

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 04, 2021

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

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by House page Nolan W. Rounds.

Roll Call: All members present except Rep. Mulally 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 fifteenth 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 House Health and Human Services respectfully reports that it has had under
4 consideration **HB 1041** which was tabled.

5 Also MR. SPEAKER:

6 The Committee on House Health and Human Services respectfully reports that it has had under
7 consideration **HB 1097** which was deferred to the 41st Legislative Day.

8 Also MR. SPEAKER:

9 The Committee on House Health and Human Services respectfully reports that it has had under
10 consideration **SB 6 and 32** and returns the same with the recommendation that said bills do pass,
11 and having been certified as uncontested, be placed on the consent calendar.

12
13Respectfully submitted,
Kevin D. Jensen, Chair

14 Also MR. SPEAKER:

15 The Committee on House Local Government respectfully reports that it has had under
16 consideration **HB 1117 and 1127** and returns the same with the recommendation that said bills
17 do pass.

18 Also MR. SPEAKER:

19 The Committee on House Local Government respectfully reports that it has had under
20 consideration **HB 1119** and returns the same with the recommendation that said bill do pass, and
21 having been certified as uncontested, be placed on the consent calendar.

22
23Respectfully submitted,
Nancy York, Chair

24 Also MR. SPEAKER:

25 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
26 under consideration **HB 1047** and returns the same with the recommendation that said bill be
27 amended as follows:

28

1047B

29 On page 3, line 12, of the Introduced bill, delete "No more than two nonresident deer and two
30 nonresident antelope licenses may be issued for use on any single farm or ranch." and insert " The
31 nonresident landowner-on-own-land licenses for east river deer season may not exceed two hundred
32 and fifty licenses annually and shall be allocated by lottery."

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

34 Also MR. SPEAKER:

35 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
under consideration **HB 1092** which was deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
3 under consideration **SB 53** and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
6 under consideration **SB 63** and returns the same with the recommendation that said bill do pass,
7 and having been certified as uncontested, be placed on the consent calendar.

8 Respectfully submitted,
9 Marty Overweg, Chair

10 Also MR. SPEAKER:

11 The Committee on House Transportation respectfully reports that it has had under
12 consideration **HB 1192** which was deferred to the 41st Legislative Day.

13 Also MR. SPEAKER:

14 The Committee on House Transportation respectfully reports that it has had under
15 consideration **SB 29 and 73** and returns the same with the recommendation that said bills do pass,
16 and having been certified as uncontested, be placed on the consent calendar.

17 Respectfully submitted,
18 Caleb Finck, Chair

19 Also MR. SPEAKER:

20 The House Committee on Appropriations respectfully reports that it has had under
21 consideration **HB 1013** and returns the same with the recommendation that said bill be amended
22 as follows:

23 1013A

24 On page 1, after line 14, of the Introduced bill, insert "

25 **Section 4.** That § 10-18A-5 be AMENDED.

26 10-18A-5. Single-member household refund schedule.

27 The amount of refund of real property taxes due or paid for a single-member household made
28 pursuant to this chapter shall be according to the following schedule:

29 The refund of real
30 If household income is
31 property taxes due
32 more than:
33 but less than
34 or paid shall be
35 \$ 0

\$6,5106,630

35%
37

38 6,5116,631

1		<u>6,7706,890</u>
2		34%
3	<u>6,7716,891</u>	
4		<u>7,0307,150</u>
5		33%
6	<u>7,0317,151</u>	
7		<u>7,2907,410</u>
8		32%
9	<u>7,2917,411</u>	
10		<u>7,5507,670</u>
11		31%
12	<u>7,5517,671</u>	
13		<u>7,8107,930</u>
14		30%
15	<u>7,8117,931</u>	
16		<u>8,0708,190</u>
17		29%
18	<u>8,0718,191</u>	
19		<u>8,3308,450</u>
20		28%
21	<u>8,3318,451</u>	
22		<u>8,5908,710</u>
23		27%
24	<u>8,5918,711</u>	
25		<u>8,8508,970</u>
26		26%
27	<u>8,8518,971</u>	
28		<u>9,1109,230</u>
29		25%
30	<u>9,1119,231</u>	
31		<u>9,3709,490</u>
32		24%
33	<u>9,3719,491</u>	
34		<u>9,6309,750</u>
35		23%
36	<u>9,6319,751</u>	
37		<u>9,89010,010</u>
38		22%
39	<u>9,89110,011</u>	
40		<u>10,15010,270</u>
41		21%
42	<u>10,15110,271</u>	
43		<u>10,41010,530</u>
44		20%
45	<u>10,41110,531</u>	
46		<u>10,67010,790</u>
47		19%
48	<u>10,67110,791</u>	
49		<u>10,93011,050</u>

1		18%
2	10,931 <u>11,051</u>	
3		11,190 <u>11,310</u>
4		17%
5	11,191 <u>11,311</u>	
6		11,450 <u>11,570</u>
7		16%
8	11,451 <u>11,571</u>	
9		11,710 <u>11,830</u>
10		15%
11	11,711 <u>11,831</u>	
12		11,970 <u>12,090</u>
13		14%
14	11,971 <u>12,091</u>	
15		12,230 <u>12,350</u>
16		13%
17	12,231 <u>12,351</u>	
18		12,490 <u>12,610</u>
19		12%
20	12,491 <u>12,611</u>	
21		12,760 <u>12,880</u>
22		11%
23	over 12,760 <u>12,880</u>	
24		No refund
25	"	
26	On page 1, after line 14, of the Introduced bill, insert "	
27	Section 5. That § 10-18A-6 be AMENDED.	
28	10-18A-6. Multiple-member household refund schedule.	
29	The amount of refund of real property taxes due or paid for a multiple-member household	
30	made pursuant to this chapter shall be according to the following schedule:	
31	The refund of real	
32	If household income is	
33	property taxes due	
34	more than:	
35	but not more than	
36	or paid shall be	
37	\$ 0	
38		10,740 <u>10,920</u>
39		55%
40	10,741 <u>10,921</u>	
41		11,101 <u>11,281</u>
42		53%
43	11,102 <u>11,282</u>	
44		11,462 <u>11,642</u>
45		51%
46	11,463 <u>11,643</u>	

1		11,823 <u>12,003</u>
2		49%
3	11,824 <u>12,004</u>	
4		12,184 <u>12,364</u>
5		47%
6	12,185 <u>12,365</u>	
7		12,545 <u>12,725</u>
8		45%
9	12,546 <u>12,726</u>	
10		12,906 <u>13,086</u>
11		43%
12	12,907 <u>13,087</u>	
13		13,267 <u>13,447</u>
14		41%
15	13,268 <u>13,448</u>	
16		13,628 <u>13,808</u>
17		39%
18	13,629 <u>13,809</u>	
19		13,989 <u>14,169</u>
20		37%
21	13,990 <u>14,170</u>	
22		14,350 <u>14,530</u>
23		35%
24	14,351 <u>14,531</u>	
25		14,711 <u>14,891</u>
26		33%
27	14,712 <u>14,892</u>	
28		15,072 <u>15,252</u>
29		31%
30	15,073 <u>15,253</u>	
31		15,433 <u>15,613</u>
32		29%
33	15,434 <u>15,614</u>	
34		15,794 <u>15,974</u>
35		27%
36	15,795 <u>15,975</u>	
37		16,155 <u>16,335</u>
38		25%
39	16,156 <u>16,336</u>	
40		16,516 <u>16,696</u>
41		23%
42	16,517 <u>16,697</u>	
43		16,877 <u>17,057</u>
44		21%
45	16,878 <u>17,058</u>	
46		17,240 <u>17,420</u>
47		19%
48	over 17,240 <u>17,420</u>	
49		No refund

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"

On page 1, after line 14, of the Introduced bill, insert "

Section 6. That § 10-45A-5 be AMENDED.

10-45A-5. Refund amounts for single-member households.

The amount of any claim made pursuant to this chapter by a claimant from a household consisting solely of one person shall be determined as follows:

- (1) If the claimant's income is ~~six thousand five hundred tensix thousand six hundred thirty~~ six thousand six hundred thirty one dollars or less, a sum of two hundred fifty-eight dollars;
- (2) If the claimant's income is ~~six thousand five hundred eleven~~ six thousand six hundred thirty one dollars and not more than ~~twelve thousand seven hundred sixty~~ twelve thousand eight hundred eighty dollars, a sum of forty-six dollars plus three and four-tenths percent of the difference between ~~twelve thousand seven hundred sixty~~ twelve thousand eight hundred eighty dollars and the income of the claimant; and
- (3) If the claimant's income is more than ~~twelve thousand seven hundred sixty~~ twelve thousand eight hundred eighty dollars, no refund.

"

On page 1, after line 14, of the Introduced bill, insert "

Section 7. That § 10-45A-6 be AMENDED.

10-45A-6. Refund amounts for multiple-member households.

The amount of any claim made pursuant to this chapter by a claimant from a household consisting of more than one person shall be determined as follows:

- (1) If household income is ~~ten thousand seven hundred forty~~ ten thousand nine hundred twenty dollars or less, the sum of five hundred eighty-one dollars;
- (2) If household income is ~~ten thousand seven hundred forty one~~ ten thousand nine hundred twenty one dollars and not more than ~~seventeen thousand two hundred forty~~ seventeen thousand four hundred twenty dollars, a sum of seventy-four dollars plus seven and eight-tenths percent of the difference between ~~seventeen thousand two hundred forty~~ seventeen thousand four hundred twenty dollars and total household income; and
- (3) If household income is more than ~~seventeen thousand two hundred forty~~ seventeen thousand four hundred twenty dollars, no refund.

"

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **HB 1039** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Chris Karr, Chair

1 Also Mr. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that **HB 1036** was delivered to
3 her Excellency, the Governor, for her approval at 9:10 a.m., February 4, 2021.

4 Respectfully submitted,
5 Spencer R. Gosch, Chair

6 **MESSAGES FROM THE SENATE**

7 Mr. SPEAKER:

8 I have the honor to transmit herewith **SCR 603 and 604** which have been adopted by the
9 Senate and your concurrence is respectfully requested.

10 Also Mr. SPEAKER:

11 I have the honor to transmit herewith **SB 57 and 87** which have passed the Senate and your
12 favorable consideration is respectfully requested.

13 Respectfully,
14 Kay Johnson, Secretary

15 **MOTIONS AND RESOLUTIONS**

16 **SCR 603:** A CONCURRENT RESOLUTION, Supporting the establishment of the Economic
17 Development Professionals Association of South Dakota.

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

19 **SCR 604:** A CONCURRENT RESOLUTION, Supporting trade negotiations to remove barriers to
20 country of origin labelling.

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

22 **HCR 6008:** A CONCURRENT RESOLUTION, To reauthorize the Mental Health Services Delivery
23 Task Force for the limited purposes of monitoring the growth and development of current initiatives
24 in the delivery of mental health services, reviewing and proposing adjustments to the levels of
25 funding, and ensuring that the statutory and regulatory framework complements intended
26 outcomes.

27 Introduced by: **Representative** Kevin Jensen

28 Was read the first time.

29 Rep. Wiese moved that **HB 1121** be referred from the Committee on Commerce and Energy
30 to the Committee on Local Government.

31 Which motion prevailed.

1 Rep. May moved that **HCR 6006** be referred to the Committee on Agriculture and Natural
2 Resources.

3 Which motion prevailed.

4 Rep. Mortenson moved that **HB 1155** be referred from the Committee on Judiciary to the
5 Committee on Agriculture and Natural Resources.

6 Which motion prevailed.

7 The Speaker moved that **HB 1055** be referred to the Committee on Education.

8 Which motion prevailed.

9 The Speaker moved that **HJR 5004** be referred from the Committee on State Affairs to the
10 House Committee on Appropriations.

11 Which motion prevailed.

12 Rep. Kent Peterson moved that **HB 1162** be referred from the Committee on Agriculture and
13 Natural Resources to the Committee on Taxation.

14 Which motion prevailed.

15 Rep. Phil Jensen moved that **HCR 6005** be deferred to Monday, February 8, 2021, the
16 18th legislative day.

17 Which motion prevailed.

18 Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 1:00 p.m.,
19 Friday, February 5, 2021, the 17th legislative day.

20 Which motion prevailed.

21 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

23 Commerce and Energy on **HB 1109** as found on page 187 of the House Journal; and

24 Judiciary on **SB 5** as found on page 188 of the House Journal be adopted.

25 Which motion prevailed and the reports were adopted.

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

27 **HB 1264:** FOR AN ACT ENTITLED, An Act to make appropriations from the water and
28 environment fund and its revolving fund subfunds for various water and environmental purposes
29 and to declare an emergency.

1 Introduced by: The Committee on Appropriations at the request of the Office of the Governor

2 **HB 1265:** FOR AN ACT ENTITLED, An Act to make an appropriation for the improvement of
3 the state radio system in South Dakota and to declare an emergency.

4 Introduced by: The Committee on Appropriations

5 **HB 1266:** FOR AN ACT ENTITLED, An Act to make an appropriation for the improvement of
6 information technology servers and infrastructure of state government and to declare an emergency.

7 Introduced by: The Committee on Appropriations

8 **HB 1267:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical
9 Education for the purchasing of equipment and to declare an emergency.

10 Introduced by: The Committee on Appropriations

11 **HB 1268:** FOR AN ACT ENTITLED, An Act to make an appropriation for the reconstruction of
12 the emergency vehicle operations course and to declare an emergency.

13 Introduced by: The Committee on Appropriations

14 **HB 1269:** FOR AN ACT ENTITLED, An Act to make an appropriation for the creation of a
15 missing persons clearinghouse website and to declare an emergency.

16 Introduced by: The Committee on Appropriations

17 **HB 1270:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide grants for the
18 creation of regional crisis diversion centers and to declare an emergency.

19 Introduced by: The Committee on Appropriations

20 **HB 1271:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purchase of a new
21 online voter registration system and to declare an emergency.

22 Introduced by: The Committee on Appropriations

23 **HB 1272:** FOR AN ACT ENTITLED, An Act to transfer funds to the state aeronautics fund and
24 to declare an emergency.

25 Introduced by: The Committee on Appropriations

26 **HB 1273:** FOR AN ACT ENTITLED, An Act to transfer funds to the health care trust fund and
27 to declare an emergency.

28 Introduced by: The Committee on Appropriations

1 **HB 1274:** FOR AN ACT ENTITLED, An Act to transfer funds to the state fair fund and to declare
2 an emergency.

3 Introduced by: The Committee on Appropriations

4 **HB 1275:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purchase of
5 metrology lab equipment and to declare an emergency.

6 Introduced by: The Committee on Appropriations

7 **HB 1276:** FOR AN ACT ENTITLED, An Act to make an appropriation for capital improvements
8 to the State Veterans' Home and to declare an emergency.

9 Introduced by: The Committee on Appropriations

10 **HB 1277:** FOR AN ACT ENTITLED, An Act to make an appropriation for the installation of a
11 sprinkler system at the State Veterans' Cemetery and to declare an emergency.

12 Introduced by: The Committee on Appropriations

13 **HB 1278:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purchase of a new
14 skid steer and to declare an emergency.

15 Introduced by: The Committee on Appropriations

16 **HB 1279:** FOR AN ACT ENTITLED, An Act to make an appropriation for the development of a
17 K-12 civics and history curriculum and to declare an emergency.

18 Introduced by: The Committee on Appropriations

19 **HB 1280:** FOR AN ACT ENTITLED, An Act to make an appropriation for updating the educator
20 certification system within the Department of Education and to declare an emergency.

21 Introduced by: The Committee on Appropriations

22 **HB 1281:** FOR AN ACT ENTITLED, An Act to create the state database brittle fund, to make
23 an appropriation therefor, and to declare an emergency.

24 Introduced by: The Committee on Appropriations

25 **HB 1282:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purchase of a state
26 airplane and to declare an emergency.

27 Introduced by: The Committee on Appropriations

1 **HB 1283:** FOR AN ACT ENTITLED, An Act to make an appropriation to update the South Dakota
2 virtual school website, registration, and reporting system and to declare an emergency.

3 Introduced by: The Committee on Appropriations

4 Were read the first time.

5 **HB 1263:** FOR AN ACT ENTITLED, An Act to provide price transparency for health care costs.

6 Introduced by: The Committee on Health and Human Services at the request of the Office of
7 the Governor

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

9 The following bill was read on January 28, 2021, and today the Speaker assigned this bill to
10 committee:

11 **HB 1178** was referred to the Committee on Judiciary.

12 The following bills were read on February 3, 2021, and today the Speaker assigned these bills
13 to committees:

14 **HB 1226, 1228, and 1250** were referred to the Committee on Agriculture and Natural
15 Resources.

16 **HB 1234, 1242, 1244, 1258, and 1262** were referred to the Committee on Commerce and
17 Energy.

18 **HB 1221, 1222, and 1255, and HJR 5005** were referred to the House Committee on
19 Appropriations.

20 **HB 1224, 1240, 1241, and 1254** were referred to the Committee on Education.

21 **HB 1216, 1239, 1248, and 1251** were referred to the Committee on Health and Human
22 Services.

23 **HB 1220, 1236, and 1261** were referred to the Committee on Judiciary.

24 **HB 1227, 1229, and 1238** were referred to the Committee on Local Government.

25 **HB 1225, 1232, 1245, 1247, and 1249** were referred to the Committee on State Affairs.

26 **HB 1230, 1231, 1235, 1246, 1252, and 1256** were referred to the Committee on Taxation.

27 **HB 1237, 1253, 1259, and 1260** were referred to the Committee on Transportation.

1 **HCR 6007:** A CONCURRENT RESOLUTION, To provide for an interim study regarding foreign
2 ownership of agricultural land.

3 Introduced by: **Representative** Mulally

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

5 The Speaker declared that **HB 1157 and 1158** were withdrawn at the request of the prime
6 sponsors pursuant to Joint Rule 6B-1.1.

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

8 **SB 57:** FOR AN ACT ENTITLED, An Act to revise the provisions regarding the South Dakota
9 state employee health plan.

10 Was read the first time.

11 **SB 87:** FOR AN ACT ENTITLED, An Act to exempt health benefit plans sponsored by nonprofit
12 agricultural organizations from insurance regulation.

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

14 The following bills were read on February 3, 2021, and today the Speaker assigned these bills
15 to committees:

16 **SB 79 and 95** were referred to the Committee on Judiciary.

17 **SB 112** was referred to the Committee on State Affairs.

18 **SECOND READING OF CONSENT CALENDAR ITEMS**

19 **HB 1090:** FOR AN ACT ENTITLED, An Act to modify certain requirements for domestic not-
20 for-profit corporations.

21 Was read the second time.

22 The question being "Shall **HB 1090** pass?"

23 And the roll being called:

24 Yeas 69, Nays 0, Excused 1, 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, Odenbach, Olson, Ernie
30 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt,
31 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,
32 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

1 Excused:
2 Mulally

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

8 Was read the second time.

9 Rep. Tidemann moved that **HB 1084** be amended as follows:

10 1084A

11 On page 1, line 7, of the Introduced bill, remove the overstrikes from " but not exceeding "

12 On page 1, line 8, of the Introduced bill, after "twenty-five " insert "forty "

13 On page 1, line 8, of the Introduced bill, remove the overstrikes from "years from the date of
14 such declaration or contract"

15 On page 1, line 8, of the Introduced bill, after "contract" delete " or in perpetuity if a period is
16 not prescribed in the declaration or contract"

17 Which motion prevailed.

18 The question being "Shall **HB 1084** pass as amended?"

19 And the roll being called:

20 Yeas 55, Nays 14, Excused 1, Absent 0

21 Yeas:

22 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
23 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Lana Greenfield, Gross, Healy, Hoffman,
24 Jamison, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Mills, Milstead, Miskimins, Mortenson,
25 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer,
26 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram,
27 Wiese, Willadsen, Wink, and York

28 Nays:

29 Goodwin, Hansen, Haugaard, Howard, Kevin Jensen, Phil Jensen, Karr, Marty, May, Odenbach,
30 Pischke, Randolph, Weis, and Speaker Gosch

31 Excused:
32 Mulally

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

1

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1034: FOR AN ACT ENTITLED, An Act to revise certain youth hunting requirements.

3

Was read the second time.

4

Rep. Milstead moved that **HB 1034** be amended as follows:

5

1034C

6

On page 1, line 10, of the House Agriculture and Natural Resources bill, remove the overstrikes
7 from " resident"

8

On page 1, line 11, of the House Agriculture and Natural Resources bill, remove the overstrikes
9 from " who is a resident of this state"

10

On page 1, line 13, of the House Agriculture and Natural Resources bill, after "state." delete
11 "Section 3. That § 41-6-8 be AMENDED.

12

"

13

On page 1, line 14, of the House Agriculture and Natural Resources bill, after "AMENDED."
14 delete "41-6-8. "

15

On page 1, line 14, of the House Agriculture and Natural Resources bill, after "41-6-8. " delete
16 "Nonresident without license--Hunting or fishing on boundary waters--Carrying game into South
17 Dakota--Violation as misdemeanor--Exception."

18

On page 1, line 16, of the House Agriculture and Natural Resources bill, after "misdemeanor--
19 Exception." delete "

20

It Except as provided in § 41-6-6, it is a Class 2 misdemeanor for any nonresident of the State
21 of South Dakota to take, shoot, or kill, in any manner whatsoever, any protected game, fish, or
22 wildfowl on any boundary river, stream, or lake of the State of South Dakota or to carry or transport
23 from such waters onto the South Dakota side of such waters, without first having lawfully obtained
24 a valid and applicable South Dakota nonresident small game, big game, wild turkey, waterfowl,
25 fishing, bait dealer, or predator license and having fully complied with all other laws of the State of
26 South Dakota relating to or concerning the transportation, shipping, or carrying of protected game,
27 fish, or wildfowl."

28

On page 2, line 30, of the House Agriculture and Natural Resources bill, after "thirty-first."
29 delete "Section 6. That § 41-6-37. 1 be REPEALED.

30

41-6-37. 1. "

31

On page 3, line 1, of the House Agriculture and Natural Resources bill, after "41-6-37.1. "
32 delete "Nonresident family fishing license."

33

On page 3, line 6, of the House Agriculture and Natural Resources bill, remove the overstrikes
34 from " However, a nonresident under sixteen years of age is not required to purchase a license to
35 fish if the nonresident is fishing with a parent or guardian who has a license and if all fish taken by
36 the nonresident under sixteen years of age are counted as a part of the string limit of the parent or
37 guardian with whom he or she is fishing."

38

On page 3, line 10, of the House Agriculture and Natural Resources bill, after "fishing." delete
39 "Section 7. That § 41-6-81 be AMENDED.

40

"

1 On page 3, line 11, of the House Agriculture and Natural Resources bill, after "AMENDED."
2 delete "41-6-81. "

3 On page 3, line 11, of the House Agriculture and Natural Resources bill, after "41-6-81. " delete
4 "Hunter mentoring program--Application for mentoring nonresidents--Requirements--Promulgation
5 of rules."

6 On page 3, line 12, of the House Agriculture and Natural Resources bill, after "rules." delete "

7 Notwithstanding any provisions of Title 41 to the contrary, a child who is a resident of this
8 state and less than sixteen years of age is not required to possess a hunting license in order to hunt,
9 if the child is accompanied by a hunting mentor. A hunting mentor may be the child's parent or
10 guardian or any other competent adult who has the written consent of the child's parent or guardian.

11 The hunting mentor shall be unarmed, except as otherwise provided in this section, shall have
12 successfully completed a hunter safety or hunter education course that meets the requirements of
13 chapter 41-7, and shall possess a valid small game or waterfowl hunting license for the game being
14 hunted. To serve as a hunting mentor for big game, the mentor shall possess the mentor big game
15 license obtained by the child's parent or guardian.

16 A child who hunts pursuant to this section shall be under the immediate physical control, direct
17 supervision, and responsibility of a hunting mentor, at the time the child discharges a firearm or
18 operates a bow and arrow in the act of hunting.

19 A hunting mentor may accompany no more than one mentored child at any one time.

20 No hunting party that includes a mentored child may include more than six persons, regardless
21 of whether or not members of the hunting party are hunting or possess or operate firearms.

22 A child who hunts pursuant to this section is subject to all requirements, restrictions, and
23 penalties specified in this title and in rules promulgated pursuant to this title, with respect to the
24 species being hunted, except that the combined number of animals taken or possessed by the child
25 and the hunting mentor may not exceed the number of animals authorized under licenses held by
26 the hunting mentor.

27 A mentored child may not take big game under the provisions of this section except antlerless
28 deer, turkey, and doe-fawn antelope. No big game may be taken by a mentored child unless the
29 child's parent or legal guardian has been issued a license that designates the child as a mentored
30 child who is authorized to exercise the privileges granted by the license. A nonresident big game
31 application must include the name, address, and phone number of a resident sponsoring the
32 application. The license is valid only for the mentored child and is not transferable to another person.
33 Application for or issuance of such licenses does not affect the eligibility of the parent or legal
34 guardian for any other big game license.

35 Nothing in this section prohibits the hunting mentor from carrying a concealed pistol or other
36 legally possessed handgun.

37 The Game, Fish and Parks Commission shall promulgate rules, pursuant to chapter 1-26, to
38 establish criteria and conditions governing the hunter mentoring program established in this
39 section."

40 On page 3, line 13, of the House Agriculture and Natural Resources bill, remove the overstrikes
41 from " who is a resident of this state and"

42 Which motion lost.

1 Rep. Goodwin rose to a point of order that Rep. Milstead talk to the amendment and not to the
2 bill.

3 Rep. Goodwin rose to a point of order that Rep. Hoffman speak only to the amendment.

4 The question being "Shall **HB 1034** pass as amended?"

5 And the roll being called:

6 Yeas 56, Nays 13, Excused 1, Absent 0

7 Yeas:

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

14 Nays:

15 Gross, Howard, Karr, May, Mills, Milstead, Ernie Otten, Perry, Pischke, Randolph, Soye,
16 Stevens, and Wiese

17 Excused:

18 Mulally

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

21 **HB 1042:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding riparian buffer
22 strips.

23 Was read the second time.

24 The question being "Shall **HB 1042** pass as amended?"

25 And the roll being called:

26 Yeas 69, Nays 0, Excused 1, 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, Odenbach, Olson, Ernie
32 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt,
33 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,
34 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

35 Excused:

36 Mulally

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

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

3 Was read the second time.

4 The question being "Shall **HB 1085** pass as amended?"

5 And the roll being called:

6 Yeas 34, Nays 35, Excused 1, Absent 0

7 Yeas:

8 Anderson, Bartels, Barthel, Chaffee, Chase, Davis, Dennert, Derby, Finck, Lana Greenfield,
9 Gross, Hoffman, Howard, Jamison, Chris Johnson, Keintz, Koth, Lesmeister, Miskimins, Overweg,
10 Perry, Kent Peterson, Pischke, Reed, Reimer, Schneider, Stevens, Thomason, Tidemann, Vasgaard,
11 Wiese, Willadsen, Wink, and York

12 Nays:

13 Aylward, Beal, Blare, Bordeaux, Cwach, Deutsch, Drury, Duba, Fitzgerald, Goodwin, Hansen,
14 Haugaard, Healy, Kevin Jensen, Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mortenson,
15 Odenbach, Olson, Ernie Otten, Sue Peterson, Pourier, Randolph, Rehfeldt, Jamie Smith, Soye, St.
16 John, Weis, Weisgram, and Speaker Gosch

17 Excused:

18 Mulally

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

21 Rep. Chaffee announced his intention to reconsider the vote by which **HB 1085** lost.

22 Rep. Kent Peterson moved that the balance of the calendar including **HB 1094, 1098, and**
23 **1111, and SB 3** be deferred to Friday, February 5, 2021, the 17th legislative day.

24 Which motion prevailed.

25 **SIGNING OF BILLS**

26 The Speaker publicly read the title to

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

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

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

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

34 **SB 13**: FOR AN ACT ENTITLED, An Act to revise a statutory cross reference in the written
35 waiver of right to a parole hearing or appearance.

1 **SB 14:** FOR AN ACT ENTITLED, An Act to limit the time children in need of supervision are
2 held in detention under certain circumstances.

3 **SB 15:** FOR AN ACT ENTITLED, An Act to revise the voting requirements necessary for the
4 board to grant or deny parole or recommend clemency.

5 **SB 16:** FOR AN ACT ENTITLED, An Act to revise the requirements of setting discretionary
6 parole dates by the board.

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

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

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

12 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:29 p.m.
13 the House adjourned.

14

Patricia Miller, Chief Clerk

