

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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TWENTY-SIXTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Tuesday, February 25, 2020

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

The prayer was offered by the Chaplain, Rev. Greg Kroger, followed by the Pledge of Allegiance led by House page Delaney Peterson.

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-fifth 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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**COMMUNICATIONS AND PETITIONS**

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February 24, 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 24, 2020, I approved House Bills 1020, 1024, 1027, 1029, 1040, 1055, 1061, 1066, 1075, and 1144, 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 1007, 1048, 1059, 1082, 1086, 1091, 1105, 1106, and 1120** were delivered to her Excellency, the Governor, for her approval at 8:45 a.m., February 25, 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 1113, 1114, and 1165** 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 Government Operations and Audit respectfully reports that it has had under consideration **HB 1110** and returns the same with the recommendation that said bill be amended as follows:

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1110C

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On page 1, line 19, of the Introduced bill, after "that" insert ", beginning January first, 2021,"

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

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Respectfully submitted,  
Sue Peterson, Chair

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Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1259** and returns the same with the recommendation that said bill be amended as follows:

1259B

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

**"Section 1.** That § 10-6-35.2 be AMENDED:

10-6-35.2. Discretionary formula for reduced taxation of new structures and additions--  
Partially constructed structures.

Any structure classified pursuant to ~~§ 10-6-35.1, 10-6-35.21, 10-6-35.22, 10-6-35.24, 10-6-35.25, or 10-6-35.26~~ this section, shall, following construction, be valued for taxation purposes in the usual manner. However, the board of county commissioners of the county where the structure is located, may adopt any formula for assessed value to be used for tax purposes. The formula may include for any or all of the five tax years following construction all, any portion or none of the assessed valuation for tax purposes. Any formula adopted shall be equally applied to specifically classified structures within a tax increment finance district. The board of county commissioners of the county where the structure is located may, if requested by the owner of the structure, not apply the discretionary formula and the full assessment shall be made without application of the formula. In waiving the formula for the structure of one owner, the board of county commissioners is not prohibited from applying the formula for subsequent new structures. The assessed valuation during any of the five years may not be less than the assessed valuation of the property in the year preceding the first year of the tax years following construction.

Any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this section and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction. ~~During any~~ The period that the property is valued for tax purposes under this section, ~~the period~~ may include the years when the property is partially constructed.

Following the five-year period under this section, the property shall be assessed at the same percentage as is all other property for tax purposes.

Any of the following types of real property may be specifically classified for the purpose of taxation pursuant to this section:

(1) Any new industrial or commercial structure, or any addition, renovation, or reconstruction to an existing structure, located within a designated urban renewal area as defined in § 11-8-4, if the new structure, addition, renovation, or reconstruction has a full and true value of thirty thousand dollars or more;

(2) Any new industrial structure, including a power generation facility, or an addition to an existing structure, if the new structure or addition has a full and true value of thirty thousand dollars or more;

(3) Any new nonresidential agricultural structure, or any addition to an existing structure, if the new structure or addition has a full and true value of ten thousand dollars or more;

(4) Any new commercial structure, or any addition to an existing structure, except a commercial residential structure as described in subdivision (5), if the new structure or addition has a full and true value of thirty thousand dollars or more;

(5) Any new commercial residential structure, or addition to an existing structure, containing four or more units, if the new structure or addition has a full and true value of thirty thousand dollars or more;

(6) Any new affordable housing structure containing four or more units with a monthly rental rate of the units at or below the annually calculated rent for the state's sixty percent area median income being used by the South Dakota Housing Development Authority, for a minimum of ten years following the date of first occupancy, if the structure has a full and true value of thirty thousand dollars or more;

(7) Any new residential structure, or addition to or renovation of an existing structure, located within a redevelopment neighborhood established pursuant to § 10-6-56 if the new structure, addition, or renovation has a full and true value of five thousand dollars or more. The structure shall be located in an area defined and designated as a redevelopment neighborhood based on conditions provided in § 11-7-2 or 11-7-3; or

(8) Any commercial, industrial, or nonresidential agricultural property which increases more than ten thousand dollars in full and true value as a result of reconstruction or renovation of the structure.

**Section 2.** That § 10-6-35.1 be REPEALED.

10-6-35.1. New industrial structures and additions specifically classified for tax purposes.

**Section 3.** That § 10-6-35.3 be REPEALED.

10-6-35.3. Pollution standards to qualify for construction tax incentive.

**Section 4.** That § 10-6-35.4 be AMENDED:

10-6-35.4. Municipal adoption of reduction for new property.

If the board of county commissioners of a county has not adopted a formula pursuant to § 10-6-35.2 ~~or 10-6-55~~, the governing board of a municipality where the structures defined in ~~§§ 10-6-35.1, 10-6-35.24, 10-6-35.25, and 10-6-54~~ § 10-6-35.2 are located, or within three miles of the corporate limits of the municipality may in ~~their~~ the governing board's discretion adopt all or any part of the formula for assessed value pursuant to § 10-6-35.2 or 10-6-55.

**Section 5.** That § 10-6-35.19 be REPEALED.

10-6-35.19. Nonresidential property--Increased value due to reconstruction or renovation--  
Special classification.

**Section 6.** That §§ 10-6-35.21 to 10-6-35.22 be REPEALED.

**Section 7.** That § 10-6-35.23 be AMENDED:

10-6-35.23. Adoption of assessed value formula by governing board of improvement district.

If the board of county commissioners of a county has not adopted a formula pursuant to § 10-6-35.2, the governing board of an improvement district ~~wherein where~~ where the structures, as defined in ~~§ 10-6-35.1, subdivision 10-6-35.2(2)~~ are located may ~~in its discretion~~ adopt all or any part of the formula for assessed value pursuant to § 10-6-35.2.

**Section 8.** That §§ 10-6-35.24 to 10-6-35.26 be REPEALED.

**Section 9.** That §§ 10-6-54 to 10-6-55 be REPEALED.

**Section 10.** That § 10-6-56 be AMENDED:

10-6-56. Boundaries of redevelopment neighborhood.

The board of county commissioners or the municipal governing body ~~which that~~ which approves the adoption of a reduced valuation pursuant to ~~§§ 10-6-54 and 10-6-55 subdivision 10-6-35.2(7)~~ shall,

by ordinance, identify the exact boundaries of the redevelopment neighborhood where ~~such~~ the reduced valuation will be available.

**Section 11.** That § 13-13-20.4 be AMENDED:

13-13-20.4. Actual assessed valuation for certain property given reduced valuation.

~~The actual assessed valuation of any property given a reduced valuation pursuant to §§ 10-6-35.1, 10-6-35.2, 10-6-35.4, 10-6-35.21, 10-6-35.22, 10-6-35.24, 10-6-35.25, 10-6-54, 10-6-55, 10-6-66, and 10-6-67 shall be used when calculating state aid to education. For any property given a reduced valuation after November 1995, pursuant to §§ 10-6-35.1, 10-6-35.2, 10-6-35.4, 10-6-35.21, 10-6-35.22, 10-6-35.24, 10-6-35.25, 10-6-54, 10-6-55, 10-6-66, and § 10-6-35.2 or 10-6-67 that has not previously received a reduced valuation pursuant to these statutes, the portion of actual assessed valuation of the property used when calculating state aid to education shall be twenty percent in the first year, forty percent in the second year, sixty percent in the third year, eighty percent in the fourth year, and one hundred percent each year thereafter. In addition, the actual assessed valuation of any property given exempt status pursuant to § 10-4-39 shall be used when calculating state aid to education.~~

**Section 12.** That § 9-54-8 be AMENDED:

9-54-8. Lease or sale payments sufficient to pay bonds and costs--Payments in lieu of property taxes.

Revenue agreements pursuant to § 9-54-3.1 shall provide for contractual payments sufficient to pay the principal, premium, if any, and interest on any bonds issued by the municipality under the resolution or ordinance or trust indenture, when due or subject to mandatory redemption, and also to pay all taxes, special assessments and other governmental charges levied or imposed with respect to the project, and to pay all costs of insurance, operation, and maintenance thereof. The agreements shall also reimburse the municipality for the cost of any other obligation assumed by ~~it~~ the municipality in connection with the project. Revenue agreements in the form of a lease or sale contract shall further provide for payment of a sum equal to the amount of property taxes which would be due if the lessee or purchaser were the owner of the project, to be prorated among the taxing districts involved and taking into consideration reductions permitted pursuant to ~~§§ 10-6-35.1 to 10-6-35.4, inclusive, § 10-6-35.2~~ for the term of the agreement.

**Section 13.** That § 10-12-44 be AMENDED:

10-12-44. County auditor in school district to raise additional revenue from real property taxes to compensate for tax abatement, tax increment financing district, or discretionary formula.

The county auditor in each school district shall raise additional revenue, for the general fund and special education ~~funds fund~~, from real property taxes to compensate for a tax abatement, a tax increment financing district, or a discretionary formula as follows:

- (1) For tax increment financing districts created pursuant to chapter 11-9 the county auditor shall ~~levy~~ impose an additional tax levy for an amount not to exceed an amount equal to the sum of the levies in §§ 10-12-42 and 13-37-16 times the tax increment valuation as defined in § 11-9-1;
- (2) For property subject to § 10-6-35.2, ~~10-6-35.24, 10-6-35.25, 10-6-54, 10-6-55, or 10-6-67~~, the county auditor shall ~~levy~~ impose an additional tax levy for an amount not to exceed the amount of taxes that were not collected due to the reduction in valuation based on the maximum levies pursuant to §§ 10-12-42 and 13-37-16; and
- (3) For abated taxes the county auditor shall ~~levy~~ impose an additional tax levy for an amount not to exceed the amount of the school district's portion of the taxes that were abated pursuant to chapter 10-18 during the previous tax year.

The levies in this section are not subject to the referendum provision of § 10-12-43 and these levies shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies pursuant to § 10-12-42.

**Section 14.** That § 11-9-20 be AMENDED:

11-9-20. Determination of tax increment base of district.

On application in writing by the municipal finance officer, on a form prescribed by the department, the department shall determine the aggregate assessed value of the taxable property in the district, which aggregate assessed value, on certification to the finance officer, shall constitute the tax increment base of the district. Except as provided for in § 11-9-20.1, the department shall use the values as last previously certified by the department adjusted for the value to the date the district was created for any buildings or additions completed or removed and without regard to any reduction pursuant to ~~§§ 1-19A-20, 10-6-35.2, 10-6-35.21, and 10-6-35.22~~ §§ 1-19A-20, 10-6-35.2, and 10-6-67.

**Section 15.** That a NEW SECTION be added:

10-6-35.27. Real property receiving discretionary formula prior to July 1, 2020.

Any real property receiving the benefit of a discretionary formula prior to July 1, 2020, shall continue to be assessed and taxed in the manner provided for in any county or municipal resolution adopted pursuant to this chapter and in effect prior to July 1, 2020, and shall continue to be subject to the provisions of subdivision 10-12-44(2), and §§ 11-9-20 and 13-13-20.4.

**Section 16.** Section 15 of this Act is repealed on June 30, 2025."

1259C

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

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 Taxation respectfully reports that it has had under consideration **HB 1268 and 1287** which were tabled.

Respectfully submitted,  
Mark Willadsen, Chair

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1198** and returns the same with the recommendation that said bill be amended as follows:

1198A

On page 1, line 1, of the Introduced bill, delete "to repeal provisions regarding maximum taxes levied by the board of a school district" and insert "provide an excess levy"

On page 1, line 7, of the Introduced bill, after "state " delete "may "

On page 1, line 8, of the Introduced bill, delete "authorize an the annual levy of a tax not to exceed three dollars per thousand dollars of taxable valuation on the taxable valuation of the district

for " and insert "may by resolution and upon a two-thirds vote provide for the imposition of an excess tax levy.

The resolution shall identify:

(1) The total amount to be levied;

(2) The number of years that the levy will be applied; and

(3) The maximum levy to be applied against the taxable valuation of:

(a) Agricultural property;

(b) Nonagricultural property; and

(c) Owner-occupied single family dwellings.

The revenue generated must be deposited into "

On page 1, line 12, of the Introduced bill, after "Authority. " insert "

The board must mail a copy of the resolution to every property owner in the district, within twenty days of the board's vote to impose the levy under this section.

If the board, within ninety days of the board's vote to impose the levy under this section, receives a petition signed by registered voters of the district equal in number to at least fifteen percent of those who voted in the last school board election, the board shall schedule a referendum election on or before October first of the year prior to that for which the taxes are payable. "

On page 1, line 12, of the Introduced bill, after "levy " insert "authorized by this section "

On page 1, line 20, of the Introduced bill, after "thereon" delete ", but not to exceed the three dollars per thousand dollars of taxable valuation in any year authorized to be levied hereby."

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1177, 1237, and 1251** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1213** 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 1255** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on House Education respectfully reports that it has had under consideration  
3 **HB 1258** which was tabled.

4 Respectfully submitted,  
5 Lana Greenfield, Chair

6 Also MR. SPEAKER:

7 The Committee on House Local Government respectfully reports that it has had under  
8 consideration **HB 1264** and returns the same with the recommendation that said bill be amended  
9 as follows:

10 1264B

11 On page 1, line 7, of the Introduced bill, after "" insert "AIA Document A201©, "

12 On page 1, line 7, of the Introduced bill, after "Construction," " delete "Fourteenth Edition, "

13 On page 1, line 14, of the Introduced bill, after "" insert "AIA Document A201©, "

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

16 Respectfully submitted,  
17 Herman Otten, Chair

18 Also MR. SPEAKER:

19 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
20 under consideration **HB 1197 and 1254** which were tabled.

21 Also MR. SPEAKER:

22 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
23 under consideration **HCR 6015** and returns the same with the recommendation that said resolution  
24 be adopted.

25 Also MR. SPEAKER:

26 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
27 under consideration **HB 1238** and returns the same with the recommendation that said bill be  
28 amended as follows:

29 1238A

30 On page 1, line 10, of the Introduced bill, delete "unilaterally " and insert "bilaterally "

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



1 Also MR. SPEAKER:

2 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
3 under consideration **SB 75** and returns the same with the recommendation that said bill be amended  
4 as follows:

5 75F

6 On page 1, line 5, of the Introduced bill, delete "A " and insert "Except as provided in § 41-6-  
7 10.1, a "

8 On page 1, line 12, of the Introduced bill, after "license, " insert "private shooting preserve  
9 license, hunt for habitat application fee, "

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

11 Respectfully submitted,  
12 Thomas J. Brunner, Chair

13 Also MR. SPEAKER:

14 The Committee on House State Affairs respectfully reports that it has had under consideration  
15 **HB 1199** and returns the same with the recommendation that said bill do pass.

16 Also MR. SPEAKER:

17 The Committee on House State Affairs respectfully reports that it has had under consideration  
18 **HB 1263** and returns the same with the recommendation that said bill be amended as follows:

19 1263D

20 On page 1, line 1, of the Introduced bill, delete "elections occur in conjunction with the general  
21 election" and insert "actions be referred to the voters and to limit the dates on which certain school  
22 district elections may be held"

23 After page 1, line 3, of the Introduced bill, insert "

24 **Section 17.** That § 13-16-6.3 be AMENDED:

25 13-16-6.3. Hearing on installment purchase, lease-purchase or capital outlay certificates--  
26 Approval or reference to voters.

27 Any proposed ~~installment purchase contract, lease purchase, or issue~~ of capital outlay  
28 certificates authorized pursuant to § 13-16-6 or 13-16-6.2 which will obligate the school district for  
29 future payments on the principal, the total of which will exceed one and one-half percent of the  
30 taxable valuation of taxable property within the district, may not be ~~entered into, or certificates~~  
31 issued, unless prior thereto the school board conducts a public hearing thereon after having given  
32 notice by publication at least twice in its official newspaper at least ten days before the hearing.  
33 Upon the hearing the board may approve the action ~~or may~~. If the board approves the action, the  
34 board shall refer the matter to the voters of the district."

35 On page 1, line 7, of the Introduced bill, after "election." delete "Approval to enter into an  
36 agreement or issue capital outlay certificates to which § 13-16-6. 3 applies is subject to a  
37 referendum if five percent of the registered voters, based upon the total number of registered voters  
38 at the last preceding general election, petition, within twenty days thereafter, to have the question  
39 of approval or disapproval of the agreement or issue of capital outlay certificates or the lease-  
40 purchase agreement placed upon the ballot at the next regular election or at a special election called  
41 for that purpose. "

1 On page 1, line 14, of the Introduced bill, after "the " insert "primary election, as provided for  
2 under § 12-2-1, or on the date of the "

3 On page 1, line 15, of the Introduced bill, delete ", and " and insert ". The special election may  
4 also be held on the first Tuesday following the first Monday in June or on the first Tuesday following  
5 the first Monday in November in odd-numbered years. The business manager shall "

6 1263E

7 On the previously adopted amendment (1263D), On page 1, line 15, remove the overstrikes  
8 from " or may"

9 On the previously adopted amendment (1263D), On page 1, line 15, after "may" delete ". If  
10 the board approves the action, the board shall"

11 1263F

12 On the previously adopted amendment (1263D), On page 1, line 1, after "to " delete "require  
13 that certain school district "

14 On the previously adopted amendment (1263D), On page 1, line 2, delete "actions be referred  
15 to the voters and to limit " and insert "revise certain provisions regarding "

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

17 Also MR. SPEAKER:

18 The Committee on House State Affairs respectfully reports that it has had under consideration  
19 **HB 1276** which was tabled.

20 Also MR. SPEAKER:

21 The Committee on House State Affairs respectfully reports that it has had under consideration  
22 **HB 1180, 1261, and 1267, and HJR 5002** which were deferred to the 41st Legislative Day.

23 Respectfully submitted,  
24 Lee Qualm, Chair

25 Also MR. SPEAKER:

26 The Committee on House Transportation respectfully reports that it has had under  
27 consideration **HB 1154** and returns the same with the recommendation that said bill be amended  
28 as follows:

29 1154A

30 On page 1, line 6, of the Introduced bill, after "five-year " delete "ten-year"

31 On page 1, line 6, of the Introduced bill, after "ten-year " insert "seven-year "

32 On page 1, line 22, of the Introduced bill, after "cowling." delete "Section 3. That § 32-5-99  
33 be AMENDED:

34 "On page 2, line 1, of the Introduced bill, after "AMENDED:" delete "32-5-99. "

35 On page 2, line 1, of the Introduced bill, after "32-5-99. " delete "Loss of plates--Issuance of  
36 duplicates--Affidavit--Fee--Disposition of fee--Report of loss. "

37 On page 2, line 2, of the Introduced bill, after "loss. " delete "

1 In the event of the loss, mutilation, or destruction of any plates issued under this chapter, the  
2 owner of the registered vehicle may obtain a duplicate from the department through the county  
3 treasurer upon filing an affidavit showing such facts and upon payment of a fee of ten dollars in the  
4 office of the county treasurer. Vehicles licensed pursuant to §§ 32-5-8, 32-5-9 and 32-5-9. 1 shall  
5 pay a fee of two dollars in lieu of the ten-dollar fee. All duplicate fees shall be credited to the license  
6 plate revolving fund. Seventy percent of the fees collected pursuant to this section shall be credited  
7 to the license plate revolving fund and thirty percent shall be credited to the county general fund.  
8 If the plates are lost or stolen, the department may not issue a duplicate set of plates until the loss  
9 or theft is reported to a law enforcement agency."

10 On page 2, line 13, of the Introduced bill, after "agency." delete "Section 4. That § 32-5-115  
11 be AMENDED:

12 "

13 On page 2, line 14, of the Introduced bill, after "AMENDED:" delete "32-5-115. "

14 On page 2, line 14, of the Introduced bill, after "32-5-115. " delete "Time for retention of  
15 firefighter's plates. "

16 On page 2, line 14, of the Introduced bill, after "plates. " delete "

17 The number plates authorized by § 32-5-113 shall be retained for the same period of time as  
18 plates referred to in § 32-5-83 § 32-5-84."

19 On page 2, line 17, of the Introduced bill, after "32-5-84." delete "Section 5. That § 32-5-174  
20 be AMENDED:

21 "

22 On page 2, line 18, of the Introduced bill, after "AMENDED:" delete "32-5-174. "

23 On page 2, line 18, of the Introduced bill, after "32-5-174. " delete "Retention time for emblem  
24 specialty plates. "

25 On page 2, line 18, of the Introduced bill, after "plates. " delete "

26 Each emblem specialty plate authorized by § 32-5-167 shall be retained for the same period  
27 of time as plates referred to in § 32-5-83 § 32-5-84."

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

30 Also MR. SPEAKER:

31 The Committee on House Transportation respectfully reports that it has had under  
32 consideration **HB 1248** and returns the same with the recommendation that said bill be amended  
33 as follows:

1248A

35 On page 1, line 10, of the Introduced bill, after "required" insert " and the vehicle is not being  
36 licensed for less than twelve months pursuant to § 32-5-6.4"

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

1 Also MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under  
3 consideration **HB 1284** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 John Mills, Chair

6 Also MR. SPEAKER:

7 The Committee on House Health and Human Services respectfully reports that it has had under  
8 consideration **HB 1235 and 1239** which were deferred to the 41st Legislative Day.

9 Also MR. SPEAKER:

10 The Committee on House Health and Human Services respectfully reports that it has had under  
11 consideration **HCR 6004 and 6008** and returns the same with the recommendation that said  
12 resolutions be adopted.

13 Respectfully submitted,  
14 Kevin D. Jensen, Chair

15 Also MR. SPEAKER:

16 The House Committee on Appropriations respectfully reports that it has had under  
17 consideration **HB 1230** which was tabled.

18 Also MR. SPEAKER:

19 The House Committee on Appropriations respectfully reports that it has had under  
20 consideration **HJR 5003** and returns the same with the recommendation that said resolution be  
21 amended as follows:

22 HJR5003D

23 On page 1, line 3, of the Introduced bill, delete " prohibiting the general appropriation bill from  
24 reappropriating or transferring funds that are in special funds and establishing rules pertaining to  
25 the administration of special funds" and insert " the creation of the property tax relief trust fund and  
26 to provide for the transfer of unobligated cash"

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

28 "**Section 1.** That at the next general election held in the state, the following amendment to  
29 Article XII of the Constitution of the State of South Dakota, as set forth in sections 2 and 3 of this  
30 Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for  
31 approval.

32 **Section 2.** That Article XII of the Constitution of the State of South Dakota, be amended by  
33 adding a NEW SECTION to read:

34 § 8. Property tax relief trust fund --Establishment --Investment --Purposes--Appropriations--  
35 Limitations.

36 There is hereby created in the state treasury a trust fund named the property tax relief trust  
37 fund. The South Dakota Investment Council or its successor shall invest the property tax relief trust  
38 fund in stocks, bonds, mutual funds, and other financial instruments as provided by law. Beginning  
39 in fiscal year 2030, and each year thereafter, the state treasurer shall make a distribution from the  
40 property tax relief trust fund into the state general fund to be appropriated by law to reduce property

1 taxes in the State. The calculation of the distribution shall be defined by law and may promote  
2 growth of the fund and a steadily growing distribution amount. The property tax relief trust fund  
3 may not be diverted for other purposes nor may the principal be invaded unless appropriated by a  
4 three-fourths vote of all the members-elect of each house of the Legislature.

5 **Section 3.** That Article XII of the Constitution of the State of South Dakota, be amended by  
6 adding a NEW SECTION to read:

7 § 9. General fund unobligated cash --Transfer.

8 On July first of each fiscal year, or at such time as the prior fiscal year general fund unobligated  
9 cash is determined, the state treasurer shall transfer all prior year unobligated cash as follows:

10 (1) An amount not more than fifty percent of the general fund unobligated cash, into the  
11 budget reserve fund provided that the combined cash balance of the budget reserve fund and the  
12 general revenue replacement fund does not exceed ten percent of the general fund appropriations  
13 from the general appropriation act for the prior fiscal year.

14 (2) After the requirements of subdivision (1) are met, the state treasurer shall transfer the  
15 remaining general fund unobligated cash into the property tax relief trust fund provided that the  
16 balance of the property tax relief trust fund does not exceed twenty percent of the general fund  
17 appropriations from the general appropriation act for the prior fiscal year; and  
18

19 (3) If any unobligated cash balance remains after the requirements of subdivision (2) are met,  
20 the state treasurer shall transfer the remaining general fund unobligated cash amount into the  
21 budget reserve fund provided that the balance of the budget reserve fund does not exceed thirty  
22 percent of the general fund appropriations from the general appropriation act for the prior fiscal  
23 year."

24 And that as so amended, said resolution do pass.

25 Respectfully submitted,  
26 Chris G. Karr, Chair

27 **MESSAGES FROM THE SENATE**

28 Mr. SPEAKER:

29 I have the honor to return herewith **HB 1113, 1114, and 1165** which have passed the Senate  
30 without change.

31 Also Mr. SPEAKER:

32 I have the honor to transmit herewith **SB 2, 155, 160, 161, 176, and 183** which have passed  
33 the Senate and your favorable consideration is respectfully requested.

34 Also Mr. SPEAKER:

35 I have the honor to inform your honorable body that **HB 1060** was tabled.

36 Respectfully,  
37 Kay Johnson, Secretary

1

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**MOTIONS AND RESOLUTIONS**

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2

3

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

4

No member moved to reconsider the vote by which **HB 1167** lost.

5

6

7

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

8

Was read the second time.

9

Rep. Borglum moved that **HCR 6016** as found on page 343 of the House Journal be adopted.

10

The question being on Rep. Borglum's motion that **HCR 6016** be adopted.

11

And the roll being called:

12

Yeas 69, Nays 0, Excused 1, Absent 0

13

14

15

16

17

18

19

20

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

21

22

Excused:

Deutsch

23

24

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HCR 6016** was adopted.

25

26

**HCR 6017:** A CONCURRENT RESOLUTION, to create an interim legislative task force to address infrastructure and funding support related to the expansion of Ellsworth Air Force Base.

27

Introduced by: **Representative** Olson

28

29

**HCR 6018:** A CONCURRENT RESOLUTION, To urge the adoption of a joint rule requiring the state Constitution to be read aloud on the floor of both houses each Legislative Session.

30

Introduced by: **Representative** Latterell

31

Were read the first time and Speaker waived committee referral.

1 Rep. Post moved that the Committee on Education be instructed to deliver **HB 1177** to the  
2 floor of the House, pursuant to Joint Rule 7-7.

3 Rep. Rounds rose to a point of order to have the body speak to the motion.

4 Speaker sustained the point of order.

5 Which motion was supported and the committee was so instructed.

## 6 **CONSIDERATION OF REPORTS OF COMMITTEES**

7 Rep. Qualm moved that the reports of the Standing Committees on

8 State Affairs on **HB 1262** as found on page 352 and **HB 1277** as found on page 353 of the  
9 House Journal be adopted.

10 Which motion prevailed and the reports were adopted.

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

12 The Speaker declared that **HB 1286** was withdrawn at the request of the prime sponsor  
13 pursuant to Joint Rule 6B-1.1.

14 The following bill was read on January 30, 2020, and on Monday, February 24, 2020, the  
15 Speaker assigned this bill to committee:

16 **HB 1193** was referred to the Committee on State Affairs.

17 The following bill was read on February 6, 2020, and on Monday, February 24, 2020, the  
18 Speaker assigned this bill to committee:

19 **HB 1282** was referred to the House Committee on Appropriations.

## 20 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

21 **SB 2:** FOR AN ACT ENTITLED, An Act to require the Department of Social Services to fully  
22 support a statewide centralized resource information system.

23 **SB 155:** FOR AN ACT ENTITLED, An Act to provide for step therapy protocol regarding certain  
24 prescription drugs.

25 **SB 160:** FOR AN ACT ENTITLED, An Act to authorize the construction and operation of a  
26 nursing home facility in Moody County, South Dakota, and to declare an emergency.

27 **SB 161:** FOR AN ACT ENTITLED, An Act to exempt certain real property from the special  
28 maintenance fee levy.

29 **SB 176:** FOR AN ACT ENTITLED, An Act to provide for the seizure and holding of real property  
30 as evidence.

**SB 183:** FOR AN ACT ENTITLED, An Act to revise the signature requirements for the nominating petitions for certain elected offices.

Were read the first time.

## SECOND READING OF CONSENT CALENDAR ITEMS

**HB 1140:** FOR AN ACT ENTITLED, An Act to provide for a regular review of parenting guidelines.

**HB 1244:** FOR AN ACT ENTITLED, An Act to authorize forensic medical examinations for certain persons.

Were read the second time.

The question being "Shall **HB 1140 and 1244** pass as amended?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, 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, 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

Excused:

Deutsch and Mulally

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.

Speaker Pro tempore Gosch now presiding.

## SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

**HB 1218:** FOR AN ACT ENTITLED, An Act to require responses and reporting regarding the testing, assessment, evaluation, or observation of students.

Was read the second time.

The question being "Shall **HB 1218** pass as amended?"

And the roll being called:

Yeas 33, Nays 33, Excused 4, Absent 0

Yeas:

Beal, Borglum, Brunner, Dennert, Diedrich, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Howard, Chris Johnson, Karr, Koth, Latterell, Livermont, Marty, Milstead, Miskimins,



1 Perry, Sue Peterson, Pischke, Post, Randolph, Rasmussen, Reimer, St. John, Steele, Weis, Wiese,  
2 Zikmund, and Speaker Haugaard

3 Nays:

4 Anderson, Barthel, Bordeaux, Chaffee, Chase, Cwach, Duba, Duvall, Finck, Glanzer, Hammock,  
5 Healy, Hunhoff, Kevin Jensen, Johns, David Johnson, Lesmeister, McCleerey, Mills, Olson, Herman  
6 Otten, Overweg, Kent Peterson, Pourier, Qualm, Reed, Ring, Rounds, Saba, Jamie Smith, Sullivan,  
7 Wangsness, and Willadsen

8 Excused:

9 Bartels, Deutsch, Mulally, and York

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

12 Rep. Wiese announced her intention to reconsider the vote by which **HB 1218** lost.

13 **HB 1179:** FOR AN ACT ENTITLED, An Act to authorize series limited liability companies.

14 Was read the second time.

15 The question being "Shall **HB 1179** pass?"

16 And the roll being called:

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

18 Yeas:

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

26 Excused:

27 Deutsch and Mulally

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

30 **HB 1004:** FOR AN ACT ENTITLED, An Act to provide for the defense of laws by the Legislature.

31 Was read the second time.

32 The question being "Shall **HB 1004** pass as amended?"

33 And the roll being called:

34 Yeas 52, Nays 15, Excused 3, Absent 0

35 Yeas:

36 Beal, Bordeaux, Borglum, Brunner, Chaffee, Dennert, Diedrich, Finck, Frye-Mueller, Glanzer,  
37 Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard, Kevin Jensen, Johns, Chris  
38 Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins,  
39 Overweg, Perry, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reimer, Ring,

1 Rounds, Saba, Jamie Smith, St. John, Steele, Wangsness, Weis, Wiese, York, Zikmund, and  
2 Speaker Haugaard

3 Nays:

4 Anderson, Bartels, Barthel, Chase, Cwach, Duba, Duvall, Healy, Hunhoff, Olson, Herman Otten,  
5 Kent Peterson, Reed, Sullivan, and Willadsen

6 Excused:

7 Deutsch, David Johnson, and Mulally

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

10 **HB 1226:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding local  
11 referendums.

12 Was read the second time.

13 The question being "Shall **HB 1226** pass as amended?"

14 And the roll being called:

15 Yeas 25, Nays 42, Excused 3, Absent 0

16 Yeas:

17 Dennert, Diedrich, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Hammock, Hansen,  
18 Howard, Kevin Jensen, Chris Johnson, Karr, Latterell, Lesmeister, Livermont, Marty, Perry, Sue  
19 Peterson, Pischke, Pourier, Randolph, Rasmussen, Steele, Weis, and Speaker Haugaard

20 Nays:

21 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Duba,  
22 Duvall, Finck, Glanzer, Gross, Healy, Hunhoff, Johns, Koth, McCleerey, Mills, Milstead, Miskimins,  
23 Olson, Herman Otten, Overweg, Kent Peterson, Post, Qualm, Reed, Reimer, Ring, Rounds, Saba,  
24 Jamie Smith, St. John, Sullivan, Wangsness, Wiese, Willadsen, York, and Zikmund

25 Excused:

26 Deutsch, David Johnson, and Mulally

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

29 **HB 1100:** FOR AN ACT ENTITLED, An Act to make an appropriation to begin the research and  
30 development of a new bioprocessing facility and to declare an emergency.

31 Was read the second time.

32 The question being "Shall **HB 1100** pass as amended?"

33 And the roll being called:

34 Yeas 56, Nays 12, Excused 2, Absent 0

35 Yeas:

36 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Cwach, Dennert,  
37 Diedrich, Duba, Duvall, Finck, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy,

1 Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, McCleerey,  
2 Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Kent Peterson, Sue Peterson, Post,  
3 Pourier, Qualm, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele,  
4 Sullivan, Wangsness, Wiese, Willadsen, York, and Zikmund

5 Nays:

6 Brunner, Frye-Mueller, Hammock, Howard, Latterell, Livermont, Marty, Perry, Pischke,  
7 Randolph, Weis, and Speaker Haugaard

8 Excused:

9 Deutsch and Mulally

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

12 Speaker Haugaard now presiding.

13 **HB 1068:** FOR AN ACT ENTITLED, An Act to include out-of-state convictions for the basis of  
14 an enhanced penalty for the crime of stalking.

15 Was read the second time.

16 The question being "Shall **HB 1068** pass?"

17 And the roll being called:

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

19 Yeas:

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

27 Excused:

28 Deutsch and Mulally

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

31 **HB 1172:** FOR AN ACT ENTITLED, An Act to require the annual submission of a zero-based  
32 budget from certain departments or budget units.

33 Was read the second time.

34 The question being "Shall **HB 1172** pass?"

35 And the roll being called:

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

1 Yeas:  
2 Beal, Borglum, Brunner, Chaffee, Dennert, Diedrich, Finck, Frye-Mueller, Goodwin, Gosch,  
3 Lana Greenfield, Gross, Hammock, Hansen, Howard, Kevin Jensen, Chris Johnson, David Johnson,  
4 Karr, Latterell, Livermont, Marty, Mills, Milstead, Herman Otten, Overweg, Perry, Sue Peterson,  
5 Pischke, Post, Randolph, Rasmussen, Reimer, Saba, St. John, Steele, Weis, Wiese, Zikmund, and  
6 Speaker Haugaard

7 Nays:  
8 Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Duba, Duvall, Glanzer, Healy, Hunhoff,  
9 Johns, Koth, Lesmeister, McCleerey, Miskimins, Olson, Kent Peterson, Pourier, Qualm, Reed, Ring,  
10 Rounds, Jamie Smith, Sullivan, Wangsness, Willadsen, and York

11 Excused:  
12 Deutsch and Mulally

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

## 15 SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

16 **SB 52:** FOR AN ACT ENTITLED, An Act to create a state seal specialty plate emblem.

17 Was read the second time.

18 The question being "Shall **SB 52** pass?"

19 And the roll being called:

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

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

29 Nays:  
30 Livermont and Marty

31 Excused:  
32 Deutsch and Mulally

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

## 35 SIGNING OF BILLS

36 The Speaker publicly read the title to

37 **HB 1113:** FOR AN ACT ENTITLED, An Act to provide for remote participation in a shareholders'  
38 meeting.

**HB 1114:** FOR AN ACT ENTITLED, An Act to authorize additional abbreviations in naming corporations, limited liability companies, and limited liability partnerships.

**HB 1165:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the acceptance of gifts by municipalities.

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

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

And signed the same in the presence of the House.

### COMMEMORATIONS

**HC 8022:** A LEGISLATIVE COMMEMORATION, Honoring the James Valley Christian High School Boys Golf team for its outstanding performance and victory in the 2019 State B Golf Championship.

**Introduced by: Representatives** Glanzer, Chase, Lana Greenfield, **and** Wangsness **and Senators** Brock Greenfield **and** White

Was read the first time.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 5:18 p.m. the House adjourned.

Mary Lou Goehring, Chief Clerk

