

JOURNAL OF THE HOUSE

NINETY-FIFTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, February 21, 2020

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House page Jackson Trandall.

Roll Call: All members present except Reps. Deutsch, Karr, McCleerey, and St. John who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-third 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

1 HOUSE PAGE RESOLUTION 3 Introduced by: Representatives Anderson; Bartels; Barthel;
 2 Beal; Bordeaux; Borglum; Brunner; Chaffee; Chase; Cwach; Dennert; Deutsch; Diedrich; Duba;
 3 Duvall; Finck; Frye-Mueller; Glanzer; Goodwin; Gosch; Greenfield, Lana; Gross; Hammock; Hansen;
 4 Haugaard; Healy; Howard; Hunhoff; Jensen, Kevin; Johns; Johnson, Chris; Johnson, David; Karr;
 5 Koth; Latterell; Lesmeister; Livermont; Marty; McCleerey; Mills; Milstead; Miskimins; Mulally;
 6 Olson; Otten, Herman; Overweg; Perry; Peterson, Kent; Peterson, Sue; Pischke; Post; Pourier;
 7 Qualm; Randolph; Rasmussen; Reed; Reimer; Ring; Rounds; Saba; Smith, Jamie; St. John; Steele;
 8 Sullivan; Wangsness; Weis; Wiese; Willadsen; York; Zikmund.

9 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of the
 10 Ninety-fifth Legislature of the State of South Dakota to Heath Brown, Carter Dreyer, Sarah
 11 Hancock, Kaytlyn Hilligas, Lydia Hoffman, William Kessler, Olivia Olson, Kaylee Poppen, Kate
 12 Schnabel, Jackson Trandall, Emily Wedel, Caleb Weiland.

13 WHEREAS, the above named served loyally as pages for the House of Representatives of the
 14 Ninety-fifth Legislative Session; and

15 WHEREAS, the members of the Ninety-fifth House of Representatives express their most
 16 sincere appreciation to these young people for their service to the state; and

17 WHEREAS, the members extend to these young people their wishes for every success in life :

18 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-fifth
 19 Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified
 20 and furnished to each page on this last day of service.

21 Rep. Hansen moved that House Page Resolution 3 be adopted.

22 Which motion prevailed and the resolution was adopted.

23 There being no objection, the House proceeded to Order of Business No. 7 - Messages from
 24 the Senate.

25 **MESSAGES FROM THE SENATE**

26 Mr. SPEAKER:

27 I have the honor to transmit herewith **SB 162** which has passed the Senate and your favorable
 28 consideration is respectfully requested.

29 Also Mr. SPEAKER:

30 I have the honor to return herewith **HB 1007, 1048, 1059, 1082, 1086, 1091, 1105, 1106,**
 31 **and 1120** which have passed the Senate without change.

32 Respectfully,
 33 Kay Johnson, Secretary

1

MOTIONS AND RESOLUTIONS

2 Yesterday, Rep. Frye-Mueller announced her intention to reconsider the vote by which
3 **HB 1156** lost.

4 Rep. Frye-Mueller moved that the House do now reconsider the vote by which **HB 1156** lost.

5 The question being on Rep. Frye-Mueller's motion to reconsider the vote by which **HB 1156**
6 lost.

7 And the roll being called:

8 Yeas 32, Nays 33, Excused 5, Absent 0

9 Yeas:

10 Beal, Borglum, Brunner, Chaffee, Dennert, Frye-Mueller, Goodwin, Gosch, Gross, Hammock,
11 Hansen, Howard, Kevin Jensen, Chris Johnson, Koth, Latterell, Livermont, Marty, Mills, Miskimins,
12 Mulally, Perry, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Steele, Wangsness, Weis,
13 and Speaker Haugaard

14 Nays:

15 Anderson, Bartels, Barthel, Bordeaux, Cwach, Diedrich, Duba, Duvall, Finck, Glanzer, Lana
16 Greenfield, Healy, Hunhoff, Johns, David Johnson, Lesmeister, Milstead, Olson, Herman Otten,
17 Overweg, Kent Peterson, Pourier, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Sullivan, Wiese,
18 Willadsen, York, and Zikmund

19 Excused:

20 Chase, Deutsch, Karr, McCleerey, and St. John

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

23 Rep. Reed moved that the House do concur in Senate amendments to **HB 1081**.

24 The question being on Rep. Reed's motion that the House do concur in Senate amendments to
25 **HB 1081**.

26 And the roll being called:

27 Yeas 54, Nays 12, Excused 4, Absent 0

28 Yeas:

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

35 Nays:

36 Brunner, Frye-Mueller, Howard, Latterell, Livermont, Marty, Mills, Mulally, Randolph, Steele,
37 Weis, and Speaker Haugaard

38 Excused:

39 Deutsch, Karr, McCleerey, and St. John

40 So the motion having received an affirmative vote of a majority of the members-elect, the
41 Speaker declared the motion carried and the amendments were concurred in.

- 1 Rep. Duba moved that the House do concur in Senate amendments to **HCR 6007**.
- 2 The question being on Rep. Duba's motion that the House do concur in Senate amendments
3 to **HCR 6007**.
- 4 And the roll being called:
- 5 Yeas 65, Nays 1, Excused 4, Absent 0
- 6 Yeas:
- 7 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,
8 Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield,
9 Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David
10 Johnson, Koth, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson,
11 Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Pourier, Qualm, Randolph,
12 Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Steele, Sullivan, Wangsness, Weis,
13 Wiese, Willadsen, York, Zikmund, and Speaker Haugaard
- 14 Nays:
- 15 Pischke
- 16 Excused:
- 17 Deutsch, Karr, McCleerey, and St. John
- 18 So the motion having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the motion carried and the amendments were concurred in.
- 20 **HCR 6011**: A CONCURRENT RESOLUTION, Supporting the Recovering America's Wildlife Act.
- 21 Was read the second time.
- 22 Rep. Finck moved that **HCR 6011** as found on page 328 of the House Journal be adopted.
- 23 The question being on Rep. Finck's motion that **HCR 6011** be adopted.
- 24 And the roll being called:
- 25 Yeas 45, Nays 21, Excused 4, Absent 0
- 26 Yeas:
- 27 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,
28 Dennert, Diedrich, Duba, Duvall, Finck, Glanzer, Lana Greenfield, Hammock, Healy, Hunhoff, Johns,
29 Chris Johnson, David Johnson, Koth, Lesmeister, Mills, Milstead, Miskimins, Olson, Herman Otten,
30 Perry, Kent Peterson, Pischke, Pourier, Reed, Reimer, Ring, Saba, Jamie Smith, Sullivan,
31 Wangsness, Wiese, Willadsen, York, and Zikmund
- 32 Nays:
- 33 Frye-Mueller, Goodwin, Gosch, Gross, Hansen, Howard, Kevin Jensen, Latterell, Livermont,
34 Marty, Mulally, Overweg, Sue Peterson, Post, Qualm, Randolph, Rasmussen, Rounds, Steele, Weis,
35 and Speaker Haugaard
- 36 Excused:
- 37 Deutsch, Karr, McCleerey, and St. John
- 38 So the motion having received an affirmative vote of a majority of the members-elect, the
39 Speaker declared the motion carried and **HCR 6011** was adopted.

1 Rep. Qualm moved that **HCR 6016** be deferred to Monday, February 24, 2020, the
2 25th legislative day.

3 Which motion prevailed.

4 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing
5 Committees.

6 **REPORTS OF STANDING COMMITTEES**

7 Mr. SPEAKER:

8 The Committee on Legislative Procedure respectfully reports that **HB 1023, 1032, 1039,**
9 **1051, 1074, 1083, and 1084** were delivered to her Excellency, the Governor, for her approval at
10 9:40 a.m., February 21, 2020.

11 Respectfully submitted,
12 Steven G. Haugaard, Chair

13 Also Mr. SPEAKER:

14 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
15 Enrolling has carefully compared **HB 1007, 1048, 1059, 1082, 1086, 1091, 1105, 1106, and**
16 **1120** and finds the same correctly enrolled.

17 Respectfully submitted,
18 Steven G. Haugaard, Chair

19 Also MR. SPEAKER:

20 The Committee on House Health and Human Services respectfully reports that it has had under
21 consideration **HB 1137 and 1240** which were deferred to the 41st Legislative Day.

22 Also MR. SPEAKER:

23 The Committee on House Health and Human Services respectfully reports that it has had under
24 consideration **HB 1142** and returns the same with the recommendation that said bill be referred to
25 the Committee on Commerce and Energy.

26 Also MR. SPEAKER:

27 The Committee on House Health and Human Services respectfully reports that it has had under
28 consideration **HB 1211** which was tabled.

1 Also MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under
3 consideration **HB 1232** and returns the same with the recommendation that said bill be amended
4 as follows:

5 1232A

6 On page 1, line 11, of the Introduced bill, after "§ 25-6-9.1, " insert "or that have incurred
7 expenses for an adoption application, for foster care adoption service fees, or for adoption education
8 costs, "

9 On page 1, line 12, of the Introduced bill, after "section" insert ", if used to assist with the
10 expenses of a home study report,"

11 On page 1, line 12, of the Introduced bill, delete "cost of" and insert "charge for"

12 On page 1, line 12, of the Introduced bill, delete "five " and insert "three "

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

14 A grant under this section, if used to assist with any other eligible expenditure, may not exceed
15 the actual charge or two thousand dollars, whichever is less. "

16 On page 1, line 14, of the Introduced bill, delete "approval of the petition for" and insert "
17 finalization of the"

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

19 Respectfully submitted,
20 Kevin D. Jensen, Chair

21 Also MR. SPEAKER:

22 The Committee on House Education respectfully reports that it has had under consideration
23 **HB 1175** and returns the same with the recommendation that said bill do pass.

24 Also MR. SPEAKER:

25 The Committee on House Education respectfully reports that it has had under consideration
26 **HB 1201** which was deferred to the 41st Legislative Day.

27 Also MR. SPEAKER:

28 The Committee on House Education respectfully reports that it has had under consideration
29 **HB 1218** and returns the same with the recommendation that said bill be amended as follows:

30 1218B

31 On page 1, line 3, of the Introduced bill, after "observations " insert "require responses and
32 reporting regarding the testing, assessment, evaluation, or observation of students"

33 On page 1, line 1, after "to " delete "establish certain requirements for schools regarding
34 parental notice of and access to certain tests, assessments, evaluations, and observations "

35 On the Introduced bill, delete everything after the enacting clause and insert:

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration
3 **HB 1139 and 1149** which were deferred to the 41st Legislative Day.

4 Also MR. SPEAKER:

5 The Committee on House Judiciary respectfully reports that it has had under consideration
6 **HB 1140** and returns the same with the recommendation that said bill be amended as follows:

7 1140A

8 On page 1, line 15, of the Introduced bill, delete "Prior to December 31, 2020, and at least
9 once every five years thereafter, the state court administrator shall provide for a public hearing
10 process to review the standard guidelines and to recommend any amendments deemed to be
11 necessary." and insert "

12 The Supreme Court shall establish rules pursuant to § 16-3-1 to provide for a public hearing
13 process to review the standard guidelines and to recommend any amendments deemed to be
14 necessary. "

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

17 Also MR. SPEAKER:

18 The Committee on House Judiciary respectfully reports that it has had under consideration
19 **HB 1244** and returns the same with the recommendation that said bill be amended as follows:

20 1244A

21 On page 1, line 7, of the Introduced bill, after "guardian " delete "or conservator "

22 On page 1, line 9, of the Introduced bill, after "guardian" delete " or conservator"

23 On page 1, line 10, of the Introduced bill, delete "take reasonable steps " and insert "make a
24 good faith effort "

25 On page 1, line 10, of the Introduced bill, delete "or conservator that an examination has taken
26 place" and insert "before the forensic medical examination that the patient provided informed
27 consent for the examination and the examination will take place"

28 On page 1, line 11, of the Introduced bill, after "guardian " delete "or conservator "

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

31 Respectfully submitted,
32 Jon Hansen, Chair

1

SECOND READING OF CONSENT CALENDAR ITEMS

2

HB 1125: FOR AN ACT ENTITLED, An Act to revise conditions for selling non-temperature-controlled baked goods without license.

3

4

HB 1279: FOR AN ACT ENTITLED, An Act to require property owners to receive notification of property tax reduction programs.

5

6

SB 69: FOR AN ACT ENTITLED, An Act to revise the penalty for the misuse of emblem specialty plates on motor vehicles.

7

8

Were read the second time.

9

The question being "Shall **HB 1125** pass as amended, and **HB 1279, and SB 69** pass?"

10

And the roll being called:

11

Yeas 66, Nays 0, Excused 4, Absent 0

12

Yeas:

13

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, Koth, Latterell, Lesmeister, Livermont, Marty, 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, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

20

Excused:

21

Deutsch, Karr, McCleerey, and St. John

22

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.

23

24

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

25

Rep. Qualm moved that the balance of the calendar including **HB 1035, 1070, 1124, 1136, 1166, 1184, and 1242, and SB 52** be deferred to Monday, February 24, 2020, the 25th legislative day.

26

27

28

Which motion prevailed.

29

SIGNING OF BILLS

30

The Speaker publicly read the title to

31

HB 1007: FOR AN ACT ENTITLED, An Act to require certain adjustments to the assessed value of agricultural land if factors impact the land's productivity and to require those adjustments to be documented.

32

33

34

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

35

36

1 **HB 1059:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding hunting with
2 drones.

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

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

6 **HB 1091:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the compensation of
7 merchandise dealers for diagnostic and warranty work.

8 **HB 1105:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding restrictions on
9 State Investment Council members.

10 **HB 1106:** FOR AN ACT ENTITLED, An Act to authorize the state investment officer to include
11 an indemnity provision in certain investment-related documents.

12 **HB 1120:** FOR AN ACT ENTITLED, An Act to authorize the governing body of a second or third
13 class municipality to act as a planning and zoning commission.

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

16 And signed the same in the presence of the House.

17 Rep. Steele moved that the House do now adjourn, which motion prevailed and at 2:10 p.m.
18 the House adjourned.

19

Mary Lou Goehring, Chief Clerk

