

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

THIRD DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 14, 2021

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by House page Madison Dick.

Roll Call: All members present except Reps. Lesmeister, Marty, and May who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 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,
Spencer R. Gosch, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

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MR. SPEAKER:

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The Joint Committee on Legislative Procedure respectfully reports that it has had under consideration the joint rules and recommends that the joint rules of the Ninety-fifth Legislative Session be adopted as the joint rules of the Ninety-sixth Legislative Session with the following changes:

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Amend Chapter 1 of the joint rules as follows:

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1-5. Time allowed for a member to speak. ~~Each member may speak on the pending subject before any member speaks twice. No member may speak more than twice nor longer than ten minutes on the same subject without the consent of a majority of the members present. However, a member may speak an additional twenty minutes if the time is yielded by individual members of the body. In computing the time allowed for argument, the time consumed in asking questions is considered. If a member consents to the question, the time consumed by the answer is taken out of the time allowed to the person asking the question. In the Senate, the time allowed for a member to speak on a pending subject is as provided in Senate Rule S2-5. In the House of Representatives, the time allowed for a member to speak on a pending subject is as provided in House Rule H2-1.~~

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Amend Chapter 2 of the joint rules as follows:

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2-5 Remote attendance permitted. Notwithstanding the provisions of Joint Rules 2-2, 2-3, and 12-2 the president pro tempore of the Senate and the speaker of the House of Representatives may excuse a member from personal attendance at a committee meeting or at a daily floor session if the member has the COVID-19 virus or the member is in quarantine because of the COVID-19 virus. The excused member may participate and vote in any committee meeting or any daily session from a remote site and by electronic means. The president pro tempore or speaker shall notify the chair of each committee the excused member serves on that the member has been excused. The committee minutes and the daily journal shall indicate that the excused member participated and voted remotely.

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Amend Chapter 7 of the joint rules as follows:

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7-6. Contents of committee minutes. Minutes of standing committees filed pursuant to Joint Rule 7-5 shall contain the number of each proposal considered; the title or a brief summary of each proposal's major provisions; the committee's action, if any, on each proposal, including a brief minority report if requested by any committee member; a record of how each committee member voted when action was taken, including votes on motions to postpone consideration of proposals; and a list of all persons testifying before the committee on each proposal and the interest they represent. Minutes shall reflect if any member is participating and voting remotely as permitted under Joint Rule 2-5. Minutes of budget hearings conducted by an appropriations committee may contain a synopsis of testimony received. Minutes shall be open to the public for inspection.

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7-13. Entertainment of motions. No motion may be debated until it is seconded. Following the second of a debatable motion, the chair shall first recognize the member making the motion. ~~No member of the House of Representatives may make introductory remarks prior to making a motion. See House Rule H3-2 regarding introductory remarks prior to making a motion in a House committee.~~

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7-28. Committee procedure - Remote electronic testimony. During any regular or special session of the Legislature, a committee chair may permit a person to appear from a remote site and give testimony before the committee by electronic audio or video means. A person shall make a request to the committee chair to give testimony under this section at least twenty-four hours before the start of the committee meeting. The committee chair may waive this requirement if the chair deems the person's testimony necessary for immediate committee discussion.

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7-29. Voting procedures of remote attendance permittee. If any member of a committee is participating remotely pursuant to Joint Rule 2-5, the committee shall, for any motion that does not otherwise require a vote by roll call under this chapter, take a vote by roll call or by unanimous consent.

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1 Amend Chapter 10 of the joint rules as follows:

2 **10-4. Journal to reflect remote participation.** Each daily journal shall reflect if any member
3 is participating and voting remotely as permitted under Joint Rule 2-5.

4 Amend Chapter 12 of the joint rules as follows:

5 **12-2. Voting restrictions.** No member may vote on any question unless within the chamber
6 and voting before the result of the vote is announced. However, a member may vote from a remote
7 site if excused from personal attendance under Joint Rule 2-5.

8 Respectfully submitted,
9 Spencer R. Gosch, Chair

10 Also MR. SPEAKER:

11 The House Committee on Legislative Procedure respectfully reports that it has had under
12 consideration the House rules and recommends that the House rules of the Ninety-fifth Legislative
13 Session be adopted as the House rules of the Ninety-sixth Legislative Session with the following
14 changes:

15 Amend Chapter 2 of the House rules as follows:

16 **H2-1. Time allowed for a member to speak.**

17 (1) The first time a member speaks on a pending subject, the member may speak for five
18 minutes.

19 (a) The member may continue to speak for an additional five minutes on the same
20 subject, if another member yields his or her time to speak.

21 (b) If the member wishes to continue to speak on the same subject longer than the
22 time allowed under (1)(a), the member shall seek the consent of the majority of the
23 members present and upon receiving such consent, the member may speak up to an
24 additional ten minutes.

25 (2) Any of the time to speak not used by a member in any five-minute period is forfeited by
26 the member.

27 (3) Each member may speak on the pending subject before any member speaks twice.

28 (4) If a member speaks for a second time on the pending subject, the member may speak for
29 an additional five minutes.

30 (5) No member may speak more than twice on the same subject, without the consent of a
31 majority of the members present.

32 Notwithstanding any of the limitations of this rule, when the debate on a bill or resolution
33 appears to be closed, the prime sponsor of the bill or resolution may speak for an additional five
34 minutes, unless a motion to call the previous question on final disposition of the bill or resolution
35 has prevailed.

36 The time consumed by a member asking a question and the time consumed by the response
37 shall be subtracted from the questioning member's time to speak. The time to speak remaining after
38 the question and the response is not forfeited by the member who asked the question.

39 Amend Chapter 3 of the House rules as follows:

40 **H3-2. Introductory remarks before motions.** No member making a motion in a committee
41 pursuant to Joint Rules Chapter 7 may make introductory remarks prior to making a motion.

1 Amend Chapter 5 of the House rules as follows:

2 **H5-8. Members to vote electronically from their desks, exceptions.** A member may vote
3 on the electronic voting system only when at the member's desk. However, the presiding officer
4 may authorize the chief clerk to call the names of members who are on the floor but not at their
5 desks at the time of a vote or who are participating remotely as permitted under Joint Rule 2-5 at
6 the time of the vote and to record the votes of such members on the electronic voting system. If a
7 member other than the speaker of the House is presiding, the chief clerk shall switch the voting
8 system to allow the designated member presiding to vote in the presiding officer's station.

9 **H5-12. Remote voting.** The speaker may temporarily suspend the provisions of this chapter
10 requiring use of the electronic voting system if over a half of the members are participating remotely
11 because of an outbreak of the COVID-19 virus.

12 Respectfully submitted,
13 Spencer R. Gosch, Chair

14 **MOTIONS AND RESOLUTIONS**

15 Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 12:30 p.m.
16 on January 15, 2021, the 4th legislative day.

17 Which motion prevailed.

18 Rep. Kent Peterson moved that the report of the Joint-Select Committee relative to the
19 arrangements for a memorial service for the Ninety-sixth Legislative Session as found on page 22
20 of the House Journal be adopted.

21 Which motion prevailed.

22 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

23 **HB 1050:** FOR AN ACT ENTITLED, An Act to modify certain publishing requirements in official
24 newspapers.

25 Introduced by: **Representative** Reed

26 **HB 1051:** FOR AN ACT ENTITLED, An Act to maintain the life of any child born alive.

27 Introduced by: **Representative** Deutsch

28 **HB 1052:** FOR AN ACT ENTITLED, An Act to provide a rebuttable presumption in favor of joint
29 physical custody of a minor child.

30 Introduced by: **Representative** St. John

31 **HB 1053:** FOR AN ACT ENTITLED, An Act to establish an annual fee for certain electric motor
32 vehicles.

33 Introduced by: **Representative** Willadsen

1 **HB 1054:** FOR AN ACT ENTITLED, An Act to require a copy of any initiated measure or
2 amendment on the ballot be provided to voters.

3 Introduced by: **Representative** Deutsch

4 **HB 1055:** FOR AN ACT ENTITLED, An Act to authorize certain children who are subject to a
5 military relocation to be eligible for registration with a state-approved distance learning provider.

6 Introduced by: **Representative** Deutsch

7 **HB 1056:** FOR AN ACT ENTITLED, An Act to authorize the designation of Purple Star schools.

8 Introduced by: **Representative** Deutsch

9 **HB 1057:** FOR AN ACT ENTITLED, An Act to establish resident tuition requirements for
10 veterans and armed forces personnel and family members.

11 Introduced by: **Representative** Deutsch

12 **HB 1058:** FOR AN ACT ENTITLED, An Act to authorize the recall of county commissioners.

13 Introduced by: **Representative** Ernie Otten

14 Were read the first time.

15 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 1:09 p.m.
16 the House adjourned.

17 Patricia Miller, Chief Clerk

18 **JOINT SESSION**

19 The Senate convened with the House of Representatives in the House Chamber for the purpose
20 of receiving a message on the State of the Tribes from the Honorable Mike Faith, Chairman of the
21 Standing Rock Sioux Tribe. The President of the Senate, Larry Rhoden, presided.

22 Chairman Hopkins from Sisseton Wahpeton Oyate delivered the prayer.

23 The Secretary of the Senate, Kay Johnson, called the roll of the Senate and the following
24 members were present:

25 Bolin; Breitling; Cammack; Castleberry; Crabtree; Curd; Diedrich; Duhamel; Duvall; Foster;
26 Greenfield, Brock; Heinert; Hunhoff; Johns; Johnson, David; Klumb, Kolbeck; Maher; Nesiba;
27 Novstrup, Al; Otten, Herman; Rohl; Rusch; Schoenbeck; Schoenfish; Smith, VJ; Stalzer;
28 Steinhauer; Sutton; Symens; Tobin; Wheeler; Wiik; Zikmund.

29 The Chief Clerk of the House of Representatives, Patricia Miller, called the roll of the House and
30 the following members were present:

31 Anderson; Aylward; Bartels; Barthel; Beal; Blare; Bordeaux; Chaffee; Chase; Cwach; Davis;
32 Dennert; Derby; Deutsch; Drury; Duba; Finck; Fitzgerald; Goodwin; Greenfield, Lana; Gross;
33 Hansen; Haugaard; Healy; Hoffman; Howard; Jamison; Jensen, Kevin; Jensen, Phil; Johnson, Chris;
34 Karr; Keintz; Koth; Ladner; Mills; Milstead; Miskimins; Mortenson; Mulally; Odenbach; Olson; Otten,
35 Ernie; Overweg; Perry; Peterson, Kent; Peterson, Sue; Pischke; Pourier; Randolph; Reed; Rehfeldt;
36 Reimer; Schneider; Smith, Jamie; Soye; St. John; Stevens; Thomason; Tidemann; Vasgaard; Weis;
37 Weisgram; Wiese; Willadsen; Wink; York; Speaker Gosch.

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- 1 The Lieutenant Governor, Larry Rhoden, introduced the Honorable Mike Faith, who delivered
 - 2 the State of the Tribes Address.

 - 3 Sen. Cammack moved that the Joint Session do now dissolve.

 - 4 Which motion prevailed.