JOURNAL OF THE HOUSE
NINETY-FIFTH SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 26, 2020

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

The prayer was offered by the Chaplain, Rev. Corey Rajek, followed by the Pledge of Allegiance led by House pages Karmin Brunner and Miranda Chaney.

Roll Call: All members present except Rep. Mulally 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-sixth 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.
REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1026, 1041, 1063, 1080, 1081, and 1129 were delivered to her Excellency, the Governor, for her approval at 9:55 a.m., February 26, 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 1011, 1056, 1079, 1097, 1126, 1127, 1164, and 1260 and finds the same correctly enrolled.

Respectfully submitted,
Steven G. Haugaard, Chair

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to return herewith HB 1011, 1056, 1079, 1097, 1126, 1127, 1164, and 1260 which have passed the Senate without change.

Also Mr. SPEAKER:

I have the honor to return herewith HCR 6001 in which the Senate has concurred.

Also Mr. SPEAKER:

I have the honor to transmit herewith SB 6, 36, 72, 140, 147, 166, 169, 170, and 186 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

Yesterday, Rep. Wiese announced her intention to reconsider the vote by which HB 1218 lost.

Rep. Wiese moved that the House do now reconsider the vote by which HB 1218 lost.

Rep. Wiese moved that HB 1218 be amended as follows:

On page 1, line 1, of the House Education bill, after "require " insert "the"
On page 1, line 1, of the House Education bill, after "reporting " insert "of student tests, assessments, evaluations, and observations"

On page 1, line 3, of the House Education bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added:"

On page 1, line 4, of the House Education bill, after "added:" delete "Parental inquiry--Required response."

On page 1, line 4, of the House Education bill, after "response." delete "

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."

On page 1, line 14, of the House Education bill, delete "2" and insert 1

On page 1, line 16, of the House Education bill, after "observation" delete ", referenced in"

On page 1, line 17, of the House Education bill, after "in " delete "§ 13-33-31,"

Which motion prevailed.

The question being on Rep. Wiese's motion to reconsider the vote by which HB 1218 lost.

And the roll being called:

Yeas 35, Nays 34, Excused 1, Absent 0

Yeas:
Beal, Brunner, Dennert, Deutsch, Diedrich, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Latterell, Livermont, Marty, Milstead, Olson, Perry, Sue Peterson, Pischke, Post, Randolph, Rasmussen, St. John, Steele, Weis, Zikmund, and Speaker Haugaard

Nays:
Anderson, Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Cwach, Duba, Duvall, Finck, Glanzner, Healy, Hunhoff, David Johnson, Lesmeister, McCleerey, Mills, Miskimins, Herman Otten, Overweg, Kent Peterson, Pourier, Qualm, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Sullivan, Wangsness, Willadsen, and York

Excused:
Mulally

So the motion not having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion lost.
HCR 6004: A CONCURRENT RESOLUTION, To create a task force for the purpose of reviewing the manner in which mental health services are delivered in this state and considering changes to existing models or alternative models that could be utilized for the delivery of mental health services on a regional basis in this state.

Was read the second time.

Rep. Diedrich moved that HCR 6004 as found on page 380 of the House Journal be adopted.

The question being on Rep. Diedrich's motion that HCR 6004 be adopted.

And the roll being called:

Yeas 50, Nays 19, Excused 1, Absent 0

Yeas: Anderson, Bartels, Barthel, Beal, Bordeau, Borglum, Brunner, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Glanzer, Lana Greenfield, Hammock, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, McCleerey, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pourier, Qualm, Reed, Reimer, Ring, Saba, Jamie Smith, St. John, Sullivan, Wangness, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays: Dennert, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Gross, Howard, Latterell, Livermont, Marty, Mills, Pischke, Post, Randolph, Rasmussen, Rounds, Steele, and Weis

Excused: Mulally

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 6004 was adopted.

HCR 6008: A CONCURRENT RESOLUTION, To authorize a legislative study for the continuum of care for the disabled and elderly of South Dakota.

Was read the second time.

Rep. Hunhoff moved that HCR 6008 as found on page 380 of the House Journal be adopted.

The question being on Rep. Hunhoff's motion that HCR 6008 be adopted.

And the roll being called:

Yeas 53, Nays 16, Excused 1, Absent 0

Yeas: Anderson, Bartels, Barthel, Beal, Bordeau, Borglum, Brunner, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Glanzer, Goodwin, Gosch, Lana Greenfield, Hammock, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, McCleerey, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pourier, Qualm, Rasmussen, Reed, Reimer, Ring, Saba, Jamie Smith, St. John, Sullivan, Wangness, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard
So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HCR 6008** was adopted.

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

Was read the second time.

Rep. Gosch moved that **HCR 6015** as found on page 376 of the House Journal be adopted.

The question being on Rep. Gosch’s motion that **HCR 6015** be adopted.

And the roll being called:

**Yeas 56, Nays 13, Excused 1, Absent 0**

**Yeas:**
Anderson, Bartels, Barthel, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Glanzer, Goodwin, Gosch, Lana Greenfield, Hammock, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, Livermont, McCleerey, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Reed, Reimer, Ring, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

**Nays:**
Beal, Duvall, Finck, Frye-Mueller, Gross, Howard, Latterell, Marty, Mills, Randolph, Rasmussen, Rounds, and Steele

**Excused:**
Mulally

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HCR 6015** was adopted.

**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.

Was read the second time.

Rep. Olson moved that **HCR 6017** be amended as follows:

**HCR6017A**

On page 1, line 1, of the Introduced bill, delete "create " and insert "encourage the creation of "

On page 1, line 1, of the Introduced bill, delete "task force " and insert "study "

On page 1, line 11, of the Introduced bill, delete " shall" and insert " may"
On page 1, line 15, of the Introduced bill, after "and WHEREAS, " insert "it is requested that"

On page 1, line 15, of the Introduced bill, after "members" delete " shall"

On page 1, line 18, of the Introduced bill, delete " shall" and insert " is encouraged to"

On page 1, line 21, of the Introduced bill, after "study" insert ", if created,"

On page 2, line 3, of the Introduced bill, delete "hereby directed " and insert "encouraged "

Which motion prevailed.


The question being on Rep. Olson's motion that HCR 6017 be adopted as amended.

And the roll being called:

Yeas 52, Nays 17, Excused 1, Absent 0

Yeas:
Anderson, Bartels, Barthel, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Glanzer, Goodwin, Lana Greenfield, Hammock, Hansen, Healy, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Marty, McCleerey, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Qualm, Rasmussen, Reed, Reimer, Ring, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Beal, Dennert, Duvall, Finck, Frye-Mueller, Gosch, Gross, Howard, Hunhoff, Kevin Jensen, Livermont, Mills, Milstead, Post, Randolph, Rounds, and Weis

Excused:
Mulally

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 6017 was adopted as amended.

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.

Was read the second time.

Rep. Latterell moved that HCR 6018 as found on page 382 of the House Journal be adopted.

Rep. Qualm rose to a point of order asking if Rep. Latterell's reading of the South Dakota Constitution was necessary.

Speaker did not sustain the point of order.

And the roll being called:

Yeas 34, Nays 35, Excused 1, Absent 0
Yeas:
Borglum, Brunner, Chaffee, Dennert, Deutsch, Diedrich, Finck, Frye-Mueller, Gosch, Lana
Greenfield, Gross, Hammock, Howard, Kevin Jensen, Chris Johnson, David Johnson, Latterell,
Lesmeister, Livermont, Marty, Mills, Herman Otten, Sue Peterson, Pischke, Pourier, Randolph,
Rasmussen, Saba, St. John, Steele, Weis, Wiese, York, and Speaker Haugaard

Nays:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chase, Cwach, Duba, Duvall, Glanzer, Goodwin,
Hansen, Healy, Hunhoff, Johns, Karr, Koth, McCleerey, Milstead, Miskimins, Olson, Overweg, Perry,
Kent Peterson, Post, Qualm, Reed, Reimer, Ring, Rounds, Jamie Smith, Sullivan, Wangsness,
Willadsen, and Zikmund

Excused:
Mulally

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

HCR 6019: A CONCURRENT RESOLUTION, Urging greater awareness and understanding of
post-traumatic stress injury.

Introduced by: Representative Zikmund

HCR 6020: A CONCURRENT RESOLUTION, Denouncing the National Education Association's
recent policy to support "the fundamental right to abortion."

Introduced by: Representative Hansen

HCR 6021: A CONCURRENT RESOLUTION, Supporting the continued operation of the D.C.
Booth Historic National Fish Hatchery.

Introduced by: Representative Hammock

HCR 6022: A CONCURRENT RESOLUTION, Urging the State Trade Office in the Governor's
Office of Economic Development to promote international business and trade on behalf of South
Dakota exporters.

Introduced by: Representative Saba

HCR 6023: A CONCURRENT RESOLUTION, To encourage the Executive Board of the
Legislature to create an interim legislative study to address the mental health of first responders.

Introduced by: Representative Milstead

Were read the first time and the Speaker waived the committee referral pursuant to Joint Rule 6D-1.

Rep. Qualm moved that when we adjourn today, we adjourn to convene at 11:00 a.m.,
Thursday, February 27, 2020, the 28th legislative day.

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration HB 1177 and returns the same with the recommendation that said bill be amended as follows:

1177D

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

Section 1. That § 12-1-2 be AMENDED:

12-1-2. Application to local elections.

The provisions of this title apply to township, municipal, school board, and other subdivision elections, unless otherwise provided by the statutes specifically governing those elections or this title."

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

Section 2. That § 12-1-11 be AMENDED:

12-1-11. Costs paid by county--Exception for local elections.

Except as may be otherwise provided by law, in any election in which all voters of a county participate, the costs relating to the election shall be paid by the county from funds appropriated therefor. In all other elections costs therefor shall be paid from funds appropriated by the governing board of municipalities, school districts, and other political subdivisions requiring an election for their own purposes. Costs relating to a combined municipal and school board election, conducted before January 1, 2024, may be shared under the provisions of §§ 9-13-1.1 and 13-7-10.1."

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

Section 3. That § 12-16-11 be AMENDED:


At each general election when judicial officers are elected, there shall must be a separate ballot entitled "nonpolitical judiciary ballot" which shall must be prescribed by the State Board of Elections.

At each general election when members of a school board are elected, there must be a separate ballot entitled "nonpolitical school board ballot," which must be prescribed by the State Board of Elections."

On page 1, line 20, of the Introduced bill, delete "new school district" and insert "county"

On page 2, line 5, of the Introduced bill, after "year " delete "beginning July first of "

On page 2, line 13, of the Introduced bill, after "the " delete "end of the current"

On page 2, line 14, of the Introduced bill, delete "fiscal year" and insert "new board becomes operational. Notwithstanding any other law, the terms of office for members of a board created
under this section must be four years and must be staggered so as to accommodate the provisions of § 13-8-2."

After page 2, line 25, of the Introduced bill, insert "

Section 4. That § 13-7-5 be AMENDED:

13-7-5. Publication of notice of vacancies on school board--Newly created school districts.

Between the fifteenth day and the thirtieth day of the month three months preceding the election, except in the case of the joint election as provided in § 13-7-10.1, the business manager of each school district shall publish once each week for two consecutive weeks in the official newspaper, a notice setting forth the vacancies which will occur by termination of the terms of the elective or appointive school board members. However, if

If the vacancies set forth in the notice exist within a new school district entity pursuant to § 13-6-62, the county auditor of the county having jurisdiction over the election shall publish the notice once each week for two consecutive weeks at least one month preceding the election.

The notice shall also state the time and place where nominating petitions for school board vacancies may be filed for the board vacancies."

After page 2, line 25, of the Introduced bill, insert "

Section 5. That § 13-7-6 be AMENDED:

13-7-6. Filing of candidate's nominating petition--Formal declaration of candidacy--Contents, circulation, and verification of nominating petition.

No candidate for elective school board membership may be nominated unless such person is a resident voter of the school district and unless a nominating petition has been filed on such person's behalf with the business manager of the school district. The nominating petition shall be filed no later than five p.m. on the Friday thirty-nine days before the date of the election. The petition is considered filed if it is mailed by registered mail by five p.m. on the Friday thirty-nine days before the election. Beginning in 2024, the nominating petition required by this section must be filed with the auditor of the county in which the school district is headquartered, no later than the first Tuesday in August, and no later than five p.m. central time.

A formal declaration of a candidate shall be signed by the candidate before the circulation of the petition. The petition shall be signed by not less than twenty voters of the school district or if the school district is divided into school board representation areas, the petition shall be signed by not less than twenty voters who reside within the school board representation area. No petition may be circulated until ten weeks prior to the election. There shall be added by either the signer or the circulator the signer's place of residence and date of signing. The petition shall be verified under oath by the person circulating it. The filing of the nominating petition shall constitute nomination and will entitle the candidate to have the candidate's name placed on the ballot for the term the candidate specifies on the petition only upon verification signed by the business manager that the nominating petition contains the minimum number of signatures and that the candidate is a resident voter."

After page 3, line 10, of the Introduced bill, insert "

Section 6. That § 13-7-11 be AMENDED:

13-7-11. Voting precincts and polling places.

The number and place of voting precincts shall be determined by the school board.
Beginning with the general election in November 2024, the board of the school district may provide recommendations to the auditor of the county. The auditor shall determine the number and location of voting precincts in order to coordinate arrangements with requirements for the general election."

After page 3, line 10, of the Introduced bill, insert "

Section 7. That § 13-7-13 be AMENDED:

13-7-13. Ballots and election supplies--Form and content of ballots--Absentee ballots.

The business manager of the school district shall provide proper ballots, pollbooks, voting booths, and necessary supplies as required by law to the proper election officials on election day. The ballots shall be as prescribed by the State Board of Elections. The quantity of ballots provided shall be at least ten percent more than the number of voters at the last comparable election. No party affiliation may appear on the ballot and the names of the candidates for the respective vacancies shall be printed on the ballot. Each candidate's position on the ballot shall be chosen by lot by the business manager and each candidate may be present or represented when the position on the ballot is being determined. The ballots for school elections shall be available for absentee voting no later than fifteen days prior to election day, except that beginning with the general election in November 2024, the provisions governing absentee voting for school elections, including the availability of ballots, must be identical to those set forth in chapter 12-19."

After page 3, line 10, of the Introduced bill, insert "

Section 8. That a NEW SECTION be added:

13-7-19.5. Recounts.

Notwithstanding the manner in which a school board election recount is requested and conducted under §§ 13-7-19.1 through 13-7-19.4, beginning with the general election in November 2024, the provisions governing school board election recounts must be identical to those set forth in chapter 12-21."

On page 7, line 14, of the Introduced bill, delete "§" and insert "§§ "

On page 7, line 14, of the Introduced bill, after "13-6-63" insert ", 13-7-10. 1, 13-7-10. 2, 13-7-10. 3, and 13-7-10. 4"

On page 7, line 15, of the Introduced bill, after "REPEALED." delete "Section 15. That § 13-7-10. 1 be REPEALED.

13-7-10. 1. "

On page 7, line 16, of the Introduced bill, after "13-7-10.1. " delete "Joint school district and municipal elections authorized--Date--Sharing costs and responsibilities."

On page 7, line 18, of the Introduced bill, after "responsibilities." delete "Section 16. That § 13-7-10. 2 be REPEALED.

13-7-10. 2. "

On page 7, line 19, of the Introduced bill, after "13-7-10.2. " delete "Notices and nomination procedure for certain joint elections."

After page 7, line 19, of the Introduced bill, insert "

Section 9. That a NEW SECTION be added:
Effective date.

Sections 13-7-5, 13-7-10, and 13-7-30 of this Act are effective on January 1, 2024.

Section 22 of this Act is effective on June 30, 2023.

And that as so amended, returns said bill without recommendation.

Respectfully submitted,
Lana Greenfield, Chair

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration HB 1228 and returns the same with the recommendation that said bill be amended as follows:

On page 1, line 6, of the Introduced bill, delete "2020" and insert "2021"

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 HCR 6010 which was tabled.

Respectfully submitted,
Lana Greenfield, Chair

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration HB 1193, 1202, 1220, 1221, 1222, 1225, and 1229 which were tabled.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration HB 1245 and returns the same with the recommendation that said bill be amended as follows:

On page 1, line 16, of the Introduced bill, after "of " insert "those incarcerated in the state penitentiary system for "

On page 1, line 17, of the Introduced bill, delete "Unified Judicial System" and insert "Department of Corrections"

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

Section 2. This Act is effective on January 1, 2021."

On page 1, line 17, of the Introduced bill, after "sentence" insert "

(1) "
On page 1, line 18, of the Introduced bill, delete "currently " and insert "Currently "

On page 1, line 18, of the Introduced bill, after "incarcerated" insert the semicolon

On page 1, line 18, of the Introduced bill, after "incarcerated " insert 

(2) On probation supervision; or

(3) On parole supervision; "

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

Section 2. This Act is effective on January 1, 2021."

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration HB 1249, which was reconsidered which was deferred to the 41st Legislative Day.

Respectfully submitted,
Lee Qualm, Chair

Also MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration HB 1231 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Tim Rounds, Chair

Also MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration HB 1036 and 1282 which were tabled.

Respectfully submitted,
Jean M. Hunhoff, Vice-Chair

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1101 which was tabled.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1128 and 1275 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 1088 and returns the same with the recommendation that said bill be amended as follows:

1088C

On page 1, line 1, of the Introduced bill, after "order" insert "and to revise certain provisions regarding protection orders"

On page 1, line 6, of the Introduced bill, after "person " delete "to be ".

On page 1, line 7, of the Introduced bill, delete "any " and insert "the acts constituting a ".

On page 1, line 7, of the Introduced bill, delete "constitutes " and insert "also constitute ".

On page 1, line 7, of the Introduced bill, after "assault " insert "as defined ".

On page 1, line 8, of the Introduced bill, after "violation " insert "under this section ".

On page 1, line 8, of the Introduced bill, after "person " delete "to be ".

On page 1, line 9, of the Introduced bill, after "more " insert "prior ".

On page 1, line 10, of the Introduced bill, after "§ 25-10-13" insert "within ten years of committing the current offense"

On page 1, line 10, of the Introduced bill, after "§ 25-10-13, " insert "and ".

On page 1, line 10, of the Introduced bill, delete "which " and insert "the current offense ".

On page 1, line 11, of the Introduced bill, delete "and occurred within ten years of committing the current offense" and insert "or guilty plea ".

On page 1, line 12, of the Introduced bill, after "person " delete "to be ".

On page 1, line 15, of the Introduced bill, after "remedies." insert "

Section 2. That § 22-19A-16 be AMENDED:


If a temporary protection order or a protection order is granted pursuant to §§ 22-19A-8 to 22-19A-16, inclusive, and the respondent or person to be restrained knows of the order, violation of the order is a Class 1 misdemeanor. If any of the acts constituting a violation of this section constitute an assault as defined pursuant to § 22-18-1.1, the violation under this section is a Class 6 felony. If a respondent or person to be restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section or § 25-10-13 within ten years of committing the current offense, and the factual basis for which the current offense occurred after the date of the second conviction or guilty plea, and occurred within ten years of committing the current offense, the respondent or person to be restrained is guilty of a Class 6 felony for any third or subsequent offense. Any proceeding under §§ 22-19A-8 to 22-19A-16, inclusive, is in addition to other civil or criminal remedies.

On page 1, line 15, of the Introduced bill, after "remedies." insert "

Section 3. That § 25-10-13 be AMENDED:
25-10-13. Violation of protection order or no contact order as misdemeanor or felony.

If a temporary protection order or a protection order is granted pursuant to this chapter or a foreign protection order recognized pursuant to § 25-10-25 or 25-10-12.1, or if a no contact order is issued pursuant to § 25-10-23 or 25-10-25, and the respondent or person to be restrained knows of the order, the violation of the order is a Class 1 misdemeanor. If any the acts constituting a violation of this section constitutes also constitute a violation of § 22-18-1, 22-18-1.1, or 22-19A-1, the violation under this section is a Class 6 felony. If a respondent or person to be restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section or § 22-19A-16 within ten years of committing the current offense, and the factual basis for which the current offense occurred after the date of the second conviction or guilty plea, and occurred within ten years of committing the current offense, the respondent or person to be restrained is guilty of a Class 6 felony for any third or subsequent offense. Any proceeding under this chapter is in addition to other civil or criminal remedies.

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1212 and returns the same with the recommendation that said bill be amended as follows:

1212B

On page 1, line 20, of the Introduced bill, after "26-8A-8." delete "Section 2. That § 26-8A-15 be AMENDED:"

On page 1, line 21, of the Introduced bill, after "AMENDED:" delete "26-8A-15. ".

On page 1, line 21, of the Introduced bill, after "26-8A-15. " delete "Communications not privileged. ".

On page 1, line 21, of the Introduced bill, after "privileged. " delete ".

The privilege of confidentiality set forth in §§ 19-2-3, 19-19-503, 19-19-504, 19-19-505, 19-19-508.1, and 36-26-30 may not be claimed in any judicial proceeding involving an alleged abused or neglected child or resulting from the giving or causing the giving of a report concerning abuse or neglect of a child pursuant to §§ 26-8A-3 to 26-8A-8, inclusive.

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration HB 1216 and returns the same with the recommendation that said bill be amended as follows:

1216A

On page 3, line 24, of the Introduced bill, delete "one year " and insert "three hundred days ".

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 1119 and returns the same with the recommendation that 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 1266 and returns the same without recommendation.

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 Government Operations and Audit on HB 1110 as found on page 370 of the House Journal; also Taxation on HB 1259 as found on page 371 of the House Journal; also Education on HB 1198 as found on page 374 of the House Journal; also Local Government on HB 1264 as found on page 376 of the House Journal; also Agriculture and Natural Resources on HB 1238 as found on page 376 of the House Journal; also State Affairs on HB 1263 as found on page 377 of the House Journal; also Transportation on HB 1154 as found on page 378 and HB 1248 as found on page 379 of the House Journal; also House Appropriations on HJR 5003 as found on page 380 of the House Journal; and Agriculture and Natural Resources on SB 75 as found on page 377 of the House Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The Speaker declared that HB 1190, 1191, 1192, and 1253 were withdrawn at the request of the prime sponsors pursuant to Joint Rule 6B-1.1.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 6: FOR AN ACT ENTITLED, An Act to revise certain conditions under which presumptive probation may be applied.

SB 169: FOR AN ACT ENTITLED, An Act to authorize the possession of a concealed pistol by employees in county courthouses.
Were read the first time and referred to the Committee on Judiciary.

SB 36: FOR AN ACT ENTITLED, An Act to transfer funds from the budget reserve fund and to declare an emergency.

SB 72: FOR AN ACT ENTITLED, An Act to establish the Dakota's promise scholarship program, to establish the Dakota's promise fund, to make an appropriation, and to declare an emergency.

SB 140: FOR AN ACT ENTITLED, An Act to provide for the resolution of alleged certain disability violations.

SB 147: FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by certain employees of the Board of Regents.

SB 166: FOR AN ACT ENTITLED, An Act to provide a transfer of funds for the postsecondary scholarship grant fund and to declare an emergency.

SB 170: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school district capital outlay funds.

SB 186: FOR AN ACT ENTITLED, An Act to revise certain leave policies for state employees.

The following bills were read on February 6, 2020, and today the Speaker assigned these bills to committees:

SB 47 was referred to the Committee on Judiciary.

SB 74 was referred to the Committee on State Affairs.

The following bills were read on February 7, 2020, and today the Speaker assigned these bills to committees:

SB 5, 73, and 89 were referred to the Committee on Judiciary.

SB 61 was referred to the Committee on Local Government.

The following bill was read on February 11, 2020, and today the Speaker assigned this bill to committee:

SB 98 was referred to the Committee on Judiciary.

The following bills were read on February 12, 2020, and today the Speaker assigned these bills to committees:

SB 60 was referred to the Committee on Health and Human Services.

SJR 501 was referred to the Committee on State Affairs.

SB 97 was referred to the Committee on Transportation.
The following bills were read on February 13, 2020, and today the Speaker assigned these bills to committees:

**SB 18 and 19** were referred to the Committee on Health and Human Services.

**SB 137** was referred to the Committee on Local Government.

**SB 113 and 149** were referred to the Committee on Transportation.

The following bills were read on February 18, 2020, and today the Speaker assigned these bills to committees:

**SB 146** was referred to the Committee on Commerce and Energy.

**SB 46** was referred to the Committee on Health and Human Services.

**SB 65 and 120** were referred to the Committee on Judiciary.

The following bills were read on February 19, 2020, and today the Speaker assigned these bills to committees:

**SB 128** was referred to the Committee on State Affairs.

**SB 21** was referred to the Committee on Transportation.

The following bill was read on February 20, 2020, and today the Speaker assigned this bill to committee:

**SB 148** was referred to the Committee on Judiciary.

The following bills were read on February 25, 2020, and today the Speaker assigned these bills to committees:

**SB 2** was referred to the Committee on Health and Human Services.

**SB 176** was referred to the Committee on Judiciary.

**SECOND READING OF CONSENT CALENDAR ITEMS**

**HB 1255**: FOR AN ACT ENTITLED, An Act to remove the requirement for a mandatory appraisal in exchanges of land between school districts.

Was read the second time.

The question being "Shall HB 1255 pass?"

And the roll being called:

Yeas 67, Nays 1, Excused 2, Absent 0

Yeas:

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

Nays:
Rasmussen

Excused:
Howard and Mulally

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.

SECOND READİNG OF HOUSE BİLLS AND JOINT RESOLUTIONS

HB 1262: FOR AN ACT ENTITLED, An Act to revise provisions regarding electric service in annexed areas.

Was read the second time.

Rep. Anderson moved that HB 1262 be amended as follows:

On page 2, line 12, of the House State Affairs bill, after "basis. " insert "The decision of the circuit court is final and not subject to appeal."

On page 3, line 4, of the House State Affairs bill, after "utilities." insert "Any decision of the circuit court is final and not subject to appeal."

Which motion prevailed.

The question being "Shall HB 1262 pass as amended?"

And the roll being called:

Yeas 48, Nays 20, Excused 2, Absent 0

Yeas:
Anderson, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Dennert, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Gosch, Lana Greenfield, Hammock, Healy, Kevin Jensen, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Miskimins, Herman Otten, Overweg, Perry, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reimer, Saba, Jamie Smith, Steele, Wangsness, Weis, Zikmund, and Speaker Haugaard

Nays:
Bartels, Cwach, Deutsch, Diedrich, Goodwin, Gross, Hansen, Hunhoff, Johns, Milstead, Olson, Kent Peterson, Reed, Ring, Rounds, St. John, Sullivan, Wiese, Willadsen, and York

Excused:
Howard and Mulally

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 1277: FOR AN ACT ENTITLED, An Act to prevent trafficking, coercion, and exploitation that occurs under the guise of obscene content.

Was read the second time.

The question being "Shall HB 1277 pass as amended?"

And the roll being called:

Yeas 63, Nays 5, Excused 2, Absent 0

Yeas:

Nays:
Lesmeister, McCleerey, Sue Peterson, Rounds, and Jamie Smith

Excused:
Howard and Mulally

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 1213: FOR AN ACT ENTITLED, An Act to preclude the assignment of exclusive broadcast rights for certain high school interscholastic activities.

Was read the second time.

The question being "Shall HB 1213 pass?"

And the roll being called:

Yeas 38, Nays 30, Excused 2, Absent 0

Yeas:
Bartels, Beal, Brunner, Chaffee, Dennert, Deutsch, Diedrich, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Kevin Jensen, Chris Johnson, David Johnson, Karr, Koth, Latterell, Livermont, Marty, Milstead, Miskimins, Perry, Sue Peterson, Pischke, Post, Qualm, Randolph, St. John, Steele, Wangsness, Weis, Wiese, York, and Speaker Haugaard

Nays:
Anderson, Barthel, Bordeaux, Borglum, Chase, Cwach, Duba, Duvall, Glanzer, Healy, Hunhoff, Johns, Lesmeister, McCleerey, Mills, Olson, Herman Otten, Overweg, Kent Peterson, Pourier, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Sullivan, Willadsen, and Zikmund

Excused:
Howard and Mulally

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 1199: FOR AN ACT ENTITLED, An Act to require certain annexation information be provided to electric utilities.

Was read the second time.

The question being "Shall HB 1199 pass?"

And the roll being called:

Yeas 60, Nays 8, Excused 2, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Glanzer, Lana Greenfield, Gross, Hammock, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, McCleerey, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, 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

Nays:
Dennert, Frye-Mueller, Goodwin, Gosch, Latterell, Livermont, Marty, and Pischke

Excused:
Howard and Mulally

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.

COMMEMORATIONS

HC 8023: A LEGISLATIVE COMMEMORATION, To honor and congratulate the Miller Rustlers High School volleyball team for their fifth place finish at the South Dakota State Tournament.

Introduced by: Representative Gosch

HC 8024: A LEGISLATIVE COMMEMORATION, Honoring and commending Brookings High School student Eleanor Abraham for her service to the community of Brookings and winning the 2020 Prudential Spirit of Community Award.

Introduced by: Representatives Reed and Post and Senator V. J. Smith

HC 8025: A LEGISLATIVE COMMEMORATION, Commending and honoring those who served in the Korean War on the seventieth anniversary of the war.

Introduced by: Representatives Reed, Anderson, Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Duba, Duvall, Finck, Goodwin, Gosch, David Johnson, Koth, Olson, Overweg, Perry, Kent Peterson, Post, Rasmussen, Reimer, Saba, and Steele and Senators Bolin, Nesiba, Novstrup, Partridge, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Steinhauer, White, and Wiik
HC 8026: A LEGISLATIVE COMMEMORATION, Honoring Lynn Verschoor for her twenty years
of inspirational and dedicated service as the Director of the South Dakota Art Museum encouraging
the collecting, preserving, and exhibiting of visual arts to provide access and education, and to foster
appreciation of the visual arts.

Introduced by: Representatives Reed and Post and Senator V. J. Smith

Were read the first time.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1011: FOR AN ACT ENTITLED, An Act to require certain examinations of persons awaiting
involuntary commitment hearings.

HB 1056: FOR AN ACT ENTITLED, An Act to authorize video monitoring of residents in assisted
living centers and nursing facilities.

HB 1079: FOR AN ACT ENTITLED, An Act to authorize a county to assess an administration
fee for the processing of certain title applications.

HB 1097: FOR AN ACT ENTITLED, An Act to modify requirements for a marriage license.

HB 1126: FOR AN ACT ENTITLED, An Act to provide authority for real estate brokers to
conduct real property evaluations.

HB 1127: FOR AN ACT ENTITLED, An Act to revise provisions regarding real estate appraisers.


HB 1260: FOR AN ACT ENTITLED, An Act to revise provisions regarding tax increment districts.

And signed the same in the presence of the House.

Rep. Borglum moved that the House do now adjourn, which motion prevailed and at 4:56 p.m.
the House adjourned.

Mary Lou Goehring, Chief Clerk