

JOURNAL OF THE HOUSE

NINETY-FIFTH SESSION

TWENTY-EIGHTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 27, 2020

The House convened at 11:00 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House pages Sara DeYoung and Grace Duvall.

Roll Call: All members present except Reps. Deutsch, Howard, Miskimins, Mulally, and Sue Peterson who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-seventh 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

1

COMMUNICATIONS AND PETITIONS

2

February 25, 2020

3

Mr. Speaker and Members of the House of Representatives:

4

I have the honor to inform you that on February 25, 2020, I approved House Bill 1083, and the same has been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,
Kristi Noem
Governor

7

8

9

February 26, 2020

10

Mr. Speaker and Members of the House of Representatives:

11

I have the honor to inform you that on February 26, 2020, I approved House Bills 1023, 1032, 1033, 1039, 1051, 1058, and 1084, and the same have been deposited in the office of the Secretary of State.

12

13

14

Respectfully submitted,
Kristi Noem
Governor

15

16

17

REPORTS OF STANDING COMMITTEES

18

Mr. SPEAKER:

19

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1109 and 1131** and finds the same correctly enrolled.

20

21

Respectfully submitted,
Steven G. Haugaard, Chair

22

23

Also MR. SPEAKER:

24

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 22** and returns the same with the recommendation that said bill do pass.

25

26

Respectfully submitted,
Thomas J. Brunner, Chair

27

28

The Committee on Health and Human Services respectfully submits the following corrected report for the committee action of February 20, 2020:

29

30

Also MR. SPEAKER:

31

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1072, 1137, and 1240** which were deferred to the 41st Legislative Day.

32

1 Also MR. SPEAKER:

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

5 Also MR. SPEAKER:

6 The Committee on House Health and Human Services respectfully reports that it has had under
7 consideration **HB 1211** which was tabled.

8 Also MR. SPEAKER:

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

12 1232A

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

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

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

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

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

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

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

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

26 Respectfully submitted,
27 Kevin D. Jensen, Chair

28 **MESSAGES FROM THE SENATE**

29 Mr. SPEAKER:

30 I have the honor to return herewith **HB 1109 and 1131** which have passed the Senate without
31 change.

1 Also Mr. SPEAKER:

2 I have the honor to transmit herewith **SB 66, 96, 142, 144, 156, 174, and 180** which have
3 passed the Senate and your favorable consideration is respectfully requested.

4 Respectfully,
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Qualm moved that **HCR 6019, 6020, 6021, 6022, and 6023** be deferred to Monday,
8 March 2, 2020, the 29th legislative day.

9 Which motion prevailed.

10 **HCR 6024**: A CONCURRENT RESOLUTION, Commending automotive enthusiasts in South
11 Dakota and the Specialty Equipment Market Association for their contributions in preserving classic
12 automobiles and urging the Governor to declare a South Dakota Collector Car Appreciation Day this
13 year.

14 Introduced by: **Representative** Zikmund

15 Was read the first time and the Speaker waived the committee referral.

16 **SCR 601**: A CONCURRENT RESOLUTION, Supporting trade negotiations to remove barriers to
17 country of origin labelling.

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

19 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

21 Education on **HB 1177** as found on page 398 and **HB 1228** as found on page 401 of the House
22 Journal; also

23 State Affairs on **HB 1245** as found on page 402 of the House Journal; also

24 Judiciary on **HB 1088** as found on page 403, **HB 1212** as found on page 404, and **HB 1216**
25 **and 1266** as found on page 405 of the House Journal be adopted.

26 Which motion prevailed and the reports were adopted.

27 Rep. Post moved that **HB 1177** be placed on today's calendar.

28 The question being on Rep. Post's motion that **HB 1177** be placed on today's calendar.

29 And the roll being called:

30 Yeas 25, Nays 39, Excused 6, Absent 0

1 Yeas:
2 Beal, Borglum, Brunner, Chaffee, Dennert, Deutsch, Finck, Frye-Mueller, Goodwin, Gosch,
3 Hansen, Chris Johnson, Karr, Latterell, Livermont, Mills, Overweg, Pischke, Post, Randolph, Steele,
4 Weis, Wiese, York, and Speaker Haugaard

5 Nays:
6 Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Duba, Duvall, Glanzer, Lana Greenfield,
7 Gross, Hammock, Healy, Hunhoff, Kevin Jensen, Johns, David Johnson, Koth, Lesmeister, Marty,
8 McCleerey, Milstead, Olson, Herman Otten, Perry, Kent Peterson, Pourier, Qualm, Rasmussen, Reed,
9 Reimer, Ring, Rounds, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, and Zikmund

10 Excused:
11 Diedrich, Howard, Miskimins, Mulally, Sue Peterson, and Saba

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

14 Rep. Borglum moved that **HB 1266** be placed on the bottom of today's calendar.

15 Rep. Gosch rose to a point of order to speak only to the motion to place **HB 1266** on the
16 calendar.

17 Speaker sustained the point of order.

18 The question being on Rep. Borglum's motion that **HB 1266** be placed on the bottom of today's
19 calendar.

20 And the roll being called:

21 Yeas 41, Nays 24, Excused 5, Absent 0

22 Yeas:
23 Anderson, Bartels, Beal, Borglum, Brunner, Chaffee, Deutsch, Duvall, Finck, Frye-Mueller,
24 Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Kevin Jensen, Chris Johnson, Karr, Koth, Latterell,
25 Livermont, Marty, Mills, Milstead, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Pischke,
26 Qualm, Randolph, Reimer, Rounds, St. John, Steele, Wangsness, Weis, Wiese, Willadsen, and
27 Speaker Haugaard

28 Nays:
29 Barthel, Bordeaux, Chase, Cwach, Dennert, Duba, Glanzer, Hammock, Healy, Hunhoff, Johns,
30 David Johnson, Lesmeister, McCleerey, Post, Pourier, Rasmussen, Reed, Ring, Saba, Jamie Smith,
31 Sullivan, York, and Zikmund

32 Excused:
33 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the motion prevailed and **HB 1266** was so placed.

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

37 **SB 66:** FOR AN ACT ENTITLED, An Act to provide for the creation and funding of Oceti Sakowin
38 community-based schools.

39 Was read the first time and referred to the Committee on Education.

1 **SB 96:** FOR AN ACT ENTITLED, An Act to prohibit the denial of benefits based solely on a
2 controlled substance felony.

3 Was read the first time and referred to the Committee on Judiciary.

4 **SB 144:** FOR AN ACT ENTITLED, An Act to establish certain restrictions regarding participation
5 in the state subsidized dual credit program for certain students.

6 Was read the first time and referred to the House Committee on Appropriations.

7 **SB 142:** FOR AN ACT ENTITLED, An Act to establish certain restrictions regarding the state
8 subsidized dual credit program.

9 **SB 174:** FOR AN ACT ENTITLED, An Act to revise the purposes for which a school district's
10 capital outlay fund may be used.

11 Were read the first time and referred to the Committee on Education.

12 **SB 180:** FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the
13 petition circulation process.

14 Was read the first time and referred to the Committee on Local Government.

15 **SB 156:** FOR AN ACT ENTITLED, An Act to repeal provisions regarding the South Dakota
16 Veterans Commission.

17 Was read the first time and referred to the Committee on Military and Veterans Affairs.

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

20 **SB 83** was referred to the Committee on Commerce and Energy.

21 **SB 56** was referred to the Committee on Local Government.

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

24 **SB 16 and 37** were referred to the House Committee on Appropriations.

25 **SB 80** was referred to the Committee on Judiciary.

26 The following bill was read on February 13, 2020, and today the Speaker assigned this bill to
27 committee:

28 **SB 35** was referred to the House Committee on Appropriations.

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

31 **SB 181** was referred to the Committee on Commerce and Energy.

1 The following bill was read on February 21, 2020, and today the Speaker assigned this bill to
2 committee:

3 **SB 162** was referred to the Committee on Commerce and Energy.

4 The following bills were read on February 24, 2020, and today the Speaker assigned these bills
5 to committees:

6 **SB 150** was referred to the Committee on Agriculture and Natural Resources.

7 **SB 167** was referred to the Committee on Education.

8 **SB 157** was referred to the Committee on State Affairs.

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

11 **SB 155 and 160** were referred to the Committee on Health and Human Services.

12 **SB 183** was referred to the Committee on Local Government.

13 **SB 161** was referred to the Committee on Taxation.

14 The following bills were read on February 26, 2020, and today the Speaker assigned these bills
15 to committees:

16 **SB 140** was referred to the Committee on Commerce and Energy.

17 **SB 36, 72, and 166** were referred to the House Committee on Appropriations.

18 **SB 170** was referred to the Committee on Education.

19 **SB 147 and 186** were referred to the Committee on State Affairs.

20 **SECOND READING OF CONSENT CALENDAR ITEMS**

21 **HB 1110:** FOR AN ACT ENTITLED, An Act to provide for a uniform template to be used by each
22 state agency in the conduct of performance management reviews.

23 **HB 1119:** FOR AN ACT ENTITLED, An Act to include certain offenses committed in another
24 state for purposes of an enhanced penalty.

25 **HB 1154:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding motor vehicle
26 license plates.

27 **HB 1216:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding sexual
28 harassment.

29 **HB 1259:** FOR AN ACT ENTITLED, An Act to clarify provisions regarding the discretionary
30 formula for determining the assessed value of property for tax purposes.

1 **HB 1264**: FOR AN ACT ENTITLED, An Act to revise provisions regarding the procurement of
2 public improvements.

3 Were read the second time.

4 The question being "Shall **HB 1110, 1154, 1216, 1259, and 1264** pass as amended, and
5 **HB 1119** pass?"

6 And the roll being called:

7 Yeas 64, Nays 1, Excused 5, Absent 0

8 Yeas:

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

16 Nays:

17 Gosch

18 Excused:

19 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson

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

22 Rep. Gosch moved that **HB 1198** be laid on the table.

23 The question being on Rep. Gosch's motion that **HB 1198** be laid on the table.

24 And the roll being called:

25 Yeas 59, Nays 6, Excused 5, Absent 0

26 Yeas:

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

33 Nays:

34 Brunner, Lana Greenfield, Hammock, Karr, Marty, and Weis

35 Excused:

36 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson

37 So the motion having received an affirmative vote of a majority of the members-elect, the
38 Speaker declared the motion carried and **HB 1198** was tabled.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1228: FOR AN ACT ENTITLED, An Act to include children with a hearing loss in the reporting criteria required for deaf and hard-of-hearing children.

Was read the second time.

The question being "Shall **HB 1228** pass as amended?"

And the roll being called:

Yeas 47, Nays 17, Excused 6, Absent 0

Yeas:

Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Cwach, Dennert, Deutsch, Duba, Finck, Frye-Mueller, Goodwin, Lana Greenfield, Gross, Hammock, Hansen, Healy, Kevin Jensen, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Herman Otten, Perry, Kent Peterson, Pischke, Pourier, Qualm, Randolph, Rasmussen, Reed, Ring, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:

Anderson, Beal, Brunner, Duvall, Glanzer, Gosch, Hunhoff, Johns, Chris Johnson, David Johnson, Karr, Koth, Overweg, Post, Reimer, Rounds, and Steele

Excused:

Diedrich, Howard, Miskimins, Mulally, Olson, and Sue Peterson

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 1238: FOR AN ACT ENTITLED, An Act to permit modification of the term of a perpetual conservation easement after the death of the grantor.

Was read the second time.

Rep. McCleerey moved that **HB 1238** be amended as follows:

1238B

On page 1, line 9, of the House Agriculture and Natural Resources bill, delete "a person receiving a fee simple interest in the real property burdened by the easement " and insert "the parties "

On page 1, line 10, of the House Agriculture and Natural Resources bill, delete "term of " and insert "rights and duties under "

Which motion prevailed.

The question being "Shall **HB 1238** pass as amended?"

And the roll being called:

Yeas 27, Nays 38, Excused 5, Absent 0

1 Yeas:
2 Beal, Bordeaux, Brunner, Chaffee, Cwach, Dennert, Deutsch, Duba, Finck, Healy, Koth,
3 Latterell, Lesmeister, Livermont, Marty, McCleerey, Perry, Pourier, Randolph, Rasmussen, Jamie
4 Smith, St. John, Steele, Sullivan, Weis, Zikmund, and Speaker Haugaard

5 Nays:
6 Anderson, Bartels, Barthel, Borglum, Chase, Duvall, Frye-Mueller, Glanzer, Goodwin, Gosch,
7 Lana Greenfield, Gross, Hammock, Hansen, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David
8 Johnson, Karr, Mills, Milstead, Olson, Herman Otten, Overweg, Kent Peterson, Pischke, Post, Qualm,
9 Reed, Reimer, Ring, Rounds, Saba, Wangsness, Wiese, Willadsen, and York

10 Excused:
11 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson

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

14 **HB 1263:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the dates on
15 which certain school district elections may be held.

16 Was read the second time.

17 The question being "Shall **HB 1263** pass as amended?"

18 And the roll being called:

19 Yeas 38, Nays 27, Excused 5, Absent 0

20 Yeas:
21 Anderson, Beal, Borglum, Brunner, Chaffee, Dennert, Deutsch, Duvall, Finck, Frye-Mueller,
22 Goodwin, Gosch, Gross, Hansen, Chris Johnson, Karr, Latterell, Livermont, Marty, Mills, Milstead,
23 Perry, Kent Peterson, Pischke, Post, Pourier, Qualm, Randolph, Reimer, Saba, St. John, Steele,
24 Wangsness, Weis, Wiese, York, Zikmund, and Speaker Haugaard

25 Nays:
26 Bartels, Barthel, Bordeaux, Chase, Cwach, Duba, Glanzer, Lana Greenfield, Hammock, Healy,
27 Hunhoff, Kevin Jensen, Johns, David Johnson, Koth, Lesmeister, McCleerey, Olson, Herman Otten,
28 Overweg, Rasmussen, Reed, Ring, Rounds, Jamie Smith, Sullivan, and Willadsen

29 Excused:
30 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson

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

33 **HB 1248:** FOR AN ACT ENTITLED, An Act to revise the motor vehicle license fee for certain
34 older trucks.

35 Was read the second time.

-
- 1 The question being "Shall **HB 1248** pass as amended?"
- 2 And the roll being called:
- 3 Yeas 28, Nays 35, Excused 7, Absent 0
- 4 Yeas:
- 5 Beal, Bordeaux, Brunner, Chase, Dennert, Frye-Mueller, Glanzer, Goodwin, Gosch, Hammock,
6 Hansen, Kevin Jensen, Chris Johnson, Latterell, Livermont, Marty, McCleerey, Mills, Pischke, Post,
7 Poirier, Rasmussen, Ring, St. John, Steele, Weis, Wiese, and Speaker Haugaard
- 8 Nays:
- 9 Anderson, Bartels, Borglum, Chaffee, Cwach, Deutsch, Duba, Duvall, Finck, Lana Greenfield,
10 Gross, Healy, Hunhoff, Johns, David Johnson, Karr, Koth, Lesmeister, Milstead, Olson, Herman
11 Otten, Overweg, Perry, Kent Peterson, Qualm, Randolph, Reimer, Rounds, Saba, Jamie Smith,
12 Sullivan, Wangsness, Willadsen, York, and Zikmund
- 13 Excused:
- 14 Barthel, Diedrich, Howard, Miskimins, Mulally, Sue Peterson, and Reed
- 15 So the bill not having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the bill lost.
- 17 **HJR 5003**: A JOINT RESOLUTION, Proposing and submitting to the electors at the next general
18 election, an amendment to Article XII of the Constitution of the State of South Dakota, relating to
19 the creation of the property tax relief trust fund and to provide for the transfer of unobligated cash.
- 20 Was read the second time.
- 21 The question being "Shall **HJR 5003** pass as amended?"
- 22 And the roll being called:
- 23 Yeas 22, Nays 43, Excused 5, Absent 0
- 24 Yeas:
- 25 Borglum, Brunner, Dennert, Deutsch, Finck, Frye-Mueller, Goodwin, Gosch, Hansen, Chris
26 Johnson, David Johnson, Karr, Latterell, Livermont, Marty, Pischke, Post, Randolph, Rasmussen,
27 Weis, Wiese, and Speaker Haugaard
- 28 Nays:
- 29 Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Duba, Duvall, Glanzer,
30 Lana Greenfield, Gross, Hammock, Healy, Hunhoff, Kevin Jensen, Johns, Koth, Lesmeister,
31 McCleerey, Mills, Milstead, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Poirier, Qualm,
32 Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Willadsen,
33 York, and Zikmund
- 34 Excused:
- 35 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson
- 36 So the resolution not having received an affirmative vote of a majority of the members-elect,
37 the Speaker declared the resolution lost.

1 **HB 1245:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the voting
2 rights of felony offenders.

3 Was read the second time.

4 Rep. Sullivan moved that **HB 1245** be amended as follows:

5 1245D

6 On page 1, line 16, of the House State Affairs bill, after "of " delete "those incarcerated in the
7 state penitentiary system for "

8 On page 1, line 17, of the House State Affairs bill, remove the overstrikes from " Unified Judicial
9 System"

10 On page 1, line 17, of the House State Affairs bill, after "System" delete " Department of
11 Corrections"

12 Which motion prevailed.

13 Speaker Pro tempore Gosch now presiding.

14 The question being "Shall **HB 1245** pass as amended?"

15 And the roll being called:

16 Yeas 18, Nays 47, Excused 5, Absent 0

17 Yeas:

18 Bordeaux, Cwach, Dennert, Duba, Goodwin, Hansen, Healy, Johns, David Johnson, Lesmeister,
19 McCleerey, Olson, Pourier, Ring, Saba, Jamie Smith, Sullivan, and Willadsen

20 Nays:

21 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Deutsch, Duvall, Finck,
22 Frye-Mueller, Glanzer, Gosch, Lana Greenfield, Gross, Hammock, Hunhoff, Kevin Jensen, Chris
23 Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Milstead, Herman Otten, Overweg, Perry,
24 Kent Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Rounds, St. John,
25 Steele, Wangsness, Weis, Wiese, York, Zikmund, and Speaker Haugaard

26 Excused:

27 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson

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

30 **HB 1088:** FOR AN ACT ENTITLED, An Act to create a penalty for violation of a vulnerable adult
31 protection order and to revise certain provisions regarding protection orders.

32 Was read the second time.

- 1 The question being "Shall **HB 1088** pass as amended?"
- 2 And the roll being called:
- 3 Yeas 65, Nays 0, Excused 5, Absent 0
- 4 Yeas:
- 5 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,
6 Dennert, Deutsch, Duba, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield,
7 Gross, Hammock, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson,
8 Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Olson, Herman Otten,
9 Overweg, Perry, Kent Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer,
10 Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen,
11 York, Zikmund, and Speaker Haugaard
- 12 Excused:
- 13 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson
- 14 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker
15 declared the bill passed and the title was agreed to.
- 16 **HB 1212**: FOR AN ACT ENTITLED, An Act to add certain persons to the list of mandatory
17 reporters of suspected child abuse or neglect.
- 18 Was read the second time.
- 19 Rep. Healy moved that **HB 1212** be amended as follows:
- 20 1212E
- 21 On page 1, line 20, of the House Judiciary bill, after "§ 26-8A-8." insert "
- 22 Under this section a clergyman, as defined in subdivision 19-19-505(a)(1), is not guilty of
23 violating this section and has no duty to report the clergyman's knowledge of suspected child abuse
24 or neglect if that knowledge or suspicion is communicated to the clergyman while acting in the
25 clergyman's professional capacity as a spiritual adviser and the communication is considered
26 confidential, as defined in subdivision 19-19-505(a)(2)."
- 27 Rep. Lesmeister rose to a point of order asking if Rep. Haugaard's comments were addressing
28 the amendment.
- 29 Speaker did not sustain the point of order, responding that the discussion was on the
30 amendment.
- 31 A roll call vote was requested by the Speaker.
- 32 The question being on Rep. Healy's motion to **HB 1212** be amended.
- 33 And the roll being called:
- 34 Yeas 33, Nays 32, Excused 5, Absent 0

1 Yeas:
2 Anderson, Bartels, Barthel, Bordeaux, Borglum, Chase, Cwach, Deutsch, Duba, Duvall,
3 Glanzer, Healy, Hunhoff, Johns, David Johnson, Lesmeister, McCleerey, Milstead, Olson, Kent
4 Peterson, Poirier, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness,
5 Willadsen, York, and Zikmund

6 Nays:
7 Beal, Brunner, Chaffee, Dennert, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross,
8 Hammock, Hansen, Kevin Jensen, Chris Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills,
9 Herman Otten, Overweg, Perry, Pischke, Post, Qualm, Randolph, Rasmussen, Steele, Weis, Wiese,
10 and Speaker Haugaard

11 Excused:
12 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson

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

15 Rep. Latterell rose to a point of order that the Speaker did not recognize Rep. Weis, pursuant
16 to Joint Rule 1-4.

17 Rep. Rounds called the question.

18 Rep. Latterell rose to a point of order, again saying the Speaker did not recognize Rep. Weis,
19 pursuant to Joint Rule 1-4.

20 Speaker sustained the point of order.

21 Rep. Latterell yielded his time to Rep. Weis.

22 Rep. Weis moved that **HB 1212** be amended as follows:

1212F

24 On page 1, line 9, of the House Judiciary bill, after "hygienist," delete " member of the clergy,"

25 Rep. Qualm made a substitute motion to table the amendment.

26 Which motion prevailed.

27 The question being "Shall **HB 1212** pass as amended?"

28 And the roll being called:

29 Yeas 30, Nays 35, Excused 5, Absent 0

30 Yeas:
31 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Cwach, Duba, Hammock, Healy, Hunhoff,
32 Johns, Lesmeister, McCleerey, Milstead, Olson, Herman Otten, Kent Peterson, Poirier, Reed,
33 Reimer, Ring, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, York, and Zikmund

-
- 1 Nays:
2 Brunner, Chaffee, Chase, Dennert, Deutsch, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin,
3 Gosch, Lana Greenfield, Gross, Hansen, Kevin Jensen, Chris Johnson, David Johnson, Karr, Koth,
4 Latterell, Livermont, Marty, Mills, Overweg, Perry, Pischke, Post, Qualm, Randolph, Rasmussen,
5 Rounds, Steele, Weis, Wiese, and Speaker Haugaard
- 6 Excused:
7 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson
- 8 So the bill not having received an affirmative vote of a majority of the members-elect, the
9 Speaker declared the bill lost.
- 10 Speaker Haugaard now presiding.
- 11 **HB 1266**: FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by employees of the
12 Board of Regents.
- 13 Was read the second time.
- 14 The question being "Shall **HB 1266** pass?"
- 15 And the roll being called:
- 16 Yeas 47, Nays 18, Excused 5, Absent 0
- 17 Yeas:
18 Anderson, Bartels, Beal, Borglum, Brunner, Chaffee, Deutsch, Duvall, Frye-Mueller, Goodwin,
19 Gosch, Lana Greenfield, Gross, Hammock, Hansen, Hunhoff, Kevin Jensen, Chris Johnson, David
20 Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Milstead, Olson, Herman Otten, Overweg,
21 Perry, Kent Peterson, Pischke, Post, Qualm, Randolph, Reimer, Ring, Rounds, Saba, St. John, Steele,
22 Wangsness, Weis, Wiese, Willadsen, York, and Speaker Haugaard
- 23 Nays:
24 Barthel, Bordeaux, Chase, Cwach, Dennert, Duba, Finck, Glanzer, Healy, Johns, Lesmeister,
25 McCleerey, Pourier, Rasmussen, Reed, Jamie Smith, Sullivan, and Zikmund
- 26 Excused:
27 Diedrich, Howard, Miskimins, Mulally, and Sue Peterson
- 28 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker
29 declared the bill passed and the title was agreed to.
- 30 Rep. Qualm moved that **SB 75** be deferred to Monday, March 2, 2020, the 29th legislative day.
- 31 Which motion prevailed.
- 32 There being no objection, the House reverted to Order of Business No. 7 – Messages from the
33 Senate.

MESSAGES FROM THE SENATE

1
2 Mr. SPEAKER:

3 I have the honor to transmit herewith **SB 55, 104, 133, 151, and 164** which have passed
4 the Senate and your favorable consideration is respectfully requested.

5
6 Respectfully,
Kay Johnson, Secretary

7 There being no objection, the House proceeded to Order of Business No. 11 - First Reading of
8 Senate Bills and Joint Resolutions.

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

10 **SB 55:** FOR AN ACT ENTITLED, An Act to require the Board of Regents to assemble a task
11 force to study the possibility of shared administration among the institutions of higher education
12 under the board's authority.

13 **SB 133:** FOR AN ACT ENTITLED, An Act to allow public funds not needed for current operating
14 expenses to be invested in certain certificates of deposit or time deposits.

15 Were read the first time and referred to the House Committee on Appropriations.

16 **SB 104:** FOR AN ACT ENTITLED, An Act to limit entitlement to mechanics' liens.

17 Was read the first time and referred to the Committee on Local Government.

18 **SB 151:** FOR AN ACT ENTITLED, An Act to define critical infrastructure and revise certain
19 crimes for the trespass or damage to critical infrastructure.

20 Was read the first time and referred to the Committee on Commerce and Energy.

21 **SB 164:** FOR AN ACT ENTITLED, An Act to revise the penalties and provisions regarding
22 approaching stopped vehicles.

23 Was read the first time and referred to the Committee on State Affairs.

24 The following bill was read on January 29, 2020, and today the Speaker assigned this bill to
25 committee:

26 **SB 45** was referred to the Committee on State Affairs.

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

29 **SB 20** was referred to the Committee on Health and Human Services.

1 The following bill was read on February 7, 2020, and today the Speaker assigned this bill to
2 committee:

3 **SB 91** was referred to the Committee on Local Government.

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

6 **SB 84** was referred to the Committee on Local Government.

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

9 **SB 135** was referred to the Committee on Local Government.

10 **SB 70** was referred to the Committee on Transportation.

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

13 **SB 26 and 33** were referred to the House Committee on Appropriations.

14 **SB 119** was referred to the Committee on Judiciary.

15 **SB 124** was referred to the Committee on Military and Veterans Affairs.

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

18 **SB 24** was referred to the Committee on Agriculture and Natural Resources.

19 **SB 139** was referred to the Committee on Health and Human Services.

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

22 **SB 81** was referred to the Committee on Health and Human Services.

23 The following bill was read on February 24, 2020, and today the Speaker assigned this bill to
24 committee:

25 **SB 136** was referred to the Committee on Judiciary.

26 **SIGNING OF BILLS**

27 The Speaker publicly read the title to

28 **HB 1109**: FOR AN ACT ENTITLED, An Act to revise the Uniform Limited Liability Company Act.

1 **HB 1131:** FOR AN ACT ENTITLED, An Act to prohibit the use of misleading identification for
2 telephonic communications.

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

4 Rep. Beal moved that the House do now adjourn, which motion prevailed and at 5:02 p.m. the
5 House adjourned.

6 Mary Lou Goehring, Chief Clerk