

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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TWENTY-NINTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, March 02, 2020

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

The prayer was offered by the Chaplain, Rev. Lizette Hunt, followed by the Pledge of Allegiance led by House pages Madison Howard and William Goscicki.

Roll Call: All members present except Reps. Bordeaux, Deutsch, Glanzer, McCleerey, Mulally, and Steele 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-eighth day.

The following corrections should be made:

On page 417, insert line 39 to read: "Was read the first time and referred to the Committee on Education."

On page 418, line 3, delete "Were read the first time" and insert "Was read the first time and referred to the Committee on Judiciary."

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Steven G. Haugaard, Chair

Which motion prevailed.

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**COMMUNICATIONS AND PETITIONS**

February 27, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on February 27, 2020, I approved House Bills 1007, 1047, 1048, 1059, 1074, 1082, 1086, 1091, 1105, 1106, and 1120, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,  
Kristi Noem  
Governor

**REPORTS OF STANDING COMMITTEES**

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1170, 1178, and 1208** and finds the same correctly enrolled.

Respectfully submitted,  
Steven G. Haugaard, Chair

Also Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1011, 1056, 1079, 1097, 1113, 1114, 1126, 1127, 1164, 1165, and 1260** were delivered to her Excellency, the Governor, for her approval at 11:30 a.m., March 2, 2020.

Respectfully submitted,  
Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **SB 174** 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 Education respectfully reports that it has had under consideration **SB 142** and returns the same with the recommendation that said bill be amended as follows:

142B

On page 1, line 11, of the Senate Appropriations bill, after "Education." insert "

If a student receives a failing grade in any course or withdraws from a course after the deadline and does not receive credit for the course, the student may no longer participate in the program. The Board of Regents or Board of Technical Education may reinstate a student who is prohibited from participating in the dual credit program if the student demonstrates good cause for failing a course or withdrawing from a course, or if at the student's expense the student retakes and passes the course that the student withdrew from or failed."

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

3 Also MR. SPEAKER:

4 The Committee on House Education respectfully reports that it has had under consideration  
5 **SB 167** and returns the same with the recommendation that said bill be amended as follows:

6 167C

7 On page 1, line 9, of the Senate bill, delete "test administered by the American College Testing  
8 Program" and insert "ACT"

9 On page 1, line 11, of the Senate bill, delete "Scholastic Assessment Test" and insert "SAT"

10 On page 1, line 12, of the Senate bill, after "SAT " delete "test "

11 On page 2, line 18, of the Senate bill, delete "test administered by the American College Testing  
12 Program" and insert "ACT"

13 On page 2, line 22, of the Senate bill, delete "Scholastic Assessment Test" and insert "SAT"

14 On page 3, line 2, of the Senate bill, delete "Scholastic Aptitude Test" and insert "SAT"

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

17 Also MR. SPEAKER:

18 The Committee on House Education respectfully reports that it has had under consideration  
19 **SB 170** and returns the same with the recommendation that said bill do pass.

20 Respectfully submitted,  
21 Lana Greenfield, Chair

22 Also MR. SPEAKER:

23 The Committee on House State Affairs respectfully reports that it has had under consideration  
24 **SB 186** and returns the same with the recommendation that said bill be amended as follows:

25 186B

26 On page 2, line 24, of the Senate State Affairs bill, after "leave" insert " and sick leave"

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

28 Also MR. SPEAKER:

29 The Committee on House State Affairs respectfully reports that it has had under consideration  
30 **SB 74, 128, and 147, and SJR 501** and returns the same with the recommendation that said bills  
31 and resolution do pass.

32 Respectfully submitted,  
33 Lee Qualm, Chair

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration  
3 **SB 80** and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on House Judiciary respectfully reports that it has had under consideration  
6 **SB 119** and returns the same with the recommendation that said bill be referred to the Committee  
7 on Commerce and Energy.

8 Also MR. SPEAKER:

9 The Committee on House Judiciary respectfully reports that it has had under consideration  
10 **SB 5, 65, and 176** and returns the same with the recommendation that said bills do pass, and  
11 having been certified as uncontested, be placed on the consent calendar.

12 Also MR. SPEAKER:

13 The Committee on House Judiciary respectfully reports that it has had under consideration  
14 **SB 148** and returns the same with the recommendation that said bill be amended as follows:

15 148A

16 On page 4, line 3, of the Introduced bill, delete "(c)" and insert "(4)"

17 On page 32, line 16, of the Introduced bill, after "INSTRUCTIONS" delete "(OPTIONAL)"

18 On page 32, after line 16, of the Introduced bill, insert "(INITIAL if you wish for the agent to  
19 have authority immediately and also during your later incapacity. )

20 (\_\_\_\_) This power of attorney is effective immediately and shall not be affected by disability of  
21 the principal."

22 On page 32, line 20, of the Introduced bill, after "incapacity." insert "

23 (INITIAL if you wish for the agent to have authority immediately but not during your later  
24 incapacity. )

25 (\_\_\_\_) This power of attorney is effective immediately but shall terminate upon my later  
26 incapacity."

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

29 Respectfully submitted,  
30 Jon Hansen, Chair

31 Also MR. SPEAKER:

32 The Committee on House Commerce and Energy respectfully reports that it has had under  
33 consideration **SB 146** and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under  
3 consideration **SB 162** and returns the same with the recommendation that said bill do pass, and  
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 Tim Rounds, Chair

7 **MESSAGES FROM THE SENATE**

8 Mr. SPEAKER:

9 I have the honor to return herewith **HB 1170, 1178, and 1208** which have passed the Senate  
10 without change.

11 Respectfully,  
12 Kay Johnson, Secretary

13 **MOTIONS AND RESOLUTIONS**

14 Rep. Hansen moved that **HCR 6020** be deferred to Tuesday, March 3, 2020, the 30<sup>th</sup> legislative  
15 day.

16 Which motion prevailed.

17 Rep. Qualm moved that **SB 119** be referred from the Committee on Judiciary to the Committee  
18 on Commerce and Energy.

19 Which motion prevailed.

20 Rep. Qualm moved that **SB 98, 120, and 169** be referred from the Committee on Judiciary  
21 to the Committee on State Affairs.

22 Which motion prevailed.

23 Rep. Qualm moved that **SB 16 and 37** be referred from the House Committee on  
24 Appropriations to the floor of the House of Representatives.

25 Which motion prevailed.

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

28 Was read the second time.

29 Rep. Zikmund moved that **HCR 6019** as found on page 397 of the House Journal be adopted.

30 The question being on Rep. Zikmund's motion that **HCR 6019** be adopted.

- 1 And the roll being called:
- 2 Yeas 64, Nays 0, Excused 6, Absent 0
- 3 Yeas:
- 4 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich,  
5 Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen,  
6 Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell,  
7 Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry,  
8 Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer,  
9 Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Weis, Wiese, Willadsen, York,  
10 Zikmund, and Speaker Haugaard
- 11 Excused:
- 12 Bordeaux, Deutsch, Glanzer, McCleerey, Mulally, and Steele
- 13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the motion carried and **HCR 6019** was adopted.
- 15 **HCR 6021**: A CONCURRENT RESOLUTION, Supporting the continued operation of the D.C.  
16 Booth Historic National Fish Hatchery.
- 17 Was read the second time.
- 18 Rep. Hammock moved that **HCR 6021** as found on page 397 of the House Journal be adopted.
- 19 The question being on Rep. Hammock's motion that **HCR 6021** be adopted.
- 20 And the roll being called:
- 21 Yeas 64, Nays 0, Excused 6, Absent 0
- 22 Yeas:
- 23 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich,  
24 Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen,  
25 Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell,  
26 Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry,  
27 Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer,  
28 Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Weis, Wiese, Willadsen, York,  
29 Zikmund, and Speaker Haugaard
- 30 Excused:
- 31 Bordeaux, Deutsch, Glanzer, McCleerey, Mulally, and Steele
- 32 So the motion having received an affirmative vote of a majority of the members-elect, the  
33 Speaker declared the motion carried and **HCR 6021** was adopted.
- 34 **HCR 6022**: A CONCURRENT RESOLUTION, Urging the State Trade Office in the Governor's  
35 Office of Economic Development to promote international business and trade on behalf of South  
36 Dakota exporters.
- 37 Was read the second time.

- 1 Rep. Saba moved that **HCR 6022** as found on page 397 of the House Journal be adopted.
- 2 The question being on Rep. Saba's motion that **HCR 6022** be adopted.
- 3 And the roll being called:
- 4 Yeas 57, Nays 6, Excused 7, Absent 0
- 5 Yeas:
- 6 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich,  
7 Duba, Duvall, Frye-Mueller, Goodwin, Lana Greenfield, Gross, Hammock, Hansen, Healy, Howard,  
8 Hunhoff, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty,  
9 Mills, Milstead, Miskimins, Olson, Herman Otten, Perry, Kent Peterson, Pischke, Pourier, Qualm,  
10 Randolph, Rasmussen, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness,  
11 Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard
- 12 Nays:
- 13 Finck, Gosch, Overweg, Sue Peterson, Post, and Reimer
- 14 Excused:
- 15 Bordeaux, Deutsch, Glanzer, David Johnson, McCleerey, Mulally, and Steele
- 16 So the motion having received an affirmative vote of a majority of the members-elect, the  
17 Speaker declared the motion carried and **HCR 6022** was adopted.
- 18 Speaker Pro tempore Gosch now presiding.
- 19 **HCR 6023**: A CONCURRENT RESOLUTION, To encourage the Executive Board of the  
20 Legislature to create an interim legislative study to address the mental health of first responders.
- 21 Was read the second time.
- 22 Rep. Milstead moved that **HCR 6023** as found on page 398 of the House Journal be adopted.
- 23 The question being on Rep. Milstead's motion that **HCR 6023** be adopted.
- 24 And the roll being called:
- 25 Yeas 59, Nays 3, Excused 8, Absent 0
- 26 Yeas:
- 27 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich,  
28 Duba, Duvall, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy,  
29 Hunhoff, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Mills,  
30 Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,  
31 Post, Pourier, Qualm, Randolph, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan,  
32 Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard
- 33 Nays:
- 34 Finck, Howard, and Marty
- 35 Excused:
- 36 Bordeaux, Deutsch, Glanzer, David Johnson, McCleerey, Mulally, Rasmussen, and Steele
- 37 So the motion having received an affirmative vote of a majority of the members-elect, the  
38 Speaker declared the motion carried and **HCR 6023** was adopted.

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

5           Was read the second time.

6           Rep. Zikmund moved that **HCR 6024** as found on page 416 of the House Journal be adopted.

7           Rep. Rounds moved that **HCR 6024** be amended as follows:

8           HCR6024A

9           On page 2, line 1, of the Introduced bill, delete "third " and insert "twenty-seventh "

10          On page 2, line 2, of the Introduced bill, delete "November " and insert "August "

11          Which motion prevailed.

12          The question being on Rep. Zikmund's motion that **HCR 6024** be adopted as amended.

13          And the roll being called:

14          Yeas 55, Nays 8, Excused 7, Absent 0

15          Yeas:

16          Anderson, Bartels, Barthel, Beal, Borglum, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba,  
 17          Duvall, Finck, Goodwin, Gosch, Lana Greenfield, Hammock, Hansen, Healy, Hunhoff, Kevin Jensen,  
 18          Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, Mills, Milstead, Miskimins, Olson,  
 19          Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm,  
 20          Randolph, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Wiese,  
 21          Willadsen, York, Zikmund, and Speaker Haugaard

22          Nays:

23          Brunner, Frye-Mueller, Gross, Howard, Latterell, Livermont, Marty, and Weis

24          Excused:

25          Bordeaux, Deutsch, Glanzer, McCleerey, Mulally, Rasmussen, and Steele

26          So the motion having received an affirmative vote of a majority of the members-elect, the  
 27          Speaker declared the motion carried and **HCR 6024** was adopted as amended.

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

30          Rep. Borglum moved that **SCR 601** as found on page 97 of the House Journal be concurred in  
 31          as amended on page 129 of the Senate Journal.

32          The question being on Rep. Borglum's motion that **SCR 601** be concurred in as amended.

33          And the roll being called:

34          Yeas 60, Nays 3, Excused 7, Absent 0



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

9 Nays:  
10 Gross, Post, and Reed

11 Excused:  
12 Bordeaux, Deutsch, Glanzer, McCleerey, Mulally, Rasmussen, and Steele

13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the motion carried and **SCR 601** was concurred in as amended.

## 15 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 **SB 75:** FOR AN ACT ENTITLED, An Act to provide for a habitat stamp on hunting and fishing  
17 licenses.

18 Was read the second time.

19 The question being "Shall **SB 75** pass as amended?"

20 And the roll being called:

21 Yeas 50, Nays 14, Excused 6, Absent 0

22 Yeas:  
23 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich,  
24 Duba, Duvall, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Healy, Hunhoff, Johns, David  
25 Johnson, Koth, Lesmeister, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent  
26 Peterson, Sue Peterson, Post, Pourier, Qualm, Rasmussen, Reed, Reimer, Ring, Rounds, Jamie  
27 Smith, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

28 Nays:  
29 Finck, Frye-Mueller, Hansen, Howard, Kevin Jensen, Chris Johnson, Karr, Latterell, Livermont,  
30 Marty, Pischke, Randolph, Saba, and St. John

31 Excused:  
32 Bordeaux, Deutsch, Glanzer, McCleerey, Mulally, and Steele

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

35 **SB 22:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding pesticide  
36 registration, pesticide application, and enforcement of pesticide laws.

37 Was read the second time.

1 The question being "Shall **SB 22** pass as amended?"

2 And the roll being called:

3 Yeas 62, Nays 2, Excused 6, Absent 0

4 Yeas:

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

12 Nays:

13 Gosch and Sue Peterson

14 Excused:

15 Bordeaux, Deutsch, Glanzer, McCleerey, Mulally, and Steele

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

18 Speaker Haugaard now presiding.

19 **SIGNING OF BILLS**

20 The Speaker publicly read the title to

21 **HB 1170:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of certain  
22 lights by tow truck vehicles and Department of Transportation authorized vehicles.

23 **HB 1178:** FOR AN ACT ENTITLED, An Act to revise the seller's property condition disclosure  
24 statement.

25 **HB 1208:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the titling of motor  
26 vehicles.

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

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

29 Rep. Healy moved that the House do now adjourn, which motion prevailed and at 3:48 p.m.  
30 the House adjourned.

31 Mary Lou Goehring, Chief Clerk