

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 18, 2021

The House convened at 1:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, John Fette, followed by the Pledge of Allegiance led by House pages Liza Konechne and Delaney Peterson.

Roll Call: All members present except Reps. Hansen, Marty, and Vasgaard who were excused and Reps. Aylward, Bartels, Cwach, Duba, Lana Greenfield, Howard, Phil Jensen, Karr, Mortenson, Olson, Pourier, Rehfeldt, Jamie Smith, St. John, Tidemann, and York 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 twenty-third 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.

1 HOUSE PAGE RESOLUTION 3 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 Lauren Albrecht, Julia Blom, Madeline
11 Brink, Scotland Donovan, Avery Dooley, Aria Gruenhagen, Emily Hervi, Liza Konechne, Kirstie Lake,
12 Alexander Otten, Delaney Peterson, and Avery Wolff.

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. Reimer moved that House Page Resolution 3 be adopted.

22 Which motion prevailed and the resolution was adopted.

23 COMMUNICATIONS AND PETITIONS

24 February 17, 2021

25 Mr. Speaker and Members of the House:

26 I have the honor to inform you that on February 17, 2021, I approved House Bills 1031, 1032,
27 1033, 1037, and 1046, and the same have been deposited in the office of the Secretary of State.

28 Respectfully submitted,
29 Kristi Noem
30 Governor

31 REPORTS OF STANDING COMMITTEES

32 MR. SPEAKER:

33 The Committee on House Health and Human Services respectfully reports that it has had under
34 consideration **HB 1136** which was deferred to the 41st Legislative Day.

35 Also MR. SPEAKER:

36 The Committee on House Health and Human Services respectfully reports that it has had under
37 consideration **HB 1188** 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 **SB 96** and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on House Health and Human Services respectfully reports that it has had under
6 consideration **HB 1263** 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 Health and Human Services respectfully reports that it has had under
10 consideration **HCR 6008** and returns the same with the recommendation that said resolution be
11 adopted.

12 Respectfully submitted,
13 Kevin D. Jensen, Chair

14 Also MR. SPEAKER:

15 The Committee on House Taxation respectfully reports that it has had under consideration
16 **HB 1230** and returns the same with the recommendation that said bill be amended as follows:

17 1230A

18 On page 1, line 20, of the Introduced bill, after "amount--" delete "Promulgation of rules"

19 On page 1, line 22, of the Introduced bill, after "of " insert "repairing or improving roads, or "

20 On page 1, line 23, of the Introduced bill, after "replacing" delete ", within the county's
21 jurisdictional boundaries,"

22 On page 2, line 1, of the Introduced bill, after "incarceration." insert "The secretary of the
23 Department of Revenue shall track and keep a written record of the revenue collected within each
24 county's jurisdictional boundary as a result of taxes imposed in chapter 10-45 and 10-46. "

25 On page 2, line 6, of the Introduced bill, delete "The Board of Economic Development shall
26 promulgate rules, pursuant to chapter 1-26, concerning the county capital improvement fund as
27 follows:

- 28 (1) Application procedures to receive distributions of moneys from the fund;
- 29 (2) Criteria for evaluating applications and approving distributions of moneys from the fund;
- 30 (3) The time period over which approved moneys will be distributed from the fund; and
- 31 (4) Follow-up reporting to the board by counties that are distributed moneys from the fund.

32 " and insert "A county, by a majority vote of its board of county commissioners, may make a
33 request with the Board of Economic Development to access moneys from the county capital
34 improvement fund for authorized purposes to the extent the moneys in the fund are attributable to
35 revenue collected within the county's jurisdictional boundary.

36 "

1 And that as so amended said bill be referred to the House Committee on Appropriations without
2 recommendation.

3 Respectfully submitted,
4 Drew Dennert, Chair

5 Also MR. SPEAKER:

6 The Committee on House Local Government respectfully reports that it has had under
7 consideration **HB 1229 and 1238** which were deferred to the 41st Legislative Day.

8 Also MR. SPEAKER:

9 The Committee on House Local Government respectfully reports that it has had under
10 consideration **SB 94 and 102** and returns the same with the recommendation that said bills do
11 pass, and having been certified as uncontested, be placed on the consent calendar.

12 Respectfully submitted,
13 Greg Jamison, Vice-Chair

14 Also MR. SPEAKER:

15 The Committee on House Transportation respectfully reports that it has had under
16 consideration **HB 1253** and returns the same with the recommendation that said bill be amended
17 as follows:

18 1253B

19 On page 1, line 4, of the Introduced bill, delete "\$15,000,000 " and insert "\$1 "

20 1253A

21 On page 1, line 6, of the Introduced bill, after "Memorial" insert ", subject to the completion
22 and acceptance of an environmental impact statement"

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

25 Also MR. SPEAKER:

26 The Committee on House Transportation respectfully reports that it has had under
27 consideration **SB 59** and returns the same with the recommendation that said bill do pass.

28 Respectfully submitted,
29 Caleb Finck, Chair

30 Also MR. SPEAKER:

31 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
32 under consideration **HB 1210** and returns the same with the recommendation that said bill be
33 referred to the House Committee on Appropriations.

1 Also MR. SPEAKER:

2 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
3 under consideration **HB 1228** and returns the same with the recommendation that said bill be
4 amended as follows:

5 1228A

6 On page 1, line 14, of the Introduced bill, delete "and " and insert "or "

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

8 Also MR. SPEAKER:

9 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
10 under consideration **HCR 6006** and returns the same with the recommendation that said resolution
11 be amended as follows:

12 HCR6006A

13 On page 2, line 1, of the Introduced bill, delete "packer's " and insert "packing facility's "

14 On page 2, line 2, of the Introduced bill, after "the " insert "spot or "

15 On page 2, line 2, of the Introduced bill, after "market" insert " and that those livestock be
16 delivered no later than fourteen days after the date on which the purchase agreement is signed"

17 And that as so amended, said resolution do pass.

18 Respectfully submitted,
19 Marty Overweg, Chair

20 Also Mr. SPEAKER:

21 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
22 Enrolling has carefully compared **HB 1034, 1068, and 1109** and finds the same correctly enrolled.

23 Respectfully submitted,
24 Spencer R. Gosch, Chair

25 **SIGNING OF BILLS**

26 The Speaker publicly read the title to

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

28 **HB 1068:** FOR AN ACT ENTITLED, An Act to revise the requirement for written findings of fact
29 and conclusions in certain judicial proceedings involving a child.

30 **HB 1109:** FOR AN ACT ENTITLED, An Act to modify requirements and restrictions related to
31 certain alcoholic beverages.

32 **SB 52:** FOR AN ACT ENTITLED, An Act to revise the permit duration on certain concentrated
33 animal feeding operations.

1 **SB 60**: FOR AN ACT ENTITLED, An Act to revise the membership of the Law Enforcement
2 Officers Standards Commission.

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

4 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing
5 Committees.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The House Committee on Appropriations respectfully reports that it has had under
9 consideration **HB 1198** which was deferred to the 41st Legislative Day.

10 Respectfully submitted,
11 Chris Karr, Chair

12 **MESSAGES FROM THE SENATE**

13 Mr. SPEAKER:

14 I have the honor to return herewith **HB 1034, 1068, and 1109** which have passed the Senate
15 without change.

16 Also Mr. SPEAKER:

17 I have the honor to return herewith **HB 1090** which has been amended by the Senate and
18 your concurrence in the amendments is respectfully requested.

19 Also Mr. SPEAKER:

20 I have the honor to inform your honorable body that the Senate has concurred in House
21 amendments to **SB 82**.

22 Also Mr. SPEAKER:

23 I have the honor to transmit herewith **SB 65, 103, and 177** which have passed the Senate
24 and your favorable consideration is respectfully requested.

25 Respectfully,
26 Kay Johnson, Secretary

27 **MOTIONS AND RESOLUTIONS**

28 Rep. Karr moved that **HB 1256** be referred from the Committee on Taxation to the House
29 Committee on Appropriations.

30 Which motion prevailed.

1 Rep. Kent Peterson moved that **HB 1133 and 1138** be referred from the Committee on
2 Agriculture and Natural Resources to the Committee on Local Government.

3 Which motion prevailed.

4 Rep. Kent Peterson moved that **HB 1069, 1079, and 1248** be deferred to Monday, February 22, 2021,
5 the 25th legislative day.

6 Which motion prevailed.

7 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

9 Commerce and Energy on **HB 1203 and 1258** as found on pages 301 and 302 of the House
10 Journal; also

11 Education on **HB 1241, 1254, and 1261** as found on page 300 of the House Journal; also

12 State Affairs on **HB 1100** as found on page 308 and **HB 1110, 1124, and 1130** as found on
13 page 314 of the House Journal be adopted.

14 Which motion prevailed and the reports were adopted.

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

16 The Speaker declared that **HB 1226** was withdrawn at the request of the prime sponsor
17 pursuant to Joint Rule 6B-1.1.

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

19 **SB 65:** FOR AN ACT ENTITLED, An Act to create an exception to the dual compensation
20 prohibition for state employees for military service.

21 Was read the first time and referred to the Committee on Military and Veterans Affairs.

22 **SB 103:** FOR AN ACT ENTITLED, An Act to provide for the confidentiality of personal
23 information of persons affiliated with nonprofit corporations.

24 **SB 177:** FOR AN ACT ENTITLED, An Act to revise the provisions of parental choice regarding
25 compulsory school attendance and matters ancillary thereto.

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

27 **SECOND READING OF CONSENT CALENDAR ITEMS**

28 **HB 1204:** FOR AN ACT ENTITLED, An Act to revise criminal provisions regarding certain visual
29 recordings or photographic devices.

1 Was read the second time.

2 The question being "Shall **HB 1204** pass?"

3 And the roll being called:

4 Yeas 67, Nays 0, Excused 3, Absent 0

5 Yeas:

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

13 Excused:

14 Hansen, Marty, and Vasgaard

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

17 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 1:54 p.m.
18 the House adjourned.

19

Patricia Miller, Chief Clerk