

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

THIRTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, February 01, 2021

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House page Caroline Hoskins.

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 twelfth 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

REPORTS OF STANDING COMMITTEES

2 Mr. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
4 Enrolling has carefully compared **HB 1012** and finds the same correctly enrolled.

5

6

Respectfully submitted,
Spencer R. Gosch, Chair

7 Also MR. SPEAKER:

8 The Committee on House State Affairs respectfully reports that it has had under consideration
9 **HJR 5001** 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 **HJR 5002** and returns the same with the recommendation that said resolution do pass.

13 Also MR. SPEAKER:

14 The Committee on House State Affairs respectfully reports that it has had under consideration
15 **SB 37 and 38** and returns the same with the recommendation that said bills do pass, and having
16 been certified as uncontested, be placed on the consent calendar.

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Respectfully submitted,
Kent Peterson, Chair

19 Also MR. SPEAKER:

20 The Committee on House Commerce and Energy respectfully reports that it has had under
21 consideration **HB 1073** and returns the same with the recommendation that said bill be amended
22 as follows:

23

1073A

24 On page 1, line 8, of the Introduced bill, after "option" insert " at the time the agreement is
25 executed by the dentist. The third party access provision of the agreement shall be clearly identified"

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

27 Also MR. SPEAKER:

28 The Committee on House Commerce and Energy respectfully reports that it has had under
29 consideration **SB 8 and 9** and returns the same with the recommendation that said bills do pass,
30 and having been certified as uncontested, be placed on the consent calendar.

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32

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 13, 15, and 16** 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 Also MR. SPEAKER:

6 The Committee on House Judiciary respectfully reports that it has had under consideration
7 **HB 1067** and returns the same with the recommendation that said bill be amended as follows:

8 1067A

9 On page 1, line 16, of the Introduced bill, delete "Birth " and insert "Certified birth "

10 On page 1, line 17, of the Introduced bill, after "or

11 (4)" insert "Certified birth certificate, along with a "

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

14 Also MR. SPEAKER:

15 The Committee on House Judiciary respectfully reports that it has had under consideration
16 **HB 1079** and returns the same with the recommendation that said bill be amended as follows:

17 1079A

18 On page 1, line 2, of the Introduced bill, delete "charitable organizations " and insert "nonprofit
19 corporations "

20 On page 1, after line 3, of the Introduced bill, insert "

21 **Section 1.** That a NEW SECTION be added:

22 47-24-18. Definitions.

23 Terms as used in this Act mean:

24 (1) "Nonprofit corporation," as defined in § 47-22-1(4);

25 (2) "Charitable trust," as defined in section 4947(a)(1) of the United States Internal Revenue
26 Code as amended and in effect on January 1, 2021."

27 On page 1, line 5, of the Introduced bill, after "added:" insert "47-24-19"

28 On page 1, line 7, of the Introduced bill, delete " make any annual filing or reporting that is
29 required of a charitable organization or charitable trust under state statute or federal law more
30 stringent, restrictive, or expansive except to the extent the organization or trust has received a
31 state grant or contract, or if the organization or trust is the subject of a state fraud investigation or
32 an enforcement action by the state" and insert " require any annual filing or reporting of a nonprofit
33 corporation or charitable trust that is more stringent, restrictive, or expansive than that required by
34 state or federal law"

35 On page 1, after line 11, of the Introduced bill, insert "

36 **Section 3.** That a NEW SECTION be added:

1 47-24-20. Exceptions.

2 The provisions in § 47-24-19 do not apply to:

3 (1) Any information required to determine eligibility for or compliance with a state grant or
4 contract; or

5 (2) Any information required for, or obtained in the course of, a state fraud investigation or an
6 enforcement action by the state.

7 Any information obtained shall be confidential and its disclosure is restricted as provided by
8 law."

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

10 Also MR. SPEAKER:

11 The Committee on House Judiciary respectfully reports that it has had under consideration
12 **SB 14** and returns the same with the recommendation that said bill do pass.

13 Respectfully submitted,
14 Jon Hansen, Chair

15 **SIGNING OF BILLS**

16 The Speaker publicly read the title to

17 **HB 1012:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier
18 regulations.

19 And signed the same in the presence of the House.

20 **MOTIONS AND RESOLUTIONS**

21 **HCR 6003:** A CONCURRENT RESOLUTION, Appointing Mr. Russell Olson of Pierre, South
22 Dakota, to the Office of Auditor General.

23 Rep. Haugaard moved that **HCR 6003** as found on page 147 of the House Journal be adopted.

24 The question being on Rep. Haugaard's motion that **HCR 6003** be adopted.

25 And the roll being called:

26 Yeas 70, Nays 0, Excused 0, Absent 0

27 Yeas:

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

35 So the motion having received an affirmative vote of a majority of the members-elect, the
36 Speaker declared the motion carried and **HCR 6003** was adopted.

1 **SCR 601:** A CONCURRENT RESOLUTION, Urging the members of South Dakota's congressional
2 delegation to vote against any act admitting the District of Columbia as a separate state.

3 Rep. Hoffman moved that **SCR 601** as found on page 147 of the House Journal be concurred
4 in as amended.

5 The question being on Rep. Hoffman's motion that **SCR 601** be concurred in as amended.

6 And the roll being called:

7 Yeas 62, Nays 8, Excused 0, Absent 0

8 Yeas:

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

16 Nays:

17 Bordeaux, Cwach, Duba, Healy, Keintz, Lesmeister, Pourier, and Jamie Smith

18 So the motion having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the motion carried and **SCR 601** was concurred in.

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

21 Rep. Kent Peterson moved that the report of the Standing Committee on Transportation on
22 **HB 1053** as found on page 146 of the House Journal be adopted.

23 Which motion prevailed and the report was adopted.

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

25 **HB 1189:** FOR AN ACT ENTITLED, An Act to establish a tribal flag display in the rotunda of the
26 capitol building.

27 Introduced by: **Representative** Bordeaux

28 **HB 1190:** FOR AN ACT ENTITLED, An Act to revise the process to vacate a part of certain
29 highways.

30 Introduced by: **Representative** Mulally

31 **HB 1191:** FOR AN ACT ENTITLED, An Act to allow an expedited process for local
32 intergovernmental legal disputes.

33 Introduced by: **Representative** Odenbach

1 **HB 1192:** FOR AN ACT ENTITLED, An Act to require evidence of financial responsibility at the
2 time of certain vehicle registrations.

3 Introduced by: **Representative** Chaffee

4 **HB 1193:** FOR AN ACT ENTITLED, An Act to revise certain packaging and labeling
5 requirements for medical cannabis.

6 Introduced by: **Representative** Ernie Otten

7 Were read the first time.

8 **HB 1194:** FOR AN ACT ENTITLED, An Act to authorize the review of certain executive orders
9 issued by the President of the United States.

10 Introduced by: **Representative** Aylward

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

12 The Speaker declared that **HB 1072** was withdrawn at the request of the prime sponsor
13 pursuant to Joint Rule 6B-1.1.

14 The following bills were read on January 28, 2021, and today the Speaker assigned these bills
15 to committees:

16 **HB 1133, 1138, 1140, and 1153** were referred to the Committee on Agriculture and Natural
17 Resources.

18 **HB 1166, 1167, 1168, 1169, 1171, 1172, 1173, and 1177** were referred to the House
19 Committee on Appropriations.

20 **HB 1142, 1144, and 1152** were referred to the Committee on Education.

21 **HB 1136, 1139, and 1188** were referred to the Committee on Health and Human Services.

22 **HB 1184, 1185, and 1186** were referred to the Committee on Judiciary.

23 **HB 1134, 1135, 1137, and 1182** were referred to the Committee on State Affairs.

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

25 **SB 4:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the health
26 professionals assistance program.

27 **SB 60:** FOR AN ACT ENTITLED, An Act to revise the membership of the Law Enforcement
28 Officers Standards Commission.

29 **SB 70:** FOR AN ACT ENTITLED, An Act to revise and reorganize certain provisions regarding
30 the assessment of property for the purposes of taxation.

1 **SB 94:** FOR AN ACT ENTITLED, An Act to revise requirements relating to the publication of
2 milk regulation ordinances.

3 Were read the first time.

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 Rep. Soye requested that **SB 12** be removed from the Consent Calendar.

6 Which request was granted.

7 Rep. Mulally requested that **SB 7** be removed from the Consent Calendar.

8 Which request was granted.

9 The Speaker requested that **SB 10** be removed from the Consent Calendar.

10 Which request was granted.

11 **HB 1029:** FOR AN ACT ENTITLED, An Act to require a permit to conduct mining operations for
12 certain ore milling facilities.

13 **SB 11:** FOR AN ACT ENTITLED, An Act to revise provisions regarding highways and bridges.

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

16 **SB 21:** FOR AN ACT ENTITLED, An Act to revise contracting procedure options for certain
17 highway construction contracts.

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

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

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

24 Were read the second time.

25 The question being "Shall **HB 1029, and SB 11, 19, 21, 25, 67, and 69** pass?"

26 And the roll being called:

27 Yeas 70, Nays 0, Excused 0, 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, Pourier, Randolph, Reed,

1 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann,
2 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

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 There being no objection, the House reverted to Order of Business No. 8 - Motions and
6 Resolutions.

7 **MOTIONS AND RESOLUTIONS**

8 Rep. Gosch moved that **SB 10** be referred back to the Committee on Transportation.

9 Which motion prevailed.

10 There being no objection, the House proceeded to Order of Business No. 13 - Second Reading
11 of House Bills.

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

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

15 Was read the second time.

16 Rep. Kent Peterson moved that **HB 1077** be amended as follows:

17 1077B

18 On page 2, line 26, of the House State Affairs bill, after "36-9A, " insert "36-9C, "

19 Which motion prevailed.

20 The question being "Shall **HB 1077** pass as amended?"

21 And the roll being called:

22 Yeas 67, Nays 3, Excused 0, Absent 0

23 Yeas:

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

31 Nays:

32 Deutsch, Mills, and Mulally

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

3 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 2:44 p.m.
4 the House adjourned.

5 Patricia Miller, Chief Clerk

