

# *JOURNAL OF THE HOUSE*

## *NINETY-SIXTH SESSION*

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TWENTY-FIRST DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, February 11, 2021

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

The prayer was offered by the Chaplain, Rev. David Hussey, followed by the Pledge of Allegiance led by House pages Aria Gruenhagen and Emily Hervi.

Roll Call: All members present except Reps. Karr and Olson who were excused and Reps. Aylward, Pischke, and St. John 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 twentieth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Spencer R. Gosch, Chair

Which motion prevailed.

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**REPORTS OF STANDING COMMITTEES**

2 Mr. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
4 Enrolling has carefully compared **HB 1011, 1014, 1015, 1027, 1028, 1071, 1077, and 1078**  
5 and finds the same correctly enrolled.

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Respectfully submitted,  
Spencer R. Gosch, Chair

8 Also MR. SPEAKER:

9 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
10 under consideration **HB 1153** and returns the same with the recommendation that said bill be  
11 amended as follows:

12

1153C

13 On page 1, line 10, of the Introduced bill, after "project" delete ", for an estimated cost not to  
14 exceed \$18,000,000, subject to permitted adjustments pursuant to section 3 of this Act"

15 On page 1, line 13, of the Introduced bill, delete " \$18,000,000" and insert " \$7,500,000 and  
16 the sum of \$7,500,000 in other fund expenditure authority, together with any additional sums  
17 received pursuant to section 4 of this Act,"

18 And that as so amended said bill be referred to the House Committee on Appropriations.

19 Also MR. SPEAKER:

20 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
21 under consideration **HB 1198** and returns the same with the recommendation that said bill be  
22 referred to the House Committee on Appropriations.

23 Also MR. SPEAKER:

24 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
25 under consideration **SB 52** and returns the same with the recommendation that said bill do pass.

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Respectfully submitted,  
Marty Overweg, Chair

28 Also MR. SPEAKER:

29 The Committee on House Transportation respectfully reports that it has had under  
30 consideration **HB 1237** and returns the same with the recommendation that said bill be referred to  
31 the House Committee on Appropriations.

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Respectfully submitted,  
Caleb Finck, Chair

34 Also MR. SPEAKER:

35 The Committee on House Health and Human Services respectfully reports that it has had under  
36 consideration **HB 1148** which was tabled.

1 Also MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under  
3 consideration **HB 1159** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 Kevin D. Jensen, Chair

6 Also MR. SPEAKER:

7 The Committee on House Taxation respectfully reports that it has had under consideration  
8 **HB 1162 and 1246** which were deferred to the 41st Legislative Day.

9 Respectfully submitted,  
10 Drew Dennert, Chair

11 Also MR. SPEAKER:

12 The Committee on House Local Government respectfully reports that it has had under  
13 consideration **HB 1120** which was tabled.

14 Also MR. SPEAKER:

15 The Committee on House Local Government respectfully reports that it has had under  
16 consideration **HB 1128 and 1129** which were deferred to the 41st Legislative Day.

17 Respectfully submitted,  
18 Nancy York, Chair

19 Also Mr. SPEAKER:

20 The Committee on Legislative Procedure respectfully reports that **HB 1031, 1032, 1033,**  
21 **1037, and 1046** were delivered to her Excellency, the Governor, for her approval at 9:50 a.m.,  
22 February 11, 2021.

23 Respectfully submitted,  
24 Spencer R. Gosch, Chair

25 **MESSAGES FROM THE SENATE**

26 Mr. SPEAKER:

27 I have the honor to return herewith **HB 1011, 1014, 1015, 1027, 1028, and 1077** which  
28 have passed the Senate without change.

29 Also Mr. SPEAKER:

30 I have the honor to inform your honorable body that the Senate has concurred in House  
31 amendments to **SB 3**.

1 Also Mr. SPEAKER:

2 I have the honor to transmit herewith **SB 135, 146, and 178** which have passed the Senate  
3 and your favorable consideration is respectfully requested.

4 Respectfully,  
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Hansen moved that **SCR 602** be deferred to Tuesday, February 16, 2021, the  
8 22<sup>nd</sup> legislative day.

9 Which motion prevailed.

10 Rep. Hansen moved that **SB 85** be referred from the Committee on Retirement Laws to the  
11 Committee on State Affairs.

12 Which motion prevailed.

13 Rep. Kent Peterson moved that **SB 44** be referred from the Committee on Commerce and  
14 Energy to the Committee on State Affairs.

15 Which motion prevailed.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

17 Rep. Kent Peterson moved that the reports of the Standing Committees on  
18 Commerce and Energy on **HB 1262** as found on page 270 of the House Journal; also  
19 Education on **HB 1055 and 1066** as found on page 261 of the House Journal; and  
20 State Affairs on **HJR 5003** as found on page 260 of the House Journal be adopted.

21 Which motion prevailed and the reports were adopted.

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

23 **SB 135:** FOR AN ACT ENTITLED, An Act to reform training requirements for law enforcement  
24 officers.

25 **SB 146:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding eligibility for  
26 parole for certain persons sentenced to life imprisonment.

27 **SB 178:** FOR AN ACT ENTITLED, An Act to prohibit certain insurers from using genetic  
28 information.

29 Were read the first time.

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**SECOND READING OF CONSENT CALENDAR ITEMS**

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

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

6 **SB 82:** FOR AN ACT ENTITLED, An Act to revise certain regulations pertaining to dealers of  
7 motor vehicles, boats, snowmobiles, or manufactured homes and mobile homes.

8 Were read the second time.

9 The question being "Shall **SB 82** pass as amended, and **HB 1191 and 1234** pass?"

10 And the roll being called:

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

12 Yeas:

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

20 Excused:

21 Karr and Olson

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

24

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

25 **HB 1179:** FOR AN ACT ENTITLED, An Act to provide for physician wellness programs.

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

27 The question being "Shall **HB 1179** pass as amended?"

28 And the roll being called:

29 Yeas 55, Nays 13, Excused 2, Absent 0

30 Yeas:

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

1 Nays:  
2 Aylward, Beal, Fitzgerald, Goodwin, Haugaard, Howard, Phil Jensen, May, Milstead, Pischke,  
3 Randolph, Vasgaard, and Weis

4 Excused:  
5 Karr and Olson

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

8 **HB 1057:** FOR AN ACT ENTITLED, An Act to establish resident tuition requirements for  
9 veterans and armed forces personnel and family members.

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

11 The question being "Shall **HB 1057** pass as amended?"

12 And the roll being called:

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

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

22 Excused:  
23 Karr and Olson

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

26 Speaker Pro tempore Hansen now presiding.

27 **HB 1021:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain health  
28 care professionals who have complied with the requirements for certain health care recruitment  
29 assistance programs and to declare an emergency.

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

31 The question being "Shall **HB 1021** pass?"

32 And the roll being called:

33 Yeas 66, Nays 0, Excused 4, Absent 0

34 Yeas:  
35 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,  
36 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,

1 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Keintz,  
2 Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,  
3 Ernie Otten, Overweg, Perry, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer,  
4 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,  
5 Wiese, Willadsen, Wink, and York

6 Excused:  
7 Karr, Olson, Kent Peterson, and Speaker Gosch

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

10 **HB 1132:** FOR AN ACT ENTITLED, An Act to add dental hygienists to the list of mandatory  
11 reporters of child abuse or neglect.

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

13 The question being "Shall **HB 1132** pass?"

14 And the roll being called:

15 Yeas 48, Nays 18, Excused 4, Absent 0

16 Yeas:  
17 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Deutsch,  
18 Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Healy, Hoffman, Jamison, Kevin  
19 Jensen, Keintz, Koth, Ladner, Lesmeister, Miskimins, Mortenson, Odenbach, Ernie Otten, Perry, Sue  
20 Peterson, Pischke, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,  
21 Thomason, Tidemann, Weisgram, Wiese, Willadsen, Wink, and York

22 Nays:  
23 Aylward, Beal, Dennert, Hansen, Haugaard, Howard, Phil Jensen, Chris Johnson, Marty, May,  
24 Mills, Milstead, Mulally, Overweg, Randolph, Soye, Vasgaard, and Weis

25 Excused:  
26 Karr, Olson, Kent Peterson, and Speaker Gosch

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  
30 Rep. Chris Johnson moved that House do now recess until 2:30 p.m.

31 Which motion prevailed and at 2:10 p.m., the House recessed.

32 **RECESS**

33 The House reconvened at 2:59 p.m., the Speaker presiding.

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**SIGNING OF BILLS**

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2 The Speaker publicly read the title to

3 **HB 1011:** FOR AN ACT ENTITLED, An Act to increase certain boiler inspection fees and dedicate  
4 more of the fees to the state's boiler inspection program.5 **HB 1014:** FOR AN ACT ENTITLED, An Act to establish uniform complaint and declaratory ruling  
6 procedures for agencies regulating certain professions and occupations.7 **HB 1015:** FOR AN ACT ENTITLED, An Act to provide rule-making authority for establishing an  
8 appraiser experience training and setting fees.9 **HB 1027:** FOR AN ACT ENTITLED, An Act to identify Water Management Board officers,  
10 authorize appointment of a prehearing officer, and define the duties of the prehearing officer.11 **HB 1028:** FOR AN ACT ENTITLED, An Act to revise petition requirements and the criteria for  
12 issuance of a water right permit.13 **HB 1071:** FOR AN ACT ENTITLED, An Act to correct incorrect cross-references dealing with  
14 crimes and criminal procedures.15 **HB 1077:** FOR AN ACT ENTITLED, An Act to provide for licensure by endorsement for certain  
16 licensed professionals and occupations.17 **HB 1078:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South  
18 Dakota State Historical Society.19 **SB 3:** FOR AN ACT ENTITLED, An Act to enforce directives regarding contagious disease  
20 control.21 **SB 5:** FOR AN ACT ENTITLED, An Act to include a child's legal parents and guardians in the list  
22 of parties who may receive information related to reports of the child's abuse or neglect.23 **SB 51:** FOR AN ACT ENTITLED, An Act to transfer licensure of individuals who may alter,  
24 repair, construct, or install on-site wastewater systems to the Plumbing Commission.25 **SB 58:** FOR AN ACT ENTITLED, An Act to remove an outdated cross-reference to the risk pool.26 **SB 61:** FOR AN ACT ENTITLED, An Act to revise a cross reference regarding the South Dakota  
27 Housing Development Authority's investment agreement.28 **SB 62:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding appeals by the  
29 prosecution.30 **SB 74:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding drones.31 **SB 87:** FOR AN ACT ENTITLED, An Act to exempt health benefit plans sponsored by nonprofit  
32 agricultural organizations from insurance regulation.

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

34 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:02 p.m.  
35 the House adjourned.

36

Patricia Miller, Chief Clerk