

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

FIFTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 03, 2021

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

The prayer was offered by the Chaplain, Rev. Matt Spoden, followed by the Pledge of Allegiance led by House page Ciara Nelson.

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 fourteenth 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

SIGNING OF BILLS

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The Speaker publicly read the title to

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

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

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

HB 1060: FOR AN ACT ENTITLED, An Act to direct certain persons to notify funeral directors of communicable diseases or conditions.

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

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

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

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

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

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

And signed the same in the presence of the House.

REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1004, 1005, 1006, and 1060** and finds the same correctly enrolled.

Respectfully submitted,
Spencer R. Gosch, Chair

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1104** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1111** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Kent Peterson, Chair

1 Also MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under
3 consideration **HB 1098** and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on House Commerce and Energy respectfully reports that it has had under
6 consideration **HB 1090** and returns the same with the recommendation that said bill do pass, and
7 having been certified as uncontested, be placed on the consent calendar.

8 Also MR. SPEAKER:

9 The Committee on House Commerce and Energy respectfully reports that it has had under
10 consideration **HB 1109** and returns the same with the recommendation that said bill be amended
11 as follows:

12 1109B

13 On page 1, line 25, of the Introduced bill, after "request;" delete " and"

14 On page 2, line 2, of the Introduced bill, after "business" insert "; and

15 (5) The malt beverage, cider, or wine does not exceed the sample size limitations pursuant to
16 § 35-4-10. 2"

17 On page 2, line 7, of the Introduced bill, after "wine" insert " and no portion of the admission
18 fee nor any other compensation is paid to the person who produced the malt beverage, cider, or
19 wine pursuant to this section"

20 On page 2, after line 7, of the Introduced bill, insert "

21 **Section 1.** That § 35-4-10.2 be AMENDED.

22 35-4-10.2. Off-sale licensees permitted to provide free samples--No additional license
23 required--Restrictions--Violation as misdemeanor.

24 A licensee holding a license pursuant to subdivision 35-4-2(3) or (5) may provide samples of
25 malt beverages, wine, cider, distilled spirits, liqueurs, and cordials to the general public without
26 obtaining an additional license. The licensee may only offer as samples the malt beverages, wine,
27 cider, distilled spirits, liqueurs, and cordials that the licensee currently has in stock and is offering
28 for sale to the general public. The malt beverage, wine, cider, distilled spirits, liqueur, and cordial
29 samples shall be dispensed at no charge and shall be consumed on the licensed premises during the
30 permitted hours of off-sale. No sample of malt beverage or cider may be larger than three fluid
31 ounces. No sample of wine may be larger than fifty milliliters and no sample of distilled spirits,
32 liqueur, or cordial may be larger than twenty-five milliliters. A violation of this section is a Class 1
33 misdemeanor."

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

35 Also MR. SPEAKER:

36 The Committee on House Commerce and Energy respectfully reports that it has had under
37 consideration **SB 50** which was deferred to the 41st Legislative Day.

38 Respectfully submitted,
39 Rhonda Milstead, Chair

1 Also MR. SPEAKER:

2 The Committee on House Education respectfully reports that it has had under consideration
3 **HB 1118** which was tabled.

4 Also MR. SPEAKER:

5 The Committee on House Education respectfully reports that it has had under consideration
6 **HB 1144** and returns the same with the recommendation that said bill be referred to the Committee
7 on Appropriations with a Do Pass recommendation.

8 Respectfully submitted,
9 Lana Greenfield, Chair

10 Also MR. SPEAKER:

11 The Committee on House Judiciary respectfully reports that it has had under consideration
12 **HB 1052** which was deferred to the 41st Legislative Day.

13 Also MR. SPEAKER:

14 The Committee on House Judiciary respectfully reports that it has had under consideration
15 **SB 5** and returns the same with the recommendation that said bill be amended as follows:

16 5A

17 On page 1, line 1, of the Introduced bill, delete "custodians " and insert "guardians "

18 On page 1, line 23, of the Introduced bill, delete ", guardian, or custodian" and insert " or
19 guardian"

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

22 Respectfully submitted,
23 Jon Hansen, Chair

24 Also Mr. SPEAKER:

25 The Committee on Legislative Procedure respectfully reports that **HB 1012** was delivered to
26 her Excellency, the Governor, for her approval at 9:40 a.m., February 3, 2021.

27 Respectfully submitted,
28 Spencer R. Gosch, Chair

29 **MESSAGES FROM THE SENATE**

30 Mr. SPEAKER:

31 I have the honor to transmit herewith **SB 79, 95, 96, and 112** which have passed the Senate
32 and your favorable consideration is respectfully requested.

1 Also Mr. SPEAKER:

2 I have the honor to return herewith **HB 1004, 1005, 1006, and 1060** which have passed the
3 Senate without change.

4 Respectfully,
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 **HCR 6006** was read on February 2, 2021, and today the Speaker waived the referral to
8 committee, and placed the bill on the calendar of the 16th legislative day.

9 Rep. Kent Peterson moved that **HB 1034** be deferred to Thursday, February 4, 2021, the
10 16th legislative day.

11 Which motion prevailed.

12 Rep. Phil Jensen moved that **HCR 6005** be deferred to Thursday, February 4, 2021, the
13 16th legislative day.

14 Which motion prevailed.

15 Rep. Tidemann moved that **HB 1084** be deferred to Thursday, February 4, 2021, the
16 16th legislative day.

17 Which motion prevailed.

18 **HCR 6004: A CONCURRENT RESOLUTION, Celebrating the sister-state relationship with**
19 **Taiwan.**

20 Was read the second time.

21 Rep. Haugaard moved that **HCR 6004** as found on page 147 of the House Journal be adopted.

22 The question being on Rep. Haugaard's motion that **HCR 6004** be adopted.

23 And the roll being called:

24 Yeas 70, Nays 0, Excused 0, Absent 0

25 Yeas:

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

33 So the motion having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the motion carried and **HCR 6004** was adopted.

1

CONSIDERATION OF REPORTS OF COMMITTEES

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

3

Agriculture and Natural Resources on **HB 1042** as found on page 173 of the House Journal;

4

also

5

Health and Human Services on **SB 3** as found on page 174 of the House Journal; also

6

Local Government on **HB 1094** as found on page 174 of the House Journal; also

7

Military and Veterans Affairs on **HB 1055** as found on page 172 of the House Journal; and

8

Taxation on **HB 1085** as found on page 172 of the House Journal be adopted.

9

Which motion prevailed and the reports were adopted.

10

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

11

HB 1216: FOR AN ACT ENTITLED, An Act to appropriate coronavirus relief fund moneys for family visitation rooms.

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Introduced by: **Representative** Duba

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HB 1219: FOR AN ACT ENTITLED, An Act to provide for the betterment of agriculture in South Dakota.

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Introduced by: **Representative** Gosch

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HB 1220: FOR AN ACT ENTITLED, An Act to authorize the provision of informed consent by a pregnant minor.

18

19

Introduced by: **Representative** Healy

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HB 1221: FOR AN ACT ENTITLED, An Act to provide an appropriation for the commissioning and placement of presidential statues.

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Introduced by: **Representative** Gosch

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HB 1222: FOR AN ACT ENTITLED, An Act to make an appropriation to repair certain roads in Walworth County and to declare an emergency.

24

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Introduced by: **Representative** Gosch

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HB 1224: FOR AN ACT ENTITLED, An Act to require the display of the state motto in public school classrooms.

27

28

Introduced by: **Representative** Phil Jensen

29

HB 1225: FOR AN ACT ENTITLED, An Act to establish provisions concerning the sale of adult-use retail marijuana.

30

31

Introduced by: **Representative** Derby

1 **HB 1226:** FOR AN ACT ENTITLED, An Act to permit electronic livestock auctions.

2 Introduced by: **Representative** Hoffman

3 **HB 1227:** FOR AN ACT ENTITLED, An Act to create a requirement for the distribution of certain
4 voter information.

5 Introduced by: **Representative** Hoffman

6 **HB 1228:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp and
7 to declare an emergency.

8 Introduced by: **Representative** Finck

9 **HB 1229:** FOR AN ACT ENTITLED, An Act to establish fees for information provided from the
10 statewide voter registration file.

11 Introduced by: **Representative** Dennert

12 **HB 1230:** FOR AN ACT ENTITLED, An Act to establish a fund to assist counties with paying
13 certain expenditures.

14 **Introduced by: Representative** Dennert

15 **HB 1231:** FOR AN ACT ENTITLED, An Act to authorize, regulate, and tax wagering on sporting
16 events within the city limits of Deadwood and provide a penalty for a violation thereof.

17 Introduced by: **Representative** Pischke

18 **HB 1232:** FOR AN ACT ENTITLED, An Act to increase the pay of certain constitutional officers.

19 Introduced by: The Committee on State Affairs

20 **HB 1234:** FOR AN ACT ENTITLED, An Act to make certain revisions to the seller's property
21 condition disclosure statement.

22 Introduced by: **Representative** Chase

23 **HB 1235:** FOR AN ACT ENTITLED, An Act to provide for the platting of certain land without
24 infrastructure requirements.

25 Introduced by: **Representative** Goodwin

26 **HB 1236:** FOR AN ACT ENTITLED, An Act to remove irreconcilable differences as a cause for
27 divorce.

28 Introduced by: **Representative** Randolph

29 **HB 1237:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purpose of funding
30 county and township roads and bridges and to declare an emergency.

31 Introduced by: **Representative** Finck

32 **HB 1238:** FOR AN ACT ENTITLED, An Act to license and regulate out-of-state multi-
33 jurisdictional totalizator hubs.

34 Introduced by: **Representative** Weisgram

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- 1 **HB 1239:** FOR AN ACT ENTITLED, An Act to make an appropriation to build a traumatic brain
2 injury center in the Black Hills and to declare an emergency.
- 3 Introduced by: **Representative** Derby
- 4 **HB 1240:** FOR AN ACT ENTITLED, An Act to make an appropriation for the redesign and
5 renovation of the Berg Agricultural Hall on the campus of South Dakota State University, and to
6 declare an emergency.
- 7 Introduced by: **Representative** Reed
- 8 **HB 1241:** FOR AN ACT ENTITLED, An Act to provide for participation in a parent education
9 program upon filing for divorce.
- 10 Introduced by: **Representative** Hugaard
- 11 **HB 1242:** FOR AN ACT ENTITLED, An Act to impose certain duties on providers of services
12 under a case management plan of a workers' compensation insurance policy and provide a penalty
13 for a violation thereof.
- 14 Introduced by: **Representative** York
- 15 **HB 1243:** FOR AN ACT ENTITLED, An Act to protect the consumer in South Dakota.
- 16 Introduced by: The Committee on Judiciary at the request of the Office of the Governor
- 17 **HB 1244:** FOR AN ACT ENTITLED, An Act to provide certain restrictions on call centers that
18 relocate to a foreign country.
- 19 Introduced by: **Representative** Jamie Smith
- 20 **HB 1245:** FOR AN ACT ENTITLED, An Act to modify the time period for absentee voting.
- 21 Introduced by: **Representative** Hugaard
- 22 **HB 1246:** FOR AN ACT ENTITLED, An Act to impose a tax on the gross receipts of ambulatory
23 surgery centers and surgical specialty hospitals, provide a penalty for a violation thereof, and to
24 declare an emergency.
- 25 Introduced by: **Representative** Goodwin
- 26 **HB 1247:** FOR AN ACT ENTITLED, An Act to provide for the protection of the consciences of
27 medical professionals.
- 28 Introduced by: **Representative** Hansen
- 29 **HB 1248:** FOR AN ACT ENTITLED, An Act to provide for certain reporting regarding human
30 embryos.
- 31 Introduced by: **Representative** Hansen
- 32 **HB 1249:** FOR AN ACT ENTITLED, An Act to revise fiscal note requirements for initiative and
33 initiated amendments.
- 34 Introduced by: **Representative** Hansen

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- 1 **HB 1250:** FOR AN ACT ENTITLED, An Act to repeal an exception to trespass liability on certain
 - 2 lands within national forests.

 - 3 Introduced by: **Representative** Mulally

 - 4 **HB 1251:** FOR AN ACT ENTITLED, An Act to provide provisions regarding abortion.

 - 5 Introduced by: **Representative** Randolph

 - 6 **HB 1252:** FOR AN ACT ENTITLED, An Act to exempt individuals who make purchases outside
 - 7 of South Dakota from use tax.

 - 8 Introduced by: **Representative** Haugaard

 - 9 **HB 1253:** FOR AN ACT ENTITLED, An Act to make an appropriation for developing the
 - 10 Mickelson Trail and to declare an emergency.

 - 11 Introduced by: **Representative** Derby

 - 12 **HB 1254:** FOR AN ACT ENTITLED, An Act to prohibit preferential treatment in higher education
 - 13 employment practices.

 - 14 Introduced by: **Representative** Sue Peterson

 - 15 **HB 1255:** FOR AN ACT ENTITLED, An Act to create the South Dakota forever trust fund, to
 - 16 provide for the transfer of certain unobligated cash balances, to transfer moneys thereto, and to
 - 17 declare an emergency.

 - 18 Introduced by: **Representative** Karr

 - 19 **HB 1256:** FOR AN ACT ENTITLED, An Act to make an appropriation for the cleanup of the Big
 - 20 Sioux watershed and River and to declare an emergency.

 - 21 Introduced by: **Representative** Karr

 - 22 **HB 1257:** FOR AN ACT ENTITLED, An Act to create provisions regarding technology and
 - 23 privacy.

 - 24 Introduced by: **Representative** Howard

 - 25 **HB 1258:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding cosmetology
 - 26 apprentice programs.

 - 27 Introduced by: **Representative** Derby

 - 28 **HB 1259:** FOR AN ACT ENTITLED, An Act to create the rural access infrastructure fund, to
 - 29 provide for the use and distribution of the fund, make an appropriation, and to declare an
 - 30 emergency.

 - 31 Introduced by: **Representative** Finck

 - 32 **HB 1260:** FOR AN ACT ENTITLED, An Act to repeal the South Dakota Board on Geographic
 - 33 Names.

 - 34 Introduced by: **Representative** Soye

 - 35 **HB 1261:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to the training
 - 36 curricula required of a person appointed as a guardian or a conservator.

 - 37 Introduced by: **Representative** Jamison

1 **HB 1262:** FOR AN ACT ENTITLED, An Act to regulate certain substances.

2 Introduced by: **Representative** Perry

3 **HJR 5005:** A JOINT RESOLUTION, Proposing and submitting to the voters at the 2022 general
4 election a new section to Article XII of the Constitution of the State of South Dakota, relating to the
5 creation and administration of the South Dakota forever trust fund.

6 Introduced by: **Representative** Karr

7 Were read the first time.

8 **HB 1210:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
9 to provide grant funding for a new bioproducts facility at the research park in Brookings, and to
10 declare an emergency.

11 Introduced by: **Representative** Anderson

12 **HB 1213:** FOR AN ACT ENTITLED, An Act to provide for an inventory of known abandoned
13 mined lands and to make an appropriation.

14 Introduced by: **Representative** Phil Jensen

15 **HB 1215:** FOR AN ACT ENTITLED, An Act to establish criteria for meat labeled as a product of
16 the United States.

17 Introduced by: **Representative** Marty

18 Were read the first time and referred to the Committee on Agriculture and Natural Resources.

19 **HB 1209:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
20 to purchase outstanding debt and to declare an emergency.

21 Introduced by: **Representative** Tidemann

22 Was read the first time and referred to the Committee on Education.

23 **HB 1223:** FOR AN ACT ENTITLED, An Act to prohibit certain social media censorship.

24 Introduced by: **Representative** Phil Jensen

25 **HB 1233:** FOR AN ACT ENTITLED, An Act to require certain products contain digital blocking
26 capability, establish a deactivation fee, and establish the human trafficking and child exploitation
27 prevention fund.

28 Introduced by: **Representative** Randolph

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

30 **HB 1211:** FOR AN ACT ENTITLED, An Act to authorize, regulate, and tax wagering on sporting
31 events.

32 Introduced by: **Representative** Willadsen

1 **HB 1212:** FOR AN ACT ENTITLED, An Act to clarify the use of force.

2 Introduced by: **Representative** Kevin Jensen

3 **HB 1214:** FOR AN ACT ENTITLED, An Act to provide for permanent daylight savings time when
4 permissible under federal law.

5 Introduced by: **Representative** Hoffman

6 **HB 1217:** FOR AN ACT ENTITLED, An Act to promote continued fairness in women's sports.

7 Introduced by: **Representative** Milstead

8 **HB 1218:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to supporting
9 families in South Dakota.

10 Introduced by: **Representative** Jamie Smith

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

12 The following bills were read on February 2, 2021, and today the Speaker assigned these bills
13 to committees:

14 **HB 1207 and 1208** were referred to the Committee on Commerce and Energy.

15 **HB 1205** was referred to the Committee on Education.

16 **HB 1206** was referred to the Committee on Military and Veterans Affairs.

17 **SB 74** was referred to the Committee on Transportation.

18 **HCR 6006:** A CONCURRENT RESOLUTION, Urging efforts to increase competition and
19 transparency among livestock packers.

20 Introduced by: **Representative** May

21 Was read the first time and the Speaker waived the committee referral pursuant to Joint Rule
22 6D-1.

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

24 **SB 79:** FOR AN ACT ENTITLED, An Act to make certain uses of laser pointers unlawful.

25 **SB 95:** FOR AN ACT ENTITLED, An Act to provide immunity for actions assisting an impaired
26 lawyer or judge.

27 **SB 96:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of
28 telehealth technologies.

29 **SB 112:** FOR AN ACT ENTITLED, An Act to establish requirements for filling the vacancies of
30 certain constitutional offices.

31 Were read the first time.

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SECOND READING OF CONSENT CALENDAR ITEMS

2

HB 1067: FOR AN ACT ENTITLED, An Act to modify identification requirements for a marriage license and to provide certain provisions for a name change.

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SB 30: FOR AN ACT ENTITLED, An Act to extend the issuance period for commercial learner's permits.

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

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

9

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SB 42: FOR AN ACT ENTITLED, An Act to require all documentation supporting a tax refund claim regarding the accidental mixing of undyed and dyed diesel fuel to be submitted to the Department of Revenue within a certain time period.

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

14

Were read the second time.

15

The question being "Shall **HB 1067, and SB 39, 41, and 43** pass as amended, and **SB 30 and 42** pass?"

16

17

And the roll being called:

18

Yeas 70, Nays 0, Excused 0, Absent 0

19

Yeas:

20

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, Mulally, 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

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

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SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

30

HB 1073: FOR AN ACT ENTITLED, An Act to authorize dentists to void certain contract terms with insurers.

31

32

Was read the second time.

33

The question being "Shall **HB 1073** pass as amended?"

34

And the roll being called:

35

Yeas 70, Nays 0, Excused 0, 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, Karr, Keintz,
 5 Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,
 6 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed,
 7 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann,
 8 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

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

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

13 Was read the second time.

14 The question being "Shall **HB 1079** pass as amended?"

15 And the roll being called:

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

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

25 Nays:
 26 Bordeaux, Cwach, Duba, Healy, Keintz, Lesmeister, Pourier, and Jamie Smith

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

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

31 Was read the second time.

32 Rep. Reed moved that **HB 1050** be amended as follows:

1050C

34 On page 1, line 20, of the House Local Government bill, remove the overstrikes from "the
 35 Bureau of Administration shall establish, by rules promulgated pursuant to chapter 1-26, the
 36 maximum fee which may be charged for the publication. The bureau shall annually"

37 On page 1, line 22, of the House Local Government bill, delete " annually" and insert ", by July
 38 1 of each year,"

39 On page 1, line 22, of the House Local Government bill, remove the overstrikes from " review
 40 and adjust rates to reflect changes in economic conditions within the newspaper industry and the

1 general economy. The bureau shall consult with representatives of the daily and weekly newspaper
2 industry and with representatives of local units of governments"

3 On page 1, line 25, of the House Local Government bill, delete " the" and insert ". The"

4 On page 2, line 5, of the House Local Government bill, after "wide" delete ".

5 Beginning July 1, 2022, and each July first thereafter, the rate may increase no more than the
6 lesser of two percent or the index factor as defined in § 10-13-38. Each July first thereafter, the
7 commissioner of the Bureau of Administration shall calculate a new rate for the following fiscal year
8 as prescribed in this section and shall publish this rate as a notice in the South Dakota Register
9 before August first. The new rate shall be effective on the first day of the calendar month following
10 its publication. The rate may increase no more than the lesser of two percent or the index factor as
11 defined in § 10-13-38"

12 Which motion prevailed.

13 Rep. Reed rose to a point of order that discussion should be kept germane to the bill and not
14 to a future bill.

15 The question being "Shall **HB 1050** pass as amended?"

16 And the roll being called:

17 Yeas 29, Nays 41, Excused 0, Absent 0

18 Yeas:

19 Anderson, Bordeaux, Cwach, Derby, Drury, Fitzgerald, Goodwin, Lana Greenfield, Hoffman,
20 Chris Johnson, Keintz, Koth, Lesmeister, Marty, Miskimins, Olson, Kent Peterson, Sue Peterson,
21 Pourier, Reed, Jamie Smith, Soye, St. John, Tidemann, Vasgaard, Weis, Wiese, Wink, and York

22 Nays:

23 Aylward, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Davis, Dennert, Deutsch, Duba, Finck,
24 Gross, Hansen, Haugaard, Healy, Howard, Jamison, Kevin Jensen, Phil Jensen, Karr, Ladner, May,
25 Mills, Milstead, Mortenson, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Pischke, Randolph,
26 Rehfeldt, Reimer, Schneider, Stevens, Thomason, Weisgram, Willadsen, and Speaker Gosch

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

29 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

30 **SB 20:** FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances
31 schedule and to declare an emergency.

32 Was read the second time.

33 The question being "Shall **SB 20** pass?"

34 And the roll being called:

35 Yeas 59, Nays 10, Excused 1, Absent 0

1 Yeas:

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

8 Nays:

9 Aylward, Dennert, Finck, Marty, May, Pischke, Randolph, Soye, Weis, and York

10 Excused:

11 Phil Jensen

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

14 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:27 p.m.
15 the House adjourned.

16 Patricia Miller, Chief Clerk

