JOURNAL OF THE HOUSE

NINETY-FIFTH SESSION

ELEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, January 29, 2020

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House page Slater Dixon.

Roll Call: All members present except Rep. Pourier who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the tenth 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.

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REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1005, 1049, and 1052** and finds the same correctly enrolled.

Respectfully submitted,
Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1062** and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1083** and returns the same with the recommendation that said bill be amended as follows:

1083B

On page 24, line 1, of the Introduced bill, after "coverage." insert "

Section 1. That § 13-39-75 be AMENDED:

13-39-75. Money from sales tax increase used to increase instructor salaries.

The presidents of the ~~postsecondary~~ ~~postsecondary~~ technical ~~institutesinstitutes~~ colleges, acting pursuant to rules established by the State Board of Technical Education, shall use the money provided pursuant to SL 2016, chapter 65 to increase instructor salaries to competitive levels at each ~~postsecondary~~ ~~postsecondary~~ technical ~~institute~~ ~~institute~~ college. The amount of money provided each year shall be increased by the index factor as defined in § 13-13-10.1."

On page 24, line 1, after "coverage." insert "

Section 2. That § 13-55-42 be AMENDED:

13-55-42. Maintaining eligibility--Criteria--Waiver of criteria--Rescission of award.

In order to maintain eligibility, a student who has been awarded a Richard Hagen-Minerva Harvey memorial scholarship shall:

(1) Maintain a cumulative 2.5 grade point average on a 4.0 grade point scale;

(2) Be continuously enrolled for the fall and spring semesters in a public or nonpublic accredited university, college, or technical ~~institution~~ college;

(3) Complete the equivalent of at least twelve credit hours of instruction per semester; and

(4) Enroll in a public or nonpublic accredited university, college, or technical ~~institution~~ college no later than the fall semester after the scholarship has been awarded.

If factors beyond the control of a student who has been awarded a Richard Hagen-Minerva Harvey memorial scholarship prevent the student from meeting the requirements in this section, the board may temporarily waive the requirements of this section as eligibility criteria. The board

may rescind a scholarship award if the student does not maintain eligibility as prescribed by this section."

And that as so amended, said bill do pass.

Respectfully submitted,
Bob Glanzer, Vice-Chair

Also MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1039 and 1040** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1041** and returns the same with the recommendation that said bill be amended as follows:

1041B

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

On page 1, line 9, after "2. " insert "Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

And that as so amended, said bill do pass.

Respectfully submitted,
Spencer Gosch, Vice-Chair

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1085** and returns the same with the recommendation that said bill be amended as follows:

1085A

On the Introduced bill, on page 1, line 1, delete "exempt this state from the observation of" and insert "provide for permanent".

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

"**Section 3.** That a NEW SECTION be added:

1-1-29. Daylight savings time.

The State of South Dakota is in permanent daylights savings time pursuant to the provisions of 15 U.S.C. § 260a. This section may not be construed to affect the standard time established under federal law governing the movements of common carriers engaged in interstate commerce or the time for performance of an act by an officer or department of the United States, as established by a statute, lawful order, rule, or regulation of the United States or any agency of the United States."

And that as so amended, said bill do pass.

Respectfully submitted,
Lee Qualm, Chair

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1096** and returns the same with the recommendation that said bill be amended as follows:

1096B

On page 2, line 7, of the Introduced bill, after "child." insert " The provisions in this section do not apply to any broker activity stemming from a commercial surrogacy entered into before July 1, 2020."

On page 2, line 10, after "state" delete the comma

On page 2, line 11, after "state, " insert "after July 1, 2020, "

1096C

On page 1, line 23, of the Introduced bill, delete "participate in the creation " and insert "cause the gestation "

And that as so amended, said bill do pass.

Respectfully submitted,
Jon Hansen, Chair

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to return herewith **HB 1005, 1049, and 1052** which have passed the Senate without change.

Also Mr. SPEAKER:

I have the honor to transmit herewith **SB 1, 39, and 45** which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

Rep. Qualm moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Thursday, January 30, 2020, the 12th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

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

Taxation on **HB 1006** as found on page 70 of the House Journal; and

Health and Human Services on **HB 1063** as found on page 71 of the House Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1111: FOR AN ACT ENTITLED, An Act to revise provisions regarding the qualifications to serve on the Game, Fish and Parks Commission.

Introduced by: **Representative** Herman Otten

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

HB 1112: FOR AN ACT ENTITLED, An Act to authorize the hiring of law enforcement officers by the South Dakota State Brand Board.

Introduced by: **Representative** Brunner

HB 1113: FOR AN ACT ENTITLED, An Act to provide for remote participation in a shareholders' meeting.

Introduced by: **Representative** Rounds

HB 1114: FOR AN ACT ENTITLED, An Act to authorize additional abbreviations in naming corporations, limited liability companies, and limited liability partnerships.

Introduced by: **Representative** Rounds

HB 1115: FOR AN ACT ENTITLED, An Act to revise certain provisions related to athlete agent conduct.

Introduced by: **Representative** Johns

HB 1116: FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of perpetual care trust funds to maintain cemeteries.

Introduced by: **Representative** Qualm

HB 1117: FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding riot, to establish the crime of incitement to riot, and to revise provisions regarding civil liability for riot and riot boosting.

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

HB 1118: FOR AN ACT ENTITLED, An Act to revise the boundaries of certain water development districts and to revise certain provisions regarding the election of the board of directors and the levying of taxes in the affected districts.

Introduced by: **Representative** Kent Peterson

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

Introduced by: **Representative** Barthel

HB 1120: FOR AN ACT ENTITLED, An Act to authorize the governing body of a second or third class municipality to act as a planning and zoning commission.

Introduced by: **Representative** Goodwin

HB 1121: FOR AN ACT ENTITLED, An Act to establish immunity from liability for the inherent risks of camping.

Introduced by: **Representative** Goodwin

HB 1122: FOR AN ACT ENTITLED, An Act to require child abuse or neglect investigations upon the filing of truancy complaints.

Introduced by: **Representative** Cwach

HB 1123: FOR AN ACT ENTITLED, An Act to provide for the termination of a lease by a victim of alleged domestic abuse.

Introduced by: **Representative** Diedrich

HB 1124: FOR AN ACT ENTITLED, An Act to provide for an increase in the assessment against certain treated land.

Introduced by: **Representative** York

HB 1125: FOR AN ACT ENTITLED, An Act to revise conditions for selling non-temperature-controlled baked goods without license.

Introduced by: **Representative** York

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

Introduced by: **Representative** Chase

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

Introduced by: **Representative** Chase

HJR 5001: A JOINT RESOLUTION, To apply for a convention of states under Article V of the Constitution of the United States to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office for federal officials and members of Congress.

Introduced by: **Representative** Steele

Were read the first time.

Speaker Haugaard requested a fiscal note on **HJR 5001**.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 1: FOR AN ACT ENTITLED, An Act to provide for the use of electronic communication in the involuntary commitment process and to declare an emergency.

SB 39: FOR AN ACT ENTITLED, An Act to establish the Jobs for South Dakota's Graduates program and the special donation fund.

SB 45: FOR AN ACT ENTITLED, An Act to transfer the functions of the South Dakota Value Added Finance Authority to the South Dakota Economic Development Finance Authority and the South Dakota Board of Economic Development and to abolish the South Dakota Value Added Finance Authority.

Were read the first time.

SECOND READING OF CONSENT CALENDAR ITEMS

HB 1061: FOR AN ACT ENTITLED, An Act to exempt vehicles owned by improvement districts from certain vehicle registration fees.

Was read the second time.

The question being "Shall **HB 1061** pass?"

And the roll being called:

Yeas 62, Nays 7, Excused 1, Absent 0

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

Nays:
Dennert, Finck, Latterell, Marty, Perry, Pischke, and Randolph

Excused:
Pourier

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.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

Rep. Qualm moved that **HB 1032, 1033, and 1054** be deferred to Tuesday, February 4, 2020, the 13th legislative day.

Which motion prevailed.

HB 1055: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the termination of a political committee under certain circumstances.

Having had its second reading was up for consideration and final passage.

Rep. Anderson moved that **HB 1055** be amended as follows:

1055B

On page 1, line 14, of the House Local Government bill, delete "thirty " and insert " sixty "

On page 1, line 14, delete "receipt of the order" and insert " service by certified mail"

Which motion prevailed.

The question being "Shall **HB 1055** pass as amended?"

And the roll being called:

Yeas 58, Nays 11, Excused 1, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Deutsch, Diedrich, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Rounds, St. John, Steele, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

Nays:
Bordeaux, Cwach, Dennert, Duba, Healy, McCleerey, Pischke, Ring, Saba, Jamie Smith, and Sullivan

Excused:
Pourier

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

Speaker Pro tempore Gosch now presiding.

HB 1057: FOR AN ACT ENTITLED, An Act to prohibit certain acts against children and provide a penalty therefor.

Was read the second time.

Rep. Haugaard rose to a point of order regarding Rep. Olson's request for a show of hands from members.

Speaker sustained the point of order.

The question being "Shall **HB 1057** pass as amended?"

And the roll being called:

Yeas 46, Nays 23, Excused 1, Absent 0

Yeas:
Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Deutsch, Duvall, Finck, Frye-Mueller, Glanzer, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard, Kevin Jensen, Chris Johnson, David Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Herman Otten, Overweg, Perry, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reimer, Steele, Wangsness, Weis, Wiese, York, and Speaker Haugaard

Nays:
Anderson, Bartels, Barthel, Bordeaux, Cwach, Diedrich, Duba, Healy, Hunhoff, Johns, Lesmeister, McCleerey, Olson, Kent Peterson, Reed, Ring, Rounds, Saba, Jamie Smith, St. John, Sullivan, Willadsen, and Zikmund

Excused:
Pourier

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

HB 1023: FOR AN ACT ENTITLED, An Act to permit the secretary of revenue to issue cease and desist orders and to impose a civil penalty on certain public auctions.

Was read the second time.

The question being "Shall **HB 1023** pass?"

And the roll being called:

Yeas 69, Nays 0, Excused 1, Absent 0

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

Excused:
Pourier

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

Speaker Haugaard now presiding.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1005: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of telehealth technologies.

HB 1049: FOR AN ACT ENTITLED, An Act to establish a maximum on the number of words contained in a statement of a proponent or opponent for the ballot question pamphlet.

HB 1052: FOR AN ACT ENTITLED, An Act to change a reference from a secondary election to a runoff election to maintain consistency in terms.

And signed the same in the presence of the House.

COMMEMORATIONS

HC 8008: A LEGISLATIVE COMMEMORATION, Recognizing and honoring the Veterans Honor Park in Madison, South Dakota.

Introduced by: Representatives Wiese, Bartels, Barthel, Beal, Bordeaux, Borglum, Chase, Dennert, Duba, Duvall, Finck, Goodwin, Lana Greenfield, Gross, Hunhoff, David Johnson, Koth, McCleerey, Miskimins, Olson, Herman Otten, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Reed, Reimer, Rounds, Jamie Smith, Steele, Wangsness, Willadsen, **and** Zikmund **and Senators** Duhamel, Ewing, Kennedy, Kolbeck, Lake, Langer, Nesiba, Novstrup, Ernie Otten, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, White, Wiik, **and** Youngberg

HC 8009: A LEGISLATIVE COMMEMORATION, Recognizing February as Black History Month and South Dakota's rich history of African American achievements.

Introduced by: Representative Duba

HC 8010: A LEGISLATIVE COMMEMORATION, honoring and commending Brookings Area Habitat for Humanity for twenty-five years of working toward their vision of creating a world where everyone has a decent place to live by building and preserving decent and affordable housing.

Introduced by: Representatives Reed, Deutsch, Mills, Post, **and** Wiese **and Senators** V. J. Smith **and** Wiik

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:21 p.m. the House adjourned.

Mary Lou Goehring, Chief Clerk