

# *JOURNAL OF THE HOUSE*

## *NINETY-SIXTH SESSION*

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SEVENTEENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Friday, February 05, 2021

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House pages Kate Schnabel and Madison Stroud.

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 sixteenth 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 HOUSE PAGE RESOLUTION 2 Introduced by: Representatives Anderson; Aylward; Bartels;  
2 Barthel; Beal; Blare; Bordeaux; Chaffee; Chase; Cwach; Davis; Dennert; Derby; Deutsch; Drury;  
3 Duba; Finck; Fitzgerald; Goodwin; Gosch; Greenfield, Lana; Gross; Hansen; Haugaard; Healy;  
4 Hoffman; Howard; Jamison; Jensen, Kevin; Jensen, Phil; Johnson, Chris; Karr; Keintz; Koth;  
5 Ladner; Lesmeister; Marty; May; Mills; Milstead; Miskimins; Mortenson; Mulally; Odenbach; Olson;  
6 Otten, Ernie; Overweg; Perry; Peterson, Kent; Peterson, Sue; Pischke; Pourier; Randolph; Reed;  
7 Rehfeldt; Reimer; Schneider; Smith, Jamie; Soye; St. John; Stevens; Thomason; Tidemann;  
8 Vasgaard; Weis; Weisgram; Wiese; Willadsen; Wink; York.

9 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of  
10 the Ninety-sixth Legislature of the State of South Dakota to Kennedy Buckneberg, Caeden Bunde,  
11 McKenna Carlson, Lydia Christian, Ajaye Hicks, Caroline Hoskins, Maxwell Kretschmar, Amanda Lee,  
12 Ciara Nelson, Nolan Rounds, Kate Schnabel, and Madison Stroud.

13 WHEREAS, the above named served loyally as pages for the House of Representatives of the  
14 Ninety-sixth Legislative Session; and

15 WHEREAS, the members of the Ninety-sixth House of Representatives express their most  
16 sincere appreciation to these young people for their service to the state; and

17 WHEREAS, the members extend to these young people their wishes for every success in life:

18 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-sixth  
19 Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified  
20 and furnished to each page on this last day of service.

21 Rep. Kevin Jensen moved that House Page Resolution 2 be adopted.

22 Which motion prevailed and the resolution was adopted.

### 23 SIGNING OF BILLS

24 The Speaker publicly read the title to

25 **HB 1022:** FOR AN ACT ENTITLED, An Act to repeal certain obsolete state estate and  
26 inheritance tax provisions.

27 **HB 1023:** FOR AN ACT ENTITLED, An Act to repeal obsolete property tax provisions and to  
28 revise property tax cross-reference and land classification statutes.

29 **HB 1024:** FOR AN ACT ENTITLED, An Act to repeal obsolete provisions and revise statutory  
30 cross-references for the energy minerals severance tax, state and municipal sales taxes, contractor's  
31 excise tax, alcohol licenses, and gaming tax.

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

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

### 35 MESSAGES FROM THE SENATE

36 Mr. SPEAKER:

37 I have the honor to return herewith **HB 1022, 1023, 1024, and 1048** which have passed the  
38 Senate without change.

1 Also Mr. SPEAKER:

2 I have the honor to transmit herewith **SB 55, 101, 109, 138, and 150** which have passed  
3 the Senate and your favorable consideration is respectfully requested.

4 Respectfully,  
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Reed moved that **HB 1240** be referred from the Committee on Education to the  
8 Committee on Agriculture and Natural Resources.

9 Which motion prevailed.

10 Rep. Kent Peterson moved that **HB 1094** be deferred to Monday, February 8, 2021, the  
11 18<sup>th</sup> legislative day.

12 Which motion prevailed.

13 Yesterday, Rep. Chaffee announced his intention to reconsider the vote by which **HB 1085**  
14 lost.

15 Rep. Chaffee moved that the House do now reconsider the vote by which **HB 1085** lost.

16 The question being on Rep. Chaffee's motion to reconsider the vote by which **HB 1085** lost.

17 And the roll being called:

18 Yeas 44, Nays 26, Excused 0, Absent 0

19 Yeas:

20 Anderson, Aylward, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Dennert, Derby, Duba,  
21 Finck, Lana Greenfield, Gross, Healy, Hoffman, Howard, Jamison, Chris Johnson, Karr, Keintz, Koth,  
22 Ladner, Lesmeister, Miskimins, Mortenson, Mulally, Olson, Overweg, Perry, Kent Peterson, Reed,  
23 Rehfeldt, Reimer, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen,  
24 Wink, and Speaker Gosch

25 Nays:

26 Beal, Bordeaux, Cwach, Deutsch, Drury, Fitzgerald, Goodwin, Hansen, Haugaard, Kevin  
27 Jensen, Phil Jensen, Marty, May, Mills, Milstead, Odenbach, Ernie Otten, Sue Peterson, Pischke,  
28 Pourier, Randolph, Schneider, Jamie Smith, Soye, St. John, and York

29 So the motion having received an affirmative vote of a majority of the members-elect, the  
30 Speaker declared the motion carried and **HB 1085** was up for reconsideration and final passage.



1 On page 1, line 18, of the Introduced bill, delete "secretary of the Department of Public Safety  
2 " and insert "president of the South Dakota Firefighters' Association, Incorporated, "

3 And that as so amended said bill be referred to the Committee on Appropriations with a Do  
4 Pass recommendation.

5 Also MR. SPEAKER:

6 The Committee on House Commerce and Energy respectfully reports that it has had under  
7 consideration **HB 1065, and SB 22** and returns the same with the recommendation that said bills  
8 do pass, and having been certified as uncontested, be placed on the consent calendar.

9 Respectfully submitted,  
10 Rhonda Milstead, Chair

11 Also MR. SPEAKER:

12 The Committee on House Judiciary respectfully reports that it has had under consideration  
13 **HB 1102 and 1114** and returns the same with the recommendation that said bills do pass.

14 Also MR. SPEAKER:

15 The Committee on House Judiciary respectfully reports that it has had under consideration  
16 **SB 78** and returns the same with the recommendation that said bill do pass, and having been  
17 certified as uncontested, be placed on the consent calendar.

18 Respectfully submitted,  
19 Jon Hansen, Chair

20 The Speaker declared that **HB 1145** was withdrawn at the request of the prime sponsor  
21 pursuant to Joint Rule 6B-1.1.

22 Also Mr. SPEAKER:

23 The Committee on Legislative Procedure respectfully reports that **HB 1004, 1005, 1006, and**  
24 **1060** were delivered to her Excellency, the Governor, for her approval at 8:00 a.m., February 5, 2021.

25 Respectfully submitted,  
26 Spencer R. Gosch, Chair

27 There being no objection, the House proceeded to Order of Business No. 9 - Consideration of  
28 Reports of Committees.

## 29 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

31 Agriculture and Natural Resources on **HB 1047** as found on page 202 of the House Journal;  
32 and

1 House Appropriations on **HB 1013** as found on page 203 of the House Journal be adopted.

2 Which motion prevailed and the reports were adopted.

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

4 **SB 55:** FOR AN ACT ENTITLED, An Act to authorize certain innovative insurance products and  
5 services through insurance innovation waivers.

6 **SB 109:** FOR AN ACT ENTITLED, An Act to authorize certain interstate shipments of distilled  
7 spirits, to provide for the collection of taxes, and to establish certain penalties.

8 **SB 138:** FOR AN ACT ENTITLED, An Act to provide flexibility for certain municipal budget  
9 provisions.

10 **SB 150:** FOR AN ACT ENTITLED, An Act to clarify the penalty for using fireworks in violation  
11 of a county resolution.

12 Were read the first time.

13 **SB 101:** FOR AN ACT ENTITLED, An Act to revise provisions regarding warranty agreements  
14 with certain repair facilities.

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

16 **SECOND READING OF CONSENT CALENDAR ITEMS**

17 **HB 1119:** FOR AN ACT ENTITLED, An Act to revise certain references to secondary elections.

18 **SB 5:** FOR AN ACT ENTITLED, An Act to include a child's legal parents and guardians in the list  
19 of parties who may receive information related to reports of the child's abuse or neglect.

20 **SB 6:** FOR AN ACT ENTITLED, An Act to correct technical errors in statutory cross-references  
21 related to the Department of Social Services.

22 **SB 29:** FOR AN ACT ENTITLED, An Act to revise certain training and testing requirements for  
23 entry level driver applicants for a commercial driver license.

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

26 **SB 63:** FOR AN ACT ENTITLED, An Act to correct technical errors and outdated provisions  
27 regarding the Department of Environment and Natural Resources.

28 **SB 73:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the sale of certain  
29 government owned vehicles by an auction agency.

30 Were read the second time.

31 The question being "Shall **SB 5 and 32** pass as amended, and **HB 1119, and SB 6, 29, 63,**  
32 **and 73** pass?"

1 And the roll being called:

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

3 Yeas:

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

11 Excused:

12 Vasgaard

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

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

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

18 Was read the second time.

19 Rep. Chaffee moved that **HB 1085** be amended as follows:

20 1085E

21 On page 2, line 25, of the House Taxation bill, after "land " delete "meets at least two of the  
22 following criteria:

23 (1) A public utility hookup for water, sewer, and electricity has been stubbed to the land;

24 (2) The land is given a zoning classification other than agricultural;

25 (3) The land is less than ten acres and does not adjoin any other land under common  
26 ownership; or

27 (4) The land "

28 Which motion prevailed.

29 Rep. Odenbach moved that **HB 1085** be amended as follows:

30 1085G

31 On page 2, line 22, of the House Taxation bill, after "unit." delete "Section 2. That a NEW  
32 SECTION be added:"

33 On page 2, line 23, of the House Taxation bill, after "added:" delete "10-6-31. 10. "

34 On page 2, line 23, of the House Taxation bill, after "10-6-31.10. " delete "Land prevented  
35 from classification as agricultural--Criteria."

1 On page 2, line 24, of the House Taxation bill, after "agricultural--Criteria." delete "For tax  
2 purposes, land may not be classified as agricultural land and any agricultural land classification shall  
3 be removed if the land meets at least two of the following criteria:

4 (1) A public utility hookup for water, sewer, and electricity has been stubbed to the land;

5 (2) The land is given a zoning classification other than agricultural;

6 (3) The land is less than ten acres and does not adjoin any other land under common  
7 ownership; or

8 (4) The land is platted as a subdivision with three or more lots.

9 For purposes of this section, the term, subdivision, means the division of any tract or parcel of  
10 land into two or more lots, sites, or other division for the purpose, whether immediate or future, of  
11 sale or building development and includes re-subdivision. The term does not apply to the conveyance  
12 of a portion of any previously platted tract, parcel, lot, or site if the conveyance does not cause the  
13 tract, parcel, lot, or site from which the portion is severed to be in violation of any existing zoning  
14 ordinance or subdivision regulation applying to the tract, parcel, lot, or site."

15 And the roll being called:

16 Yeas 32, Nays 36, Excused 2, Absent 0

17 Yeas:

18 Aylward, Beal, Bordeaux, Cwach, Derby, Deutsch, Drury, Fitzgerald, Goodwin, Gross, Hansen,  
19 Hugaard, Kevin Jensen, Phil Jensen, Karr, Keintz, Marty, May, Mills, Milstead, Mulally, Odenbach,  
20 Ernie Otten, Sue Peterson, Pischke, Pourier, Randolph, Soye, St. John, Weis, York, and  
21 Speaker Gosch

22 Nays:

23 Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Dennert, Duba, Finck, Lana  
24 Greenfield, Healy, Hoffman, Howard, Jamison, Chris Johnson, Koth, Ladner, Lesmeister, Miskimins,  
25 Mortenson, Overweg, Perry, Kent Peterson, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith,  
26 Stevens, Thomason, Tidemann, Weisgram, Wiese, Willadsen, and Wink

27 Excused:

28 Olson and Vasgaard

29 So the motion not having received an affirmative vote of a majority of the members-elect, the  
30 Speaker declared the motion lost.

31 Having had it second reading, **HB 1085** was up for reconsideration and final passage.

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

33 And the roll being called:

34 Yeas 41, Nays 27, Excused 2, Absent 0

35 Yeas:

36 Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Dennert, Derby, Duba, Finck, Lana  
37 Greenfield, Gross, Healy, Hoffman, Howard, Jamison, Chris Johnson, Karr, Keintz, Koth, Lesmeister,  
38 Miskimins, Mortenson, Overweg, Perry, Kent Peterson, Pischke, Pourier, Reed, Rehfeldt, Reimer,  
39 Schneider, Stevens, Thomason, Tidemann, Weisgram, Wiese, Willadsen, Wink, and York



1 Nays:  
2 Aylward, Beal, Bordeaux, Cwach, Deutsch, Drury, Fitzgerald, Goodwin, Hansen, Haugaard,  
3 Kevin Jensen, Phil Jensen, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Sue  
4 Peterson, Randolph, Jamie Smith, Soye, St. John, Weis, and Speaker Gosch

5 Excused:  
6 Olson and Vasgaard

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

9 Speaker Pro tempore Hansen now presiding.

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

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

13 The question being "Shall **HB 1111** pass?"

14 And the roll being called:

15 Yeas 68, Nays 0, Excused 2, Absent 0

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

24 Excused:  
25 Olson and Vasgaard

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

28 Rep. Kent Peterson moved that the balance of the calendar including **HB 1039, 1098, 1109,**  
29 **1117, and 1127, and SB 3 and 53** be deferred to Monday, February 8, 2021, the 18<sup>th</sup> legislative  
30 day.

31 Which motion prevailed.

## 32 **COMMEMORATIONS**

33 **HC 8002**: A LEGISLATIVE COMMEMORATION, to recognize the bravery of and sacrifices made  
34 by South Dakotans due to the COVID-19 pandemic.

35 Introduced by: **Representative** Duba

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1           Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 2:03 p.m.  
2 the House adjourned.

3

Patricia Miller, Chief Clerk