The House convened at 11:00 a.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 Paige Bradley and Paityn DeBoer.

Roll Call: All members present except Reps. Glanzer, Hammock, and Pourier 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 thirty-third day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Steven G. Haugaard, Chair

Which motion prevailed.
COMMUNICATIONS AND PETITIONS

March 9, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 9, 2020, I approved House Bills 1009, 1014, 1025, 1070, 1073, 1095, 1112, 1125, 1170, 1181, 1208, and 1257, 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 1034, 1035, 1044, 1045, 1065, 1090, 1119, 1166, 1187, 1189, 1205, 1207, 1227, and 1246 and finds the same correctly enrolled.

Respectfully submitted,

Steven G. Haugaard, Chair

Also Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1094, 1110, 1169, 1179, 1184, and 1255 were delivered to her Excellency, the Governor, for her approval at 9:35 a.m., March 10, 2020.

Respectfully submitted,

Steven G. Haugaard, Chair

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has concurred in House amendments to SB 142, 148, and 167.

Also Mr. SPEAKER:

I have the honor to return herewith HCR 6021, 6022, 6023, and 6024 in which the Senate has concurred.

Also Mr. SPEAKER:

I have the honor to return herewith HB 1034, 1035, 1044, 1045, 1090, 1119, 1187, 1189, 1205, 1207, 1227, and 1246 which have passed the Senate without change.
Also Mr. SPEAKER:

I have the honor to return herewith **HB 1002, 1008, 1046, 1088, 1092, 1100, 1140, 1199, 1206, 1213, 1216, 1228, 1233, and 1266, and HCR 6019** which have been amended by the Senate and your concurrence in the amendments is respectfully requested.

Also Mr. SPEAKER:

I have the honor to inform your honorable body that **HB 1277** was lost on second reading and final passage.

Respectfully,
Kay Johnson, Secretary

Rep. Qualm moved that House do now recess until 12:00 p.m.

Which motion prevailed and at 11:25 a.m., the House recessed.

RECESS

The House reconvened at 1:30 p.m., the Speaker presiding.

MOTIONS AND RESOLUTIONS

Rep. Finck moved that the rules be suspended for the sole purpose of reconsidering the vote by which **SB 144** was lost.

The question being on Rep. Finck's motion that the rules be suspended for the sole purpose of reconsidering the vote by which **SB 144** was lost.

And the roll being called:

Yeas 47, Nays 20, Excused 3, Absent 0

Yeas:

Nays:
Anderson, Barthel, Bordeaux, Borglum, Cwach, Duba, Duvall, Healy, Johns, David Johnson, Lesmeister, McCleerey, Olson, Kent Peterson, Reed, Ring, Saba, Jamie Smith, Sullivan, and Willadsen

Excused:
Glanzer, Hammock, and Pourier

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the motion passed.
Rep. Finck moved that **SB 144** be placed on today's calendar, the 34th legislative day.

The question being on Rep. Finck's motion that **SB 144** be placed on today's calendar, the 34th legislative day.

And the roll being called:


**Nays**: Anderson, Barthel, Bordeaux, Cwach, Duba, Duvall, Healy, David Johnson, Lesmeister, McCleerey, Olson, Kent Peterson, Ring, Saba, Jamie Smith, Sullivan, and Willadsen

**Excused**: Glanzer, Hammock, and Pourier

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed and **SB 144** was so placed.

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

Having had been read and is up for reconsideration.

Rep. Finck moved that **SB 144** be amended as follows:

On the previously adopted amendment (144D), On page 1, line 1, of the House Appropriations bill, delete "establish certain restrictions regarding participation in the state subsidized dual credit program for certain students" and insert "create the road improvement priority fund, provide for the distribution of the fund, make an appropriation, and to declare an emergency"

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

"**Section 1.** That a NEW SECTION be added:

**32-11-40. Definitions.**

Terms used in this Act mean:

(1) "County population," the population of the county based on the most recent estimate available from the U.S. Census Bureau:

(2) "Population adjustment factor," if the county population is:

(a) Greater than one hundred and fifty thousand, it equals 0.65;

(b) Less than one hundred and fifty thousand and greater than or equal to one hundred thousand, it equals 0.70;
(c) Less than one hundred thousand and greater than or equal to fifty thousand, it equals 0.80;
(d) Less than fifty thousand and greater than twenty-five thousand, it equals 0.90; and
(e) Less than twenty-five thousand, it equals 1.0;
(3) "Adjusted total population," the total population of all counties after applying the population adjustment factor;
(4) "Surface type adjustment factor," equals 0.50 for gravel, 0.15 for asphalt, 0.15 for graded, 0.10 for concrete, 0.05 for unimproved, and 0.05 for primitive;
(5) "County road miles by surface type," the total number of miles corresponding to gravel, asphalt, graded, concrete, unimproved, and primitive roads within a county as identified by the Department of Transportation;
(6) "Deck area," equals the total square feet of any bridge, within a county as identified by the Department of Transportation;
(7) "Adjusted total county road miles," the sum of all county road miles in all counties in the state after applying the surface type adjustment factor to each type of road surface.

Section 2. That a NEW SECTION be added:

32-11-41. Road improvement priority fund--Creation--Funding.

There is hereby created in the state treasury the road improvement priority fund. Any general funds appropriated to the road improvement priority program shall be transferred into the road improvement priority fund. Interest on the money in the fund shall be deposited into the fund.

Section 3. That a NEW SECTION be added:

32-11-42. Road improvement priority fund--Calculation--Distribution.

On July first of each year, the Department of Revenue shall distribute the balance of the road improvement priority fund to the counties based on the calculated percent for each county, which is equal to the sum of:

(1) The value of the county population multiplied by the population adjustment factor divided by the adjusted total population multiplied by thirty-three and one-third percent;
(2) The value of county road miles by surface type multiplied by the corresponding surface type adjustment factor divided by the adjusted total county road miles multiplied by thirty-three and one-third percent; and
(3) The value of the deck area of the county divided by the total combined deck area of all counties multiplied by thirty-three and one-third percent.

A county receiving a distribution under this section shall utilize five percent of the distribution on roads within all organized townships, if any, within that county.

Section 4. There is hereby appropriated from the general fund the sum of ten million dollars ($10,000,000), or so much thereof as may be necessary, to the road improvement priority fund, for purposes of providing road funding to counties to improve the current conditions of roads in South Dakota.

Section 5. The secretary of the Department of Revenue shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.
Section 6. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2021 shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 7. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Which motion prevailed.

The question being "Shall SB 144 pass as amended?"

And the roll being called:

Yeas 56, Nays 11, Excused 3, Absent 0

Yeas:

Nays:
Bordeaux, Borglum, Cwach, Duba, Healy, Lesmeister, McCleerey, Ring, Saba, Jamie Smith, and Sullivan

Excused:
Glanzer, Hammock, and Pourier

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

Rep. Jamie Smith rose to a point of order that the title was not germane to the amendment.

Rep. Rounds rose to a point of order asked that Rep. Smith's point of order should have been asked prior to the vote.

Speaker stated that the title change was in the amendments.

Rep. Gosch announced his intention to reconsider the vote by which SB 144 passed.

Rep. Reed moved that the House do concur in Senate amendments to HB 1067.

The question being on Rep. Reed’s motion that the House do concur in Senate amendments to HB 1067.

And the roll being called:

Yeas 66, Nays 1, Excused 3, Absent 0
Yeas:

Nays:
Cwach

Excused:
Glanzer, Hammock, and Pourier

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Hansen moved that the House do concur in Senate amendments to HB 1068.

The question being on Rep. Hansen's motion that the House do concur in Senate amendments to HB 1068.

And the roll being called:
Yeas 66, Nays 1, Excused 3, Absent 0

Yeas:

Nays:
Steele

Excused:
Glanzer, Hammock, and Pourier

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Gosch moved that the House do concur in Senate amendments to HB 1195.

The question being on Rep. Gosch's motion that the House do concur in Senate amendments to HB 1195.

And the roll being called:
Yeas 66, Nays 1, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr,
So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Qualm moved that the House do not concur in Senate amendments to HB 1008 and that a committee of three on the part of the House be appointed to meet with a like committee on the part of the Senate to adjust the differences between the two houses.

Which motion prevailed and the Speaker appointed as such committee Reps. Qualm, Lesmeister, and Kevin Jensen.

Rep. Dennert moved that the House do not concur in Senate amendments to HB 1233 and that a committee of three on the part of the House be appointed to meet with a like committee on the part of the Senate to adjust the differences between the two houses.

Which motion prevailed and the Speaker appointed as such committee Reps. Dennert, Latterell, and McCleerey.

Rep. Goodwin moved that the House do concur in Senate amendments to HB 1092.

The question being on Rep. Goodwin's motion that the House do concur in Senate amendments to HB 1092.

And the roll being called:

Yeas 60, Nays 4, Excused 6, Absent 0

Yeas:


Nays:

Duba, Rounds, Sullivan, and Willadsen

Excused:

Finck, Glanzer, Gosch, Hammock, Pourier, and Wangsness

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.
Rep. Anderson moved that the House do concur in Senate amendments to **HB 1100**.

The question being on Rep. Anderson’s motion that the House do concur in Senate amendments to **HB 1100**.

And the roll being called:

Yeas 50, Nays 14, Excused 6, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Lana Greenfield, Gross, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, McCleerey, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Qualm, Rasmussen, Reed, Reimer, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wiese, Willadsen, York, and Zikmund

Nays:

Brunner, Frye-Mueller, Goodwin, Howard, Latterell, Livermont, Marty, Mulally, Pischke, Randolph, Ring, Steele, Weis, and Speaker Haugaard

Excused:

Finck, Glanzer, Gosch, Hammock, Pourier, and Wangsness

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Pischke moved that the House do concur in Senate amendments to **HB 1140**.

The question being on Rep. Pischke’s motion that the House do concur in Senate amendments to **HB 1140**.

And the roll being called:

Yeas 62, Nays 2, Excused 6, Absent 0

Yeas:

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

Nays:

Bordeaux and Randolph

Excused:

Finck, Glanzer, Gosch, Hammock, Pourier, and Wangsness

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Reed moved that the House do concur in Senate amendments to **HB 1199**.

The question being on Rep. Reed’s motion that the House do concur in Senate amendments to **HB 1199**.
And the roll being called:

Yeas 49, Nays 15, Excused 6, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Borglum, Chaffee, Chase, Dennert, Deutsch, Diedrich, Duba, Duvall, Frye-Mueller, Goodwin, Lana Greenfield, Gross, Hansen, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Livermont, Marty, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Qualm, Rasmussen, Reed, Reimer, Rounds, Steele, Sullivan, Wiese, Willadsen, York, and Zikmund

Nays:
Bordeaux, Brunner, Cwach, Healy, Lesmeister, Mc Cleerey, Mills, Pischke, Randolph, Ring, Saba, Jamie Smith, St. John, Weis, and Speaker Haugaard

Excused:
Finck, Glanzer, Gosch, Hammock, Pourier, and Wangsness

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Kevin Jensen moved that the House do concur in Senate amendments to HB 1206.

The question being on Rep. Kevin Jensen's motion that the House do concur in Senate amendments to HB 1206.

And the roll being called:

Yeas 64, Nays 0, Excused 6, Absent 0

Yeas:

Excused:
Finck, Glanzer, Gosch, Hammock, Pourier, and Wangsness

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Qualm moved that HB 1266 be deferred to Wednesday, March 11, 2020, the 35th legislative day.

Which motion prevailed.

Rep. Healy moved that the House do concur in Senate amendments to HB 1228.

The question being on Rep. Healy's motion that the House do concur in Senate amendments to HB 1228.
And the roll being called:

Yeas 60, Nays 4, Excused 6, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Frye-Mueller, Goodwin, Lana Greenfield, Gross, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, Mc Cleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Qualm, Randolph, Rasmussen, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Brunner, David Johnson, Pischke, and Reimer

Excused:
Finck, Glanzer, Gosch, Hammock, Pourier, and Wangsness

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Sullivan moved that the House do concur in Senate amendments to HB 1216.

The question being on Rep. Sullivan's motion that the House do concur in Senate amendments to HB 1216.

And the roll being called:

Yeas 64, Nays 0, Excused 6, Absent 0

Yeas:

Excused:
Finck, Glanzer, Gosch, Hammock, Pourier, and Wangsness

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Qualm moved that HB 1002 be deferred to Wednesday, March 11, 2020, the 35th legislative day.

Which motion prevailed.

Rep. Zikmund moved that the House do concur in Senate amendments to HCR 6019.

The question being on Rep. Zikmund's motion that the House do concur in Senate amendments to HCR 6019.
And the roll being called:

Yeas 63, Nays 0, Excused 7, Absent 0

Yeas:

Excused:
Diedrich, Finck, Glanzer, Gosch, Hammock, Pourier, and Wangsness

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

Rep. Qualm moved that when we adjourn today, we adjourn to convene at 10:00 a.m., Wednesday, March 11, 2020, the 35th legislative day.

Which motion prevailed.

There being no objection, the House reverted to Order of Business No. 7 - Messages from the Senate.

MESSEAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in House amendments to SB 73 and has appointed Senators Monroe, Duhamel, and Foster as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses.

The Speaker appointed Reps. Johns, Barthel, and Cwach as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on SB 73.

Also Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in House amendments to SB 40 and has appointed Sens. Wiik, Klumb, and Nesiba as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses.
The Speaker appointed Reps. Dennert, Howard, and Saba as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on SB 40.

Also Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in House amendments to SB 2 and has appointed Senators Stalzer, Soholt, and Nesiba as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses.

Respectfully,
Kay Johnson, Secretary

The Speaker appointed Reps. Gosch, Chris Johnson, and Duba as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on SB 2.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:36 p.m. the House adjourned.

Mary Lou Goehring, Chief Clerk
By Jackie Driscoll