JOURNAL OF THE HOUSE

NINETY-FIFTH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, March 30, 2020

Speaker Haugaard made the following statement prior to the start of today's session:

First of all, I will express my appreciation to the entire staff of the Legislative Research Council who have worked long hours over these past weeks to facilitate today's proceedings. That includes all members of the staff who are responsible for fiscal analysis, drafting of legislation, as well as all of the support staff who make all of this possible. I want to draw special attention to the IT staff who, on very short notice, have created and tested new processes for this day. I suspect we will have some challenges, but we have not experienced any problems which could not be resolved by our staff.

A special "thank you" goes to our LRC Director, Jason Hancock, who advised us months ago of his intention to assume a new position with the Secretary of State in Idaho. He made special arrangements to see us through the 2020 Legislative Session and for that we are very thankful.

Today's proceedings are out of the ordinary for many reasons.

Presently, the world is in the throes of responding to a Pandemic as a result of the Novel Corona Virus now known as COVID-19.

In addition to the Pandemic and as a result of the Pandemic, we are meeting today via electronic technology with secure protocols.

Each one of us serving in the Legislature does so only upon the taking of an oath to uphold and defend the Constitution of the United States and the Constitution of the State of South Dakota. I believe each of us take that very seriously.

In light of that oath we abide by the words and intent of those Constitutions. Today, we are faced with both interpretation and application of the words and intent of those Constitutions. In light of that duty, I, as Speaker of the House of Representatives, the presiding officer of the House, have set in motion certain procedures which I believe conform to that duty.

In the following analysis I will identify my position as to the matters to take place today and will, in my opinion, do so without deviating from the original intent of our Constitutional foundation.

The power of the Legislature is identified in Article III of the South Dakota Constitution. Our point of beginning for this analysis is found in:

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Article III, Section 1 wherein our Constitution vests the Legislature with the inherent power to determine its own rules. Article III, Section 1 states in pertinent part: § 1. Legislative power--Initiative and referendum. The legislative power of the state shall be vested in a Legislature which shall consist of a senate and house of representatives.

Continuing with our Constitutional review we find in Article III, Section 9, paragraphs 2 and 3, which state in pertinent part, THE CATCH LINE BEING" § 9. Each house as judge of qualifications--Quorum--Rules of proceedings--Officers and employees. Each house shall be the judge of the election returns and qualifications of its own members.

Then continuing to the applicable words of that section:

A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day-to-day, and may compel the attendance of absent members in such a manner and under such penalty as each house may provide.

Each house shall determine the rules of its proceedings, shall choose its own officers and employees and fix the pay thereof, except as otherwise provided in this Constitution.

This particular House of Representatives determined its Rules of Proceedings and can revise its Rules of Proceedings.

I will focus my attention on the portion of Section 9 which states: "…and may compel the attendance of absent members in such a manner……as each house may provide." Today, I believe we will have the necessary 2/3rds majority vote of our members to suspend our current rules to act on the issues coming before us and I believe that we will clarify with that 2/3rds majority that we shall convene the House "in such manner…as each House may provide", that being via electronic means for today's proceedings.

Article III, Section 7 states: § 7. Convening of annual sessions. The Legislature shall meet at the seat of government on the second Tuesday of January at 12 o'clock p.m. and at no other time except as provided by this Constitution. That is to convene the annual session.

Going back to Article III, Section 9, paragraph 3, this particular House of Representatives determined its Rules of Proceedings and can revise its Rules of Proceedings.

Other than the initial convening of the annual sessions, there is no specific constitutional requirement as to the place of meeting. Our Rules make reference to the "Chamber", but I will address that momentarily. The overriding principle of the Article III powers is that those powers vest in the Legislature itself. The Legislature exists whether the Capitol building in Pierre exists and whether that Capitol building is accessible by the members of the Legislature. For example, if the Capitol building suffered a structural failure, the Legislature would take necessary action to modify its rules and procedures to resume the functions of its office. Where would that be done? Presently, the physical structure of the Capitol is not reasonably accessible to many members of the Legislature due to the inherent risks of physical harm to those members or others with whom they will come into contact following their presence within the Capitol building in close proximity to others.

Practical application of the Rules of the Legislature include interpretation of our Joint Rule 2-2 which references "attendance" and the possibility of compelling attendance. The term "attendance" is not defined, but the common definition will presume an in-person presence.

However, with technology, there are various interpretations of "attendance". An example found the Code of Federal Regulation (39 CFR, Section 6.4) even addresses the issue of electronic attendance under exceptional circumstances for a particular government entity. It says that in such exceptional circumstances, attendance at a meeting by this method (electronic attendance) constitutes "presence" at a meeting.

I will address our Legislative Rules:

JR 12-2: Voting Restrictions: The anomaly that exists today is that JR 12-2 states: "No member may vote on any question unless within the chamber and voting before the result of the

vote is announced." In consideration of the current declared Public Health Emergency as to the Novel Coronavirus Disease (COVID-19), and given that on March 13, 2020 the President of the United States has declared a National Emergency, the Secretary of Health and Human Services declared a public health emergency on January 31, 2020, and that the Governor of South Dakota has issued an Executive Order regarding COVID-19 and the recommended response to the health emergency, we are hereby left in a position of being unable to physically convene within the physical space known as the House Chamber in the Capitol building at Pierre, South Dakota without exposing members of the House of Representatives as well as members of the general public to enhanced dangers associated with the COVID-19 virus which is the subject of the declared public health emergency. However, our Constitution vests the Legislature with the inherent power to determine its own rules. Said authority is, as I stated before, granted in Article III, Section 1 which states in pertinent part: § 1. Legislative power--Initiative and referendum. The legislative power of the state shall be vested in a Legislature which shall consist of a senate and house of representatives. However, the people expressly reserve to themselves the right to propose measures, which shall be submitted to a vote of the electors of the state, and also the right to require that any laws which the Legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions. Not more than five percent of the qualified electors of the state shall be required to invoke either the initiative or the referendum.

This section shall not be construed so as to deprive the Legislature or any member thereof of the right to propose any measure. The veto power of the Executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The Legislature shall make suitable provisions for carrying into effect the provisions of this section.

The First line of Article III, Section 1 is the original foundational declaration of the existence and purpose of the Legislature. It is a clear and broad declaration that the power to legislate is vested in the Legislature which shall consist of a senate and house of representatives. At the time the Constitution was created there were no Rules of the Legislature. Until the first election of Legislators there were no legislators. There was merely a premise upon which a government would be established.

Each year as we convene for our legislative duties we are likewise without rules. We begin our annual Session without rules and quickly adopt the previous year's rules on a temporary basis. We then proceed to adopt "permanent" rules, but those rules are subject to change at the discretion of the individual chamber. Today, I will ask the members to engage in a modification of our rules under extraordinary circumstances. Upon the agreement of 2/3rds of the members of the House of Representatives, we will proceed with our legislative duties.

An additional example of the Legislature's ability to convene where and how they choose is evident in consideration of the "open meetings" laws. Arguably, we, as a Legislative body, are considered to be subject to the open meetings law whether any such meeting occurs in or out of the Capitol building. Thus, the fact of a meeting of Legislators is not dependent upon the place and or manner of meeting.

LEGISLATURE'S POWER (Per the Constitution Article 3)

§ 29. Legislative powers in emergency from enemy attack. Notwithstanding any general or special provisions of the Constitution, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, the Legislature shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. In the exercise of the powers hereby conferred the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the Legislature so to do would be impracticable or would admit of undue delay.

The words contained in Article III, Section 29 contemplate an "enemy attack". However, the principles contained in that section recognize that at the time of extraordinary events the Legislature will do all that it can to "…conform to the requirements of this Constitution except to the extent that in the judgment of the Legislature so to do would be impracticable or would admit of undue delay."

One might consider the transmission of a pandemic virus to fit within this section if the "enemy" is considered the virus itself. However, reliance upon Article III, Section 1 is sufficient, especially in light of the import of the section 29 provision that the Legislature will have to impose its own "judgment" under certain circumstances.

Many words in Article III, Section 29 are extremely broad and open to some speculation. The word "Notwithstanding" might mean that there is no restraint on the Legislature from any other part of the Constitution, or even this section itself as it is also a "special provision". The Amendment of our Constitution with this section 29 came in 1959/1960 which was likely in response to the Cold War fear of nuclear annihilation. THEN, in section 29 the words "caused by" are broad enough to speculate about the origin of COVID-19. THEN, the word "hereby" is not necessarily talking about just section 29, but is talking about the entirety of the Constitution, which seems to be supported by the words "this Constitution" later in the sentence. FINALLY, I think the words "in the judgment of the Legislature so to do would be impracticable" extends the broad authority to the overall Legislative judgment. That might only be an observation to be applied in general terms, but the logic and intent is applied repeatedly in South Dakota Supreme Court decisions.

There is both specific South Dakota Supreme Court analysis and dicta which support the proposition that the actions, decisions, and judgment of the Legislature are presumed to be constitutional. In scanning through the hundreds of case summaries following Article III, Section 1, I found consistent references to legislative authority and in the case of Independent Community Bankers Association of South Dakota, Inc., v. State By and Through Meierhenry, 1984, 346 NW2d 737, the case is summarized in the case notes contained within our South Dakota Codified Law as follows: "Deference must be given to the People's right to govern themselves through the legislature, and the courts should not supervise that process; the Supreme Court may step in only when legislature, beyond reasonable doubt, has overreached its constitutional boundaries, but otherwise the legislature's power is plenary."

The word "plenary" is defined as: "Unqualified. Absolute."

The existence of the Legislature is not dependent upon the existence of a particular building and the function of the Legislature is not dependent upon a particular place in which to cast a vote. To hold such a position would be to make the Legislature a fiction when circumstances, such as today, prevent the physical presence of members in a single geographical place. Circumstances entirely beyond the control of any member of the House of Representatives has forced this alteration of our assembly. Therefore, attendance by electronic means is the only manner in which to conduct the duties of this legislative body at this time.

I will proceed to ask the Clerk to call the roll of the members. However, I ask that any member who will raise a Point of Order as to the propriety of calling the roll do so at this time.

Rep. Pischke rose to a point of order to protest proceeding electronically.

I recognize the Point of Order and will ask the Clerk to proceed with the roll call after which I will ask for a vote of the members to support the Speaker in proceeding with today's agenda.

I will also recognize that there are several members present in the physical chambers of the House of Representatives. Approximately 10 to 15 members. Is the Speaker supported in the decision to proceed with today's legislative duties "in such a manner" as by electronic means?

Those supporting the Speaker's decision will vote "yea", those opposed "nay", the Clerk will take the vote through the electronic voting system prepared for today.

Yeas 62, Nays 5, Excused 3, Absent 0

Yeas:

Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister,

Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Brunner, Howard, Latterell, Mulally, and Pischke

Excused:
Borglum, Glanzer, and Hammock

The Speaker is supported, and we will proceed with our agenda.

The members choosing to file a Dissent pursuant to Joint Rule 1-10 shall do so prior to the end of our agenda today so that it may be entered upon the Journal of these proceedings. I will also say that I respect the position of these members to defend the Constitution and the Rules of the House of Representatives. I appreciate their willingness to assert their position.

I do not take lightly the decisions being made today, and I especially do not want there to be any presumption that this procedure is the preferred procedure. I do believe we need to address possible future issues with more refined rules and possibly revisions to our Constitution, but that is for another day.

Reps. Pischke and Brunner announced their intention to file a letter of dissent pursuant to Joint Rule 1-10.

MOTIONS AND RESOLUTIONS

Rep. Gosch moved that House Rules Chapter 5 and Joint Rules 2-2, 2-3, and 12-2 be suspended for the purpose of allowing the House of Representatives to meet and to vote remotely.

The question being on Rep. Gosch's motion that House Rules Chapter 5 and Joint Rules 2-2, 2-3, and 12-2 be suspended for the purpose of allowing the House of Representatives to meet and to vote remotely.

And the roll being called:

Yeas 63, Nays 3, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, 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, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Brunner, Howard, and Pischke

Excused:
Borglum, Glanzer, Hammock, and Ring

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the motion prevailed, and the rules were suspended.

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

The prayer was offered by the Chaplain, Jarvis Wipf, followed by the Pledge of Allegiance.

Roll Call: All members present except Reps. Borglum, Glanzer, and Hammock who were excused.

There being no objection, the House reverted to Order of Business No. 3 - Approval of the Journal.

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-sixth day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Steven G. Haugaard, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

March 16, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 16, 2020, I approved House Bills 1034, 1044, 1124, 1187, 1216, 1227, and 1264, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 18, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 18, 2020, I approved House Bills 1068, 1089, 1090, 1119, 1195, 1206, and 1207, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 20, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 20, 2020, I approved House Bills 1002, 1110, and 1255, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 23, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 23, 2020, I approved House Bills 1045, 1046, 1065, 1077, 1108, 1117, 1179, and 1228, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 24, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 24, 2020, I approved House Bills 1067, 1088, 1123, 1140, 1205, and 1246, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 25, 2020
Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 25, 2020, I approved House Bills 1094, 1138, 1182, and 1242, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 25, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 25, 2020, I approved House Bill 1054, and the same has been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 26, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 26, 2020, I approved House Bills 1092, 1154, 1166, 1199, and 1259, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 27, 2020

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 27, 2020, I approved House Bills 1008, 1035, 1042, 1043, 1100, 1169, 1189, and 1294, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has approved **SB 20** as recommended by the Governor, pursuant to Article IV, Section 4, of the Constitution of the State of South Dakota, for changes as to style and form.

We hereby request your favorable consideration in approving the recommendation of the Governor as to style and form on **SB 20.**

Also Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has approved **SB 75** as recommended by the Governor, pursuant to Article IV, Section 4, of the Constitution of the State of South Dakota, for changes as to style and form.

We hereby request your favorable consideration in approving the recommendation of the Governor as to style and form on **SB 75.**

Respectfully,
Kay Johnson, Secretary

CONSIDERATION OF EXECUTIVE VETOES AND RECOMMENDATIONS

The House proceeded to the reconsideration of **HB 1012**, pursuant to the veto of the Governor and the veto message found on page 604 of the House Journal as provided in Article IV, Section 4, of the Constitution of the State of South Dakota.

Rep. Finck rose to a point of order that the vote must be a 2/3 vote.

The question being "Shall **HB 1012** pass, the veto of the Governor notwithstanding?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, 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, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed, the veto of the Governor notwithstanding.

The House proceeded to the reconsideration of **HB 1013**, pursuant to the veto of the Governor and the veto message found on page 605 on the House Journal as provided in Article IV, Section 4, of the Constitution of the State of South Dakota.

The question being "Shall **HB 1013** pass, the veto of the Governor notwithstanding?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, 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, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed, the veto of the Governor notwithstanding.

The House proceeded to the consideration of the recommendation of the Governor as to change of style and form of **SB 20** as provided in Article IV, Section 4, of the Constitution of the State of South Dakota.

The question being "Shall the recommendation of the Governor as to change of style and form of **SB 20** be approved?"

And the roll being called:

Yeas 60, Nays 7, Excused 3, Absent 0

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

Nays:
Frye-Mueller, Howard, Latterell, Mulally, Pischke, Randolph, and Weis

Excused:
Borglum, Glanzer, and Hammock

So the question having received an affirmative vote of a majority of the members-elect, the Speaker declared the recommendation of the Governor as to change of style and form approved.

The House proceeded to the consideration of the recommendation of the Governor as to change of style and form of **SB 75** as provided in Article IV, Section 4, of the Constitution of the State of South Dakota.

The question being "Shall the recommendation of the Governor as to change of style and form of **SB 75** be approved?"

And the roll being called:

Yeas 60, Nays 7, Excused 3, Absent 0

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

Nays:
Finck, Howard, Livermont, Mulally, Pischke, Randolph, and Weis

Excused:
Borglum, Glanzer, and Hammock

So the question having received an affirmative vote of a majority of the members-elect, the Speaker declared the recommendation of the Governor as to change of style and form approved.

There being no objection, the House reverted to Order of Business No. 8 - Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Rep. Gosch moved that the rules be suspended for the sole purpose of introducing, giving first reading to, dispensing with committee referral, and placing on today's calendar, bills relating to:

An Act to revise certain provisions regarding contagious disease control and enforcement and to declare an emergency.

An Act to revise the authority of the Governor in times of a disaster, act of terrorism, or emergency and to declare an emergency.

An Act to grant the secretary of health certain authority during a public health emergency and to declare an emergency.

An Act to provide for the postponement of certain elections and to declare an emergency.

The question being on Rep. Gosch's motion that the rules be suspended for the sole purpose of introducing, giving first reading to, dispensing with referral to committee, and placing on today's calendar the proposed bills stated in the motion.

And the roll being called:

Yeas 60, Nays 7, Excused 3, Absent 0

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

Nays:
Brunner, Frye-Mueller, Goodwin, Howard, Latterell, Mulally, and Pischke

Excused:
Borglum, Glanzer, and Hammock

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the motion carried, the rules were suspended, and the bills were so placed.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1295: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding contagious disease control and enforcement and to declare an emergency.

Introduced by: Representative Jamie Smith

HB 1296: FOR AN ACT ENTITLED, An Act to revise the authority of the Governor in times of a disaster, act of terrorism, or emergency and to declare an emergency.

Introduced by: Representative Qualm

HB 1297: FOR AN ACT ENTITLED, An Act to grant the secretary of health certain authority during a public health emergency and to declare an emergency.

Introduced by: Representative Qualm **at the request of the Office of the Governor**

HB 1298: FOR AN ACT ENTITLED, An Act to provide for the postponement of certain elections and to declare an emergency.

Introduced by: Representative Jamie Smith **at the request of the Office of the Governor**

Were read the first time.

There being no objection, the House reverted to Order of Business No. 8 - Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Rep. Gosch moved that the House do now move into a Committee of the Whole pursuant to Joint Rules Chapter 9.

The question being on Rep. Gosch's motion that the House do now move into a Committee of the Whole pursuant to Joint Rules Chapter 9.

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, 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, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried, and the House proceeded as a Committee of the Whole.

Rep. Mulally rose to a point of order questioning whether a Chair was to be appointed.

Speaker Haugaard is to act as Chair with Rep. Gosch as Vice Chair.

COMMITTEE OF THE WHOLE

Under the provisions of Joint Rules Chapter 9, the following persons testified on **HB 1295**:

Proponents –
Melissa Klemann, Office of the Governor

Opponents –
Rep. Tina Mulally, District 35 – Rapid City

The following persons testified on **HB 1296**:

Proponents –
Rep. Lee Qualm, District 21 - Platte
Tom Hart, Office of the Governor
Yvonne Taylor, South Dakota Municipal League

The following persons testified on **HB 1297:**

Proponents –
Rep. Lee Qualm, District 21 – Platte
Melissa Klemann, Office of the Governor

Opponents –
Florence Thompson, South Dakota Citizens for Liberty, Caputa
Tonchi Weaver, South Dakota Citizens for Liberty, Rapid City

The following persons testified on **HB1298:**

Proponents –
Steve Barnett, Secretary of State
Kia Warne, Office of the Secretary of State

Jason Lutz, Office of the Secretary of State
Tonchi Weaver, South Dakota Citizens for Liberty, Rapid City

Rep. Gosch moved that the Committee of the Whole do now rise and that the House continue as the House.

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, 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, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members present, the Speaker declared the motion carried.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1295: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding contagious disease control and enforcement and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1295** pass?"

And the roll being called:

Yeas 44, Nays 23, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Lana Greenfield, Gross, Healy, Hunhoff, Johns, David Johnson, Koth, Lesmeister, McCleerey, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Pourier, Qualm, Randolph, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, York, and Zikmund

Nays:
Brunner, Finck, Frye-Mueller, Goodwin, Gosch, Hansen, Howard, Kevin Jensen, Chris Johnson, Karr, Latterell, Livermont, Marty, Mills, Milstead, Mulally, Pischke, Rasmussen, Reimer, Steele, Weis, Wiese, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

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

Rep. Rounds moved that **HB 1295** be immediately reconsidered.

Rep. Latterell rose to a point of order that the reconsideration must be voted on before the bill could be amended.

The question being on Rep. Rounds' motion that **HB 1295** be immediately reconsidered.

And the roll being called:

Yeas 44, Nays 23, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Lana Greenfield, Healy, Hunhoff, Kevin Jensen, Johns, David Johnson, Koth, Lesmeister, McCleerey, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Post, Pourier, Qualm, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Willadsen, York, and Zikmund

Nays:
Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Gross, Hansen, Howard, Chris Johnson, Karr, Latterell, Livermont, Marty, Mills, Milstead, Mulally, Sue Peterson, Pischke, Randolph, Rasmussen, Weis, Wiese, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed.

Rep. Rounds moved that **HB 1295** be amended as follows:

1295B

On page 1, line 2, of the Introduced bill, after "enforcement" delete " and to declare an emergency"

On page 1, line 20, of the Introduced bill, after "2021." delete "Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

And the roll being called:

Yeas 41, Nays 26, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Lana Greenfield, Healy, Hunhoff, Kevin Jensen, Johns, David Johnson, Koth, Lesmeister, McCleerey, Milstead, Miskimins, Olson, Herman Otten, Kent Peterson, Sue Peterson, Pourier, Qualm, Reed, Reimer, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, York, and Zikmund

Nays:
Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Gross, Hansen, Howard, Chris Johnson, Karr, Latterell, Livermont, Marty, Mills, Mulally, Overweg, Perry, Pischke, Post, Randolph, Rasmussen, Ring, Steele, Weis, Wiese, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members present, the Speaker declared the motion prevailed, and the bill was so amended.

The question being "Shall **HB 1295** pass as amended?"

And the roll being called:

Yeas 46, Nays 21, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Lana Greenfield, Healy, Hunhoff, Kevin Jensen, Johns, David Johnson, Koth, Lesmeister, McCleerey, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Pourier, Qualm, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, York, and Zikmund

Nays:
Brunner, Frye-Mueller, Goodwin, Gosch, Gross, Hansen, Howard, Chris Johnson, Karr, Latterell, Livermont, Marty, Mills, Mulally, Pischke, Randolph, Rasmussen, Steele, Weis, Wiese, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

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 1296: FOR AN ACT ENTITLED, An Act to revise the authority of the Governor in times of a disaster, act of terrorism, or emergency and to declare an emergency.

Was read the second time.

Rep. Gosch moved that **HB 1296** be amended as follows:

1296G

On page 1, line 19, of the Introduced bill, after "determine" delete ". However"

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

On page 1, line 20, of the Introduced bill, delete "subdivision " and insert "section "

On page 1, line 21, of the Introduced bill, delete "subdivision 22-1-2(16)" and insert " § 22-1-2"

On page 1, line 22, of the Introduced bill, delete " the provisions of any regulatory statute of this state prescribing the conduct of state business or the business of a local subdivision, or the orders or rules of any state agency" and insert " any rule of a state agency, or the enforcement by a state agency of any statute that regulates, or that prescribes the promulgation of a rule to regulate, the procedures for the conduct of state business"

On page 1, line 24, of the Introduced bill, after "the " delete "statute, order, or "

On page 1, line 25, of the Introduced bill, after "rule" insert " or statute"

On page 2, line 20, of the Introduced bill, remove the overstrikes from "transportation "

On page 2, line 21, of the Introduced bill, after "facilities." insert "Nothing in this section may be construed to authorize the suspension of § 34-48A-5. 1 or to authorize any activity prohibited under § 34-48A-5. 1. "

On page 2, after line 23, of the Introduced bill, insert "

Section 2. That a NEW SECTION be added:

34-48A-5.1. Governmental authority--Disaster--Terrorist attack--Emergencies--Limitations related to firearms and weapons.

No state agency, political subdivision, or any elected or appointed official or employee of this state or of a political subdivision may, under any governmental authority or color of law, including any other statutorily authorized responses to disaster, war, acts of terrorism, or emergencies of whatever kind or nature:

(1) Prohibit, regulate, or curtail the otherwise lawful possession, carrying, sale, transportation, transfer, defensive use, or other lawful use of any:

(a) Firearm, including any component or accessory;

(b) Ammunition, including any component or accessory;

(c) Ammunition-reloading equipment and supplies; or

(d) Personal weapons other than firearms;

(2) Seize, commandeer, or confiscate in any manner, any:

(a) Firearm, including any component or accessory;

(b) Ammunition, including any component or accessory;

(c) Ammunition-reloading equipment and supplies; or

(d) Personal weapons other than firearms;

(3) Suspend or revoke a permit to carry a concealed pistol issued pursuant to chapter 23-7, except as expressly authorized in that chapter;

(4) Refuse to accept an application for a permit to carry a concealed pistol, provided the application has been properly completed in accordance with chapter 23-7;

(5) Close or limit the operating hours of any entity engaged in the lawful selling or servicing of any firearm, including any component or accessory, ammunition, including any component or accessory, ammunition-reloading equipment and supplies, or personal weapons other than firearms, unless the closing or limitation of hours applies equally to all forms of commerce within the jurisdiction;

(6) Close or limit the operating hours of any indoor or outdoor shooting range; or

(7) Place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any:

(a) Firearm, including any component or accessory;

(b) Ammunition, including any component or accessory;

(c) Ammunition-reloading equipment and supplies; or

(d) Personal weapons other than firearms.

Any person aggrieved by a violation of this section may file an action for damages, injunctive relief, or other appropriate redress in the circuit court having jurisdiction over the county in which the aggrieved person resides or in which the violation occurred."

And the roll being called:

Yeas 55, Nays 11, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Brunner, Chaffee, Dennert, Deutsch, Diedrich, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Howard, Hunhoff, Kevin Jensen, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reimer, Ring, Rounds, Saba, St. John, Steele, Wangsness, Weis, Wiese, York, Zikmund, and Speaker Haugaard

Nays:
Chase, Cwach, Duba, Healy, Johns, Chris Johnson, McCleerey, Reed, Jamie Smith, Sullivan, and Willadsen

Excused:
Borglum, Glanzer, Hammock, and David Johnson

So the motion having received an affirmative vote of a majority of the members present, the Speaker declared the motion prevailed, and the bill was so amended.

Rep. Reed moved that **HB 1296** be amended as follows:

1296I

On page 2, line 18, of the Introduced bill, after "terrorism;" delete " and"

On page 2, line 20, of the Introduced bill, after "facilities" insert "; and

(10) The Governor may, by executive order, suspend the provisions of any statute prescribing procedures for the conducting of local subdivision business, if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with the emergency"

Rep. Johns made a substitute motion that **HB 1296** be amended as follows:

1296F

On page 1, line 22, of the Introduced bill, delete " the provisions of any regulatory statute of this state prescribing the conduct of state business or the business of a local subdivision, or the orders or rules of any state agency" and insert " any rule of a state agency, or the enforcement by a state agency of any statute that regulates, or that prescribes the promulgation of a rule to regulate, the procedures for the conduct of state business or the business of a local subdivision"

On page 1, line 24, of the Introduced bill, after "the " delete "statute, order, or "

On page 1, line 25, of the Introduced bill, after "rule " insert "or statute "

On page 2, line 18, of the Introduced bill, after "terrorism;" delete " and"

On page 2, line 20, of the Introduced bill, after "facilities" insert "; and

(10) The Governor may, by executive order, suspend the provisions of any statute prescribing procedures for the conducting of local subdivision business, if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with the emergency"

And the roll being called:

Yeas 49, Nays 18, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Gosch, Lana Greenfield, Gross, Hansen, Healy, Hunhoff, Kevin Jensen, Johns, David Johnson, Karr, Koth, Lesmeister, McCleerey, Milstead, Miskimins, Olson, Herman Otten, Kent Peterson, Sue Peterson, Pourier, Qualm, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Brunner, Dennert, Frye-Mueller, Goodwin, Howard, Chris Johnson, Latterell, Livermont, Marty, Mills, Mulally, Overweg, Perry, Pischke, Post, Randolph, Rasmussen, and Weis

Excused:
Borglum, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members present, the Speaker declared the motion prevailed, and the bill was so amended.

The question being "Shall **HB 1296** pass as amended?"

And the roll being called:

Yeas 62, Nays 4, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Brunner, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Steele, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Dennert, Frye-Mueller, Livermont, and Sullivan

Excused:
Borglum, Glanzer, Hammock, and St. John

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.

HB 1297: FOR AN ACT ENTITLED, An Act to grant the secretary of health certain authority during a public health emergency and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1297** pass?"

And the roll being called:

Yeas 17, Nays 50, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Cwach, Diedrich, Duba, Healy, Hunhoff, Johns, McCleerey, Olson, Kent Peterson, Reed, Ring, Jamie Smith, Sullivan, and Willadsen

Nays:
Beal, Bordeaux, Brunner, Chaffee, Chase, Dennert, Deutsch, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Howard, Kevin Jensen, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Herman Otten, Overweg, Perry, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reimer, Rounds, Saba, St. John, Steele, Wangsness, Weis, Wiese, York, Zikmund, and Speaker Haugaard

Excused:
Borglum, Glanzer, and Hammock

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

HB 1298: FOR AN ACT ENTITLED, An Act to provide for the postponement of certain elections and to declare an emergency.

Was read the second time.

Rep. Herman Otten moved that **HB 1298** be amended as follows:

1298B

On page 1, line 5, of the Introduced bill, delete " May 26" and insert " June 1"

On page 1, line 7, of the Introduced bill, delete "members of the governing body of the political subdivision holding the election shall choose any Tuesday in June 2020 as " and insert "primary election date of June 2, 2020, is "

On page 1, line 9, of the Introduced bill, delete "If the governing body of the political subdivision chooses to hold the election on the primary election date of June 2, 2020, " and insert "For the election "

On page 1, line 11, of the Introduced bill, after "required:

(1)" delete "The combined election is subject to approval by the county commission of any county in which the political subdivision is located;

(2) "

On page 1, line 16, of the Introduced bill, delete "(3)" and insert "(2)"

On page 1, line 21, of the Introduced bill, delete "Upon the selection of an election date consistent with this section, the " and insert "The "

On page 1, line 24, of the Introduced bill, delete "each " and insert "the "

On page 2, line 2, of the Introduced bill, delete " the new election date" and insert " June 2, 2020"

On page 2, line 4, of the Introduced bill, after "date." delete "If further postponement is necessary due to public health concerns, the Governor may postpone any election, except the general election, to a date no later than July 28, 2020. The Governor shall provide the alternate dates on which the election may be held."

On page 2, line 7, of the Introduced bill, delete " December 31" and insert " July 1"

And the roll being called:

Yeas 32, Nays 34, Excused 4, Absent 0

Yeas:
Beal, Brunner, Dennert, Diedrich, Finck, Frye-Mueller, Goodwin, Gosch, Gross, Hansen, Howard, Kevin Jensen, Chris Johnson, David Johnson, Karr, Livermont, Milstead, Mulally, Herman Otten, Perry, Sue Peterson, Pischke, Post, Randolph, Rasmussen, Reimer, Rounds, Steele, Weis, Wiese, York, and Speaker Haugaard

Nays:
Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Deutsch, Duba, Duvall, Lana Greenfield, Healy, Hunhoff, Johns, Koth, Latterell, Lesmeister, Marty, McCleerey, Mills, Miskimins, Olson, Overweg, Kent Peterson, Pourier, Qualm, Reed, Ring, Saba, Jamie Smith, Sullivan, Wangsness, Willadsen, and Zikmund

Excused:
Borglum, Glanzer, Hammock, and St. John

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

Rep. Gosch moved that **HB 1298** be amended as follows:

1298C

On page 2, line 4, of the Introduced bill, after "date." delete "If further postponement is necessary due to public health concerns, the Governor may postpone any election, except the general election, to a date no later than July 28, 2020. The Governor shall provide the alternate dates on which the election may be held."

And the roll being called:

Yeas 33, Nays 33, Excused 4, Absent 0

Yeas:
Beal, Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Gross, Hansen, Howard, Kevin Jensen, Chris Johnson, David Johnson, Karr, Latterell, Livermont, Marty, Milstead, Mulally, Herman Otten, Overweg, Perry, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reimer, Rounds, Weis, Wiese, York, and Speaker Haugaard

Nays:
Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Lana Greenfield, Healy, Hunhoff, Johns, Koth, Lesmeister, McCleerey, Mills, Miskimins, Olson, Kent Peterson, Pourier, Reed, Ring, Saba, Jamie Smith, Steele, Sullivan, Wangsness, Willadsen, and Zikmund

Excused:
Borglum, Glanzer, Hammock, and St. John

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

Rep. Jamie Smith moved that **HB 1298** be amended as follows:

1298E

On page 2, line 5, of the Introduced bill, delete "July 28" and insert "June 30"

And the roll being called:

Yeas 33, Nays 33, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Bordeaux, Brunner, Chase, Cwach, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Healy, Howard, Hunhoff, Johns, Koth, Lesmeister, McCleerey, Miskimins, Olson, Herman Otten, Kent Peterson, Pischke, Qualm, Reed, Ring, Saba, Jamie Smith, Sullivan, Willadsen, York, and Speaker Haugaard

Nays:
Beal, Chaffee, Dennert, Deutsch, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Kevin Jensen, Chris Johnson, David Johnson, Karr, Latterell, Livermont, Marty, Mills, Milstead, Mulally, Overweg, Perry, Sue Peterson, Post, Pourier, Randolph, Rasmussen, Reimer, Rounds, Steele, Wangsness, Weis, Wiese, and Zikmund

Excused:
Borglum, Glanzer, Hammock, and St. John

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

Rep. Lesmeister moved that **HB 1298** be amended as follows:

1298C

On page 2, line 4, of the Introduced bill, after "date." delete "If further postponement is necessary due to public health concerns, the Governor may postpone any election, except the general election, to a date no later than July 28, 2020. The Governor shall provide the alternate dates on which the election may be held."

And the roll being called:

Yeas 58, Nays 8, Excused 4, Absent 0

Yeas:
Barthel, Beal, Bordeaux, Brunner, Chaffee, Dennert, Deutsch, Diedrich, Duba, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, Howard, Kevin Jensen, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Anderson, Bartels, Chase, Cwach, Duvall, Hunhoff, Johns, and Mills

Excused:
Borglum, Glanzer, Hammock, and St. John

So the motion having received an affirmative vote of a majority of the members present, the Speaker declared the motion prevailed, and the bill was so amended.

The question being "Shall **HB 1298** pass as amended?"

And the roll being called:

Yeas 62, Nays 4, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Brunner, Chaffee, 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, Koth, Latterell, Lesmeister, Livermont, McCleerey, Mills, Milstead, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Chase, Marty, Mulally, and Randolph

Excused:
Borglum, Glanzer, Hammock, and St. John

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.

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

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to transmit herewith **SB 187, 188, 189, 190, 191, 192, and 193** which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

Rep. Gosch moved that the rules be suspended for the sole purpose of giving first reading to, dispensing with committee referral, and to give second reading and final consideration to **SB 187, 190, 188, 189, 192, 193, and 191**.

Rep. Finck rose to a point of order that the motion was to suspend the rules for the sole purpose of giving first reading and meet as a Committee of the Whole.

Speaker responded that it was a separate motion.

The question being on Rep. Gosch's motion that the rules be suspended for the sole purpose of giving first reading to, dispensing with referral to committee, and to give second reading and final consideration to **SB 187, 190, 188, 189, 192, 193, and 191**.

And the roll being called:

Yeas 61, Nays 3, Excused 6, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, 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, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Rounds, Saba, Jamie Smith, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Brunner, Howard, and Pischke

Excused:
Borglum, Frye-Mueller, Glanzer, Hammock, Ring, and St. John

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 rules were suspended.

Rep. Gosch moved that the House do now move into a Committee of the Whole pursuant to Joint Rules Chapter 9.

The question being on Rep. Gosch's motion that the House do now move into a Committee of the Whole pursuant to Joint Rules Chapter 9.

And the roll being called:

Yeas 63, Nays 3, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, 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, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Brunner, Howard, and Pischke

Excused:
Borglum, Frye-Mueller, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 187: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding reemployment assistance benefits in response to Coronavirus Disease 2019 and to declare an emergency.

SB 188: FOR AN ACT ENTITLED, An Act to account for educational opportunities provided to students during a state of emergency and to declare an emergency.

SB 189: FOR AN ACT ENTITLED, An Act to provide exemptions from certain requirements for the 2019-2020 school year and to declare an emergency.

SB 190: FOR AN ACT ENTITLED, An Act to revise certain driver licensing requirements to allow for an extension during a statewide emergency or disaster and to declare an emergency.

SB 191: FOR AN ACT ENTITLED, An Act to provide emergency authority to counties, community improvement districts, and municipalities in the event of a public health crisis and to declare an emergency.

SB 192: FOR AN ACT ENTITLED, An Act to create the small business economic disaster relief subfund, to provide for the transfer of certain funds into the subfund, to authorize the Economic Development Finance Authority to make a grant to the subfund, to provide for the continuous appropriation of the subfund, and to declare an emergency.

SB 193: FOR AN ACT ENTITLED, An Act to revise Senate Bill 38, An Act to revise the General Appropriations Act for fiscal year 2020, as previously enacted by the Ninety-fifth Session of the South Dakota Legislature.

Were read the first time and the Speaker waived the committee referral.

COMMITTEE OF THE WHOLE

Under the provisions of Joint Rules Chapter 9, the following persons testified on **SB 187:**

Proponents –
Tom Hart, Office of the Governor

The following persons testified on **SB 190:**

Proponents –
Rep. Jamie Smith, District 15 – Sioux Falls
Tom Hart, Office of the Governor

The following persons testified on **SB 188:**

Proponents –
Tiffany Sanderson, Office of the Governor

The following persons testified on **SB 189:**

Proponents –
Tiffany Sanderson, Office of the Governor

The following persons testified on **SB 192:**

Proponents –
Steve Westra, Commissioner, Governor's Office of Economic Development

The following persons testified on **SB 193:**

Proponents –
Rep. Chris Karr, District 11 – Sioux Falls
Liza Clark, Commissioner, Bureau of Finance and Management

The following persons testified on **SB 191:**

Proponents –
Eric Erickson, South Dakota Association of County Commissioners
Matt McCaulley, Office of the Governor

Rep. Gosch moved that the Committee of the Whole do now rise and that the House continue as the House.

And the roll being called:

Yeas 65, Nays 0, Excused 5, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Brunner, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Goodwin, Gosch, 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, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, and Speaker Haugaard

Excused:
Borglum, Frye-Mueller, Glanzer, Hammock, and Zikmund

So the motion having received an affirmative vote of a majority of the members present, the Speaker declared the motion carried.

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

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has sustained the veto of the Governor on **HB 1012**.

Also Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has sustained the veto of the Governor on **HB 1013**.

Also Mr. SPEAKER:

I have the honor to return herewith **HB 1295 and 1298** which have been amended by the Senate and your concurrence in the amendments is respectfully requested.

Also Mr. SPEAKER:

I have the honor to return herewith **HB 1296** which has passed the Senate without change.

Respectfully,
Kay Johnson, Secretary

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 187: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding reemployment assistance benefits in response to Coronavirus Disease 2019 and to declare an emergency.

Was read the second time.

The question being "Shall **SB 187** pass?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Deutsch, Duba, Duvall, Finck, Goodwin, Gosch, 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, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Diedrich, Frye-Mueller, Glanzer, and Hammock

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.

SB 190: FOR AN ACT ENTITLED, An Act to revise certain driver licensing requirements to allow for an extension during a statewide emergency or disaster and to declare an emergency.

Was read the second time.

The question being "Shall **SB 190** pass?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Goodwin, Gosch, 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, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, and Hammock

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.

SB 188: FOR AN ACT ENTITLED, An Act to account for educational opportunities provided to students during a state of emergency and to declare an emergency.

Was read the second time.

Rep. Milstead moved that **SB 188** be amended as follows:

188A

On page 1, line 19, of the Introduced bill, after "secretary" insert " for the 2019-2020 school year"

On page 2, line 3, of the Introduced bill, delete " 2021" and insert " 2020"

And the roll being called:

Yeas 14, Nays 52, Excused 4, Absent 0

Yeas:
Brunner, Cwach, Hansen, Howard, Livermont, Marty, Milstead, Mulally, Sue Peterson, Pischke, Randolph, Rasmussen, Weis, and Wiese

Nays:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Goodwin, Lana Greenfield, Gross, Healy, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, McCleerey, Mills, Miskimins,

Olson, Herman Otten, Overweg, Perry, Kent Peterson, Post, Pourier, Qualm, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, Gosch, and Hammock

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

The question being "Shall **SB 188** pass?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, 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, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, Gosch, and Hammock

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.

SB 189: FOR AN ACT ENTITLED, An Act to provide exemptions from certain requirements for the 2019-2020 school year and to declare an emergency.

Was read the second time.

The question being "Shall **SB 189** pass?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Deutsch, Diedrich, Duba, Duvall, Finck, Goodwin, Gosch, 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, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, and Hammock

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.

SB 192: FOR AN ACT ENTITLED, An Act to create the small business economic disaster relief subfund, to provide for the transfer of certain funds into the subfund, to authorize the Economic Development Finance Authority to make a grant to the subfund, to provide for the continuous appropriation of the subfund, and to declare an emergency.

Was read the second time.

Rep. Cwach moved that **SB 192** be amended as follows:

192D

On page 2, line 18, of the Introduced bill, after "loans--Confidentiality." delete "The meetings and deliberations of the commissioner and the Governor's Office of Economic Development concerning loans from the disaster relief subfund are confidential and exempt from public disclosure, chapter 1-25, and chapter 1-27. "

And the roll being called:

Yeas 28, Nays 39, Excused 3, Absent 0

Yeas:
Anderson, Barthel, Bordeaux, Cwach, Diedrich, Duba, Gosch, Hansen, Healy, Hunhoff, David Johnson, Latterell, Lesmeister, Mills, Milstead, Miskimins, Herman Otten, Kent Peterson, Sue Peterson, Pourier, Qualm, Ring, Saba, Jamie Smith, St. John, Sullivan, Zikmund, and Speaker Haugaard

Nays:
Bartels, Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Deutsch, Duvall, Finck, Goodwin, Lana Greenfield, Gross, Howard, Kevin Jensen, Johns, Chris Johnson, Karr, Koth, Livermont, Marty, McCleerey, Mulally, Olson, Overweg, Perry, Pischke, Post, Randolph, Rasmussen, Reed, Reimer, Rounds, Steele, Wangsness, Weis, Wiese, Willadsen, and York

Excused:
Frye-Mueller, Glanzer, and Hammock

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

Rep. Kevin Jensen moved that **SB 192** be amended as follows:

192F

On page 2, line 7, of the Introduced bill, delete "No " and insert "A "

On page 2, line 7, of the Introduced bill, delete "may exceed" and insert " under this section must meet each of the following criteria:

(1) The loan may not exceed"

On page 2, line 8, of the Introduced bill, after "dollars" insert ";

(2) The interest rate on the loan must not be at a rate greater than zero percent; and

(3) The loan may not include any fee for processing, administering, or servicing of the loan, except in the case of a default by the borrower"

On page 2, line 13, of the Introduced bill, delete "and interest rate" and insert " date"

And the roll being called:

Yeas 55, Nays 12, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Cwach, Dennert, Deutsch, Diedrich, Duba, Finck, Gosch, Gross, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Herman Otten, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Rasmussen, Reimer, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Weis, Wiese, York, Zikmund, and Speaker Haugaard

Nays:
Chaffee, Chase, Duvall, Goodwin, Lana Greenfield, Johns, McCleerey, Olson, Overweg, Reed, Ring, and Willadsen

Excused:
Frye-Mueller, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members present, the Speaker declared the motion prevailed.

The question being "Shall **SB 192** pass as amended?"

And the roll being called:

Yeas 61, Nays 6, Excused 3, Absent 0

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

Nays:
Lana Greenfield, Gross, Livermont, Mills, Mulally, and Saba

Excused:
Frye-Mueller, Glanzer, and Hammock

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.

SB 193: FOR AN ACT ENTITLED, An Act to revise Senate Bill 38, An Act to revise the General Appropriations Act for fiscal year 2020, as previously enacted by the Ninety-fifth Session of the South Dakota Legislature.

Was read the second time.

The question being "Shall **SB 193** pass?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

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

Excused:
Frye-Mueller, Glanzer, Hammock, and Latterell

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.

SB 191: FOR AN ACT ENTITLED, An Act to provide emergency authority to counties, community improvement districts, and municipalities in the event of a public health crisis and to declare an emergency.

Was read the second time.

Rep. Hansen moved that **SB 191** be amended as follows:

191K

On page 3, line 10, of the Senate bill, after "2021" insert ". An ordinance adopted under this section may not violate any individual’s or entity’s rights under the Constitution of the United States or the South Dakota Constitution"

On page 3, line 20, of the Senate bill, after "separately." insert " An ordinance adopted under this section may not violate any individual’s or entity’s rights under the Constitution of the United States or the South Dakota Constitution."

On page 3, line 26, of the Senate bill, after "separately." insert " An ordinance adopted under this section may not violate any individual’s or entity’s rights under the Constitution of the United States or the South Dakota Constitution."

And the roll being called:

Yeas 22, Nays 44, Excused 4, Absent 0

Yeas:
Beal, Dennert, Diedrich, Finck, Gosch, Gross, Hansen, Kevin Jensen, Latterell, Marty, Mills, Mulally, Overweg, Sue Peterson, Post, Randolph, Rasmussen, Reimer, St. John, Weis, Wiese, and Speaker Haugaard

Nays:
Anderson, Bartels, Barthel, Borglum, Brunner, Chaffee, Chase, Cwach, Deutsch, Duba, Duvall, Goodwin, Lana Greenfield, Healy, Howard, Hunhoff, Johns, Chris Johnson, David Johnson, Karr, Koth, Lesmeister, Livermont, McCleerey, Milstead, Miskimins, Olson, Herman Otten, Perry, Kent Peterson, Pischke, Pourier, Qualm, Reed, Ring, Rounds, Saba, Jamie Smith, Steele, Sullivan, Wangsness, Willadsen, York, and Zikmund

Excused:
Bordeaux, Frye-Mueller, Glanzer, and Hammock

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

The question being "Shall **SB 191** pass?"

And the roll being called:

Yeas 39, Nays 27, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Gosch, Lana Greenfield, Healy, Hunhoff, Johns, David Johnson, Koth, Lesmeister, McCleerey, Miskimins, Olson, Perry, Sue Peterson, Pourier, Qualm, Rasmussen, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, York, and Zikmund

Nays:
Beal, Borglum, Brunner, Dennert, Goodwin, Gross, Hansen, Howard, Kevin Jensen, Chris Johnson, Karr, Latterell, Livermont, Marty, Mills, Milstead, Mulally, Herman Otten, Overweg, Pischke, Post, Randolph, Reimer, Steele, Weis, Wiese, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, Hammock, and Kent Peterson

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

There being no objection, the House reverted to Order of Business No. 4 – Communications and Petitions.

COMMUNICATIONS AND PETITIONS

Reps. Pischke and Brunner filed the following letter of dissent pursuant to Joint Rule 1-10.

DISSENT AND PROTEST

In accordance with Joint Rule 1-10, we, the undersigned Representatives, do hereby respectfully dissent from and protest against the rulings of the Speaker of the House of Representatives about the following:

1. That a quorum of the members of the House of Representatives is present, as required by Article III, Section 9, of the South Dakota Constitution;

2. That Article III, Section 29 of the South Dakota Constitution is appropriately invoked as justification for the business of the House of Representatives to be conducted without a quorum present; and

3. That two-thirds of the members-elect of the House of Representatives, as required under Joint Rule 11-1, are present within the chamber, as required under Joint Rule 12-2, in order to vote on the suspension of the following Joint Rules:

   a. Joint Rule 12-2; and
   b. Chapter 17 of the Joint Rules related to Legislative Deadlines.

Article III, Section 9 of the South Dakota Constitution provides that a "majority of the members of each house shall constitute a quorum." The Constitution does not contemplate anywhere in its language the use of electronic communication, either telephonically or through the internet, to allow the members of the House of Representatives to be counted as present for the purposes of the quorum requirement.

Furthermore, Article III, Section 29 of the South Dakota Constitution provides for certain powers of the Legislature "to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack," but neither the United States of America nor the State of South Dakota is under an enemy attack, nor has any official declaration of an enemy attack been made regarding the use of biological warfare to cause the current COVID-19 pandemic.

Furthermore, Joint Rule 12-2 of the Rules of the South Dakota Legislature provides, "No member may vote on any question unless within the chamber and voting before the result of the vote is announced." By ignoring the requirement that a member must be "within the chamber" in order for that member to vote on a question before the House of Representatives is to ignore the very rule that the body is being asked to suspend.

Without the presence of two-thirds of the members-elect of the House of Representatives, as required under Joint Rule 12-2, none of the rules of the Legislature may be suspended or amended in order to provide for the attendance and participation of the members of the House through electronic communication or to introduce new legislation after the deadline established under Chapter 17 of the Joint Rules.

We hereby dissent from and protest against the aforementioned rulings, and respectfully request that this dissent and protest be printed in the House Journal as required under Joint Rule 1-10.

Respectfully submitted,
Rep. Tom Pischke
Rep. Tina Mulally
Rep. Tony Randolph

Respectfully submitted,
Rep. Thomas Brunner
Rep. Taffy Howard
Rep. Julie Frye-Mueller

There being no objection, the House proceeded to Order of Business No. 8 – Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Rep. Jamie Smith moved that the House do concur in Senate amendments to **HB 1295**.

The question being on Rep. Jamie Smith's motion that the House do concur in Senate amendments to **HB 1295**.

And the roll being called:

Yeas 54, Nays 12, Excused 4, Absent 0

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

Nays:
Brunner, Howard, Chris Johnson, Karr, Livermont, Marty, Milstead, Mulally, Pischke, Randolph, Wiese, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, Hammock, and Latterell

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. Diedrich rose to a point of order regarding the interpretation of Joint Rule 5-13.1 as it applies to **SB 191.**

Speaker determined that **SB 191** is up for immediate reconsideration of the vote.

Rep. Anderson rose to a point of order asking if the previous speaker had offered an amendment.

Rep. Finck rose to a point of order that in a prior vote, the vote was taken for the purpose of reconsideration.

Speaker determined that the members vote to reconsider **SB 191**.

And the roll being called:

Yeas 38, Nays 29, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Cwach, Deutsch, Diedrich, Duba, Duvall, Finck, Lana Greenfield, Hansen, Healy, Hunhoff, Kevin Jensen, David Johnson, Koth, McCleerey, Miskimins, Olson, Kent Peterson, Sue Peterson, Pourier, Rasmussen, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, York, and Zikmund

Nays:
Beal, Brunner, Dennert, Goodwin, Gosch, Gross, Howard, Johns, Chris Johnson, Karr, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Mulally, Herman Otten, Overweg, Perry, Pischke, Post, Qualm, Randolph, Reimer, Steele, Weis, Wiese, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **SB 191** was up for reconsideration and final passage.

Rep. Diedrich moved that **SB 191** be amended as follows:

191L

On page 3, line 10, of the Senate bill, after "2021" insert ". Any ordinance adopted under this section may not violate any individual's or entity's rights under the Constitution of the United States or the South Dakota Constitution"

On page 3, line 20, of the Senate bill, after "separately." insert " Any ordinance adopted under this section may not violate any individual's or entity's rights under the Constitution of the United States or the South Dakota Constitution."

On page 3, line 26, of the Senate bill, after "separately." insert " Any ordinance adopted under this section may not violate any individual's or entity's rights under the Constitution of the United States or the South Dakota Constitution."

And the roll being called:

Yeas 39, Nays 28, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Deutsch, Diedrich, Duvall, Finck, Lana Greenfield, Gross, Hansen, Healy, Hunhoff, Kevin Jensen, David Johnson, Koth, Latterell,

McCleerey, Mills, Miskimins, Olson, Kent Peterson, Sue Peterson, Pourier, Rasmussen, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, York, and Zikmund

Nays:
Beal, Brunner, Cwach, Dennert, Duba, Goodwin, Gosch, Howard, Johns, Chris Johnson, Karr, Lesmeister, Livermont, Marty, Milstead, Mulally, Herman Otten, Overweg, Perry, Pischke, Post, Qualm, Randolph, Reimer, Steele, Weis, Wiese, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, and Hammock

So the motion having received an affirmative vote of a majority of the members present, the Speaker declared the motion prevailed.

Rep. Anderson moved that **SB 191** be amended as follows:

191M

On page 1, line 2, of the Senate bill, after "crisis" delete " and to declare an emergency"

On page 3, line 28, of the Senate bill, after "2021." delete "Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

And the roll being called:

Yeas 25, Nays 41, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Borglum, Chaffee, Chase, Deutsch, Diedrich, Duvall, Lana Greenfield, Hunhoff, Kevin Jensen, David Johnson, Koth, Miskimins, Kent Peterson, Rasmussen, Reed, Rounds, Saba, St. John, Wangsness, Willadsen, York, and Zikmund

Nays:
Beal, Bordeaux, Brunner, Cwach, Dennert, Duba, Finck, Goodwin, Gosch, Gross, Hansen, Healy, Howard, Johns, Chris Johnson, Karr, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Mulally, Herman Otten, Overweg, Perry, Sue Peterson, Pischke, Post, Pourier, Qualm, Randolph, Reimer, Ring, Jamie Smith, Steele, Sullivan, Weis, Wiese, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, Hammock, and Olson

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

The question being "Shall **SB 191** pass as amended?"

And the roll being called:

Yeas 37, Nays 29, Excused 4, Absent 0

Yeas:
Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Diedrich, Duba, Duvall, Finck, Lana Greenfield, Hansen, Healy, Hunhoff, Kevin Jensen, David Johnson, Koth, McCleerey, Miskimins, Perry, Kent Peterson, Sue Peterson, Pourier, Qualm, Rasmussen, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Wangsness, Willadsen, York, and Zikmund

Nays:
Beal, Borglum, Brunner, Dennert, Deutsch, Goodwin, Gosch, Gross, Howard, Johns, Chris Johnson, Karr, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Mulally, Herman Otten, Overweg, Pischke, Post, Randolph, Reimer, Steele, Weis, Wiese, and Speaker Haugaard

Excused:
Frye-Mueller, Glanzer, Hammock, and Olson

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

Rep. Jamie Smith moved that the House do not concur in Senate amendments to **HB 1298** 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.

And the roll being called:

Yeas 59, Nays 7, Excused 4, Absent 0

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

Nays:
Brunner, Howard, Johns, Livermont, Perry, Wangsness, and Weis

Excused:
Frye-Mueller, Glanzer, Hammock, and Olson

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed and the Speaker appointed as such committee Reps. Gosch, Randolph, and Lesmeister.

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

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has appointed Senators Brock Greenfield, Langer, and Heinert 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 on **HB 1298**.

Also Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has concurred in House amendments to **SB 192**.

Respectfully,
Kay Johnson, Secretary

There being no objection, the House reverted to Order of Business No. 6 – Reports of Conference Committees.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER:

The Committee on 1298 A respectfully reports that it has had under consideration **HB 1298** and returns the same with the recommendation that said bill be amended as follows:

1298G

On the Senate engrossed bill, delete the previously adopted amendment(s), thus restoring the bill to the House version.

And that as so amended, said bill do pass.

Respectfully submitted,
Spencer Gosch, Chair

Respectfully submitted,
Brock L. Greenfield, Chair

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

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the report of the Conference Committee on **HB 1298**.

Respectfully,
Kay Johnson, Secretary

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

Rep. Gosch moved that the report of the Conference Committee on **HB 1298** be adopted.

The question being on Rep. Gosch's motion that the report of the Conference Committee on **HB 1298** be adopted.

And the roll being called:

Yeas 62, Nays 0, Excused 8, Absent 0

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

Excused:
Borglum, Deutsch, Frye-Mueller, Glanzer, Hammock, Latterell, Livermont, and Olson

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 report was adopted.

SIGNING OF BILLS

The Speaker publicly read the title to

SB 187: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding reemployment assistance benefits in response to Coronavirus Disease 2019 and to declare an emergency.

SB 188: FOR AN ACT ENTITLED, An Act to account for educational opportunities provided to students during a state of emergency and to declare an emergency.

SB 189: FOR AN ACT ENTITLED, An Act to provide exemptions from certain requirements for the 2019-2020 school year and to declare an emergency.

SB 190: FOR AN ACT ENTITLED, An Act to revise certain driver licensing requirements to allow for an extension during a statewide emergency or disaster and to declare an emergency.

SB 192: FOR AN ACT ENTITLED, An Act to create the small business economic disaster relief subfund, to provide for the transfer of certain funds into the subfund, to authorize the Economic Development Finance Authority to make a grant to the subfund, to provide for the continuous appropriation of the subfund, and to declare an emergency.

SB 193: FOR AN ACT ENTITLED, An Act to revise Senate Bill 38, An Act to revise the General Appropriations Act for fiscal year 2020, as previously enacted by the Ninety-fifth Session of the South Dakota Legislature.

HB 1295: FOR AN ACT ENTITLED, An Act to revise provisions regarding contagious disease control and enforcement and to declare an emergency.

HB 1296: FOR AN ACT ENTITLED, An Act to revise the authority of the Governor in times of a disaster, act of terrorism, or emergency and to declare an emergency.

HB 1298: FOR AN ACT ENTITLED, An Act to provide for the postponement of certain elections and to declare an emergency.

And signed the same in the presence of the House.

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

REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1295, 1296, and 1298** and finds the same correctly enrolled.

Respectfully submitted,
Steven G. Haugaard, Chair

Also Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1295, 1296, and 1298** were delivered to her Excellency, the Governor, for her approval at 3:34 a.m., March 31, 2020.

Respectfully submitted,
Steven G. Haugaard, Chair

The following prayer was offered by Speaker Haugaard on behalf of Pastor Jarvis Wipf.

Dear Heavenly Father:

You have been gracious to us. You have given us your word to guide us. You have given us your Son to Save us. You have been faithful when we have not. You have provided more than we deserve. In these uncertain times may those who do not know you find certainty in Jesus the rock of our salvation.

As this legislative season comes to a close it is with uncertainty for the future. Thank you that we can find peace in knowing that you reign over all the earth and that there is nothing too difficult for you. Your loving kindness is everlasting.

I ask for your protection upon each of the legislators and their families. That in a few months they could meet in person and give thanks for your goodness.

As the Psalmist says in Psalm 33:18-22:

Behold, the eye of the Lord is on those who fear Him,
On those who hope for His loving kindness,
To deliver their soul from death
And to keep them alive in famine.
Our soul waits for the Lord;
He is our help and our shield.
For our heart rejoices in Him,
Because we trust in His holy name.
Let Your loving kindness, O Lord, be upon us,
According as we have hoped in You.

Father, our hope is in you, our help and our shield – our Rock and our Salvation.

Amen.

Also Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Governor has been notified that the Legislature has completed its labors, is ready to adjourn sine die, and to ascertain if she has any further communications to make to the Legislature.

Rep. Gosch moved that the House do now adjourn sine die.

And the roll being called:

Yeas 53, Nays 5, Excused 12, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Brunner, Chaffee, Chase, Cwach, Diedrich, Duba, Duvall, Finck, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Healy, Howard, Hunhoff, Johns, Chris Johnson, David Johnson, Koth, Lesmeister, Marty, McCleerey, Mills, Milstead, Miskimins,

Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Pourier, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring, Saba, St. John, Sullivan, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Dennert, Kevin Jensen, Mulally, Pischke, and Rounds

Excused:
Borglum, Deutsch, Frye-Mueller, Glanzer, Hammock, Karr, Latterell, Livermont, Olson, Saba, Jamie Smith, and Steele

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed and at 3:41 a.m. the House adjourned.

Mary Lou Goehring, Chief Clerk
By Jackie Driscoll