

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, February 22, 2021

The House convened at 2:19 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Emily Munger, followed by the Pledge of Allegiance led by House page Iris Anderson.

Roll Call: All members present except Reps. Ladner and Jamison who were excused and Rep. Bartels who was 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-fourth 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 The oath of office was administered by Speaker Gosch to the following named pages:

2 Iris Anderson, Mollie Brown, Lydia Christian, Kaitlyn Ellis, William Goscicki, Erica Ingerson,
3 Kayle Lauck, Rupert Leaverton, Alexis Moran, Nolan Rounds, Tabor Schabot, Ella Stiefvater, Taylor
4 Storbakken.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **COMMUNICATIONS AND PETITIONS**

7 February 22, 2021

8 Mr. Speaker and Members of the House:

9 I have the honor to inform you that on February 22, 2021, I approved House Bills 1011, 1014,
10 1015, 1027, 1028, 1071, and 1078, and the same have been deposited in the office of the Secretary
11 of State.

12 Respectfully submitted,
13 Kristi Noem
14 Governor

15 **REPORTS OF STANDING COMMITTEES**

16 MR. SPEAKER:

17 The Committee on House Commerce and Energy respectfully reports that it has had under
18 consideration **HB 1207 and 1208** which were tabled.

19 Also MR. SPEAKER:

20 The Committee on House Commerce and Energy respectfully reports that it has had under
21 consideration **HB 1141, 1242, and 1244** which were deferred to the 41st Legislative Day.

22 Respectfully submitted,
23 Rhonda Milstead, Chair

24 Also Mr. SPEAKER:

25 The Committee on Legislative Procedure respectfully reports that **HB 1035, 1042, and 1051**
26 were delivered to her Excellency, the Governor, for her approval at 2:20 p.m., February 18, 2021.

27 Respectfully submitted,
28 Spencer R. Gosch, Chair

29 **MESSAGES FROM THE SENATE**

30 Mr. SPEAKER:

31 I have the honor to transmit herewith **SB 145 and 182** which have passed the Senate and
32 your favorable consideration is respectfully requested.

33 Respectfully,
34 Kay Johnson, Secretary

1

MOTIONS AND RESOLUTIONS

2

Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 1:00 p.m.,
3 Tuesday, February 23, 2021, the 26th legislative day.

4

Which motion prevailed.

5

Rep. Mulally moved that **HCR 6007** be moved from the Committee on Agriculture and Natural
6 Resources and further committee assignment be waived.

7

Which motion prevailed.

8

HCR 6009: A CONCURRENT RESOLUTION, Urging priority to be given to in-state advertising
9 agencies over out-of-state agencies for state issued requests for proposals.

10

Introduced by: **Representative** Jamie Smith

11

Was read the first time.

12

Rep. Hansen moved that the House do concur in Senate amendments to **HB 1069**.

13

The question being on Rep. Hansen's motion that the House do concur in Senate amendments
14 to **HB 1069**.

15

And the roll being called:

16

Yeas 67, Nays 1, Excused 2, Absent 0

17

Yeas:

18

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

25

Nays:

26

Aylward

27

Excused:

28

Jamison and Ladner

29

So the motion having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the motion carried and the amendments were concurred in.

31

Rep. Hansen moved that the House do concur in Senate amendments to **HB 1079**.

32

The question being on Rep. Hansen's motion that the House do concur in Senate amendments
33 to **HB 1079**.

1 And the roll being called:

2 Yeas 59, Nays 9, Excused 2, Absent 0

3 Yeas:

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

10 Nays:

11 Bordeaux, Cwach, Duba, Healy, Keintz, Lesmeister, Mortenson, Pourier, and Jamie Smith

12 Excused:

13 Jamison and Ladner

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the motion carried and the amendments were concurred in.

16 Rep. Weisgram moved that the House do concur in Senate amendments to **HB 1090**.

17 The question being on Rep. Weisgram's motion that the House do concur in Senate
18 amendments to **HB 1090**.

19 And the roll being called:

20 Yeas 66, Nays 2, Excused 2, Absent 0

21 Yeas:

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

29 Nays:

30 Aylward and Soye

31 Excused:

32 Jamison and Ladner

33 So the motion having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the motion carried and the amendments were concurred in.

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

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

1 Rep. Kevin Jensen moved that **HCR 6008** as found on page 319 of the House Journal be
2 adopted.

3 The question being on Rep. Kevin Jensen's motion that **HCR 6008** be adopted.

4 And the roll being called:

5 Yeas 67, Nays 1, Excused 2, Absent 0

6 Yeas:

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

14 Nays:

15 Howard

16 Excused:

17 Jamison and Ladner

18 So the motion having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the motion carried and **HCR 6008** was adopted.

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

22 **REPORTS OF STANDING COMMITTEES**

23 MR. SPEAKER:

24 The Committee on House Judiciary respectfully reports that it has had under consideration
25 **HB 1061** and returns the same with the recommendation that said bill be amended as follows:

26 1061G

27 On the Introduced bill, delete the previously adopted amendment (1061B).

28 On page 1, line 1, after "smoking" insert " and consuming"

29 On page 1, line 7, after "person " delete "occupying, "

30 On page 1, line 7, after "operating" delete the comma

31 On page 1, line 8, after "smokes" insert " or consumes"

32 On page 1, line 9, after "section" insert " and § 22-42-25"

33 On page 1, after line 11, insert "

34 **Section 1.** That a NEW SECTION be added:

1 22-42-25. Passenger--Use of marijuana--Motor vehicle--Misdemeanor.

2 While a motor vehicle is located upon a public highway or the right-of-way of a public highway,
3 it is a Class 2 misdemeanor if any person occupying a motor vehicle smokes marijuana or marijuana
4 concentrate while the vehicle is being operated.

5 "

6 On page 1, line 12, after "resin." delete "Section 2. That § 34-20G-18 be AMENDED.

7 "

8 On page 1, line 13, after "AMENDED." delete "34-20G-18. "

9 " On page 1, line 13, after "34-20G-18. " delete "[Effective July 1, 2021] Unauthorized conduct.
10 "

11 On page 1, line 13, after "conduct. " delete "

12 This chapter does not authorize any person to engage in, and does not prevent the imposition
13 of any civil, criminal, or other penalty for engaging in, the following conduct:

14 (1) Undertaking any task under the influence of cannabis, when doing so would constitute
15 negligence or professional malpractice;

16 (2) Possessing cannabis or otherwise engaging in the medical use of cannabis in any
17 correctional facility;

18 (3) Smoking cannabis or cannabis products:

19 (a) On any form of public transportation; or

20 (b) In any public place or any place that is open to the public; or

21 (c) In violation of § 22-42-24.

22 (4) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft,
23 train, or motorboat while under the influence of cannabis, except that a registered qualifying patient
24 or nonresident cardholder is not considered to be under the influence of cannabis solely because of
25 the presence of metabolites or components of cannabis that appear in insufficient concentration to
26 cause impairment."

27 1061B

28 On page 1, line 1, of the Introduced bill, after "smoking " insert "and consuming "

29 On page 1, line 7, of the Introduced bill, delete "Class 2" and insert " Class 1"

30 On page 1, line 8, of the Introduced bill, after "vehicle" delete " smokes marijuana or marijuana
31 concentrate while the vehicle is being operated. "

32 On page 1, line 9, of the Introduced bill, after "operated. " insert ":

33 (1) Smokes marijuana or marijuana concentrate;

34 (2) Consumes any product containing marijuana or an extract of marijuana; or

1 (3) Possesses any package or receptacle containing marijuana, marijuana concentrate, or a
2 product containing marijuana or an extract of marijuana unless the seal of the original package
3 remains unbroken.

4 "

5 On page 1, line 20, of the Introduced bill, after "facility;

6 (3) Smoking " insert "or consuming "

7 On page 1, line 23, of the Introduced bill, delete the period and insert "; or"

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

9 Also MR. SPEAKER:

10 The Committee on House Judiciary respectfully reports that it has had under consideration
11 **HB 1160, 1178, and 1181** which were deferred to the 41st Legislative Day.

12 Also MR. SPEAKER:

13 The Committee on House Judiciary respectfully reports that it has had under consideration
14 **HB 1186** which was tabled.

15 Also MR. SPEAKER:

16 The Committee on House Judiciary respectfully reports that it has had under consideration
17 **HB 1223** and returns the same with the recommendation that said bill do pass.

18 Respectfully submitted,
19 Jon Hansen, Chair

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

22 **CONSIDERATION OF REPORTS OF COMMITTEES**

23 Rep. Kent Peterson moved that the report of the Standing Committee on Agriculture and
24 Natural Resources on **HB 1228 and HCR 6006** as found on page 321 of the House Journal be
25 adopted.

26 Which motion prevailed and the report was adopted.

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

28 The Speaker declared that **HB 1161 and 1213** were withdrawn at the request of the prime
29 sponsors pursuant to Joint Rule 6B-1.1.

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

31 **SB 145: FOR AN ACT ENTITLED, An Act to revise the process of filling vacancies for candidates**
32 for elected office.

1 **SB 182:** FOR AN ACT ENTITLED, An Act to revise provisions regarding owner occupied dwelling
2 requirements.

3 Were read the first time.

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 **HB 1110:** FOR AN ACT ENTITLED, An Act to prohibit the performance of abortions due to Down
6 syndrome and to provide a penalty therefor.

7 **HB 1254:** FOR AN ACT ENTITLED, An Act to prohibit preferential treatment in higher education
8 employment practices.

9 **HB 1258:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding cosmetology
10 apprentice programs.

11 **HB 1261:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to the training
12 curricula required of a person appointed as a guardian or a conservator.

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

14 **SB 94:** FOR AN ACT ENTITLED, An Act to revise requirements relating to the publication of
15 milk regulation ordinances.

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

18 Were read the second time.

19 The question being "Shall **HB 1110, 1254, 1258, and 1261** pass as amended, and **HB 1263,**
20 **and SB 94 and 102** pass?"

21 And the roll being called:

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

23 Yeas:

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

31 Excused:

32 Jamison and Ladner

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

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

36 **HB 1248:** FOR AN ACT ENTITLED, An Act to require reports regarding the intentional disposal,
37 destruction, or other disposition of human embryos.

1 Was read the second time.

2 Rep. Hansen moved that **HB 1248** be amended as follows:

3 1248G

4 On page 1, line 15, of the House Health and Human Services bill, after "department" insert "
5 must provide for the voluntary reporting of categorical reasons for which the embryos were disposed
6 of or destroyed and the manner or method by which such occurred,"

7 Which motion prevailed.

8 The question being "Shall **HB 1248** pass as amended?"

9 And the roll being called:

10 Yeas 47, Nays 21, Excused 2, Absent 0

11 Yeas:

12 Aylward, Beal, Blare, Chaffee, Dennert, Derby, Deutsch, Finck, Fitzgerald, Goodwin, Lana
13 Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson,
14 Karr, Koth, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Ernie Otten,
15 Overweg, Perry, Sue Peterson, Pischke, Pourier, Randolph, Rehfeldt, Reimer, Schneider, Soye,
16 Stevens, Vasgaard, Weis, Wiese, Wink, York, and Speaker Gosch

17 Nays:

18 Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Drury, Duba, Healy, Keintz,
19 Lesmeister, Olson, Kent Peterson, Reed, Jamie Smith, St. John, Thomason, Tidemann, Weisgram,
20 and Willadsen

21 Excused:

22 Jamison and Ladner

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

25 **HB 1130:** FOR AN ACT ENTITLED, An Act to establish requirements for the presentation of a
26 written statement regarding the discontinuance of a drug-induced abortion.

27 Was read the second time.

28 Rep. Haugaard moved that **HB 1130** be amended as follows:

29 1130F

30 On page 4, line 27, of the House State Affairs bill, delete ", and shall include the" and insert "
31 The"

32 On page 4, line 28, of the House State Affairs bill, after "statement" insert " must be
33 accompanied by a notice that includes"

34 On page 4, line 28, of the House State Affairs bill, after "statement: " insert "

35 (a) The following verbiage: "

1 On page 4, line 29, of the House State Affairs bill, delete " and you have not taken the second
2 drug, known as Misoprostol" and insert ", even after the abortion process has begun"

3 On page 4, line 31, of the House State Affairs bill, after "immediately. " delete "You can receive
4 information and a medical referral twenty-four hours per day, seven days a week by calling 877-
5 558-0333 or by accessing www. abortionpillreversal. com."

6 On page 4, line 33, of the House State Affairs bill, after "www.abortionpillreversal.com."" insert
7 "; and

8 (b) The phone number, website, and any other contact information provided to the department
9 by physicians or other entities, who or that have indicated their ability and willingness to provide
10 assistance, twenty-four hours per day, seven days a week, to a woman seeking to discontinue an
11 abortion."

12 Which motion prevailed.

13 The question being "Shall **HB 1130** pass as amended?"

14 And the roll being called:

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

16 Yeas:

17 Anderson, Aylward, Barthel, Beal, Blare, Chaffee, Chase, Dennert, Derby, Deutsch, Drury,
18 Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin
19 Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Marty, May, Mills, Milstead, Miskimins, Mortenson,
20 Mulally, Odenbach, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph,
21 Reed, Rehfeldt, Reimer, Schneider, Soye, St. John, Stevens, Thomason, Vasgaard, Weis, Weisgram,
22 Wiese, Willadsen, York, and Speaker Gosch

23 Nays:

24 Bartels, Bordeaux, Cwach, Davis, Duba, Healy, Keintz, Lesmeister, Olson, Pourier, Jamie
25 Smith, Tidemann, and Wink

26 Excused:

27 Jamison and Ladner

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

30 **HB 1203:** FOR AN ACT ENTITLED, An Act to authorize banks to engage in business with
31 industrial hemp or marijuana licensees and associated persons.

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

33 The question being "Shall **HB 1203** pass as amended?"

34 And the roll being called:

35 Yeas 64, Nays 4, Excused 2, Absent 0

36 Yeas:

37 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
38 Dennert, Derby, Deutsch, Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Healy,
39 Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Lesmeister, Marty,
40 May, Mills, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson,

1 Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye,
2 St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York,
3 and Speaker Gosch

4 Nays:
5 Fitzgerald, Haugaard, Milstead, and Mulally

6 Excused:
7 Jamison and Ladner

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

10 **HB 1241**: FOR AN ACT ENTITLED, An Act to provide for participation in a parent education
11 program upon filing for divorce.

12 Was read the second time.

13 Rep. Haugaard moved that **HB 1241** be amended as follows:

14 1241C

15 On page 1, line 1, of the House Education bill, after "program " delete "upon filing for divorce"

16 On page 1, line 21, of the House Education bill, after "program " delete "and may establish
17 fees to defray the costs of the program"

18 Which motion prevailed.

19 The question being "Shall **HB 1241** pass as amended?"

20 And the roll being called:

21 Yeas 35, Nays 33, Excused 2, Absent 0

22 Yeas:
23 Bartels, Cwach, Dennert, Deutsch, Duba, Finck, Fitzgerald, Hansen, Haugaard, Healy, Hoffman,
24 Howard, Kevin Jensen, Phil Jensen, Keintz, Lesmeister, Marty, May, Mills, Milstead, Odenbach, Perry,
25 Sue Peterson, Pischke, Pourier, Randolph, Soye, St. John, Stevens, Vasgaard, Weis, Wiese, Wink,
26 York, and Speaker Gosch

27 Nays:
28 Anderson, Aylward, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Davis, Derby, Drury,
29 Goodwin, Lana Greenfield, Gross, Chris Johnson, Karr, Koth, Miskimins, Mortenson, Mulally, Olson,
30 Ernie Otten, Overweg, Kent Peterson, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Thomason,
31 Tidemann, Weisgram, and Willadsen

32 Excused:
33 Jamison and Ladner

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

1 Rep. Haugaard announced his intention to reconsider the vote by which **HB 1241** lost.

2 **HB 1124:** FOR AN ACT ENTITLED, An Act to modify certain requirements concerning the
3 printing of ballots.

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

5 The question being "Shall **HB 1124** pass as amended?"

6 And the roll being called:

7 Yeas 66, Nays 1, Excused 3, Absent 0

8 Yeas:

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

16 Nays:

17 Speaker Gosch

18 Excused:

19 Howard, Jamison, and Ladner

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

22 **SIGNING OF BILLS**

23 The Speaker publicly read the title to

24 **SB 81:** FOR AN ACT ENTITLED, An Act to authorize certain flags and flagpoles to be located
25 on residential property regardless of any private covenants, restrictions, bylaws, rules, or
26 requirements.

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

29 **SB 92:** FOR AN ACT ENTITLED, An Act to require that certain proposed rules include a housing
30 cost impact statement.

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

33 **SB 136:** FOR AN ACT ENTITLED, An Act to change the criteria for a petition to vacate a
34 highway.

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

1 Rep. Kent Peterson moved that the balance of the calendar including **HB 1100, and SB 59**
2 **and 96** be deferred to Tuesday, February 23, 2021, the 26th legislative day.

3 Which motion prevailed.

4 Rep. Gosch moved that House do now recess until the Committee on House State Affairs
5 completes its business.

6 Which motion prevailed and at 4:05 p.m., the House recessed.

7 **RECESS**

8 The House reconvened at 8:34 p.m., the Speaker presiding.

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

11 **REPORTS OF STANDING COMMITTEES**

12 MR. SPEAKER:

13 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
14 consideration **HB 1122** which was deferred to the 41st Legislative Day.

15 Respectfully submitted,
16 Tony Randolph, Chair

17 Also MR. SPEAKER:

18 The Committee on House State Affairs respectfully reports that it has had under consideration
19 **HB 1134** and returns the same with the recommendation that said bill be amended as follows:

20 1134A

21 On page 1, line 1, of the Introduced bill, delete "enhance South Dakota" and insert "make an
22 appropriation to the Board of Regents for improving the National Music Museum at the University of
23 South Dakota and to declare an emergency"

24 On the Introduced bill, delete everything after the enacting clause and insert:

25 "

26 **Section 1.** There is hereby appropriated from the general fund the sum of \$6,500,000 to the
27 Board of Regents, for purpose of equipping the National Music Museum at the University of South
28 Dakota with educational exhibits for the display and security of the museum’s collections.

29 **Section 2.** The executive director of the Board of Regents shall approve vouchers and the
30 state auditor shall draw warrants to pay expenditures authorized by this Act.

31 **Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated by June
32 30, 2022 shall revert in accordance with the procedures prescribed in chapter 4-8.

1 **Section 4.** Whereas, this Act is necessary for the support of the state government and its
2 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
3 force and effect from and after its passage and approval.

4 "

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

6 Also MR. SPEAKER:

7 The Committee on House State Affairs respectfully reports that it has had under consideration
8 **HB 1156 and 1211** which were deferred to the 41st Legislative Day.

9 Also MR. SPEAKER:

10 The Committee on House State Affairs respectfully reports that it has had under consideration
11 **HB 1199** and returns the same with the recommendation that said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on House State Affairs respectfully reports that it has had under consideration
14 **HB 1197** and returns the same with the recommendation that said bill do pass, and having been
15 certified as uncontested, be placed on the consent calendar.

16 Also MR. SPEAKER:

17 The Committee on House State Affairs respectfully reports that it has had under consideration
18 **HB 1217** and returns the same with the recommendation that said bill be amended as follows:

19 1217A

20 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW
21 SECTION be added:

22 "

23 On page 1, line 4, of the Introduced bill, after "added:" delete "LEGISLATIVE FINDINGS."

24 On page 1, line 4, of the Introduced bill, after "FINDINGS." delete "

25 The Legislature finds that:

26 (1) "With respect to biological sex, one is either male or female. "

27 Arnold De Loof, Only Two Sex Forms but Multiple Gender Variants: How to Explain?, 11(1)
28 Communicative & Integrative Biology, (2018), at

29 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5824932>;

30 (2) A person's "sex is determined at fertilization and revealed at birth or, increasingly, in
31 utero. "

32 Lucy Griffin, et al. , Sex, gender and gender identity: a re-evaluation of the evidence, BJPsych
33 Bulletin July 21; 1-9. (2020) at

34 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6677266>;

35 (3) "[B]iological differences between males and females are determined genetically during
36 embryonic development. "

- 1 Stefanie Eggers, et al. , Mammalian sex determination-insights from humans and mice (2012)
2 Chromosome Research 20(1): 215–238 (2012) at
3 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3279640>;
- 4 (4) "Secondary sex characteristics that develop during puberty . . . generate anatomical
5 divergence beyond the reproductive system, leading to adult body types that are measurably
6 different between sexes. "
- 7 Emma Hilton, et al. , Transgender Women in the Female Category of Sport: Perspectives on
8 Testosterone Suppression and Performance Advantage, Sports Med (2020);
- 9 (5) There are "[i]nherent differences" between men and women . . . [and these] "remain
10 cause for celebration, but not for denigration of the members of either sex or for artificial constraints
11 on an individual's opportunity. "
- 12 United States v. Virginia, 518 U. S. 515, 533 (1996);
- 13 (6) In studies of large cohorts of children from 6 years old, "[b]oys typically scored higher
14 than girls on cardiovascular endurance, muscular strength, muscular endurance, and speed/agility,
15 but lower on flexibility. "
- 16 Konstantinos Tambalis, et al. , Physical fitness normative values for 6-18-year-old Greek boys
17 and girls, using the empirical distribution and the lambda, mu, and sigma statistical method (2015)
18 Eur J Sport Sci. Sep;16(6):736-46 at <https://pubmed.ncbi.nlm.nih.gov/26402318>; see also, M.
19 J. Catley, et al. , Normative Health-related fitness values for children: analysis of 85347 test results
20 on 9-17 year old Australians since 1985 (2013) Br J Sports Med. Jan; 47(2) at [https://pubmed.
21 ncbi.nlm.nih.gov/22021354](https://pubmed.ncbi.nlm.nih.gov/22021354);
- 22 (7) Physiological differences between males and females relevant to sports performance
23 "include a larger body size with more skeletal muscle mass, a lower percentage of body fat, as well
24 as greater maximal delivery of anaerobic and aerobic energy. "
- 25 O. Sandbakk, et al. , Sex Differences in World-Record Performance: The Influence of Sport
26 Discipline and Competition Duration (2018) Int J Sports Physiol Perform, Jan 1;13(1):2-8 at
27 <https://pubmed.ncbi.nlm.nih.gov/28488921>;
- 28 (8) Physiological differences between males and females include "those most important for
29 success in sport: categorically different strength, speed, and endurance. "
- 30 Doriane Lambelet Coleman, et al. , Comparing Athletic Performances – The Best Elite Women
31 to Boys and Men, Duke Center for Sports Law and Policy, at [https://web.law.duke.edu/sports/sex-
32 sport/comparative-athletic-performance](https://web.law.duke.edu/sports/sex-sport/comparative-athletic-performance);
- 33 (9) Physiological differences between men and women provide competitive sports advantage
34 for men, permitting, among other advantages, "males [being] able to generate higher speed and
35 power during physical activity. "
- 36 Doriane Lambelet Coleman, Sex in Sport, 80 Law and Contemporary Problems 63 (2017) at
37 [https://scholarship.law.duke.edu/cgi/viewcontent.
38 cgi?article=4849&context=lcp](https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4849&context=lcp);
- 39 (10) There is a sports performance gap between males and females, such that "the
40 physiological advantages conferred by biological sex appear, on assessment of performance data,
41 insurmountable. "
- 42 Emma Hilton, et al. , Transgender Women in the Female Category of Sport: Perspectives on
43 Testosterone Suppression and Performance Advantage, Sports Med (2020);
- 44 (11) While classifications based on sex are generally disfavored, the United States Supreme
45 Court has recognized that "[s]ex classifications may be used to compensate women "for particular

1 economic disabilities [they have] suffered" . . . " to promot[e] equal employment opportunities,
2 [and] to advance full development of the talent and capacities of our Nation's people "

3 United States v. Virginia, 518 U. S. 515, 533 (1996);

4 (12) One place where sex classifications allow for the full development of the talent and
5 capacities of our Nation's people is in the context of sports and athletics;

6 (13) Courts have recognized that the inherent, physiological differences between males and
7 females result in different athletic capabilities and have stated that "because of innate physiological
8 differences, boys and girls are not similarly situated as they enter athletic competition "

9 Kleczek v. Rhode Island Interscholastic League, Inc. , 612 A. 2d 13 734, 738 (R. I. 1992);

10 (14) The benefits that natural testosterone provides to male athletes is not diminished through
11 the use of testosterone suppression. A recent study on the impact of such treatments found that
12 policies like those of the International Olympic Committee requiring biological males to undergo at
13 least one year of testosterone suppression before competing in women's sports do not create a level
14 playing field. "[T]he reduction in testosterone levels required by [policies like those of the
15 International Olympic Committee] is insufficient to remove or reduce the male advantage, in terms
16 of muscle mass and strength, by any meaningful degree. " The study concluded that "[t]he data
17 presented here demonstrate that superior anthropometric, muscle mass and strength parameters
18 achieved by males at puberty, and underpinning a consideration portion of the male performance
19 advantage over females, are not removed by the current regimen of testosterone suppression"
20 permitted by the International Olympic Committee and other sports organizations. Rather, the study
21 found that male performance advantage over females "remains substantial. "

22 Emma Hilton, et al. , Transgender Women in the Female Category of Sport: Perspectives on
23 Testosterone Suppression and Performance Advantage, Sports Med (2020); and

24 (15) Having separate sex-specific teams furthers the promotion of sex equality by providing
25 opportunities for female athletes to demonstrate their skills, strengths, and athletic abilities, while
26 also providing them with opportunities to obtain accolades, recognition, college scholarships, and
27 numerous other long-term benefits associated with successful athletic endeavors."

28 On page 4, line 6, of the Introduced bill, delete "2" and insert 1

29 On page 4, line 7, of the Introduced bill, delete "13-67-2" and insert " 13-67-1"

30 On page 4, line 16, of the Introduced bill, delete " 13-67-3" and insert " 13-67-2"

31 On page 4, line 17, of the Introduced bill, delete "3" and insert 2

32 On page 4, line 18, of the Introduced bill, delete "13-67-3" and insert " 13-67-2"

33 On page 5, line 1, of the Introduced bill, delete "4" and insert 3

34 On page 5, line 2, of the Introduced bill, delete "13-67-4" and insert " 13-67-3"

35 On page 5, line 7, of the Introduced bill, delete " 13-67-2" and insert " 13-67-1"

36 On page 5, line 8, of the Introduced bill, delete "5" and insert 4

37 On page 5, line 9, of the Introduced bill, delete "13-67-5" and insert " 13-67-4"

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

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration
3 **HB 1232** and returns the same with the recommendation that said bill be amended as follows:

4 1232B

5 On page 1, line 7, of the Introduced bill, delete "The " and insert "On July 1, 2023, prior to the
6 adjustment required pursuant to § 3-8-2.1, the "

7 On page 1, line 7, of the Introduced bill, after "the " insert "following constitutional officers
8 shall be set to the following values:

9 (1) The "

10 On page 1, line 8, of the Introduced bill, delete " shall be " and insert ", "

11 On page 1, line 9, of the Introduced bill, delete ". The base annual salary of the " and insert ";

12 (2) The "

13 On page 1, line 9, of the Introduced bill, delete " shall be " and insert ", "

14 On page 1, line 10, of the Introduced bill, delete ". The annual salary of the " and insert ";

15 (3) The "

16 On page 1, line 10, of the Introduced bill, delete " shall be " and insert ", "

17 On page 1, line 11, of the Introduced bill, delete ". Each annual salary of this section shall be
18 applied prior to the adjustment required" and insert "

19 The salaries, as adjusted pursuant to this section and § 3-8-2.1, shall be the base salaries for
20 the next adjustment required"

21 On page 1, line 12, of the Introduced bill, after "3-8-2.1" insert ". Thereafter, the base salaries
22 of these constitutional officers that are to be annually adjusted in all subsequent years, pursuant to
23 § 3-8-2. 1, will be the total of the base salary and adjustment amount established by the prior
24 annual adjustment"

25 On page 1, line 13, of the Introduced bill, after "8-2.1." delete "Section 2. The effective date
26 of this Act is July 1, 2022."

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

28 Also MR. SPEAKER:

29 The Committee on House State Affairs respectfully reports that it has had under consideration
30 **HB 1247** and returns the same with the recommendation that said bill be amended as follows:

31 1247A

32 On page 2, line 3, of the Introduced bill, after "the " delete "ethical, philosophical, "

33 On page 2, line 3, of the Introduced bill, after "moral" delete the comma

34 On page 6, line 2, of the Introduced bill, delete " § 34-54-3" and insert " § 34-54-2"

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

2 Respectfully submitted,
3 Kent Peterson, Chair

4 Also MR. SPEAKER:

5 The House Committee on Appropriations respectfully reports that it has had under
6 consideration **HB 1230 and 1253** which were deferred to the 41st Legislative Day.

7 Also MR. SPEAKER:

8 The House Committee on Appropriations respectfully reports that it has had under
9 consideration **HB 1256, 1264, 1265, 1266, 1269, 1272, 1273, 1275, 1276, 1277, 1278,**
10 **1279, and 1280** and returns the same with the recommendation that said bills do pass.

11 Also MR. SPEAKER:

12 The House Committee on Appropriations respectfully reports that it has had under
13 consideration **HB 1267** and returns the same with the recommendation that said bill be amended
14 as follows:

15 1267A

16 On page 1, line 4, of the Introduced bill, delete "3,366,196" and insert 1

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

18 Also MR. SPEAKER:

19 The House Committee on Appropriations respectfully reports that it has had under
20 consideration **HB 1268** and returns the same with the recommendation that said bill be amended
21 as follows:

22 1268A

23 On page 1, line 4, of the Introduced bill, delete " Department of Public Safety" and insert "
24 Office of the Attorney General"

25 On page 1, line 7, of the Introduced bill, delete "secretary of the Department of Public Safety
26 " and insert "Attorney General "

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

28 Also MR. SPEAKER:

29 The House Committee on Appropriations respectfully reports that it has had under
30 consideration **HB 1270** and returns the same with the recommendation that said bill be amended
31 as follows:

32 1270A

33 On page 1, line 4, of the Introduced bill, delete "8,364,225" and insert 1

34 On page 1, line 5, of the Introduced bill, delete "11,607,659" and insert 1

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

1 Also MR. SPEAKER:

2 The House Committee on Appropriations respectfully reports that it has had under
3 consideration **HB 1271** and returns the same with the recommendation that said bill be amended
4 as follows:

5 1271A

6 On page 1, line 4, of the Introduced bill, delete "42,500" and insert 1

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

8 Also MR. SPEAKER:

9 The House Committee on Appropriations respectfully reports that it has had under
10 consideration **HB 1274** and returns the same with the recommendation that said bill be amended
11 as follows:

12 1274A

13 On page 1, line 3, of the Introduced bill, delete "721,582" and insert 1

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

15 Also MR. SPEAKER:

16 The House Committee on Appropriations respectfully reports that it has had under
17 consideration **HB 1281** and returns the same with the recommendation that said bill be amended
18 as follows:

19 1281A

20 On page 1, line 15, of the Introduced bill, after "public." insert " The state treasurer shall
21 transfer a general fund sum of \$10,000,000 to the state database brittle fund, created in section 1
22 of this Act."

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

24 Also MR. SPEAKER:

25 The House Committee on Appropriations respectfully reports that it has had under
26 consideration **HB 1282** and returns the same with the recommendation that said bill be amended
27 as follows:

28 1282A

29 On page 1, line 4, of the Introduced bill, delete "\$5,000,000" and insert "\$1"

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

31 Respectfully submitted,
32 Chris Karr, Chair

33 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 8:36 p.m.
34 the House adjourned.

35 Patricia Miller, Chief Clerk

