

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 09, 2021

The House convened at 2:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by House pages Julia Blom and Madeline Brink.

Roll Call: All members present except Reps. Aylward and Karr who were present remotely.

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 eighteenth 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 Taxation respectfully reports that it has had under consideration
4 **HB 1200** which was tabled.

5 Also MR. SPEAKER:

6 The Committee on House Taxation respectfully reports that it has had under consideration
7 **HB 1235** and returns the same with the recommendation that said bill do pass, and having been
8 certified as uncontested, be placed on the consent calendar.

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10

Respectfully submitted,
Drew Dennert, Chair

11 Also MR. SPEAKER:

12 The Committee on House Health and Human Services respectfully reports that it has had under
13 consideration **HB 1151** and returns the same with the recommendation that said bill be referred to
14 the House Committee on Appropriations with a Do Pass recommendation.

15 Also MR. SPEAKER:

16 The Committee on House Health and Human Services respectfully reports that it has had under
17 consideration **HB 1179** and returns the same with the recommendation that said bill be amended
18 as follows:

19

1179A

20 On page 1, line 16, of the Introduced bill, delete " § 36-4-20" and insert " §§ 36-4-30, 36-4-
21 30.1, and 36-4A-38"

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

23 Also MR. SPEAKER:

24 The Committee on House Health and Human Services respectfully reports that it has had under
25 consideration **HB 1195** and returns the same with the recommendation that said bill do pass.

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27

Respectfully submitted,
Kevin D. Jensen, Chair

28 Also MR. SPEAKER:

29 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
30 consideration **HB 1057** and returns the same with the recommendation that said bill be amended
31 as follows:

32

1057B

33 On page 1, line 13, of the Introduced bill, after "forces" delete " and:"

34 On page 1, line 14, of the Introduced bill, after "and:" delete "(a) Is stationed in this state; or

35 (b) Was stationed in this state at the time of registration"

1 On page 1, line 17, of the Introduced bill, after "forces" delete " who:

2 (a) Is stationed in this state; or

3 (b) Was stationed in this state at the time the spouse or child was accepted for admission to
4 an institution of higher education"

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

6 Also MR. SPEAKER:

7 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
8 consideration **HB 1206** and returns the same with the recommendation that said bill be referred to
9 the Committee on Appropriations.

10 Respectfully submitted,
11 Tony Randolph, Chair

12 Also MR. SPEAKER:

13 The Committee on House Transportation respectfully reports that it has had under
14 consideration **HB 1170** which was deferred to the 41st Legislative Day.

15 Also MR. SPEAKER:

16 The Committee on House Transportation respectfully reports that it has had under
17 consideration **SB 74** and returns the same with the recommendation that said bill do pass, and
18 having been certified as uncontested, be placed on the consent calendar.

19 Also MR. SPEAKER:

20 The Committee on House Transportation respectfully reports that it has had under
21 consideration **SB 82** and returns the same with the recommendation that said bill be amended as
22 follows:

23 82C

24 On page 1, line 14, of the Senate Transportation bill, after "vehicle" delete the comma and
25 insert " and"

26 On page 1, line 14, of the Senate Transportation bill, after "semitrailer" delete ", or boat"

27 On page 1, line 16, of the Senate Transportation bill, after "vehicle" delete the comma and
28 insert " and "

29 On page 1, line 16, of the Senate Transportation bill, after "semitrailer" delete ", or boat"

30 On page 1, line 18, of the Senate Transportation bill, after "vehicle" delete the comma and
31 insert " and"

32 On page 1, line 18, of the Senate Transportation bill, after "semitrailer" delete ", or boat"

33 On page 2, line 16, of the Senate Transportation bill, after "vehicle" delete the comma and
34 insert " and "

35 On page 2, line 16, of the Senate Transportation bill, after "semitrailer" delete ", or boat"

36 On page 3, after line 24, of the Senate Transportation bill, insert "

1 Also MR. SPEAKER:

2 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
3 under consideration **HB 1115, and SB 87** and returns the same with the recommendation that said
4 bills do pass.

5 Respectfully submitted,
6 Marty Overweg, Chair

7 Also Mr. SPEAKER:

8 The Committee on Legislative Procedure respectfully reports that **HB 1022, 1023, 1024, and**
9 **1048** were delivered to her Excellency, the Governor, for her approval at 10:05 a.m., February 9, 2021.

10 Respectfully submitted,
11 Spencer R. Gosch, Chair

12 Also Mr. SPEAKER:

13 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
14 Enrolling has carefully compared **HB 1031, 1032, 1033, 1037, and 1046** and finds the same
15 correctly enrolled.

16 Respectfully submitted,
17 Spencer R. Gosch, Chair

18 **MESSAGES FROM THE SENATE**

19 Mr. SPEAKER:

20 I have the honor to return herewith **HB 1031, 1032, 1033, 1037, and 1046** which have
21 passed the Senate without change.

22 Also Mr. SPEAKER:

23 I have the honor to return herewith **HB 1071 and 1078** which have been amended by the
24 Senate and your concurrence in the amendments is respectfully requested.

25 Also Mr. SPEAKER:

26 I have the honor to transmit herewith **SB 36, 59, 77, 85, 102, 142, and 168** which have
27 passed the Senate and your favorable consideration is respectfully requested.

28 Respectfully,
29 Kay Johnson, Secretary

1

MOTIONS AND RESOLUTIONS

2

Yesterday, Rep. Hoffman announced his intention to reconsider the vote by which **SB 53** lost.

3

Rep. Hoffman moved that the House do now reconsider the vote by which **SB 53** lost.

4

The question being on Rep. Hoffman's motion to reconsider the vote by which **SB 53** lost.

5

And the roll being called:

6

Yeas 66, Nays 4, Excused 0, Absent 0

7

Yeas:

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

15

Nays:

16

Goodwin, Haugaard, Mulally, and Pischke

17

18

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed.

19

CONSIDERATION OF REPORTS OF COMMITTEES

20

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

21

Judiciary on **SB 60** as found on page 233 of the House Journal; and

22

State Affairs on **HB 1126** as found on page 232 of the House Journal be adopted.

23

Which motion prevailed and the reports were adopted.

24

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

25

26

The Speaker declared that **HB 1216** and **1260** were withdrawn at the request of the prime sponsors pursuant to Joint Rule 6B-1.1.

27

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

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29

30

SB 36: FOR AN ACT ENTITLED, An Act to authorize the Department of Human Services to dismantle and demolish Dakota Hall and the root cellar and to restore grounds on the South Dakota Developmental Center campus, to make an appropriation therefor, and to declare an emergency.

31

32

33

SB 59: FOR AN ACT ENTITLED, An Act to revise the allocation of fees collected by the obligation recovery center and to revise certain venue, jurisdiction, and collection efforts regarding the co-owners of titled motor vehicles, motorcycles, and boats.

1 **SB 77:** FOR AN ACT ENTITLED, An Act to require certain font size for initiated measure
2 petitions.

3 **SB 85:** FOR AN ACT ENTITLED, An Act to modify the composition of the Retirement Laws
4 Committee.

5 **SB 102:** FOR AN ACT ENTITLED, An Act to protect voter registration information for certain
6 voters.

7 **SB 142:** FOR AN ACT ENTITLED, An Act to modify the meeting place and notice requirements
8 for county commission meetings.

9 **SB 168:** FOR AN ACT ENTITLED, An Act to revise the population requirement for appointment
10 of coroners.

11 Were read the first time.

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

13 The following bill was read on February 4, 2021, and today the Speaker assigned this bill to
14 committee:

15 **HB 1282** was referred to the House Committee on Appropriations.

16 **SECOND READING OF CONSENT CALENDAR ITEMS**

17 **HB 1074:** FOR AN ACT ENTITLED, An Act to limit the liability regarding authorized boiler
18 inspections.

19 **HB 1113:** FOR AN ACT ENTITLED, An Act to revise certain references to the International
20 Building Code.

21 **HB 1150:** FOR AN ACT ENTITLED, An Act to provide definitions regarding the crime of rape.

22 **SB 51:** FOR AN ACT ENTITLED, An Act to transfer licensure of individuals who may alter,
23 repair, construct, or install on-site wastewater systems to the Plumbing Commission.

24 **SB 58:** FOR AN ACT ENTITLED, An Act to remove an outdated cross-reference to the risk pool.

25 **SB 61:** FOR AN ACT ENTITLED, An Act to revise a cross reference regarding the South Dakota
26 Housing Development Authority's investment agreement.

27 **SB 62:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding appeals by the
28 prosecution.

29 Were read the second time.

30 The question being "Shall **HB 1074, 1113, and 1150, and SB 51, 58, 61, and 62** pass?"

31 And the roll being called:

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

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

12 **SB 53**: FOR AN ACT ENTITLED, An Act to revise certification and renewal fees for water supply
13 and treatment system operators.

14 Was read the second time.

15 Rep. Hoffman moved that **SB 53** be amended as follows:

16 53A

17 On page 1, line 15, of the Introduced bill, after "fees" insert ", not exceeding sixty dollars"

18 On page 2, line 5, of the Introduced bill, after "may" insert " charge each applicant a fee not
19 to exceed sixty dollars which shall accompany the application"

20 On page 2, line 8, of the Introduced bill, after "dollars" delete " promulgate rules, pursuant to
21 chapter 1-26, to establish a fee that does not exceed the reasonable costs of operator certification
22 exams"

23 Which motion prevailed.

24 The question being "Shall **SB 53** pass as amended?"

25 And the roll being called:

26 Yeas 63, Nays 7, Excused 0, Absent 0

27 Yeas:

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

35 Nays:

36 Aylward, Dennert, Haugaard, Howard, Phil Jensen, Karr, and Pischke

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

1 **HB 1125:** FOR AN ACT ENTITLED, An Act to define adjournment for the counting of ballots.

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

3 The question being "Shall **HB 1125** pass?"

4 And the roll being called:

5 Yeas 58, Nays 12, Excused 0, Absent 0

6 Yeas:

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

13 Nays:

14 Bordeaux, Chase, Cwach, Duba, Healy, Keintz, Lesmeister, Olson, Pourier, Jamie Smith,
15 Stevens, and Tidemann

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

18 **HB 1196:** FOR AN ACT ENTITLED, An Act to provide free tuition and fees to visually impaired
19 residents for courses not subsidized by the state general fund.

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

21 The question being "Shall **HB 1196** pass?"

22 And the roll being called:

23 Yeas 70, Nays 0, Excused 0, Absent 0

24 Yeas:

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

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

34 **SIGNING OF BILLS**

35 The Speaker publicly read the title to

36 **HB 1031:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South
37 Dakota Retirement System.

1 **HB 1032:** FOR AN ACT ENTITLED, An Act to revise the minimum cost of living adjustment and
 2 revise terminology of the South Dakota Retirement System.

3 **HB 1033:** FOR AN ACT ENTITLED, An Act to update certain provisions relating to the South
 4 Dakota Retirement System, to revise certain provisions relating to reemployment after retirement
 5 with the South Dakota Retirement System, and to declare an emergency.

6 **HB 1037:** FOR AN ACT ENTITLED, An Act to authorize the increase of certain fees by the State
 7 Electrical Commission.

8 **HB 1046:** FOR AN ACT ENTITLED, An Act to limit liability for certain exposures to COVID-19.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Patricia Miller, Chief Clerk