instruction regarding the use of force standards; and

31 (c) Received instruction regarding relevant criminal statutory changes"

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

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration  
3 **HB 1195** and returns the same with the recommendation that said bill be amended as follows:

4 1195C

5 On page 1, line 1, of the Introduced bill, delete "establish certain fetal harm as an assault" and  
6 insert "provide an affirmative defense to pregnant women for certain controlled substance offenses"

7 On page 1, line 5, of the Introduced bill, delete "woman's child is either born with a physical  
8 dependence on a controlled substance or is harmed by a controlled substance and the dependence  
9 or harm is a result of the woman's illegal use of a controlled substance, as described in § 22-42-5.  
10 1, " and insert " woman is charged with a crime under §§ 22-42-5 or 22-42-5.1 "

11 On page 1, line 8, of the Introduced bill, delete " the woman is guilty of assault under § 22-  
12 18-1. It " and insert " it "

13 On page 1, line 8, of the Introduced bill, delete "to a charge under this section that a " and  
14 insert "if the "

15 On page 1, line 9, of the Introduced bill, after "woman " insert "provides proof she received  
16 adequate prenatal care, "

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

18 Also MR. SPEAKER:

19 The Committee on House State Affairs respectfully reports that it has had under consideration  
20 **HB 1226** and returns the same with the recommendation that said bill be amended as follows:

21 1226A

22 On page 5, line 13, of the Introduced bill, after "completed." insert "

23 **Section 1.** That § 13-16-6.4 be AMENDED:

24 13-16-6.4. Referendum petition and election on installment purchase or capital outlay  
25 certificates.

26 Approval to enter into an agreement or issue capital outlay certificates to which § 13-16-6.3  
27 applies is subject to a referendum if five percent of the registered voters, based upon the total  
28 number of registered voters at the last preceding general election, petition, within ~~twenty-three~~ twenty-three ~~five~~  
29 days thereafter, to have the question of approval or disapproval of the agreement or issue of capital  
30 outlay certificates or the lease-purchase agreement placed upon the ballot at the next regular  
31 election or at a special election called for that purpose. The business manager shall give notice of  
32 the fact that the question will be on the ballot at a regular or special election as provided by law for  
33 school elections and prepare official ballots therefor according to the provisions of this title relating  
34 to elections and the issue shall be decided by sixty percent of those voting thereon."

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

36 Also MR. SPEAKER:

37 The Committee on House State Affairs respectfully reports that it has had under consideration  
38 **HB 1194 and 1223, and HCR 6002** which were deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration  
3 **HB 1242** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,  
5 Lee Qualm, Chair

6 Also MR. SPEAKER:

7 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
8 under consideration **HB 1166** and returns the same with the recommendation that said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
11 under consideration **HB 1256** which was deferred to the 41st Legislative Day.

12 Also MR. SPEAKER:

13 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
14 under consideration **HCR 6011** and returns the same with the recommendation that said resolution  
15 be adopted.

16 Respectfully submitted,  
17 Thomas J. Brunner, Chair

18 Also MR. SPEAKER:

19 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
20 **HB 1035** and returns the same with the recommendation that said bill do pass.

21 Also MR. SPEAKER:

22 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
23 **HB 1093 and 1272** which were tabled.

24 Also MR. SPEAKER:

25 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
26 **HB 1100** and returns the same with the recommendation that said bill be amended as follows:

27 1100A

28 On page 1, line 4, of the Introduced bill, delete "million dollars " and insert "dollar "

29 On page 1, line 5, of the Introduced bill, delete "(\$1,000,000)" and insert "(\$1)"

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

31 Respectfully submitted,  
32 Chris G. Karr, Co-Chair



1 Also MR. SPEAKER:

2 The Committee on House Local Government respectfully reports that it has had under  
3 consideration **HB 1241 and 1269** which were deferred to the 41st Legislative Day.

4 Also MR. SPEAKER:

5 The Committee on House Local Government respectfully reports that it has had under  
6 consideration **HB 1279** and returns the same with the recommendation that said bill do pass, and  
7 having been certified as uncontested, be placed on the consent calendar.

8 Respectfully submitted,  
9 Herman Otten, Chair

10 **MESSAGES FROM THE SENATE**

11 Mr. SPEAKER:

12 I have the honor to return herewith **HB 1081 and HCR 6007** which have been amended by  
13 the Senate and your concurrence in the amendments is respectfully requested.

14 Also Mr. SPEAKER:

15 I have the honor to return herewith **HB 1033, 1047, and 1058** which have passed the Senate  
16 without change.

17 Also Mr. SPEAKER:

18 I have the honor to transmit herewith **SB 148 and 181** which have passed the Senate and  
19 your favorable consideration is respectfully requested.

20 Respectfully,  
21 Kay Johnson, Secretary

22 **MOTIONS AND RESOLUTIONS**

23 **HCR 6015:** A CONCURRENT RESOLUTION, To provide for a legislative task force to study,  
24 report, and develop and consider recommendations and proposed legislation regarding the  
25 evaluation and standardization of quality measurements of agricultural products.

26 Introduced by: **Representative** Gosch

27 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

28 **HCR 6016:** A CONCURRENT RESOLUTION, Supporting the efforts of William "Bill" Casper as  
29 the South Dakota state chairman of the State Funeral for World War II Veterans in his efforts to  
30 petition President Donald J. Trump to hold a state funeral for World War II veterans.

1 Introduced by: **Representative** Borglum

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

3 **HCR 6013:** A CONCURRENT RESOLUTION, Urging all South Dakotans to participate in the  
4 2020 United States Census.

5 Was read the second time.

6 Rep. David Johnson moved that **HCR 6013** as found on page 311 of the House Journal be  
7 adopted.

8 The question being on Rep. David Johnson's motion that **HCR 6013** be adopted.

9 And the roll being called:

10 Yeas 66, Nays 2, Excused 2, Absent 0

11 Yeas:

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

19 Nays:

20 Frye-Mueller and Steele

21 Excused:

22 Deutsch and Finck

23 So the motion having received an affirmative vote of a majority of the members-elect, the  
24 Speaker declared the motion carried and **HCR 6013** was adopted.

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

29 Was read the second time.

30 Rep. McCleerey moved that **HCR 6014** as found on page 309 of the House Journal be adopted.

31 The question being on Rep. McCleerey's motion that **HCR 6014** be adopted.

32 And the roll being called:

33 Yeas 66, Nays 2, Excused 2, Absent 0

34 Yeas:

35 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
36 Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Lana Greenfield, Gross,  
37 Hammock, Hansen, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Latterell,  
38 Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten,

1 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen,  
2 Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis,  
3 Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

4 Nays:  
5 Gosch and Healy

6 Excused:  
7 Deutsch and David Johnson

8 So the motion having received an affirmative vote of a majority of the members-elect, the  
9 Speaker declared the motion carried and **HCR 6014** was adopted.

10 Rep. Qualm moved that when we adjourn today, we adjourn to convene at 1:00 p.m., Friday,  
11 February 21, 2020, the 24<sup>th</sup> legislative day.

12 Which motion prevailed.

13 **CONSIDERATION OF REPORTS OF COMMITTEES**

14 Rep. Qualm moved that the reports of the Standing Committees on  
15 Health and Human Services on **HB 1136** as found on page 304 of the House Journal; and  
16 Commerce and Energy on **HB 1070 and 1125** as found on page 307 of the House Journal be  
17 adopted.

18 Which motion prevailed and the reports were adopted.

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

20 **HB 1203**, after being Withdrawn at the Request of the Prime Sponsor, pursuant to Joint Rule  
21 6B-1.1, on February 4, 2020, was assigned to the Committee on Commerce and Energy on February  
22 6, 2020, due to a system issue. As the bill was formally declared withdrawn, it will receive no further  
23 action.

24 The Speaker declared that **HB 1236 and 1289** were withdrawn at the request of the prime  
25 sponsors pursuant to Joint Rule 6B-1.1.

26 Rep. Cwach moved that **HB 1142** be referred from the Committee on Health and Human  
27 Services to the Committee on Commerce and Energy.

28 Which motion prevailed.

29 Rep. Qualm moved that **HB 1284** be referred from the Committee on Taxation to the  
30 Committee on Transportation.

31 Which motion prevailed.

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

2                   **SB 148:** FOR AN ACT ENTITLED, An Act to adopt the Uniform Power of Attorney Act.

3                   **SB 181:** FOR AN ACT ENTITLED, An Act to revise provisions regarding health benefit plans.

4                   Were read the first time.

5                                   **SECOND READING OF CONSENT CALENDAR ITEMS**

6                   **HB 1246:** FOR AN ACT ENTITLED, An Act to revise the attorney's fees allowed in a retaliation  
7                   action against a lessor.

8                   Was read the second time.

9                   The question being "Shall **HB 1246** pass?"

10                  And the roll being called:

11                  Yeas 66, Nays 2, Excused 2, Absent 0

12                  Yeas:

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

20                  Nays:

21                  Gross and Marty

22                  Excused:

23                  Deutsch and David Johnson

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

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

27  
28                  Rep. Frye-Mueller moved that **HB 1104** be deferred to Monday, February 24, 2020, the  
29                  25<sup>th</sup> legislative day.

30                  Which motion prevailed.

31                  Rep. Qualm moved that **HB 1184** be deferred to Friday, February 21, 2020, the 24<sup>th</sup> legislative  
32                  day.

33                  Which motion prevailed.

**HB 1170:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of certain lights by tow truck vehicles.

Was read the second time.

Rep. Rounds moved that **HB 1170** be amended as follows:

1170A

On page 1, line 1, of the Introduced bill, after "vehicles" insert " and Department of Transportation vehicles"

On page 1, line 20, of the Introduced bill, after "misdemeanor." insert "

**Section 2.** That § 32-17-42 be AMENDED:

**32-17-42. Lights on emergency vehicles--Duty of driver--Authorization to use lights--Violation as misdemeanor.**

Any motor vehicle authorized by the Department of Transportation, a tow truck or wrecker as defined in § 32-17-10, or a vehicle operated by a member of an organized fire department or organized search and rescue unit or by a person who is an ambulance driver, attendant, or emergency medical technician affiliated with a licensed ambulance service may be equipped with ~~flashing flashing-blue lights displayed to the front or a blue rotating beacon light or strobe light or both to be visible 360 degrees displayed to the front or a blue rotating beacon light or strobe light or both to be visible 360 degrees.~~ This provision does not relieve the driver of such a vehicle from the duty to drive with due regard for the safety of all persons using the street nor does it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

No person may use a blue light authorized in this section ~~authorized in this section~~ unless the person is authorized by this chapter and is either operating a Department of Transportation vehicle in performance of their duties in maintaining the highway, or actually en route to the scene of a fire or other emergency requiring the person's services and the person has been authorized in writing to so use a blue light. The authorization may be given by the Department of Transportation, highway patrol, chief of the fire department, coordinator of the search and rescue unit, or operator or ambulance service director of the ambulance service only to members of the department or service who are in good standing.

The unauthorized use of a blue light in violation of this section is a Class 2 misdemeanor."

Which motion prevailed.

The question being "Shall **HB 1170** pass as amended?"

And the roll being called:

Yeas 69, Nays 0, Excused 1, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, 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, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

1 Excused:  
2 Deutsch

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

5 The question being on the title.

6 Rep. Rounds moved that the title to **HB 1170** be amended as follows:

7 1170C

8 On the previously adopted amendment (1170A), On page 1, line 2, after "Transportation"  
9 insert " authorized"

10 Which motion prevailed and the title was so amended.

11 **HB 1173:** FOR AN ACT ENTITLED, An Act to prohibit a school board from denying an  
12 application for open enrollment from certain students with autism.

13 Was read the second time.

14 Rep. Hansen moved that **HB 1173** be amended as follows:

15 1173B

16 On page 2, line 3, of the House Education bill, after "disability;" delete " and"

17 On page 2, line 5, of the House Education bill, after "program" insert "; and

18 (4) Does not require transportation as a related service under the terms of the student's  
19 individualized education program"

20 Which motion prevailed.

21 The question being "Shall **HB 1173** pass as amended?"

22 And the roll being called:

23 Yeas 17, Nays 52, Excused 1, Absent 0

24 Yeas:

25 Dennert, Diedrich, Frye-Mueller, Glanzer, Goodwin, Lana Greenfield, Hammock, Hansen,  
26 Johns, Chris Johnson, Milstead, Sue Peterson, Pischke, St. John, Steele, Wiese, and York

27 Nays:

28 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Duba,  
29 Duvall, Finck, Gosch, Gross, Healy, Howard, Hunhoff, Kevin Jensen, David Johnson, Karr, Koth,  
30 Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Miskimins, Mulally, Olson, Herman Otten,  
31 Overweg, Perry, Kent Peterson, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring,  
32 Rounds, Saba, Jamie Smith, Sullivan, Wangsness, Weis, Willadsen, Zikmund, and Speaker Haugaard

33 Excused:  
34 Deutsch

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

**HB 1133:** FOR AN ACT ENTITLED, An Act to provide a rebuttable presumption in favor of joint physical custody of a minor child.

Was read the second time.

Rep. Pischke moved that **HB 1133** be amended as follows:

1133E

On page 1, line 12, of the Introduced bill, delete "clear and convincing" and insert "substantial, credible"

On page 1, line 13, of the Introduced bill, after "evidence" insert ", as referenced in § 19-19-301, and"

Which motion prevailed.

Rep. Rounds rose to a point of order regarding a question asked of the Sponsor. The question was not answered.

Speaker did not sustain the point of order.

Rep. Duba rose to a point of order on Rep. Pischke's comment on the bill.

Speaker did not sustain the point of order.

The question being "Shall **HB 1133** pass as amended?"

And the roll being called:

Yeas 41, Nays 25, Excused 4, Absent 0

Yeas:

Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Mulally, Herman Otten, Overweg, Perry, Pischke, Post, Qualm, Randolph, Rasmussen, Saba, St. John, Steele, Wangsness, Weis, Wiese, Zikmund, and Speaker Haugaard

Nays:

Anderson, Bartels, Barthel, Bordeaux, Cwach, Duba, Duvall, Glanzer, Healy, Hunhoff, Lesmeister, McCleerey, Milstead, Miskimins, Kent Peterson, Sue Peterson, Pourier, Reed, Reimer, Ring, Rounds, Jamie Smith, Sullivan, Willadsen, and York

Excused:

Deutsch, Diedrich, David Johnson, and Olson

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 1156:** FOR AN ACT ENTITLED, An Act to to prohibit the conduct of certain physical examinations or screenings on students in a school district without parental consent.

Was read the second time.

1 Speaker made a point of order on Rep. York's comment regarding Rep. Qualm's statement of  
2 fact.

3 The question being "Shall **HB 1156** pass?"

4 And the roll being called:

5 Yeas 34, Nays 35, Excused 1, Absent 0

6 Yeas:

7 Beal, Borglum, Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Gross, Hammock, Hansen,  
8 Howard, Kevin Jensen, Chris Johnson, Karr, Latterell, Livermont, Marty, Mills, Mulally, Herman  
9 Otten, Perry, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Saba, St. John, Steele,  
10 Wangsness, Weis, Wiese, and Speaker Haugaard

11 Nays:

12 Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Diedrich, Duba, Duvall, Finck,  
13 Glanzer, Lana Greenfield, Healy, Hunhoff, Johns, David Johnson, Koth, Lesmeister, McCleerey,  
14 Milstead, Miskimins, Olson, Overweg, Kent Peterson, Pourier, Reed, Reimer, Ring, Rounds, Jamie  
15 Smith, Sullivan, Willadsen, York, and Zikmund

16 Excused:

17 Deutsch

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

20 Rep. Frye-Mueller announced her intention to reconsider the vote by which **HB 1156** lost.

## 21 **SIGNING OF BILLS**

22 The Speaker publicly read the title to

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

25 **HB 1047:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding human  
26 trafficking.

27 **HB 1058:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding water  
28 development districts.

29 **HR 7001:** A RESOLUTION, To ensure the existence of a healthy, sustainable equine  
30 population.

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

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

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



**SB 50:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the practice of a certified registered nurse anesthetist.

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

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

And signed the same in the presence of the House.

Rep. Beal moved that the House do now adjourn, which motion prevailed and at 5:01 p.m. the House adjourned.

Mary Lou Goehring, Chief Clerk

