

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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TWENTY-FIFTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, February 24, 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 pages Andrea Brandner and Elle Pieper.

Roll Call: All members present except Reps. Deutsch and McCleerey 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-fourth 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.

1 The oath of office was administered by Speaker Haugaard to the following named pages:

2 Andrea Brandner, Karmin Brunner, Miranda Chaney, Sara DeYoung, Grace DuVall, William  
3 Goscicki, Madison Howard, Delaney Peterson, Elle Pieper, Brooke Redder, Emma Rhoades, Haley  
4 Wenger, and Katelyn Winberg.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on House State Affairs respectfully reports that it has had under consideration  
9 **HB 1249 and 1250** which were deferred to the 41st Legislative Day.

10 Also MR. SPEAKER:

11 The Committee on House State Affairs respectfully reports that it has had under consideration  
12 **HB 1262** and returns the same with the recommendation that said bill be amended as follows:

13 1262A

14 On page 2, line 10, of the Introduced bill, delete " municipality's resolution to serve is final"  
15 and insert " municipality passes the resolution to serve"

16 On page 2, line 12, of the Introduced bill, after "serve" insert ", and the court shall hear the  
17 matter on an expedited basis"

18 On page 2, line 14, of the Introduced bill, after "persons." insert " An abuse of discretion review  
19 shall be based upon consideration of the factors set forth in § 49-34A-55. Nothing in this section  
20 affects the rights and privileges under § 49-34A-52.1."

21 On page 2, line 15, of the Introduced bill, after "persons." delete "Section 5. That a NEW  
22 SECTION be added:

23 Failure of electric utility to demand—Acceptance of formula.

24 If the electric utility does not demand a hearing pursuant to § 49-34A-49.4, the electric utility  
25 shall receive compensation for the service territory previously assigned to the electric utility under  
26 the formula set forth in § 49-34A-50."

27 On page 2, line 24, of the Introduced bill, delete "and the municipality are unable to agree on  
28 compensation to the electric utility for the value of the transfer of service territory and any acquired  
29 equipment or distribution property " and insert "has not agreed to accept compensation "

30 On page 2, line 27, of the Introduced bill, delete " § 49-34A-52" and insert " § 49-34A-50"

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

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration  
3 **HB 1277** and returns the same with the recommendation that said bill be amended as follows:

4 1277C

5 On page 1, line 1, of the Introduced bill, delete "only authorize a person whose face is depicted  
6 in certain obscene material to receive revenue generated by the distribution or exhibition of the  
7 material" and insert "prevent trafficking, coercion, and exploitation that occurs under the guise of  
8 obscene content"

9 On page 1, line 7, of the Introduced bill, delete " distributed or exhibited" and insert " created,  
10 filmed, or produced"

11 On page 1, line 9, of the Introduced bill, after "material. " delete "The"

12 On page 1, line 9, of the Introduced bill, after "The " insert "With the exception of a contract  
13 authorized under this section, the "

14 On page 1, line 14, of the Introduced bill, delete "A " and insert "Any person receiving or  
15 attempting to receive revenue in "

16 On page 1, line 14, of the Introduced bill, after "is " insert "guilty of "

17 On page 1, line 14, of the Introduced bill, after "misdemeanor." insert "

18 A person who is represented by independent legal counsel and whose income is greater than  
19 the median family income, as defined in 11 U. S. C. § 101, may transfer or assign her right to  
20 receive up to ninety percent of the revenue she is entitled to receive under this section for a period  
21 of up to one year through a contract otherwise permitted by law. A contract authorized by this  
22 section may not be automatically renewed and may be unconditionally rescinded at any time within  
23 ninety days of the creation of the obscene material that is the subject of the contract."

24 On page 1, line 19, of the Introduced bill, delete "ten " and insert "fifty "

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

26 Also MR. SPEAKER:

27 The Committee on House State Affairs respectfully reports that it has had under consideration  
28 **HB 1288** which was tabled.

29 Respectfully submitted,  
30 Lee Qualm, Chair

31 Also MR. SPEAKER:

32 The House Committee on Appropriations respectfully reports that it has had under  
33 consideration **HB 1172** and returns the same with the recommendation that said bill do pass.

34 Respectfully submitted,  
35 Chris G. Karr, Chair

1 Also MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under  
3 consideration **HB 1142** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 Tim Rounds, Chair

6 Also MR. SPEAKER:

7 The Committee on House Judiciary respectfully reports that it has had under consideration  
8 **HB 1121, 1146, 1147, and 1196** which were deferred to the 41st Legislative Day.

9 Respectfully submitted,  
10 Jon Hansen, Chair

11 **MESSAGES FROM THE SENATE**

12 Mr. SPEAKER:

13 The Committee on Legislative Procedure respectfully reports that **HB 1033, 1047, and 1058**  
14 were delivered to her Excellency, the Governor, for her approval at 9:10 a.m., February 24, 2020.

15 Respectfully submitted,  
16 Steven G. Haugaard, Chair

17 Also Mr. SPEAKER:

18 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
19 Enrolling has carefully compared **HB 1026, 1041, 1063, 1080, 1081, and 1129** and finds the  
20 same correctly enrolled.

21 Respectfully submitted,  
22 Steven G. Haugaard, Chair

23 Also Mr. SPEAKER:

24 I have the honor to return herewith **HB 1026, 1041, 1063, 1080, and 1129** which have  
25 passed the Senate without change.

26 Also Mr. SPEAKER:

27 I have the honor to return herewith **HCR 6009** in which the Senate has concurred.

1 Also Mr. SPEAKER:

2 I have the honor to transmit herewith **SB 136, 150, 157, and 167** which have passed the  
3 Senate and your favorable consideration is respectfully requested.

4 Also Mr. SPEAKER:

5 I have the honor to inform your honorable body that the Senate has concurred in House  
6 amendments to **SB 28**.

7 Respectfully,  
8 Kay Johnson, Secretary

9 **MOTIONS AND RESOLUTIONS**

10 Rep. Borglum moved that **HCR 6016** be deferred to Tuesday, February 25, 2020, the  
11 26<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 1232** as found on page 344 of the House Journal; also  
16 Judiciary on **HB 1140 and 1244** as found on page 346 of the House Journal; and  
17 Education on **HB 1218** as found on page 344 of the House Journal be adopted.  
18 Which motion prevailed and the reports were adopted.

19 Rep. Wiese moved that **HB 1218** be placed on the calendar of Tuesday, February 25, 2020,  
20 the 26<sup>th</sup> legislative day.

21 The question being on Rep. Wiese's motion that **HB 1218** be placed on the calendar of  
22 Tuesday, February 25, 2020, the 26<sup>th</sup> legislative day.

23 And the roll being called:

24 Yeas 42, Nays 26, Excused 2, Absent 0

25 Yeas:

26 Bartels, Beal, Borglum, Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Lana Greenfield,  
27 Gross, Hammock, Hansen, Howard, Hunhoff, Kevin Jensen, Chris Johnson, David Johnson, Karr,  
28 Koth, Latterell, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Perry, Sue Peterson, Pischke,  
29 Post, Pourier, Qualm, Randolph, Rasmussen, St. John, Steele, Wangness, Weis, Wiese, York,  
30 Zikmund, and Speaker Haugaard

1 Nays:  
2 Anderson, Barthel, Bordeaux, Chaffee, Chase, Cwach, Diedrich, Duba, Duvall, Finck, Glanzer,  
3 Healy, Johns, Lesmeister, Olson, Herman Otten, Overweg, Kent Peterson, Reed, Reimer, Ring,  
4 Rounds, Saba, Jamie Smith, Sullivan, and Willadsen

5 Excused:  
6 Deutsch and McCleerey

7 So the motion having received an affirmative vote of a majority of the members-elect, the  
8 Speaker declared the motion prevailed and **HB 1218** was so placed.

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

10 The Speaker declared that **HB 1215, 1252, 1280, 1281, and 1285** were withdrawn at the  
11 request of the prime sponsors pursuant to Joint Rule 6B-1.1.

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

13 **SB 136:** FOR AN ACT ENTITLED, An Act to authorize certain witnesses to be accompanied by  
14 a certified therapeutic dog in a criminal proceeding.

15 **SB 150:** FOR AN ACT ENTITLED, An Act to revise nonresident waterfowl licensure.

16 **SB 157:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the county  
17 zoning and appeals process.

18 **SB 167:** FOR AN ACT ENTITLED, An Act to revise a provision regarding eligibility for the South  
19 Dakota opportunity scholarship.

20 Were read the first time.

21 **SECOND READING OF CONSENT CALENDAR ITEMS**

22 Pursuant to House Rule 7-1, the Speaker removed **HB 1179** from the Consent Calendar.

23 **HB 1108:** FOR AN ACT ENTITLED, An Act to adopt the Uniform Civil Remedies for Unauthorized  
24 Disclosure of Intimate Images Act.

25 **HB 1182:** FOR AN ACT ENTITLED, An Act to provide for the renewal of an enhanced permit to  
26 carry a concealed pistol.

27 Were read the second time.

28 The question being "Shall **HB 1182** pass as amended, and **HB 1108** pass?"

29 And the roll being called:

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

1 Yeas:

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

9 Excused:

10 Deutsch and McCleerey

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

13 Rep. Qualm moved that **HB 1195** be placed to precede **HB 1104**, and **HB 1175** be placed to  
14 follow **HB 1195** on today's calendar.

15 Which motion prevailed.

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

17 **HB 1195:** FOR AN ACT ENTITLED, An Act to provide an affirmative defense to pregnant women  
18 for certain controlled substance offenses.

19 Was read the second time.

20 The question being "Shall **HB 1195** pass as amended?"

21 And the roll being called:

22 Yeas 67, Nays 1, Excused 2, Absent 0

23 Yeas:

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

31 Nays:

32 Olson

33 Excused:

34 Deutsch and McCleerey

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

**HB 1175:** FOR AN ACT ENTITLED, An Act to define dyslexia for the purposes of special education and related services.

Was read the second time.

The question being "Shall **HB 1175** pass?"

And the roll being called:

Yeas 58, Nays 10, Excused 2, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Borglum, Chaffee, Chase, Cwach, Dennert, Diedrich, Duvall, Finck, Frye-Mueller, Glanzer, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Rounds, Saba, Jamie Smith, St. John, Steele, Wangsness, Weis, Wiese, York, Zikmund, and Speaker Haugaard

Nays:

Bordeaux, Brunner, Duba, Goodwin, Kevin Jensen, Herman Otten, Reimer, Ring, Sullivan, and Willadsen

Excused:

Deutsch and McCleerey

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 1104:** FOR AN ACT ENTITLED, An Act to limit the scope of medical information that may be required as a condition of participation in sanctioned activities.

Was read the second time.

Rep. Frye-Mueller moved that **HB 1104** be amended as follows:

1104C

After page 1, line 26, of the Introduced bill, insert "

**Section 2.** That a NEW SECTION be added:

**13-36-16. Disclosure of information—Conditions.**

Nothing in § 13-36-15 limits the ability of an athletic trainer or any other health care provider, who is employed by, under contract to, or otherwise enlisted or permitted by a school or school district to provide health care to students participating in a sanctioned activity from disclosing information regarding the health or health care of a student provided:

(1) The athletic trainer or other health care provider, in his or her professional judgement, determines that the disclosure is in the best interest of the student; and

(2) The person to whom the information is disclosed has a direct and relevant involvement in or need to know about the health or health care of the student."



1 A roll call vote was requested and supported.

2 And the roll being called:

3 Yeas 34, Nays 34, Excused 2, Absent 0

4 Yeas:

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

9 Nays:

10 Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Diedrich, Duba, Duvall, Finck,  
11 Glanzer, Gross, Healy, Hunhoff, Johns, Koth, Lesmeister, Milstead, Miskimins, Olson, Overweg, Kent  
12 Peterson, Pourier, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Sullivan, Wangsness, Willadsen,  
13 and Zikmund

14 Excused:

15 Deutsch and McCleerey

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

18 Rep. Gosch moved that **HB 1104** be deferred to Tuesday, February 25, 2020, the  
19 26<sup>th</sup> legislative day.

20 A roll call vote was requested and supported.

21 And the roll being called:

22 Yeas 28, Nays 40, Excused 2, Absent 0

23 Yeas:

24 Beal, Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Hammock, Hansen, Howard, Kevin  
25 Jensen, Chris Johnson, Karr, Latterell, Livermont, Marty, Mills, Mulally, Perry, Sue Peterson, Pischke,  
26 Post, Qualm, Randolph, Rasmussen, St. John, Steele, Weis, and Speaker Haugaard

27 Nays:

28 Anderson, Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Cwach, Diedrich, Duba,  
29 Duvall, Finck, Glanzer, Lana Greenfield, Gross, Healy, Hunhoff, Johns, David Johnson, Koth,  
30 Lesmeister, Milstead, Miskimins, Olson, Herman Otten, Overweg, Kent Peterson, Pourier, Reed,  
31 Reimer, Ring, Rounds, Saba, Jamie Smith, Sullivan, Wangsness, Wiese, Willadsen, York, and  
32 Zikmund

33 Excused:

34 Deutsch and McCleerey

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

1 The question being "Shall **HB 1104** pass?"

2 And the roll being called:

3 Yeas 22, Nays 46, Excused 2, Absent 0

4 Yeas:

5 Brunner, Dennert, Frye-Mueller, Goodwin, Hansen, Howard, Kevin Jensen, Chris Johnson, Karr,  
6 Latterell, Livermont, Marty, Mulally, Perry, Sue Peterson, Pischke, Randolph, Rasmussen, St. John,  
7 Steele, Weis, and Speaker Haugaard

8 Nays:

9 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Cwach, Diedrich, Duba,  
10 Duvall, Finck, Glanzer, Gosch, Lana Greenfield, Gross, Hammock, Healy, Hunhoff, Johns, David  
11 Johnson, Koth, Lesmeister, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Kent  
12 Peterson, Post, Pourier, Qualm, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Sullivan,  
13 Wangsness, Wiese, Willadsen, York, and Zikmund

14 Excused:

15 Deutsch and McCleerey

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

18 **HB 1184:** FOR AN ACT ENTITLED, An Act to provide limited deer and antelope licenses to  
19 landowners.

20 Was read the second time.

21 Rep. Brunner moved that **HB 1184** be amended as follows:

22 1184E

23 On page 3, line 1, of the House Agriculture and Natural Resources bill, after "owned " delete  
24 "or leased "

25 On page 3, line 1, of the House Agriculture and Natural Resources bill, delete "resident " and  
26 insert "nonresident "

27 On page 3, line 2, of the House Agriculture and Natural Resources bill, after "unit, " insert "as  
28 described in this Act, "

29 On page 4, line 4, of the House Agriculture and Natural Resources bill, after "license" delete ",  
30 only from the"

31 On page 4, line 4, of the House Agriculture and Natural Resources bill, after "lands" insert ".

32 Resident license holders may take big game only from "

33 On page 4, line 7, of the House Agriculture and Natural Resources bill, after "holder" insert ".

34 Nonresident license holders may take big game only from land owned by the holder"

35 Which motion prevailed.

1 The question being "Shall **HB 1184** pass as amended?"

2 And the roll being called:

3 Yeas 54, Nays 14, Excused 2, Absent 0

4 Yeas:

5 Anderson, Bartels, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Diedrich, Duba, Duvall,  
6 Finck, Frye-Mueller, Glanzer, Goodwin, Lana Greenfield, Hammock, Hansen, Healy, Howard, Kevin  
7 Jensen, Johns, Chris Johnson, David Johnson, Koth, Latterell, Lesmeister, Marty, Mills, Milstead,  
8 Miskimins, Mulally, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Pourier, Qualm,  
9 Rasmussen, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Wangness, Weis, Wiese,  
10 York, Zikmund, and Speaker Haugaard

11 Nays:

12 Barthel, Cwach, Dennert, Gosch, Gross, Hunhoff, Karr, Livermont, Herman Otten, Pischke,  
13 Randolph, Reed, Sullivan, and Willadsen

14 Excused:

15 Deutsch and McCleerey

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

18 **HB 1136:** FOR AN ACT ENTITLED, An Act to provide for the licensure and regulation of  
19 practitioners of acupuncture and Oriental medicine and to establish the Acupuncture Licensing Board  
20 and acupuncture regulation fund.

21 Was read the second time.

22 Rep. St. John moved that **HB 1136** be amended as follows:

23 1136J

24 After page 8, line 16, of the House Health and Human Services bill, insert "

25 **Section 19.** That a NEW SECTION be added:

26 **36-39-19. Appointment of board--Issuing licenses--Fund balance required.**

27 Notwithstanding the provisions of §§ 36-39-2 and 36-39-9, the Governor is not required to  
28 appoint any members to the board and the board is not required to begin issuing licenses until the  
29 balance of the acupuncture regulation fund established in § 36-39-15 is equal to or greater than  
30 twenty thousand dollars."

31 Which motion prevailed.

32 The question being "Shall **HB 1136** pass as amended?"

33 And the roll being called:

34 Yeas 21, Nays 47, Excused 2, Absent 0

1 Yeas:  
2 Borglum, Brunner, Chaffee, Diedrich, Finck, Hammock, Chris Johnson, David Johnson,  
3 Livermont, Mills, Miskimins, Perry, Pourier, Qualm, Rasmussen, Ring, Saba, St. John, Steele,  
4 Zikmund, and Speaker Haugaard

5 Nays:  
6 Anderson, Bartels, Barthel, Beal, Bordeaux, Chase, Cwach, Dennert, Duba, Duvall, Frye-  
7 Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, Howard, Hunhoff, Kevin  
8 Jensen, Johns, Karr, Koth, Latterell, Lesmeister, Marty, Milstead, Mulally, Olson, Herman Otten,  
9 Overweg, Kent Peterson, Sue Peterson, Pischke, Post, Randolph, Reed, Reimer, Rounds, Jamie  
10 Smith, Sullivan, Wangsness, Weis, Wiese, Willadsen, and York

11 Excused:  
12 Deutsch and McCleerey

13 So the bill not having received an affirmative vote of a two-thirds majority of the members-  
14 elect, the Speaker declared the bill lost.

15 There being no objection, the House reverted to Order of Business No. 10 – First Reading of  
16 House Bills and Joint Resolutions.

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

18 Rep. Haugaard moved that **HB 1036** be referred from the Joint Committee on Appropriations  
19 to the House Committee on Appropriations.

20 Which motion prevailed.

21 There being no objection, the House proceeded to Order of Business No. 13 - Second Reading  
22 of House Bills and Joint Resolutions.

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

24 **HB 1070:** FOR AN ACT ENTITLED, An Act to modify requirements regarding the installation  
25 and inspection of certain electrical wiring.

26 Was read the second time.

27 The question being "Shall **HB 1070** pass as amended?"

28 And the roll being called:

29 Yeas 65, Nays 1, Excused 4, Absent 0

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

1 Nays:  
2 Ring

3 Excused:  
4 Deutsch, Lesmeister, McCleerey, and Qualm

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

7 **HB 1124:** FOR AN ACT ENTITLED, An Act to provide for an increase in the assessment against  
8 certain treated land.

9 Was read the second time.

10 The question being "Shall **HB 1124** pass?"

11 And the roll being called:

12 Yeas 64, Nays 2, Excused 4, Absent 0

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

21 Nays:  
22 Frye-Mueller and Mulally

23 Excused:  
24 Deutsch, Lesmeister, McCleerey, and Qualm

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

27 Speaker Pro tempore Gosch now presiding.

28 **HB 1242:** FOR AN ACT ENTITLED, An Act to provide for the reissuance of certain enhanced  
29 permits to carry a concealed pistol and to declare an emergency.

30 Was read the second time.

31 The question being "Shall **HB 1242** pass?"

32 And the roll being called:

33 Yeas 66, Nays 0, Excused 4, 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, Gosch, Lana Greenfield,  
37 Gross, Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David  
38 Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson, Herman

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

Excused:

Deutsch, Lesmeister, McCleerey, and Qualm

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

**HB 1166:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the appointment of inactive watershed district boards and the reactivation of watershed districts.

Was read the second time.

The question being "Shall **HB 1166** pass?"

And the roll being called:

Yeas 65, Nays 1, Excused 4, 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, Livermont, Marty, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:

Mulally

Excused:

Deutsch, Lesmeister, McCleerey, and Qualm

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 1035:** FOR AN ACT ENTITLED, An Act to make an appropriation from the water and environment fund and its revolving fund subfunds for various water and environmental purposes, to revise the water resources projects list, and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1035** pass?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, 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, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson, Herman

1 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, 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 Excused:  
5 Deutsch, Lesmeister, McCleerey, and Qualm

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

8 **HB 1167:** FOR AN ACT ENTITLED, An Act to revise provisions regarding confidential  
9 communications between a student and certain school employees.

10 Was read the second time.

11 Rep. Chris Johnson moved that **HB 1167** be amended as follows:

12 1167E

13 On page 1, line 11, of the House Education bill, after "may " delete "not "

14 On page 1, line 11, of the House Education bill, delete "any other person " and insert "a  
15 custodial parent or legal guardian "

16 On page 1, line 14, of the House Education bill, delete "a " and insert "the counselor, school  
17 psychologist, or social worker has reason to suspect the student may have been subjected or  
18 exposed to child abuse, neglect, or other illegal conduct by the student's "

19 On page 1, line 15, of the House Education bill, delete " of the student permits the disclosure  
20 in writing" and insert " or the information or communication is prohibited from disclosure by federal  
21 law. The counselor, school psychologist, or social worker may not disclose the information or  
22 communication to any other person unless the parent or legal guardian provides written consent to  
23 the disclosure on a separate form specifically authorizing the disclosure"

24 On page 1, line 16, of the House Education bill, after "writing." delete "Notwithstanding any  
25 other provision in this section, a counselor, school psychologist, and social worker shall disclose to  
26 a custodial parent or legal guardian of a student who is an unemancipated minor any information or  
27 communication exchanged privately between the student and the counselor, school psychologist, or  
28 social worker, unless the counselor, school psychologist, or social worker has reason to suspect the  
29 student may have been subjected or exposed to child abuse, neglect, or other illegal conduct by  
30 that parent or legal guardian. A custodial parent or legal guardian to whom a counselor, school  
31 psychologist, or social worker must disclose under this section may opt-out of the disclosure in  
32 writing on a form to be provided by the school."

33 Which motion prevailed.

1 The question being "Shall **HB 1167** pass as amended?"

2 And the roll being called:

3 Yeas 30, Nays 37, Excused 3, Absent 0

4 Yeas:

5 Bordeaux, Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Gross, Hammock, Hansen,  
6 Howard, Chris Johnson, David Johnson, Koth, Latterell, Livermont, Marty, Milstead, Mulally, Perry,  
7 Sue Peterson, Pischke, Post, Randolph, Rasmussen, St. John, Steele, Wangsness, Weis, Wiese, and  
8 Speaker Haugaard

9 Nays:

10 Anderson, Bartels, Barthel, Beal, Borglum, Chaffee, Chase, Cwach, Duba, Duvall, Finck,  
11 Glanzer, Lana Greenfield, Healy, Hunhoff, Kevin Jensen, Johns, Karr, Lesmeister, Mills, Miskimins,  
12 Olson, Herman Otten, Overweg, Kent Peterson, Pourier, Qualm, Reed, Reimer, Ring, Rounds, Saba,  
13 Jamie Smith, Sullivan, Willadsen, York, and Zikmund

14 Excused:

15 Deutsch, Diedrich, and McCleerey

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

18 Rep. Chris Johnson announced his intention to reconsider the vote by which **HB 1167** lost.

19 Speaker Haugaard now presiding.

20 Rep. Qualm moved that the balance of the calendar including **HB 1004, 1068, 1100, and**  
21 **1226, and SB 52** be deferred to Tuesday, February 25, 2020, the 26<sup>th</sup> legislative day.

22 Which motion prevailed.

23 **SIGNING OF BILLS**

24 The Speaker publicly read the title to

25 **HB 1026:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to use of security  
26 for cleanup and remediation of environmental problems.

27 **HB 1041:** FOR AN ACT ENTITLED, An Act to revise provisions authorizing state employees to  
28 opt-out of the state employee health plan and to declare an emergency.

29 **HB 1063:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the purchase,  
30 distribution, and sale of tobacco products to persons under the age of twenty-one.

31 **HB 1080:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding grain buyers.

32 **HB 1081:** FOR AN ACT ENTITLED, An Act to exempt from alcoholic beverage regulations  
33 certain uses of alcohol by postsecondary institutions.



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

Mary Lou Goehring, Chief Clerk  
by Jackie Driscoll

