

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

ELEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, January 27, 2021

The House convened at 2:04 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, John Fette, followed by the Pledge of Allegiance led by House page Ajaye Hicks.

Roll Call: All members present.

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.

Which motion prevailed.

Respectfully submitted,
Spencer R. Gosch, Chair

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REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1076** and returns the same without recommendation.

Respectfully submitted,
Kevin D. Jensen, Chair

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1077** and returns the same with the recommendation that said bill be amended as follows:

1077A

On page 2, line 26, of the Introduced bill, after "36-9A, " delete "36-9B,"

On page 2, line 26, of the Introduced bill, after "36-11, " insert "36-19, "

On page 2, line 26, of the Introduced bill, after "36-27A," insert " 36-29,"

On page 2, line 27, of the Introduced bill, after "36-37, " insert "36-38"

On page 2, line 27, of the Introduced bill, after "36-37, " insert the comma

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **SB 23 and 26** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Kent Peterson, Chair

Also MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1009** and returns the same with the recommendation that said bill 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 1011 and 1037** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Rhonda Milstead, Chair

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration
3 **SB 1 and 2** and returns the same with the recommendation that said bills do pass, and having been
4 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 Education respectfully reports that it has had under consideration
9 **HB 1044** which was deferred to the 41st Legislative Day.

10 Also MR. SPEAKER:

11 The Committee on House Education respectfully reports that it has had under consideration
12 **HB 1083** and returns the same with the recommendation that said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on House Education respectfully reports that it has had under consideration
15 **HB 1082** and returns the same with the recommendation that said bill do pass, and having been
16 certified as uncontested, be placed on the consent calendar.

17 Respectfully submitted,
18 Lana Greenfield, Chair

19 Also MR. SPEAKER:

20 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
21 consideration **HB 1018** and returns the same with the recommendation that said bill be amended
22 as follows:

23 1018A

24 On page 1, line 12, of the Introduced bill, delete "\$500,000" and insert "\$5,000,000"

25 On page 1, line 12, of the Introduced bill, delete "\$1,500,000" and insert "\$15,000,000"

26 And that as so amended said bill be referred to the Committee on Appropriations.

27 Also MR. SPEAKER:

28 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
29 consideration **HB 1020** and returns the same with the recommendation that said bill be referred to
30 the Committee on Appropriations.

31 Respectfully submitted,
32 Tony Randolph, Chair

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MESSAGES FROM THE SENATE

2 Mr. SPEAKER:

3 I have the honor to transmit herewith **SB 24, 32, 39, and 43** which have passed the Senate
4 and your favorable consideration is respectfully requested.

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Respectfully,
Kay Johnson, Secretary

7

MOTIONS AND RESOLUTIONS

8 Rep. Kent Peterson moved that **HB 1089** be moved from the Committee on Judiciary to the
9 Committee on State Affairs.

10 Which motion prevailed.

11 Rep. Deutsch moved that **HB 1076** be placed on today's calendar, Wednesday, January 27, 2021,
12 the 11th legislative day, and be immediately considered pursuant to Joint Rule 6F-6.

13 The question being on Rep. Deutsch's motion that **HB 1076** be placed on today's calendar,
14 Wednesday, January 27, 2021, the 11th legislative day, and be immediately considered pursuant to
15 Joint Rule 6F-6.

16 And the roll being called:

17 Yeas 40, Nays 30, Excused 0, Absent 0

18 Yeas:

19 Aylward, Beal, Blare, Dennert, Deutsch, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,
20 Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner,
21 Marty, May, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Sue Peterson, Pischke,
22 Randolph, Reimer, Schneider, Soye, Vasgaard, Weis, Wiese, Wink, and Speaker Gosch

23 Nays:

24 Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Drury, Duba,
25 Healy, Jamison, Keintz, Lesmeister, Miskimins, Mortenson, Olson, Kent Peterson, Pourier, Reed,
26 Rehfeldt, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and York

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the motion prevailed and **HB 1076** was so placed.

29

CONSIDERATION OF REPORTS OF COMMITTEES

30 Rep. Kent Peterson moved that the report of the Standing Committee on Health and Human
31 Services on **HB 1051** as found on page 124 of the House Journal be adopted.

32 Which motion prevailed and the report was adopted.

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

2 **HC 8001:** A LEGISLATIVE COMMEMORATION, Honoring Rapid City police officers Nick
 3 Armstrong and James Ryan McCandless for making the ultimate sacrifice in the line of duty and
 4 commending police officer Tim Doyle for his bravery and service to the Rapid City community.

5 Introduced by: **Representative** Phil Jensen and **Senator** Frye-Mueller

6 Was read the first time.

7 **HB 1112:** FOR AN ACT ENTITLED, An Act to revise the safety zone within which a firearm may
 8 be discharged.

9 Introduced by: **Representative** Blare

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

11 **HB 1098:** FOR AN ACT ENTITLED, An Act to authorize the shipment of cigars to persons in
 12 this state under certain conditions and to provide a penalty.

13 Introduced by: **Representative** Reed

14 **HB 1107:** FOR AN ACT ENTITLED, An Act to direct the Department of Labor and Regulation to
 15 compile statistics related to poverty and workforce development on tribal lands.

16 Introduced by: **Representative** Bordeaux

17 **HB 1109:** FOR AN ACT ENTITLED, An Act to modify requirements and restrictions related to
 18 certain alcoholic beverages.

19 Introduced by: **Representative** Chaffee

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

21 **HB 1097:** FOR AN ACT ENTITLED, An Act to provide for philosophical exceptions to required
 22 vaccinations.

23 Introduced by: **Representative** Pischke

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

25 **HB 1096:** FOR AN ACT ENTITLED, An Act to provide a penalty for sexual contact with a minor
 26 by a person holding a position of authority.

27 Introduced by: **Representative** Reed

28 **HB 1102:** FOR AN ACT ENTITLED, An Act to revise certain definitions for sex offender registry.

29 Introduced by: **Representative** Barthel

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

1 **HB 1095:** FOR AN ACT ENTITLED, An Act to establish criteria regarding marijuana.

2 Introduced by: **Representative** Gosch

3 **HB 1100:** FOR AN ACT ENTITLED, An Act to establish criteria regarding marijuana.

4 Introduced by: **Representative** Gosch

5 **HB 1101:** FOR AN ACT ENTITLED, An Act to establish criteria regarding marijuana.

6 Introduced by: **Representative** Gosch

7 **HB 1103:** FOR AN ACT ENTITLED, An Act to authorize the State-Tribal Relations Committee
8 to issue subpoenas.

9 Introduced by: **Representative** Bordeaux

10 **HB 1104:** FOR AN ACT ENTITLED, An Act to modify certain duties of the secretary of tribal
11 relations and establish an advisory council.

12 Introduced by: **Representative** Bordeaux

13 **HB 1105:** FOR AN ACT ENTITLED, An Act to provide for the appointment of members of the
14 Senate and House of Representatives to the South Dakota Capitol Complex Restoration and
15 Beautification Commission.

16 Introduced by: **Representative** Bordeaux

17 **HB 1106:** FOR AN ACT ENTITLED, An Act to require that training on Native American law be
18 provided to legislators and legislative staff.

19 Introduced by: **Representative** Bordeaux

20 **HB 1108:** FOR AN ACT ENTITLED, An Act to permit the playing of an honor song or Lakota
21 Flag Song at certain graduation ceremonies.

22 Introduced by: **Representative** Bordeaux

23 **HB 1110:** FOR AN ACT ENTITLED, An Act to prohibit the performance of abortions due to Down
24 syndrome and to provide a penalty therefor.

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

26 **HB 1111:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding inspections
27 and seizures by, and forfeitures involving, the Department of Game, Fish and Parks.

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

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

30 **HB 1099:** FOR AN ACT ENTITLED, An Act to revise the property tax exemption amount for
31 certain agricultural property.

32 Introduced by: **Representative** Chaffee

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

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FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 24: FOR AN ACT ENTITLED, An Act to allow a change of voter registration information through an online system provided by the Office of the Secretary of State.

Was read the first time.

SB 32: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding access critical nursing facilities.

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

SB 39: FOR AN ACT ENTITLED, An Act to repeal the registration requirements for certain amusement devices.

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

SB 43: FOR AN ACT ENTITLED, An Act to modify certain provisions related to motor vehicles.

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

SECOND READING OF CONSENT CALENDAR ITEMS

HB 1027: FOR AN ACT ENTITLED, An Act to identify Water Management Board officers, authorize appointment of a prehearing officer, and define the duties of the prehearing officer.

HB 1048: FOR AN ACT ENTITLED, An Act to revise provisions regarding the sales of certain older vehicles at auction.

HB 1068: FOR AN ACT ENTITLED, An Act to revise the requirement for written findings of fact and conclusions in certain judicial proceedings involving a child.

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

Were read the second time.

The question being "Shall **HB 1068** pass as amended, and **HB 1027 and 1048, and SB 40** pass?"

And the roll being called:

Yeas 69, Nays 1, Excused 0, Absent 0

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

1 Nays:
2 Mulally

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

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

6 **HB 1010:** FOR AN ACT ENTITLED, An Act to revise the renewal date and maximum renewal
7 fee of certain licenses issued by the plumbing commission.

8 Was read the second time.

9 The question being "Shall **HB 1010** pass as amended?"

10 And the roll being called:

11 Yeas 22, Nays 48, Excused 0, Absent 0

12 Yeas:

13 Anderson, Bartels, Barthel, Beal, Chase, Derby, Hansen, Hoffman, Jamison, Chris Johnson,
14 Koth, Milstead, Miskimins, Mortenson, Perry, Kent Peterson, Sue Peterson, Reed, Reimer, Tidemann,
15 Vasgaard, and Willadsen

16 Nays:

17 Aylward, Blare, Bordeaux, Chaffee, Cwach, Davis, Dennert, Deutsch, Drury, Duba, Finck,
18 Fitzgerald, Goodwin, Lana Greenfield, Gross, Haugaard, Healy, Howard, Kevin Jensen, Phil Jensen,
19 Karr, Keintz, Ladner, Lesmeister, Marty, May, Mills, Mulally, Odenbach, Olson, Ernie Otten, Overweg,
20 Pischke, Pourier, Randolph, Rehfeldt, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason,
21 Weis, Weisgram, Wiese, Wink, York, and Speaker Gosch

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

24 **HB 1028:** FOR AN ACT ENTITLED, An Act to revise petition requirements and the criteria for
25 issuance of a water right permit.

26 Was read the second time.

27 The question being "Shall **HB 1028** pass?"

28 And the roll being called:

29 Yeas 49, Nays 21, Excused 0, Absent 0

30 Yeas:

31 Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Dennert, Derby, Deutsch, Finck,
32 Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Jamison, Kevin Jensen, Phil Jensen,
33 Chris Johnson, Koth, Ladner, Marty, Milstead, Miskimins, Mortenson, Olson, Overweg, Perry, Kent
34 Peterson, Sue Peterson, Pischke, Reed, Rehfeldt, Reimer, Schneider, Soye, Stevens, Thomason,
35 Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

1 Nays:
2 Aylward, Bordeaux, Cwach, Davis, Drury, Duba, Fitzgerald, Healy, Howard, Karr, Keintz,
3 Lesmeister, May, Mills, Mulally, Odenbach, Ernie Otten, Pourier, Randolph, Jamie Smith, and St.
4 John

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

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

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

10 The question being "Shall **HB 1076** pass?"

11 And the roll being called:

12 Yeas 39, Nays 31, Excused 0, Absent 0

13 Yeas:

14 Beal, Blare, Dennert, Deutsch, Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,
15 Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner,
16 Marty, May, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Sue Peterson, Pischke,
17 Randolph, Reimer, Schneider, Soye, Vasgaard, Weis, Wiese, and Speaker Gosch

18 Nays:

19 Anderson, Aylward, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Duba,
20 Healy, Jamison, Keintz, Lesmeister, Miskimins, Mortenson, Olson, Kent Peterson, Pourier, Reed,
21 Rehfeldt, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Weisgram, Willadsen, Wink, and
22 York

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

25 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 4:11 p.m.
26 the House adjourned.

27 Patricia Miller, Chief Clerk

