

# *JOURNAL OF THE HOUSE*

## *NINETY-SIXTH SESSION*

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NINTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, January 25, 2021

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

The prayer was offered by the Chaplain, Fr. Joe Holzouser, followed by the Pledge of Allegiance led by House page Kennedy Buckneberg.

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 eighth 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

1 The oath of office was administered by Speaker Gosch to the following named pages:

2 Kennedy Buckneberg, Caeden Bunde, McKenna Carlson, Lydia Christian, Ajaye Hicks,  
3 Caroline Hoskins, Maxwell Kretschmar, Amanda Lee, Ciara Nelson, Nolan Rounds, Kate Schnabel,  
4 Madison Stroud.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on House State Affairs respectfully reports that it has had under consideration  
9 **HB 1054** which was deferred to the 41st Legislative Day.

10 Also MR. SPEAKER:

11 The Committee on House State Affairs respectfully reports that it has had under consideration  
12 **HB 1078** and returns the same with the recommendation that said bill do pass, and having been  
13 certified as uncontested, be placed on the consent calendar.

14 Respectfully submitted,  
15 Kent Peterson, Chair

16 Also MR. SPEAKER:

17 The Committee on House Judiciary respectfully reports that it has had under consideration  
18 **HB 1068** and returns the same with the recommendation that said bill be amended as follows:

19 1068A

20 On page 1, line 14, of the Introduced bill, delete "The" and insert " Written"

21 On page 1, line 14, of the Introduced bill, delete "not" and insert " only"

22 On page 1, line 14, of the Introduced bill, delete "to be in writing except in cases concerning  
23 an alleged child in need of supervision or an alleged delinquent child when either a contested  
24 evidentiary hearing occurs or the order of adjudication" and insert " in delinquency or child in need  
25 of supervision adjudicatory proceedings if there is a contested evidentiary hearing or if the  
26 disposition"

27 On page 2, line 17, of the Introduced bill, delete "The" and insert " Written"

28 On page 2, line 18, of the Introduced bill, delete "not" and insert " only"

29 On page 2, line 18, of the Introduced bill, delete "to be in writing except in cases concerning  
30 an alleged child in need of supervision or an alleged delinquent child when either a contested  
31 evidentiary hearing occurs or the final decree of " and insert " in delinquency or child in need of  
32 supervision dispositional proceedings if there is a contested evidentiary hearing or if the "

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

35 Also MR. SPEAKER:

36 The Committee on House Judiciary respectfully reports that it has had under consideration  
37 **HB 1069** and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration  
3 **HB 1070 and 1071** and returns the same with the recommendation that said bills do pass, and  
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 Jon Hansen, Chair

7 Also MR. SPEAKER:

8 The Committee on House Commerce and Energy respectfully reports that it has had under  
9 consideration **HB 1015** and returns the same with the recommendation that said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on House Commerce and Energy respectfully reports that it has had under  
12 consideration **HB 1001 and 1003** and returns the same with the recommendation that said bills  
13 do pass, and having been certified as uncontested, be placed on the consent calendar.

14 Also MR. SPEAKER:

15 The Committee on House Commerce and Energy respectfully reports that it has had under  
16 consideration **HB 1010** and returns the same with the recommendation that said bill be amended  
17 as follows:

18 1010C

19 On page 1, line 7, of the Introduced bill, delete "three " and insert "two "

20 On page 1, line 10, of the Introduced bill, delete "three-year " and insert "two-year "

21 On page 1, line 11, of the Introduced bill, delete "J " and insert "K "

22 On page 1, line 11, of the Introduced bill, delete "one-third " and insert "one-half "

23 On page 1, line 12, of the Introduced bill, after "2022;" insert " and"

24 On page 1, line 13, of the Introduced bill, delete "K " and insert "L "

25 On page 1, line 13, of the Introduced bill, delete "Q " and insert "Z "

26 On page 1, line 13, of the Introduced bill, after "pay " delete "two-thirds of "

27 On page 1, line 14, of the Introduced bill, delete "licensee " and insert "full license "

28 On page 1, line 14, of the Introduced bill, after "2023" delete "; and

29 (3) Licensees with last names beginning with R through Z shall pay the full fee set forth in rule  
30 and be subject to renewal on December 31, 2024"

31 On page 2, line 11, of the Introduced bill, delete "nine " and insert "six "

32 On page 2, after line 11, of the Introduced bill, insert "

33 **Section 1.** That § 36-25-32 be AMENDED.

1 36-25-32. Continuing education.

2 ~~Commencing January 1, 2010, each~~ Each applicant for renewal of a plumbing contractor,  
3 plumber, restricted plumbing contractor, restricted plumber, or third year apprentice plumber  
4 licensed as an apprentice plumber by examination shall successfully complete a minimum of ~~four~~  
5 eight hours of continuing education relating to the plumbing trade during the previous ~~calendar year~~  
6 two-year license cycle. An applicant for new licensure as a plumbing contractor or plumber by  
7 reciprocity shall successfully complete ~~four-eight~~ hours of continuing education relating to the  
8 plumbing trade prior to license issuance."

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

10 Also MR. SPEAKER:

11 The Committee on House Commerce and Energy respectfully reports that it has had under  
12 consideration **HB 1016** which was deferred to the 41st Legislative Day.

13 Respectfully submitted,  
14 Rhonda Milstead, Chair

15 Also MR. SPEAKER:

16 The Committee on House Education respectfully reports that it has had under consideration  
17 **HB 1056, and SB 46** and returns the same with the recommendation that said bills do pass.

18 Also MR. SPEAKER:

19 The Committee on House Education respectfully reports that it has had under consideration  
20 **HB 1025** and returns the same with the recommendation that said bill do pass, and having been  
21 certified as uncontested, be placed on the consent calendar.

22 Respectfully submitted,  
23 Lana Greenfield, Chair

24 **MESSAGES FROM THE SENATE**

25 Mr. SPEAKER:

26 I have the honor to transmit herewith **SB 9, 22, 23, 26, 37, 38, 41, 58, and 61** which have  
27 passed the Senate and your favorable consideration is respectfully requested.

28 Respectfully,  
29 Kay Johnson, Secretary

30 **MOTIONS AND RESOLUTIONS**

31 Rep. Kent Peterson moved that **HB 1050** be deferred to Tuesday, January 26, 2021, the  
32 10<sup>th</sup> legislative day.

33 Which motion prevailed.

34 Rep. Howard requested a fiscal note on **HB 1034**.

35 Which request was supported.

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**CONSIDERATION OF REPORTS OF COMMITTEES**

2

Rep. Kent Peterson moved that the reports of the Standing Committees on

3

Judiciary on **HB 1060** as found on page 106 of the House Journal; and

4

State Affairs on **HB 1046** as found on page 106 of the House Journal be adopted.

5

Which motion prevailed and the reports were adopted.

6

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

7

**HB 1082:** FOR AN ACT ENTITLED, An Act to revise certain state aid to education definitions for the 2021-2022 school year.

8

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Introduced by: The Committee on Education

10

**HB 1083:** FOR AN ACT ENTITLED, An Act to grant authority to the secretary of education to waive accountability requirements in certain situations.

11

12

Introduced by: The Committee on Education

13

Were read the first time and referred to the Committee on Education.

14

**HB 1086:** FOR AN ACT ENTITLED, An Act to allow succession to real property by an affidavit.

15

Introduced by: **Representative** Cwach

16

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

17

**HB 1084:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the duration of restrictive contracts or declarations.

18

19

Introduced by: **Representative** Tidemann

20

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

21

**HB 1085:** FOR AN ACT ENTITLED, An Act to redefine the criteria for classifying land as agricultural for tax purposes.

22

23

Introduced by: **Representative** Chaffee

24

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

25

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

26

**SB 9:** FOR AN ACT ENTITLED, An Act to revise various provisions related to bank trust departments and trust companies.

27

28

**SB 22:** FOR AN ACT ENTITLED, An Act to correct a technical error concerning a cross-reference regarding a certain energy conservation program.

29

30

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

1 **SB 23:** FOR AN ACT ENTITLED, An Act to correct a technical error concerning a cross-reference  
2 relating to certain reporting requirements for the building South Dakota programs.

3 **SB 26:** FOR AN ACT ENTITLED, An Act to modify the type of candidates that may use a joint  
4 petition.

5 **SB 37:** FOR AN ACT ENTITLED, An Act to update certain citations to federal regulations  
6 regarding pipeline safety inspections.

7 **SB 38:** FOR AN ACT ENTITLED, An Act to correct technical errors in and make stylistic revisions  
8 to certain provisions regarding public utilities.

9 **SB 58:** FOR AN ACT ENTITLED, An Act to remove an outdated cross-reference to the risk pool.

10 **SB 61:** FOR AN ACT ENTITLED, An Act to revise a cross reference regarding the South Dakota  
11 Housing Development Authority's investment agreement.

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

13 **SB 41:** FOR AN ACT ENTITLED, An Act to revise certain requirements for contesting certificates  
14 of assessment.

15 Was read the first time and referred to the Committee on Taxation.

16 The following bill was read on January 22, 2021, and today the Speaker assigned this bill to  
17 committee:

18 **HB 1079** was referred to the Committee on Judiciary.

19 **SECOND READING OF CONSENT CALENDAR ITEMS**

20 Rep. Howard requested that **HB 1034** be removed from the Consent Calendar.

21 Which request was granted.

22 **HB 1043:** FOR AN ACT ENTITLED, An Act to provide enhanced permit criteria for current and  
23 former law enforcement officers.

24 Was read the second time.

25 The question being "Shall **HB 1043** pass?"

26 And the roll being called:

27 Yeas 69, Nays 0, Excused 1, 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, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,  
32 Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,  
33 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed,  
34 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann,  
35 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

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1 Excused:  
2 Pourier

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

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

6 **HB 1035:** FOR AN ACT ENTITLED, An Act to remove the locking seal requirement for the  
7 transportation of big game animals.

8 Was read the second time.

9 The question being "Shall **HB 1035** pass?"

10 And the roll being called:

11 Yeas 33, Nays 36, Excused 1, Absent 0

12 Yeas:

13 Anderson, Bartels, Barthel, Bordeaux, Davis, Duba, Finck, Goodwin, Lana Greenfield, Hansen,  
14 Healy, Hoffman, Jamison, Kevin Jensen, Keintz, Koth, Ladner, Miskimins, Mortenson, Olson,  
15 Overweg, Perry, Kent Peterson, Reed, Rehfeldt, Schneider, St. John, Stevens, Tidemann, Vasgaard,  
16 Weisgram, Willadsen, and York

17 Nays:

18 Aylward, Beal, Blare, Chaffee, Chase, Cwach, Dennert, Derby, Deutsch, Drury, Fitzgerald,  
19 Gross, Haugaard, Howard, Phil Jensen, Chris Johnson, Karr, Lesmeister, Marty, May, Mills, Milstead,  
20 Mulally, Odenbach, Ernie Otten, Sue Peterson, Pischke, Randolph, Reimer, Jamie Smith, Soye,  
21 Thomason, Weis, Wiese, Wink, and Speaker Gosch

22 Excused:

23 Pourier

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

26 Rep. Finck announced his intention to reconsider the vote by which **HB 1035** lost.

27 **HB 1006:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the practice  
28 of chiropractic.

29 Was read the second time.

30 The question being "Shall **HB 1006** pass as amended?"

31 And the roll being called:

32 Yeas 69, Nays 0, Excused 1, Absent 0

33 Yeas:

34 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,  
35 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,

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1 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,  
2 Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,  
3 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed,  
4 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann,  
5 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

6 Excused:  
7 Pourier

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

10 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 2:58 p.m.  
11 the House adjourned.

12 Patricia Miller, Chief Clerk