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

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by House pages Miriam Knoble and Jaden Petersen.

Roll Call: All members present except Rep. Johns 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 twenty-second 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.
MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1024, 1043, 1044, and 1075 were delivered to her Excellency, the Governor, for her approval at 10:10 a.m., February 13, 2019.

Respectfully submitted,

Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1039, 1054, and 1057 and finds the same correctly enrolled.

Respectfully submitted,

Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration HB 1139 and returns the same with the recommendation that said bill be amended as follows:

On page 2, after line 3 of the printed bill, insert:

"Section 2, That § 13-16-7 be amended to read:

13-16-7. The school board of any school district of this state may at the board's discretion authorize an annual levy of a tax not to exceed three dollars per thousand dollars of taxable valuation on the taxable valuation of the district for the capital outlay fund for assets as defined by § 13-16-6 or for the district's obligations under a resolution, lease-purchase agreement, capital outlay certificate, or other arrangement with the Health and Educational Facilities Authority. Taxes collected pursuant to the levy may be irrevocably pledged by the school board to the payment of principal of and interest on installment purchase contracts or capital outlay certificates entered into or issued pursuant to § 13-16-6 or 13-16-6.2 or lease-purchase agreements or other arrangement with the Health and Educational Facilities Authority and, so long as any capital outlay certificates are outstanding, installment agreement payments, lease-purchase agreements, or other arrangements are unpaid, the school board of any district may be compelled by mandamus or other appropriate remedy to levy an annual tax sufficient to pay
principal and interest thereon, but not to exceed the three dollars per thousand dollars of taxable valuation in any year authorized to be levied hereby.

The total amount of revenue payable from the levy provided in this section may not increase annually by more than the lesser of three percent or the index factor, as defined in § 10-13-38, over the maximum amount of revenue that could have been generated from the taxes payable in 2016. After applying the index factor, a school district may increase the revenue payable from taxes on real property above the limitations provided by this section by the percentage increase of value resulting from any improvements or change in use of real property, annexation, minor boundary changes, and any adjustments in taxation of real property separately classified and subject to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal value. A school district may increase the revenue the district receives from taxes on real property above the limit provided by this section for taxes levied to pay the principal, interest, and redemption charges on any bonds issued after January 1, 2009, which are subject to referendum, scheduled payment increases on bonds and for a levy directed by the order of a court for the purpose of paying a judgment against the school district. Any school district created or reorganized after January 1, 2016, is exempt from the limitation provided by this section for a period of two years immediately following the district's creation.

In no year may the annual tax levy provided in this section exceed three dollars per thousand dollars of taxable valuation of the school district for the current year."

And that as so amended said bill do pass.

Respectfully submitted,

Lana Greenfield, Chair

Also MR. SPEAKER:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1202 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1180 and returns the same with the recommendation that said bill be amended as follows:

On page 1, line 6, of the printed bill, delete "person authorized to act on behalf of the victim" and insert "victim or witness assistant".
On page 2, line 12, after "and" insert "provide the code number to the victim as well as information identifying the law enforcement agency where the kit will be stored. The health care facility".

On page 2, line 15, delete everything after ":" and insert "The law enforcement agency to which the health care facility releases the sexual assault kit under § 23-5C-3 shall retrieve the sexual assault kit, containing no identifying information of the victim other than the code number affixed by the health care facility, within seventy-two hours following the date on which the sexual assault kit is assigned a code number under this section. The health care facility shall coordinate the transfer of the sexual assault kit to the law enforcement agency in a manner designed to protect the victim's confidentiality and preserve the evidentiary integrity of the sexual assault kit. If a victim, or a victim or witness assistant".

On page 2, line 16, delete "authorized to act on behalf of the victim".

On page 2, line 17, delete "record" and insert "number".

On page 2, line 17, before "used" insert "provided by the victim to the law enforcement agency where the kit is being stored and".

On page 2, delete lines 19 to 24, inclusive.

On page 3, delete line 1.

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1194 which was tabled.

Respectfully submitted,

Jon Hansen, Chair

Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1086, 1192, and 1248 which were tabled.
Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1226 and 1241 which were deferred to the 41st Legislative Day.

Respectfully submitted,
Tim Rounds, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to transmit herewith SB 70, 93, 114, 126, and 163 which have passed the Senate and your favorable consideration is respectfully requested.

Also MR. SPEAKER:

I have the honor to return herewith HB 1039, 1054, and 1057 which have passed the Senate without change.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has concurred in House amendments to SB 44.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

Rep. Qualm moved that HB 1066 be deferred to Thursday, February 14, 2019, the 24th legislative day.

Which motion prevailed.

HCR 1006: A CONCURRENT RESOLUTION, Instructing South Dakota's congressional representatives to support an effort in Congress to terminate the U.S. Department of Education.

Was read the second time.
Rep. Howard moved that HCR 1006 as found on page 369 of the House Journal be adopted.

The question being on Rep. Howard's motion that HCR 1006 be adopted.

And the roll being called:

Yeas 48, Nays 21, Excused 1, Absent 0

Yeas: Anderson; Bartels; Barthel; Beal; Brunner; Chaffee; Dennert; Finck; Frye-Mueller; Glanzer; Goodwin; Gosch; Greenfield (Lana); Gross; Hammock; Hansen; Howard; Jensen (Kevin); Johnson (Chris); Johnson (David); Karr; Koth; Latterell; Livermont; Marty; Mills; Milstead; Miskimins; Mulally; Otten (Herman); Peterson (Sue); Pischke; Post; Qualm; Randolph; Rasmussen; Reed; Reimer; Rounds; Schoenfish; St John; Steele; Weis; Wiese; Willadsen; York; Zikmund; Haugaard

Nays: Bordeaux; Borglum; Chase; Cwach; Deutsch; Diedrich; Duba; Duvall; Healy; Hunhoff; Lake; Lesmeister; McCleerey; Olson; Perry; Peterson (Kent); Pourier; Ring; Saba; Smith (Jamie); Sullivan

Excused: Johns

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 1006 was adopted.

SCR 6: A CONCURRENT RESOLUTION, Urging the President of the United States to make agricultural exports a priority and protect agricultural products from all current and future tariffs.

Was read the second time.

Rep. Qualm moved that SCR 6 as found on page 151 of the Senate Journal not be concurred in based on its noncompliance with JR 6A-1(2).

The question being on Rep. Qualm's motion that SCR 6 not be concurred in.

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; Greenfield (Lana); Gross; Hammock; Hansen; Healy; Howard; Hunhoff; Jensen (Kevin); Johnson (Chris); Johnson (David); Karr; Koth; Lake; Latterell; Lesmeister; Livermont; Marty; McCleerey; Mills; Milstead; Miskimins; Mulally; Olson; Otten (Herman); Perry; Peterson (Kent); Peterson (Sue); Pischke; Post; Pourier; Qualm; Randolph; Rasmussen; Reed; Reimer; Ring; Rounds; Saba; Schoenfish; Smith (Jamie); St John; Steele; Sullivan; Weis; Wiese; Willadsen; York; Zikmund; Haugaard

Excused: Johns

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion passed, and SCR 6 was not concurred in.

HR 1001 Introduced by: Representatives Smith (Jamie), Brunner, Cwach, Dennert, Frye-Mueller, Goodwin, Latterell, Lesmeister, Livermont, Marty, McCleerey, Perry, Peterson (Kent), Peterson (Sue), Pischke, Pourier, Rasmussen, Ring, Saba, Steele, and Zikmund

A RESOLUTION, Commending and honoring Angela Kennecke for excellence in investigative reporting and service to the people of South Dakota.

WHEREAS, Angela is a renowned investigative reporter at KELOLAND Media Group in Sioux Falls and is acknowledged across the state by fans and colleagues as one of the top investigative reporters in South Dakota; and

WHEREAS, the free press and American journalism are one of the pillars of democracy our nation was founded upon; and

WHEREAS, the role of the news media in a free and democratic society requires journalists to constantly question authority and hold the actions of those in positions of trust and authority in light for the appropriate scrutiny of the people; and

WHEREAS, objective journalistic investigative reporting and honest political public service are natural allies; and

WHEREAS, Angela Kennecke's investigative reporting creates awareness to issues adversely affecting South Dakotans, which directly facilitates legislative oversight and actions; and

WHEREAS, Angela and her family suffered the tragic loss of her daughter Emily Groth. South Dakotans mourn with and support Angela and her family in their loss and grieving. We commend and support Angela's efforts in honoring Emily through the raising of awareness of the dangers of opioids; and
WHEREAS, "Tyranny, like hell, is not easily conquered." It flourishes in the absence of
public accountability and when our government's actions are hidden from the public eye. A
free-press, eternal vigilance, diligent reporting, and an informed public are instrumental to
maintaining the freedoms of the American people; and

WHEREAS, while we commend Angela for her past exceptional reporting to the public, our
commendation is not in-conclusion, but a well-deserved interim gesture of appreciation, respect,
and encouragement for her continued efforts:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-Fourth Legislature of the State of South Dakota, that on behalf of the great people of South Dakota, we hereby commend and honor Angela Kennecke for her excellence in investigative reporting. We extend our heartfelt thanks and best wishes for her continued success.

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

Rep. Qualm moved that when we adjourn today, we adjourn to convene at 1:30 p.m. on Thursday, February 14, 2019, the 24th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Qualm moved that the report of the Standing Committee on Health and Human Services on HB 1250 as found on page 366 of the House Journal be adopted.

Which motion prevailed.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 70: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding hospital liens.

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

SB 93: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding instruction and restricted driving permits.

Was read the first time and referred to the Committee on Transportation.
SB 114: FOR AN ACT ENTITLED, An Act to attribute campaign contributions by certain minors to their parents.

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

SB 126: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the common language of the state and to recognize the official indigenous language of the state.

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

SB 163: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding jury lists.

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

SECOND READING OF CONSENT CALENDAR ITEMS

SB 129: FOR AN ACT ENTITLED, An Act to exempt motor vehicles owned by licensed ambulance services from certain motor vehicle registration fees.

Was read the second time.

The question being "Shall SB 129 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; Greenfield (Lana); Gross; Hammock; Hansen; Healy; Howard; Hunhoff; Jensen (Kevin); Johnson (Chris); Johnson (David); Karr; Koth; Lake; Latterell; Lesmeister; Livermont; Marty; McCleerey; Mills; Milstead; Miskimins; Mulally; Olson; Otten (Herman); Perry; Peterson (Kent); Peterson (Sue); Pischke; Post; Pourier; Qualm; Randolph; Rasmussen; Reed; Reimer; Ring; Rounds; Saba; Schoenfish; Smith (Jamie); St John; Steele; Sullivan; Weis; Wiese; Willadsen; York; Zikmund; Haugaard

Excused:
Johns

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.
Rep. Qualm moved that HB 1087 and 1144 be deferred to Thursday, February 14, 2019, the 24th legislative day.

Which motion prevailed.

Rep. Qualm moved that HB 1127 be referred to the House Committee on Appropriations.

Which motion prevailed.

Rep. Qualm moved that HB 1120 be referred to the Joint Committee on Appropriations.

Which motion prevailed.

HB 1172: FOR AN ACT ENTITLED, An Act to provide for cooperation with federal officials in matters of immigration.

Was read the second time.

Rep. Kevin Jensen moved that HB 1172 be amended as follows:

On page 1, line 9, of the printed bill, delete "lawfully detained or".

On page 2, line 9, delete "lawfully".

On page 2, line 10, delete "detained or".

On page 2, delete lines 11 to 14, inclusive.

Which motion prevailed.

The question being "Shall HB 1172 pass as amended?"

And the roll being called:

Yeas 35, Nays 34, Excused 1, Absent 0
Yeas:
Brunner; Chaffee; Dennert; Frye-Mueller; Glanzer; Goodwin; Gosch; Greenfield (Lana); Hammock; Hansen; Howard; Jensen (Kevin); Johnson (Chris); Karr; Latterell; Livermont; Marty; Mills; Mulally; Otten (Herman); Perry; Peterson (Sue); Pischke; Post; Qualm; Randolph; Rasmussen; Reimer; Rounds; Steele; Weis; Wiese; York; Zikmund; Haugaard

Nays:
Anderson; Bartels; Barthel; Beal; Bordeaux; Borglum; Chase; Cwach; Deutsch; Diedrich; Duba; Duvall; Finck; Gross; Healy; Hunhoff; Johnson (David); Koth; Lake; Lesmeister; McCleerey; Milstead; Miskimins; Olson; Peterson (Kent); Pourier; Reed; Ring; Saba; Schoenfish; Smith (Jamie); St John; Sullivan; Willadsen

Excused:
Johns

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

Rep. Kevin Jensen announced his intention to reconsider the vote by which HB 1172 lost.

HB 1103: FOR AN ACT ENTITLED, An Act to establish a lemon law for certain farm machinery.

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

The question being "Shall HB 1103 pass?"

And the roll being called:

Yeas 36, Nays 32, Excused 2, Absent 0

Yeas:
Beal; Bordeaux; Brunner; Chaffee; Cwach; Dennert; Diedrich; Duba; Frye-Mueller; Goodwin; Hansen; Healy; Howard; Jensen (Kevin); Karr; Koth; Latterell; Lesmeister; Livermont; Marty; McCleerey; Miskimins; Peterson (Sue); Pischke; Pourier; Qualm; Randolph; Ring; Saba; Smith (Jamie); St John; Steele; Sullivan; Weis; Zikmund; Haugaard

Nays:
Anderson; Bartels; Barthel; Borglum; Chase; Deutsch; Duvall; Finck; Glanzer; Gosch; Greenfield (Lana); Gross; Hammock; Hunhoff; Johnson (Chris); Johnson (David); Lake; Mills; Milstead; Mulally; Olson; Otten (Herman); Peterson (Kent); Post; Rasmussen; Reed; Reimer; Rounds; Schoenfish; Wiese; Willadsen; York

Excused:
Johns; Perry
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 1216: FOR AN ACT ENTITLED, An Act to increase certain civil penalties for fleeing from police.

Was read the second time.

Rep. Hansen moved that HB 1216 be amended as follows:

On page 1, line 8, of the printed bill, overstrike "shall" and insert "may".

Which motion prevailed.

The question being "Shall HB 1216 pass as amended?"

And the roll being called:

Yeas 61, Nays 7, Excused 2, Absent 0

Yeas:
Anderson; Bartels; Barthel; Beal; Borglum; Brunner; Chaffee; Chase; Cwach; Deutsch; Diedrich; Duba; Duvall; Finck; Frye-Mueller; Glanzer; Goodwin; Gosch; Greenfield (Lana); Gross; Hammock; Hansen; Healy; Howard; Hunhoff; Jensen (Kevin); Johnson (Chris); Johnson (David); Karr; Koth; Lake; Latterell; Lesmeister; Livermont; Marty; McCleerey; Mills; Milstead; Miskimins; Mulally; Olson; Otten (Herman); Peterson (Kent); Peterson (Sue); Post; Qualm; Rasmussen; Reed; Reimer; Ring; Rounds; Saba; Schoenfish; Smith (Jamie); St John; Sullivan; Wiese; Willadsen; York; Zikmund; Haugaard

Nays:
Bordeaux; Dennert; Pischke; Pourier; Randolph; Steele; Weis

Excused:
Johns; Perry

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 1117: FOR AN ACT ENTITLED, An Act to establish immunity from liability for injuries to or the death of a person engaged in off-road vehicle activity under certain circumstances.

Was read the second time.
Rep. Goodwin moved that HB 1117 be amended as follows:

On page 3, between lines 18 and 19 of the printed bill, insert:

"Any off-road vehicle activity sponsor or off-road vehicle professional who engages in the business of renting off-road vehicles to another shall maintain the rental off-road vehicles in a safe condition.

An off-road vehicle activity sponsor or off-road vehicle professional who offers off-road vehicles for rent is liable for the death or injury to a participant or other person or property only for an act or omission that constitutes gross negligence."

On page 3, between lines 22 and 23, insert:

"(2) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustains any injury because of a dangerous latent condition which was known to the off-road vehicle activity sponsor, or the off-road vehicle professional and for which warning signs had not been conspicuously posted;"

On page 3, line 23, delete "(2)" and insert "(3)".

On page 4, line 1, delete "(3)" and insert "(4)".

Which motion prevailed.

The question being "Shall HB 1117 pass as amended?"

And the roll being called:

Yeas 55, Nays 13, Excused 2, Absent 0

Yeas: Anderson; Bartels; Barthel; Beal; Borglum; Brunner; Chaffee; Cwach; Dennert; Deutsch; Diedrich; Duba; Duvall; Finck; Frye-Mueller; Glanzer; Goodwin; Gosch; Greenfield (Lana); Gross; Hammock; Howard; Hunhoff; Jensen (Kevin); Johnson (Chris); Johnson (David); Karr; Koth; Lake; Latterell; Lesmeister; Livermont; Marty; Mills; Milstead; Miskimins; Mulally; Otten (Herman); Peterson (Kent); Peterson (Sue); Pischke; Post; Qualm; Randolph; Rasmussen; Reimer; Rounds; Schoenfish; St John; Steele; Weis; Wiese; York; Zikmund; Haugaard

Nays: Bordeaux; Chase; Hansen; Healy; McCleerey; Olson; Pourier; Reed; Ring; Saba; Smith (Jamie); Sullivan; Willadsen
Excused: 
Johns; Perry

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 1116: FOR AN ACT ENTITLED, An Act to prohibit the conduct of certain physical
examinations or screenings on students in a school district without parental consent.

Was read the second time.

The question being "Shall HB 1116 pass as amended?"

And the roll being called:

Yeas 34, Nays 34, Excused 2, Absent 0

Yeas:
Beal; Brunner; Chaffee; Dennert; Frye-Mueller; Goodwin; Gosch; Greenfield (Lana); Gross;
Hammock; Hansen; Howard; Jensen (Kevin); Johnson (Chris); Karr; Koth; Latterell; Livermont;
Marty; Mills; Miskimins; Mulally; Otten (Herman); Perry; Peterson (Sue); Pischke; Post;
Randolph; Rasmussen; St John; Steele; Weis; Wiese; Haugaard

Nays:
Anderson; Bartels; Barthel; Bordeaux; Borglum; Chase; Cwach; Deutsch; Diedrich; Duba;
Duvall; Finck; Glanzer; Healy; Hunhoff; Johnson (David); Lesmeister; McCleerey; Milstead;
 Olson; Peterson (Kent); Pourier; Qualm; Reed; Reimer; Ring; Rounds; Saba; Schoenfish; Smith
(Jamie); Sullivan; Willadsen; York; Zikmund

Excused:
Johns; Lake

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

Rep. Latterell announced his intention to reconsider the vote by which HB 1116 lost.

Rep. Qualm moved that the balance of the calendar including HB 1217 and 1118 and
SB 36, 78, 84, 40, and 43 be deferred to Thursday, February 14, 2019, the 24th legislative day.

Which motion prevailed.
SIGNING OF BILLS

The Speaker publicly read the title to

HB 1039: FOR AN ACT ENTITLED, An Act to provide for the use of the Obligation Recovery Center by certain postsecondary technical institutes.

HB 1054: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the possession of firearms on certain vehicles.

HB 1057: FOR AN ACT ENTITLED, An Act to revise the definition of attest for the purposes of public accountancy.

And signed the same in the presence of the House.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:08 p.m. the House adjourned.

Sandra J. Zinter, Chief Clerk