

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.

Which motion prevailed.

Respectfully submitted,
Steven G. Haugaard, Chair

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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:

1218C

On page 1, line 1, of the House Education bill, after "require " insert "the"

- 1 On page 1, line 1, of the House Education bill, after "reporting " insert "of student tests,
2 assessments, evaluations, and observations"
- 3 On page 1, line 3, of the House Education bill, after "Dakota:" delete "Section 1. That a NEW
4 SECTION be added:"
- 5 On page 1, line 4, of the House Education bill, after "added:" delete "Parental inquiry--Required
6 response."
- 7 On page 1, line 4, of the House Education bill, after "response." delete "
- 8 Within one business day of receiving an inquiry from a student's parent, public and nonpublic
9 school personnel shall:
- 10 (1) Inform the parent of the date on which:
- 11 (a) A standardized test or assessment is scheduled to be administered to the student; or
12 (b) An evaluation or observation of the student is scheduled to be conducted; or
- 13 (2) Indicate that the test, assessment, evaluation, or observation has not yet been scheduled."
- 14 On page 1, line 14, of the House Education bill, delete "2" and insert 1
- 15 On page 1, line 16, of the House Education bill, after "observation" delete ", referenced in"
- 16 On page 1, line 17, of the House Education bill, after "in " delete "§ 13-33-31,"
- 17 Which motion prevailed.
- 18 The question being on Rep. Wiese's motion to reconsider the vote by which **HB 1218** lost.
- 19 And the roll being called:
- 20 Yeas 35, Nays 34, Excused 1, Absent 0
- 21 Yeas:
22 Beal, Brunner, Dennert, Deutsch, Diedrich, Frye-Mueller, Goodwin, Gosch, Lana Greenfield,
23 Gross, Hammock, Hansen, Howard, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Latterell,
24 Livermont, Marty, Milstead, Olson, Perry, Sue Peterson, Pischke, Post, Randolph, Rasmussen, St.
25 John, Steele, Weis, Wiese, Zikmund, and Speaker Haugaard
- 26 Nays:
27 Anderson, Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Cwach, Duba, Duvall, Finck,
28 Glanzer, Healy, Hunhoff, David Johnson, Lesmeister, McCleerey, Mills, Miskimins, Herman Otten,
29 Overweg, Kent Peterson, Pourier, Qualm, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Sullivan,
30 Wangsness, Willadsen, and York
- 31 Excused:
32 Mulally
- 33 So the motion not having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the motion lost.

1 **HCR 6004**: A CONCURRENT RESOLUTION, To create a task force for the purpose of reviewing
 2 the manner in which mental health services are delivered in this state and considering changes to
 3 existing models or alternative models that could be utilized for the delivery of mental health services
 4 on a regional basis in this state.

5 Was read the second time.

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

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

8 And the roll being called:

9 Yeas 50, Nays 19, Excused 1, Absent 0

10 Yeas:

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

17 Nays:

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

20 Excused:

21 Mulally

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

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

26 Was read the second time.

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

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

29 And the roll being called:

30 Yeas 53, Nays 16, Excused 1, Absent 0

31 Yeas:

32 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,
 33 Deutsch, Diedrich, Duba, Glanzer, Goodwin, Gosch, Lana Greenfield, Hammock, Hansen, Healy,
 34 Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, McCleerey,
 35 Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pourier,
 36 Qualm, Rasmussen, Reed, Reimer, Ring, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Wiese,
 37 Willadsen, York, Zikmund, and Speaker Haugaard

38 Nays:

39 Dennert, Duvall, Finck, Frye-Mueller, Gross, Howard, Latterell, Livermont, Marty, Mills,
 40 Pischke, Post, Randolph, Rounds, Steele, and Weis

1 Excused:
2 Mulally

3 So the motion having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the motion carried and **HCR 6008** was adopted.

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

8 Was read the second time.

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

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

11 And the roll being called:

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

13 Yeas:

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

20 Nays:

21 Beal, Duvall, Finck, Frye-Mueller, Gross, Howard, Latterell, Marty, Mills, Randolph, Rasmussen,
22 Rounds, and Steele

23 Excused:
24 Mulally

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

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

29 Was read the second time.

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

31 HCR6017A

32 " On page 1, line 1, of the Introduced bill, delete "create " and insert "encourage the creation of
33 "

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

35 On page 1, line 11, of the Introduced bill, delete " shall" and insert " may"

36 On page 1, line 15, of the Introduced bill, after "and

37 WHEREAS, " insert "it is requested that "

- 1 On page 1, line 15, of the Introduced bill, after "members" delete " shall"
- 2 On page 1, line 18, of the Introduced bill, delete " shall" and insert " is encouraged to"
- 3 On page 1, line 21, of the Introduced bill, after "study" insert ", if created,"
- 4 On page 2, line 3, of the Introduced bill, delete "hereby directed " and insert "encouraged "
- 5 Which motion prevailed.

6 Rep. Olson moved that **HCR 6017** as found on page 382 of the House Journal be adopted as
7 amended on page 401 of the House Journal.

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

9 And the roll being called :

10 Yeas 52, Nays 17, Excused 1, Absent 0

11 Yeas:

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

18 Nays:

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

21 Excused:

22 Mulally

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

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

27 Was read the second time.

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

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

31 Speaker did not sustain the point of order.

32 And the roll being called :

33 Yeas 34, Nays 35, Excused 1, Absent 0

34 Yeas:

35 Borglum, Brunner, Chaffee, Dennert, Deutsch, Diedrich, Finck, Frye-Mueller, Gosch, Lana
36 Greenfield, Gross, Hammock, Howard, Kevin Jensen, Chris Johnson, David Johnson, Latterell,

1 Lesmeister, Livermont, Marty, Mills, Herman Otten, Sue Peterson, Pischke, Pourier, Randolph,
2 Rasmussen, Saba, St. John, Steele, Weis, Wiese, York, and Speaker Haugaard

3 Nays:

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

8 Excused:

9 Mulally

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

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

14 **Introduced by: Representative** Zikmund

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

17 **Introduced by: Representative** Hansen

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

20 **Introduced by: Representative** Hammock

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

24 **Introduced by: Representative** Saba

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

27 **Introduced by: Representative** Milstead

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

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

31 Which motion prevailed.

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

3 **REPORTS OF STANDING COMMITTEES**

4 MR. SPEAKER:

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

7 1177D

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

9 **Section 1.** That § 12-1-2 be AMENDED:

10 12-1-2. Application to local elections.

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

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

15 **Section 2.** That § 12-1-11 be AMENDED:

16 12-1-11. Costs paid by county--Exception for local elections.

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

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

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

25 12-16-11. Separate nonpolitical ballot.

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

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

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

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

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

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

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

2 **Section 4.** That § 13-7-5 be AMENDED:

3 13-7-5. Publication of notice of vacancies on school board--Newly created school districts.

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

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

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

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

16 **Section 5.** That § 13-7-6 be AMENDED:

17 13-7-6. Filing of candidate's nominating petition--Formal declaration of candidacy--Contents,
 18 circulation, and verification of nominating petition.

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

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

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

39 **Section 6.** That § 13-7-11 be AMENDED:

40 13-7-11. Voting precincts and polling places.

41 The number and place of voting precincts shall be determined by the school board.

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

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

2 **Section 7.** That § 13-7-13 be AMENDED:

3 13-7-13. Ballots and election supplies--Form and content of ballots--Absentee ballots.

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

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

16 **Section 8.** That a NEW SECTION be added:

17 13-7-19.5. Recounts.

18 Notwithstanding the manner in which a school board election recount is requested and
 19 conducted under §§ 13-7-19.1 through 13-7-19.4, beginning with the general election in November
 20 2024, the provisions governing school board election recounts must be identical to those set forth
 21 in chapter 12-21."

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

23 On page 7, line 14, of the Introduced bill, after "13-6-63" insert ", 13-7-10. 1, 13-7-10. 2, 13-
 24 7-10. 3, and 13-7-10. 4"

25 On page 7, line 15, of the Introduced bill, after "REPEALED." delete "Section 15. That § 13-7-
 26 10. 1 be REPEALED.

27 13-7-10. 1. "

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

30 On page 7, line 18, of the Introduced bill, after "responsibilities." delete "Section 16. That §
 31 13-7-10. 2 be REPEALED.

32 13-7-10. 2. "

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

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

36 **Section 9.** That a NEW SECTION be added:

37 Effective date.

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

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

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

2 Respectfully submitted,
3 Lana Greenfield, Chair

4 Also MR. SPEAKER:

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

7 1228A

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

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

10 Also MR. SPEAKER:

11 The Committee on House Education respectfully reports that it has had under consideration
12 **HCR 6010** which was tabled.

13 Respectfully submitted,
14 Lana Greenfield, Chair

15 Also MR. SPEAKER:

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

18 Also MR. SPEAKER:

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

21 1245A

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

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

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

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

28 1245B

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

30 (1) "

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

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

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

1 (2) On probation supervision; or
2 (3) On parole supervision; "
3 On page 1, after line 20, of the Introduced bill, insert "

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

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

6 Also MR. SPEAKER:

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

9 Respectfully submitted,
10 Lee Qualm, Chair

11 Also MR. SPEAKER:

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

14 Also MR. SPEAKER:

15 The Committee on House Commerce and Energy respectfully reports that it has had under
16 consideration **HB 1271** which was tabled.

17 Respectfully submitted,
18 Tim Rounds, Chair

19 Also MR. SPEAKER:

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

22 Respectfully submitted,
23 Jean M. Hunhoff, Vice-Chair

24 Also MR. SPEAKER:

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

27 Also MR. SPEAKER:

28 The Committee on House Judiciary respectfully reports that it has had under consideration
29 **HB 1128 and 1275** which were deferred to the 41st Legislative Day.

30 Also MR. SPEAKER:

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

33 1088C

- 1 On page 1, line 1, of the Introduced bill, after "order" insert " and to revise certain provisions
2 regarding protection orders"
- 3 On page 1, line 6, of the Introduced bill, after "person " delete "to be "
- 4 On page 1, line 7, of the Introduced bill, delete "any " and insert "the acts constituting a "
- 5 On page 1, line 7, of the Introduced bill, delete "constitutes " and insert "also constitute "
- 6 On page 1, line 7, of the Introduced bill, after "assault " insert "as defined "
- 7 On page 1, line 8, of the Introduced bill, after "violation " insert "under this section "
- 8 On page 1, line 8, of the Introduced bill, after "person " delete "to be "
- 9 On page 1, line 9, of the Introduced bill, after "more " insert "prior "
- 10 On page 1, line 10, of the Introduced bill, after "§ 25-10-13" insert " within ten years of
11 committing the current offense"
- 12 On page 1, line 10, of the Introduced bill, after "§ 25-10-13, " insert "and "
- 13 On page 1, line 10, of the Introduced bill, delete "which " and insert " the current offense "
- 14 On page 1, line 11, of the Introduced bill, delete "and occurred within ten years of committing
15 the current offense" and insert " or guilty plea"
- 16 On page 1, line 12, of the Introduced bill, after "person " delete "to be "
- 17 On page 1, line 15, of the Introduced bill, after "remedies." insert "
- 18 **Section 2.** That § 22-19A-16 be AMENDED:
- 19 22-19A-16. Violation of protection order--Penalties.
- 20 If a temporary protection order or a protection order is granted pursuant to §§ 22-19A-8 to
21 22-19A-16, inclusive, and the respondent or person ~~to be restrained~~ knows of the order, violation
22 of the order is a Class 1 misdemeanor. If ~~any~~ the acts constituting a violation of this section
23 ~~constitutes also constitute~~ an assault as defined pursuant to § 22-18-1.1, the violation under this
24 section is a Class 6 felony. If a respondent or person ~~to be restrained~~ has been convicted of, or
25 entered a plea of guilty to, two or more prior violations of this section or § 25-10-13 within ten years
26 of committing the current offense, and the factual basis for which the current offense occurred after
27 the date of the second conviction or guilty plea, and occurred within ten years of committing the
28 current offense, the respondent or person ~~to be restrained~~ is guilty of a Class 6 felony for any third
29 or subsequent offense. Any proceeding under §§ 22-19A-8 to 22-19A-16, inclusive, is in addition to
30 other civil or criminal remedies."
- 31 On page 1, line 15, of the Introduced bill, after "remedies." insert "
- 32 **Section 3.** That § 25-10-13 be AMENDED:
- 33 25-10-13. Violation of protection order or no contact order as misdemeanor or felony.
- 34 If a temporary protection order or a protection order is granted pursuant to this chapter or a
35 foreign protection order recognized pursuant to § 25-10-25 or 25-10-12.1, or if a no contact order
36 is issued pursuant to § 25-10-23 or 25-10-25, and the respondent or person ~~to be restrained~~ knows
37 of the order, ~~the~~ violation of the order is a Class 1 misdemeanor. If ~~any~~ the acts constituting a
38 violation of this section ~~constitutes also constitute~~ a violation of § 22-18-1, 22-18-1.1, or 22-19A-
39 1, the violation under this section is a Class 6 felony. If a respondent or person ~~to be restrained~~ has
40 been convicted of, or entered a plea of guilty to, two or more prior violations of this section or § 22-

1 19A-16 within ten years of committing the current offense, and the factual basis for which the
2 current offense occurred after the date of the second conviction or guilty plea, and occurred within
3 ten years of committing the current offense, the respondent or person ~~to be~~ restrained is guilty of
4 a Class 6 felony for any third or subsequent offense. Any proceeding under this chapter is in addition
5 to other civil or criminal remedies."

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

7 Also MR. SPEAKER:

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

10 1212B

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

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

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

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

17 The privilege of confidentiality set forth in §§ 19-2-3, 19-19-503, 19-19-504, 19-19-505, 19-
18 19-508.1, and 36-26-30 may not be claimed in any judicial proceeding involving an alleged abused
19 or neglected child or resulting from the giving or causing the giving of a report concerning abuse or
20 neglect of a child pursuant to §§ 26-8A-3 to 26-8A-8, inclusive."

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

22 Also MR. SPEAKER:

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

25 1216A

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

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

29 Also MR. SPEAKER:

30 The Committee on House Judiciary respectfully reports that it has had under consideration
31 **HB 1119** and returns the same with the recommendation that said bill do pass, and having been
32 certified as uncontested, be placed on the consent calendar.

33 Also MR. SPEAKER:

34 The Committee on House Judiciary respectfully reports that it has had under consideration
35 **HB 1266** and returns the same without recommendation.

36 Respectfully submitted,
37 Jon Hansen, Chair

1 There being no objection, the House proceeded to Order of Business No. 9 - Consideration of
2 Reports of Committees.

3 **CONSIDERATION OF REPORTS OF COMMITTEES**

4 Rep. Qualm moved that the reports of the Standing Committees on
5 Government Operations and Audit on **HB 1110** as found on page 370 of the House Journal;
6 also
7 Taxation on **HB 1259** as found on page 371 of the House Journal; also
8 Education on **HB 1198** as found on page 374 of the House Journal; also
9 Local Government on **HB 1264** as found on page 376 of the House Journal; also
10 Agriculture and Natural Resources on **HB 1238** as found on page 376 of the House Journal;
11 also
12 State Affairs on **HB 1263** as found on page 378 of the House Journal; also
13 Transportation on **HB 1154** as found on page 378 and **HB 1248** as found on page 380 of the
14 House Journal; also
15 House Appropriations on **HJR 5003** as found on page 380 of the House Journal; and
16 Agriculture and Natural Resources on **SB 75** as found on page 377 of the House Journal be
17 adopted.
18 Which motion prevailed and the reports were adopted.

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

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

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

23 **SB 6:** FOR AN ACT ENTITLED, An Act to revise certain conditions under which presumptive
24 probation may be applied.
25 **SB 169:** FOR AN ACT ENTITLED, An Act to authorize the possession of a concealed pistol by
26 employees in county courthouses.
27 Were read the first time and referred to the Committee on Judiciary.
28 **SB 36:** FOR AN ACT ENTITLED, An Act to transfer funds from the budget reserve fund and to
29 declare an emergency.
30 **SB 72:** FOR AN ACT ENTITLED, An Act to establish the Dakota's promise scholarship program,
31 to establish the Dakota's promise fund, to make an appropriation, and to declare an emergency.

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

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

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

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

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

10 Were read the first time.

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

13 **SB 47** was referred to the Committee on Judiciary.

14 **SB 74** was referred to the Committee on State Affairs.

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

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

18 **SB 61** was referred to the Committee on Local Government.

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

21 **SB 98** was referred to the Committee on Judiciary.

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

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

25 **SJR 501** was referred to the Committee on State Affairs.

26 **SB 97** was referred to the Committee on Transportation.

27 The following bills were read on February 13, 2020, and today the Speaker assigned these bills
28 to committees:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

20 Was read the second time.

21 The question being "Shall **HB 1255** pass?"

22 And the roll being called:

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

24 Yeas:

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

32 Nays:

33 Rasmussen

34 Excused:

35 Howard and Mulally

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

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

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

6 Was read the second time.

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

8 1262D

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

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

13 Which motion prevailed.

14 The question being "Shall **HB 1262** pass as amended?"
15

16 And the roll being called:

17 Yeas 48, Nays 20, Excused 2, Absent 0

18 Yeas:

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

24 Nays:

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

27 Excused:

28 Howard 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.

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

3 Was read the second time.

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

5 And the roll being called:

6 Yeas 63, Nays 5, Excused 2, Absent 0

7 Yeas:

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

15 Nays:

16 Lesmeister, McCleerey, Sue Peterson, Rounds, and Jamie Smith

17 Excused:

18 Howard and Mulally

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

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

23 Was read the second time.

24 The question being "Shall **HB 1213** pass?"

25 And the roll being called:

26 Yeas 38, Nays 30, Excused 2, Absent 0

27 Yeas:

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

32 Nays:

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

36 Excused:

37 Howard and Mulally

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

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

3 Was read the second time.

4 The question being "Shall **HB 1199** pass?"

5 And the roll being called:

6 Yeas 60, Nays 8, Excused 2, Absent 0

7 Yeas:

8 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,
9 Deutsch, Diedrich, Duba, Duvall, Finck, Glanzer, Lana Greenfield, Gross, Hammock, Hansen, Healy,
10 Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, McCleerey,
11 Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post,
12 Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John,
13 Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

14 Nays:

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

16 Excused:

17 Howard and Mulally

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

20 **COMMEMORATIONS**

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

23 **Introduced by: Representative** Gosch

24 **HC 8024:** A LEGISLATIVE COMMEMORATION, Honoring and commending Brookings High
25 School student Eleanor Abraham for her service to the community of Brookings and winning the
26 2020 Prudential Spirit of Community Award.

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

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

30 **Introduced by: Representatives** Reed, Anderson, Bartels, Barthel, Bordeaux, Borglum,
31 Chaffee, Chase, Duba, Duvall, Finck, Goodwin, Gosch, David Johnson, Koth, Olson, Overweg, Perry,
32 Kent Peterson, Post, Rasmussen, Reimer, Saba, **and Steele and Senators** Bolin, Nesiba, Novstrup,
33 Partridge, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Steinhauer, White, **and Wiik**

1 **HC 8026:** A LEGISLATIVE COMMEMORATION, Honoring Lynn Verschoor for her twenty years
2 of inspirational and dedicated service as the Director of the South Dakota Art Museum encouraging
3 the collecting, preserving, and exhibiting of visual arts to provide access and education, and to foster
4 appreciation of the visual arts.

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

6 Were read the first time.

7 **SIGNING OF BILLS**

8 The Speaker publicly read the title to

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

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

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

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

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

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

19 **HB 1164:** FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2019.

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

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

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

24 Mary Lou Goehring, Chief Clerk

