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.

Respectfully submitted,
Steven G. Haugaard, Chair

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

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

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

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

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

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


Which motion prevailed and the resolution was adopted.

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

MESSAGES FROM THE SENATE

Mr. SPEAKER:

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

Also Mr. SPEAKER:

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

Respectfully,

Kay Johnson, Secretary
MOTIONS AND RESOLUTIONS

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

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

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

And the roll being called:

Yeas 32, Nays 33, Excused 5, Absent 0

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

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

Excused: Chase, Deutsch, Karr, McCleerey, and St. John

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

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

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

And the roll being called:

Yeas 54, Nays 12, Excused 4, Absent 0

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


Excused: Deutsch, Karr, McCleerey, and St. John

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.
Rep. Duba moved that the House do concur in Senate amendments to **HCR 6007**.

The question being on Rep. Duba's motion that the House do concur in Senate amendments to **HCR 6007**.

And the roll being called:

Yeas 65, Nays 1, Excused 4, Absent 0

Yeas:

Nays:
- Pischke

Excused:
- Deutsch, Karr, McCleerey, and St. John

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

**HCR 6011**: A CONCURRENT RESOLUTION, Supporting the Recovering America's Wildlife Act.

Was read the second time.

Rep. Finck moved that **HCR 6011** as found on page 328 of the House Journal be adopted.

The question being on Rep. Finck's motion that **HCR 6011** be adopted.

And the roll being called:

Yeas 45, Nays 21, Excused 4, Absent 0

Yeas:
- Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba, Duvall, Finck, Glanzer, Lana Greenfield, Hammock, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Koth, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Perry, Kent Peterson, Pischke, Pourier, Reed, Reimer, Ring, Saba, Jamie Smith, Sullivan, Wangsness, Wiese, Willadsen, York, and Zikmund

Nays:
- Frye-Mueller, Goodwin, Gosch, Gross, Hansen, Howard, Kevin Jensen, Latterell, Livermont, Marty, Mulally, Overweg, Sue Peterson, Post, Qualm, Randolph, Rasmussen, Rounds, Steele, Weis, and Speaker Haugaard

Excused:
- Deutsch, Karr, McCleerey, and St. John

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HCR 6011** was adopted.
Rep. Qualm moved that **HCR 6016** be deferred to Monday, February 24, 2020, the 25th legislative day.

Which motion prevailed.

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

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**REPORTS OF STANDING COMMITTEES**

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1023, 1032, 1039, 1051, 1074, 1083, and 1084** were delivered to her Excellency, the Governor, for her approval at 9:40 a.m., February 21, 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 1007, 1048, 1059, 1082, 1086, 1091, 1105, 1106, and 1120** 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 1137 and 1240** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

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

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1211** which was tabled.
Also MR. SPEAKER:

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Kevin D. Jensen, Chair

Also MR. SPEAKER:

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

Also MR. SPEAKER:

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

Also MR. SPEAKER:

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

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

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

On the Introduced bill, delete everything after the enacting clause and insert:
"Section 1. That a NEW SECTION be added:


Within one business day of receiving an inquiry from a student's parent, public and nonpublic school personnel shall:

(1) Inform the parent of the date on which:

(a) A standardized test or assessment is scheduled to be administered to the student; or
(b) An evaluation or observation of the student is scheduled to be conducted; or
(2) Indicate that the test, assessment, evaluation, or observation has not yet been scheduled.

Section 2. That a NEW SECTION be added:


If the purpose of any test, assessment, evaluation, or observation, referenced in § 13-33-31, is to determine a student's eligibility for special education or related services, or to identify any necessary accommodations, the results or the outcome must be provided to the student's parent, by or on behalf of school personnel, at least five business days:

(1) Prior to a meeting of the student's individualized education program team; or
(2) Prior to any meeting pertaining to accommodations for the student under § 504 of the Rehabilitation Act of 1973."

And that as so amended, said bill without recommendation.

Respectfully submitted,

Lana Greenfield, Chair

Also MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration HB 1265 and 1283 which were deferred to the 41st Legislative Day.

Respectfully submitted,

Tim Rounds, Chair

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1068 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1108 and 1179 and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.
Also MR. SPEAKER:

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

Also MR. SPEAKER:

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

1140A

On page 1, line 15, of the Introduced bill, delete "Prior to December 31, 2020, and at least once every five years thereafter, the state court administrator shall provide for a public hearing process to review the standard guidelines and to recommend any amendments deemed to be necessary." and insert "The Supreme Court shall establish rules pursuant to § 16-3-1 to provide for a public hearing process to review the standard guidelines and to recommend any amendments deemed to be necessary."

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

Also MR. SPEAKER:

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

1244A

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

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

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

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

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

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

Respectfully submitted,

Jon Hansen, Chair
There being no objection, the House proceeded to Order of Business No. 9 - Consideration of Reports of Committees.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Qualm moved that the reports of the Standing Committees on Taxation on HB 1284 as found on page 323 of the House Journal; also Education on HB 1167 as found on page 324 of the House Journal; also State Affairs on HB 1004 as found on page 325, HB 1182 as found on page 326, and HB 1195 and 1226 as found on page 327 of the House Journal; and Joint Appropriations on HB 1100 as found on page 328 of the House Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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

HB 1271 was referred to the Committee on Commerce and Energy.

The Speaker declared that HB 1148 was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

Rep. Qualm moved that HB 1142 be referred from the Committee on Health and Human Services to the Committee on Commerce and Energy.

Which motion prevailed.

Rep. Qualm moved that HB 1232 be referred from the Committee on Health and Human Services to the Joint Committee on Appropriations.

Which motion prevailed.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 162: FOR AN ACT ENTITLED, An Act to provide limitations on the use of lighting equipment while hunting.

Was read the first time.
SECOND READING OF CONSENT CALENDAR ITEMS

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

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

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

Were read the second time.
The question being “Shall HB 1125 pass as amended, and HB 1279, and SB 69 pass?”
And the roll being called:
Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:

Excused:
Deutsch, Karr, McCleerey, and St. John

So the bills having received an affirmative vote of a majority of the members-elect, the Speaker declared the bills passed and the titles were agreed to.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

Rep. Qualm moved that 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.
Which motion prevailed.

SIGNING OF BILLS

The Speaker publicly read the title to
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.

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

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

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

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

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

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

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

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

And signed the same in the presence of the House.

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

Mary Lou Goehring, Chief Clerk