

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

EIGHTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, January 22, 2021

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

The prayer was offered by the Chaplain, Rev. Emily Munger, followed by the Pledge of Allegiance led by House page Sean Coyle.

Roll Call: All members present except Reps. Karr and Milstead 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 seventh day.

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

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Spencer R. Gosch, Chair

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REPORTS OF STANDING COMMITTEES

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MR. SPEAKER:

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The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1043** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

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Also MR. SPEAKER:

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The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1060** and returns the same with the recommendation that said bill be amended as follows:

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1060A

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On page 1, line 6, of the Introduced bill, delete "The person who completes the medical certificate " and insert "For deaths occurring in a health care facility licensed under chapter 34-12, the health care facility "

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And that as so amended, said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

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Respectfully submitted,
Jon Hansen, Chair

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Also MR. SPEAKER:

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The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1046** and returns the same with the recommendation that said bill be amended as follows:

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1046A

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On page 4, line 26, of the Introduced bill, after "constitutes" insert " gross negligence,"

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On page 4, line 26, of the Introduced bill, after "recklessness" insert the comma

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On page 5, line 29, of the Introduced bill, delete " damages occurring after January 1, 2020" and insert " exposure to COVID-19, injury, latent injury, damages, claim, cause of action, or loss that occurs, accrues, or begins, whether known, unknown, or latent between January 1, 2020 and December 31, 2022"

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1046D

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On page 4, line 25, of the Introduced bill, after "person " insert "or health care provider "

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1046B

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On page 5, line 6, of the Introduced bill, delete "This section does not apply if:

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(1) The person that designs, manufactures, labels, sells, distributes, or donates disinfecting or cleaning supplies, personal protective equipment, or a qualified product had actual knowledge of a defect in the disinfecting or cleaning supplies, personal protective equipment, or a qualified product when put to the use for which the disinfecting or cleaning supplies, personal protective equipment, or a qualified product was designed, manufactured, sold, distributed, or donated, and the person recklessly disregarded a substantial and unnecessary risk that the disinfecting or cleaning supplies,

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1 personal protective equipment, or a qualified product would cause serious personal injury, death,
2 or serious property damage; or

3 (2) The person that designs, manufactures, labels, sells, distributes, or donates disinfecting or
4 cleaning supplies, personal protective equipment, or a qualified product acted with the specific intent
5 to cause exposure to and transmit COVID-19." and insert "

6 This section does not relieve any person of liability for civil damages for any act or omission
7 that constitutes recklessness or willful misconduct."

8 And that as so amended, said bill do pass.

9 Respectfully submitted,
10 Kent Peterson, Chair

11 **MESSAGES FROM THE SENATE**

12 Mr. SPEAKER:

13 I have the honor to transmit herewith **SB 3, 7, 8, 12, 19, 25, 40, 51, 67, and 69** which have
14 passed the Senate and your favorable consideration is respectfully requested.

15 Respectfully,
16 Kay Johnson, Secretary

17 **MOTIONS AND RESOLUTIONS**

18 HOUSE PAGE RESOLUTION 1 Introduced by: Representatives Anderson; Aylward; Bartels;
19 Barthel; Beal; Blare; Bordeaux; Chaffee; Chase; Cwach; Davis; Dennert; Derby; Deutsch; Drury;
20 Duba; Finck; Fitzgerald; Goodwin; Gosch; Greenfield, Lana; Gross; Hansen; Haugaard; Healy;
21 Hoffman; Howard; Jamison; Jensen, Kevin; Jensen, Phil; Johnson, Chris; Karr; Keintz; Koth;
22 Ladner; Lesmeister; Marty; May; Mills; Milstead; Miskimins; Mortenson; Mulally; Odenbach; Olson;
23 Otten, Ernie; Overweg; Perry; Peterson, Kent; Peterson, Sue; Pischke; Pourier; Randolph; Reed;
24 Rehfeldt; Reimer; Schneider; Smith, Jamie; Soye; St. John; Stevens; Thomason; Tidemann;
25 Vasgaard; Weis; Weisgram; Wiese; Willadsen; Wink; York.

26 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of
27 the Ninety-sixth Legislature of the State of South Dakota to Abigail Blagg, Sean Coyle, Madison
28 Dick, Tessa Erdmann, Grace Goebel, and Paige Pollreisz.

29 WHEREAS, the above named served loyally as pages for the House of Representatives of the
30 Ninety-sixth Legislative Session; and

31 WHEREAS, the members of the Ninety-sixth House of Representatives express their most
32 sincere appreciation to these young people for their service to the state; and

33 WHEREAS, the members extend to these young people their wishes for every success in life:

34 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-sixth
35 Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified
36 and furnished to each page on this last day of service.

37 Rep. Goodwin moved that House Page Resolution 1 be adopted.

38 Which motion prevailed and the resolution was adopted.

1 Rep. Kent Peterson moved that **HB 1035** be placed to follow **HB 1033** on today's calendar.

2 Which motion prevailed.

3 Rep. Kent Peterson moved that a committee of three be appointed to a Select Committee
4 relative to appointments to the 2021 Legislative Redistricting Committee.

5 Which motion prevailed and the Speaker appointed as such committee Reps. Kent Peterson,
6 Gosch, and Jamie Smith.

7 **HCR 6002**: A CONCURRENT RESOLUTION, regarding the standards of conduct for legislators.

8 Introduced by: **Representative** Pischke

9 Was read the first time.

10 **CONSIDERATION OF REPORTS OF COMMITTEES**

11 Rep. Kent Peterson moved that the reports of the Standing Committees on
12 Agriculture and Natural Resources on **HB 1034** as found on page 56 of the House Journal; also
13 Health and Human Services on **HB 1006** as found on page 56 of the House Journal; and
14 Local Government on **HB 1050** as found on page 58 of the House Journal be adopted.

15 Which motion prevailed and the reports were adopted.

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

17 **HB 1079**: FOR AN ACT ENTITLED, An Act to limit certain actions that may be taken by the
18 executive branch relative to charitable organizations or charitable trusts.

19 Introduced by: The Committee on Judiciary at the request of the Office of the Governor

20 Was read the first time.

21 **HB 1074**: FOR AN ACT ENTITLED, An Act to limit the liability regarding authorized boiler
22 inspections.

23 Introduced by: **Representative** Willadsen

24 Was read the first time and referred to the Committee on Commerce and Energy.

25 **HB 1076**: FOR AN ACT ENTITLED, An Act to require that birth certificates reflect biological
26 sex.

27 Introduced by: **Representative** Deutsch

28 Was read the first time and referred to the Committee on Health and Human Services.

1 **HB 1075:** FOR AN ACT ENTITLED, An Act to limit directives and incentives for extreme risk
2 protection orders and to provide a penalty.

3 Introduced by: **Representative** Aylward

4 **HB 1080:** FOR AN ACT ENTITLED, An Act to increase the enhanced penalty for the crime of
5 simple assault.

6 Introduced by: **Representative** Reed

7 **HB 1081:** FOR AN ACT ENTITLED, An Act to increase the penalty for protection order
8 violations.

9 Introduced by: **Representative** Reed

10 Were read the first time and referred to the Committee on Judiciary.

11 **HB 1077:** FOR AN ACT ENTITLED, An Act to provide for licensure by endorsement for certain
12 licensed professionals and occupations.

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

14 **HB 1078:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South
15 Dakota State Historical Society.

16 Introduced by: The Committee on State Affairs

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

18 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

19 **SB 8:** FOR AN ACT ENTITLED, An Act to revise various provisions related to banks and trusts.

20 **SB 51:** FOR AN ACT ENTITLED, An Act to transfer licensure of individuals who may alter,
21 repair, construct, or install on-site wastewater systems to the Plumbing Commission.

22 Were read the first time and referred to the Committee on Commerce and Energy.

23 **SB 3:** FOR AN ACT ENTITLED, An Act to repeal certain sunset provisions regarding contagious
24 disease control and enforcement.

25 **SB 7:** FOR AN ACT ENTITLED, An Act to permit a government agency to qualify as a victim for
26 purposes of restitution in criminal cases.

27 **SB 19:** FOR AN ACT ENTITLED, An Act to correct errors in statutory cross-references in certain
28 provisions regarding health care.

29 Were read the first time and referred to the Committee on Health and Human Services.

30 **SB 25:** FOR AN ACT ENTITLED, An Act to remove an incorrect cross-reference in provisions
31 regarding elections.

32 **SB 67:** FOR AN ACT ENTITLED, An Act to correct a cross-reference relating to sheriff's
33 compensation.

1 **SB 69:** FOR AN ACT ENTITLED, An Act to correct certain provisions with incorrect cross
2 references regarding county road district boundaries.

3 Were read the first time and referred to the Committee on Local Government.

4 **SB 40:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue
5 Code.

6 Were read the first time and referred to the Committee on Taxation.

7 **SB 12:** FOR AN ACT ENTITLED, An Act to update a reference to the U.S. Board on Geographic
8 Names standards manual.

9 Was read the first time and referred to the Committee on Transportation.

10 **SECOND READING OF CONSENT CALENDAR ITEMS**

11 **HB 1007:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding checks or bid
12 bonds for public improvements.

13 **HB 1008:** FOR AN ACT ENTITLED, An Act to revise technical errors in statutory cross
14 references relating to the Department of Executive Management.

15 **HB 1022:** FOR AN ACT ENTITLED, An Act to repeal certain obsolete state estate and
16 inheritance tax provisions.

17 **HB 1023:** FOR AN ACT ENTITLED, An Act to repeal obsolete property tax provisions and to
18 revise property tax cross-reference and land classification statutes.

19 **HB 1024:** FOR AN ACT ENTITLED, An Act to repeal obsolete provisions and revise statutory
20 cross-references for the energy minerals severance tax, state and municipal sales taxes, contractor's
21 excise tax, alcohol licenses, and gaming tax.

22 **HB 1030:** FOR AN ACT ENTITLED, An Act to revise and clarify certain provisions regarding the
23 required minimum distribution methods of the South Dakota Retirement System.

24 **HB 1031:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South
25 Dakota Retirement System.

26 **HB 1032:** FOR AN ACT ENTITLED, An Act to revise the minimum cost of living adjustment and
27 revise terminology of the South Dakota Retirement System.

28 **HB 1036:** FOR AN ACT ENTITLED, An Act to correct technical errors in certain code cross-
29 references regarding the Department of Game, Fish and Parks.

30 Were read the second time.

31 The question being "Shall **HB 1007, 1008, 1022, 1023, 1024, 1030, 1031, 1032, and**
32 **1036** pass?"

33 And the roll being called:

34 Yeas 68, Nays 0, Excused 2, Absent 0

1 Yeas:
 2 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
 3 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
 4 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Keintz,
 5 Koth, Ladner, Lesmeister, Marty, May, Mills, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie
 6 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt,
 7 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,
 8 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

9 Excused:
 10 Karr and Milstead

11 So the bills having received an affirmative vote of a majority of the members-elect, the Speaker
 12 declared the bills passed and the titles were agreed to.

13 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

14 **HB 1014:** FOR AN ACT ENTITLED, An Act to establish uniform complaint and declaratory ruling
 15 procedures for agencies regulating certain professions and occupations.

16 Was read the second time.

17 Rep. Reed moved that **HB 1014** be amended as follows:

18 1014C

19 On page 5, line 6, of the House Commerce and Energy bill, delete " modification or" and insert
 20 " consistent"

21 On page 5, line 7, of the House Commerce and Energy bill, after "statutes" insert the comma

22 On page 5, line 7, of the House Commerce and Energy bill, after "statutes" delete " or any"

23 On page 5, line 7, of the House Commerce and Energy bill, after "rules" insert the comma

24 Which motion prevailed.

25 The question being "Shall **HB 1014** pass as amended?"

26 And the roll being called:

27 Yeas 67, Nays 1, Excused 2, Absent 0

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

36 Nays:
 37 Howard

1 Excused:
2 Karr and Milstead

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

5 **HB 1004:** FOR AN ACT ENTITLED, An Act to repeal the registration requirement for medical
6 assistants.

7 Was read the second time.

8 The question being "Shall **HB 1004** pass?"

9 And the roll being called:

10 Yeas 68, Nays 0, Excused 2, Absent 0

11 Yeas:

12 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
13 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
14 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Keintz,
15 Koth, Ladner, Lesmeister, Marty, May, Mills, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie
16 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt,
17 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,
18 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

19 Excused:
20 Karr and Milstead

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

23 **HB 1005:** FOR AN ACT ENTITLED, An Act to repeal the emergency medical technician-student
24 status license requirement.

25 Was read the second time.

26 The question being "Shall **HB 1005** pass?"

27 And the roll being called:

28 Yeas 68, Nays 0, Excused 2, Absent 0

29 Yeas:

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

37 Excused:
38 Karr and Milstead

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

1 **HB 1033**: FOR AN ACT ENTITLED, An Act to update certain provisions relating to the South
2 Dakota Retirement System, to revise certain provisions relating to reemployment after retirement
3 with the South Dakota Retirement System, and to declare an emergency.

4 Was read the second time.

5 The question being "Shall **HB 1033** pass?"

6 And the roll being called:

7 Yeas 68, Nays 0, Excused 2, Absent 0

8 Yeas:

9 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
10 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
11 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Keintz,
12 Koth, Ladner, Lesmeister, Marty, May, Mills, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie
13 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt,
14 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,
15 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

16 Excused:

17 Karr and Milstead

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

20 Rep. Kent Peterson moved that the balance of the calendar including **HB 1035** be deferred to
21 Monday, January 25, 2021, the 9th legislative day.

22 Which motion prevailed.

23 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 1:36 p.m.
24 the House adjourned.

25

Patricia Miller, Chief Clerk

