

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

TWENTY-SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 23, 2021

The House convened at 2:20 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Deacon Kris Wollman, followed by the Pledge of Allegiance led by House page Mollie Brown.

Roll Call: All members present except Rep. Ladner who was excused.

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-fifth 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

COMMUNICATIONS AND PETITIONS

2

February 23, 2021

3

Mr. Speaker and Members of the House:

4

I have the honor to inform you that on February 23, 2021, I approved House Bill 1077, and the same has been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,

7

Kristi Noem

8

Governor

9

REPORTS OF STANDING COMMITTEES

10

MR. SPEAKER:

11

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1155** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

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13

14

Also MR. SPEAKER:

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The Committee on House Taxation respectfully reports that it has had under consideration **HB 1231** which was deferred to the 41st Legislative Day.

16

17

Also MR. SPEAKER:

18

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1252** which was tabled.

19

20

Respectfully submitted,

21

Drew Dennert, Chair

22

Also MR. SPEAKER:

23

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1192** and returns the same with the recommendation that said bill be amended as follows:

24

25

26

1192A

27

On page 1, line 1, of the Introduced bill, delete "require evidence of financial responsibility at the time of certain vehicle registrations" and insert " provide for the use of motorized foot scooters"

28

29

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

30

"

31

Section 1. That § 32-26-21.1 be AMENDED.

32

32-26-21.1. Driving on sidewalk prohibited--Municipal restrictions on bicycle, motorized foot scooter, or electric personal assistive device operation--Violation as misdemeanor.

33

34

No person may drive any vehicle other than a bicycle, motorized foot scooter, or an electric personal assistive device upon a sidewalk or sidewalk area except upon a permanent or duly

35

1 authorized temporary driveway. The local governing body of a municipality may restrict a bicycle,
2 motorized foot scooter, or an electric personal assistive device from operating upon a sidewalk or
3 sidewalk area. A violation of this section is a Class 2 misdemeanor.

4 **Section 2.** That a NEW SECTION be added:

5 32-26-21.4. Motorized foot scooter defined.

6 For the purposes of §§ 32-26-21.1 to 32-26-21.5, inclusive, the term, motorized foot scooter,
7 means a wheeled conveyance, with handlebars, designed to be stood or sat upon by the operator,
8 and powered by an electric motor that is capable of propelling the device with or without human
9 propulsion, and that has no more than two twelve inch or smaller diameter wheels and has a motor
10 that is capable of a maximum speed of fifteen miles per hour on a flat surface with not more than
11 one percent grade in any direction when the motor is engaged. An electric bicycle is not a motorized
12 foot scooter.

13 **Section 3.** That a NEW SECTION be added:

14 32-26-21.5. Motorized foot scooter exempt from certain vehicle requirements.

15 A motorized foot scooter is exempt from the provisions of chapters 32-3, 32-5, 32-5A, 32-5B,
16 32-6B, 32-15, 32-20, 32-37, and 37-5.

17 "

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

19 Also MR. SPEAKER:

20 The Committee on House Transportation respectfully reports that it has had under
21 consideration **HB 1259** and returns the same with the recommendation that said bill be referred to
22 the Joint Committee on Appropriations.

23 Respectfully submitted,
24 Caleb Finck, Chair

25 Also MR. SPEAKER:

26 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
27 under consideration **HB 1087, 1202, 1215, and 1250** which were deferred to the 41st Legislative
28 Day.

29 Also MR. SPEAKER:

30 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
31 under consideration **HB 1112** and returns the same with the recommendation that said bill be
32 amended as follows:

33 1112A

34 On page 1, line 24, of the Introduced bill, after "three-hundred" insert the hyphen-minus

35 On page 2, line 5, of the Introduced bill, remove the overstrikes from " If any person is
36 convicted of knowingly discharging a firearm within six "

37 On page 2, line 6, of the Introduced bill, delete "six " and insert "three "

38 On page 2, line 6, of the Introduced bill, remove the overstrikes from "hundred sixty feet"

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- 1 On page 2, line 6, of the Introduced bill, delete "sixty feet" and insert " yards"
- 2 On page 2, line 6, of the Introduced bill, remove the overstrikes from " of any occupied
3 dwelling, church, or schoolhouse"
- 4 On page 2, line 7, of the Introduced bill, after "schoolhouse" insert the comma
- 5 On page 2, line 7, of the Introduced bill, remove the overstrikes from " for which that distance
6 has been clearly and accurately marked and posted"
- 7 On page 2, line 8, of the Introduced bill, after "posted" delete " Upon conviction"
- 8 On page 2, line 9, of the Introduced bill, remove the overstrikes from " sentencing"
- 9 On page 2, line 10, of the Introduced bill, remove the overstrikes from "the"
- 10 On page 2, line 10, of the Introduced bill, after "the " delete "that a "
- 11 On page 2, line 11, of the Introduced bill, remove the overstrikes from " to be served
12 consecutively with"
- 13 On page 2, line 11, of the Introduced bill, after "with" delete " be consecutive to"
- 14 On page 2, line 12, of the Introduced bill, after "privileges " delete "authorized under this title
15 and "
- 16 On page 2, line 12, of the Introduced bill, remove the overstrikes from "imposed for"
- 17 On page 2, line 12, of the Introduced bill, after "for" delete " resulting from"
- 18 On page 2, line 13, of the Introduced bill, remove the overstrikes from "violation for which the
19 person is convicted "
- 20 On page 2, line 13, of the Introduced bill, after "convicted " delete " conviction "
- 21 On page 2, line 13, of the Introduced bill, remove the overstrikes from "and for which
22 revocation of the"
- 23 On page 2, line 14, of the Introduced bill, remove the overstrikes from "privileges is authorized
24 under this title"
- 25 And that as so amended, said bill do pass.
- 26 Also MR. SPEAKER:
- 27 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
28 under consideration **HB 1219** and returns the same with the recommendation that said bill be
29 amended as follows:
- 30 1219A
- 31 On page 1, line 1, of the Introduced bill, delete "provide for the betterment of agriculture in
32 South Dakota" and insert "join the Interstate Cooperative Meatpacking Compact"
- 33 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. This Act provides
34 provisions for the betterment of agriculture in South Dakota. "
- 35 On page 1, after line 4, of the Introduced bill, insert "

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

2 39-5-55. Interstate Cooperative Meatpacking Compact.

3 The Interstate Cooperative Meatpacking Compact is enacted into law with all other participating
4 states in the following form:

5 Article I. Purpose

6 (1) The compacting states to this interstate compact recognize the importance of providing the
7 public with a safe, wholesome, and unadulterated meat supply.

8 (2) The purpose of this compact, through joint and cooperative action among the compacting
9 states is to:

10 (a) Expand opportunities for the livestock and meatpacking economy throughout the western
11 United States; and

12 (b) Promote commerce between the compacting states.

13 (3) It is the policy of the compacting states to cooperate and to observe their individual and
14 collective duties and responsibilities for the appropriate inspection, sanitation, recordkeeping,
15 sampling, labeling, public health, and humane methods of slaughtering for those establishments
16 subject to this compact.

17 (4) The intent of the compacting states is to maintain and enhance a state-based meat
18 inspection process that is at least equal to applicable federal laws and rules, including the authorities
19 under the:

20 (a) Federal Meat Inspection Act, 21 U.S.C. 501 through 695;

21 (b) Federal Poultry Products Inspection Act, 21 U.S.C 451 through 470, as those acts read on
22 March 27, 2013;

23 (c) Federal Humane Methods of Slaughter Act of 1978, 7 U.S.C. 1901, 1902, 1904, 1906, and
24 1907, as that act read on March 27, 2007;

25 (d) The labelling requirements of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301
26 through 392, as that law read on October 1, 1987; and

27 (e) Federal regulations promulgated under these federal acts.

28 Article II. Definitions

29 (1) "Compacting state" means any state that has enacted the enabling legislation for this
30 compact.

31 (2) "Livestock" means cattle, buffalo, sheep, swine, goats, rabbits, horses, mules, or other
32 equines, whether alive or dead.

33 (3) "Livestock product" or "poultry product" means a product capable of use as human food
34 that is wholly or partially made from meat.

35 (4) "Meat" means the edible flesh of livestock or poultry and includes livestock and poultry
36 products. This term does not include cell-cultured edible products.

37 (5) "Meat establishment" means an establishment licensed by a state at which inspection of
38 the slaughter of livestock or poultry or the preparation of meat food products is maintained under
39 applicable meat and poultry inspection laws, including those listed in Article I. The term includes a
40 mobile slaughter facility.

1 (6) "Retail food establishment" means an operation, whether mobile or at a temporary or
2 stationary facility or location, that meets one or more of the conditions in subsections (6)(a)(i) and
3 (6)(a)(ii) and that may include a central processing facility that supplies a transportation vehicle or
4 a vending location or satellite feeding location. A retail food establishment:

5 (a)

6 (i) Stores, processes, packages, serves, or vends food directly to the consumer or otherwise
7 provides food for human consumption at a venue that may include:

8 (A) A restaurant;

9 (B) A market;

10 (C) A satellite or catered feeding location;

11 (D) A catering operation if the catering operation provides food directly to a consumer or to a
12 conveyance used to transport people;

13 (E) A vending location;

14 (F) A conveyance used to transport people;

15 (G) An institution; or

16 (H) A food bank; and

17 (ii) Relinquishes possession of food to a consumer directly or indirectly by using either a
18 delivery service, as is done for grocery or restaurant orders, or a common carrier that provides
19 deliveries.

20 (b) The term is not dependent on whether consumption is on or off the premises or whether
21 there is a charge for food served to the public.

22 (c) The term does not include:

23 (i) Milk producers' facilities, milk pasteurization facilities, or milk product manufacturing plants;

24 (ii) Slaughterhouses, meat packing plants, or meat depots;

25 (iii) Growers or harvesters of raw agricultural commodities;

26 (iv) A cottage food operation;

27 (v) a person that sells or serves only commercially prepackaged foods that are not potentially
28 hazardous;

29 (vi) A food stand that offers raw agricultural commodities;

30 (vii) A wholesale food establishment, including those wholesale food establishments that are
31 located on the same premises as a retail food establishment;

32 (viii) A kitchen in a domestic residence used for preparing food to sell or serve at a function by
33 a nonprofit organization as provided in subsection (6)(c)(xiii);

34 (ix) Custom meat and game animal processors that receive from an owner the remains of a
35 carcass and process those remains for delivery to the owner for the exclusive use in the owner's
36 household by the owner or members of the owner's household, including the owner's family pets,

1 or of the owner's nonpaying guests or employees. For this exemption to apply, the carcass must be
2 kept separate from other meat food products and parts that are to be prepared for sale.

3 (x) Private, religious, fraternal, youth, patriotic, or civic organizations that serve or sell food
4 to the public over no more than four days in a twelve-month period;

5 (xi) A private organization that serves food only to its members and their guests;

6 (xii) A bed and breakfast, a hotel, a motel, a roominghouse, a guest ranch, an outfitting and
7 guide facility, a boardinghouse, or a tourist home that serves food only to registered guests and day
8 visitors;

9 (xiii) A nonprofit organization that operates a temporary food establishment under a permit as
10 provided in § 34-18-17;

11 (xiv) Persons who sell or serve at a farmer's market or a food stand whole shell eggs, hot
12 coffee, hot tea, or other food not meeting the definition of potentially hazardous, as authorized by
13 the appropriate municipal or county authority;

14 (xv) A day-care center or day-care providers who are not subject to licensure, as provided
15 under chapter 26-6;

16 (xvi) A private domestic residence that receives catered or home-delivered food;

17 (xvii) A contract cook; or

18 (xviii) A provider of free samples to the public as a marketing activity if the provider is a
19 licensed wholesale food establishment, a cottage food operation, or a seller at a farmer's market.

20 (7) "Retail meat establishment" means a commercial establishment at which meat or meat
21 products are displayed for sale or provision to the public, with or without charge.

22 (8) "State" means a state withing the United States, the District of Columbia or its designee,
23 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and
24 the Northern Marianas Islands.

25 (9) "Western cooperative program" means the participating, compacting states that promise
26 to adhere to this compact.

27 Article III. Cooperative commerce

28 (1) A meat establishment in a compacting state may participate in the western cooperative
29 program.

30 (2) A meat establishment participating in the western cooperative program may sell and
31 transport meat, livestock products, or poultry products to a retail food establishment, retail meat
32 establishment, or meat depot in another compacting state.

33 Article IV. Applicability of other laws

34 (1) This compact does not prohibit compacting states from participating in the United States
35 department of agriculture food safety inspection services' cooperative interstate shipment program.

36 Article V. Compact administrator and interchange of information.

37 (1) The head of the licensing authority of each party state shall be the administrator of this
38 compact for the administrator's state. The administrators, acting jointly, shall have the power to
39 formulate all necessary and proper procedures for the exchange of information under this compact.

1 (2) The administrator of each party state shall furnish to the administrator of each other party
2 state any information or documents reasonably necessary to facilitate the administration of this
3 compact.

4 Article VI. Defaulting and resolution of disputes

5 (1) The administrator of each party state shall resolve disputes among the compacting states
6 by simple majority vote.

7 (2) If the administrators determines that any compacting state has defaulted in the
8 performance of any of its obligations or responsibilities under this compact, the administrators may
9 suspend or revoke membership in the compact. The administrators may suspend a participating
10 state only after all other reasonable means of securing compliance under the terms of this compact
11 have been exhausted and the administrators have determined that the offending state is in default

12 (3) Upon determining default, the administrators shall:

13 (a) Immediately notify the defaulting state in writing of the penalty imposed by the
14 administrators and a cure for the default; and

15 (b) Stipulate the conditions and the time period within which the defaulting state shall cure its
16 default.

17 (4)

18 (a) If the defaulting state fails to cure the default within the time period specified by the
19 interstate commission, the defaulting state must be terminated from the compact upon an
20 affirmative vote of a majority of the compacting states. All rights, privileges, and benefits conferred
21 by this compact must be terminated from the effective date of the termination.

22 (b) The administrators shall give immediate notice of suspension or termination to the
23 governors of each state.

24 (5) The administrators may, by a simple majority vote, initiate legal action in the United States
25 district court for the District of Columbia or other court of competent jurisdiction to to enforce
26 compliance with the provisions of the compact. In the event that judicial enforcement is necessary,
27 the prevailing party must be awarded all costs of the litigation, including reasonable attorney fees.

28 Article VII. Effective date and amendment

29 (1) The compact becomes effective and binding upon legislative enactment of the compact into
30 law by the participating states. The initial effective date is July 1, 2021. Thereafter, it becomes
31 effective and binding as to any other compacting state upon enactment of the compact into law by
32 that state.

33 (2) The administrators may propose amendments to the compact for enactment by the
34 compacting states. An amendment is effecting and binding upon the interstate commission and the
35 compacting states when it is enacted into law by the consent of the compacting states.

36 Article VIII. Severability

37 (1) The provisions of this compact are severable, and if any phrase, clause, sentence, or
38 provision is unenforceable, the remaining provisions of the compact remain enforceable.

39 (2) The provisions of this compact must be liberally constructed to effectuate its purposes.

40 Article IX. Withdrawal and termination

1 (1) When effective, the compact must continue in force and remain binding upon each
2 compacting state. However, a compacting state may withdraw from the compact by specifically
3 repealing the statute that enacted the compact into law.

4 (2) The effective date of withdrawal is the effective date of the repeal.

5 (3) The withdrawing state shall immediately notify the compact administrators in each
6 participating state upon the introduction of legislation repealing this compact in the withdrawing
7 state.

8 (4) Reinstatement following withdrawal of any compacting state must occur upon the
9 withdrawing state reenacting the compact or upon a later date as determined by the compact
10 administrators.

11 (5) The compact dissolves effective upon the date of the withdrawal or default of the
12 compacting state, which reduced membership in the compact to one compacting state.

13 "

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

15 Respectfully submitted,
16 Marty Overweg, Chair

17 Also Mr. SPEAKER:

18 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
19 Enrolling has carefully compared **HB 1029, 1053, 1067, 1069, 1073, 1079, 1090, 1196, and**
20 **1234, and HCR 6003** and finds the same correctly enrolled.

21 Respectfully submitted,
22 Spencer R. Gosch, Chair

23 Also Mr. SPEAKER:

24 The Committee on Legislative Procedure respectfully reports that **HB 1034, 1068, and 1109**
25 were delivered to her Excellency, the Governor, for her approval at 8:35 a.m., February 23, 2021.

26 Respectfully submitted,
27 Spencer R. Gosch, Chair

28 **REPORT OF SELECT COMMITTEES**

29 MR. SPEAKER:

30 Your Select Committee appointed on Legislative Redistricting appointments respectfully reports
31 that it has had under consideration the appointments to the 2021 Legislative Redistricting
32 Committee and recommends that the following members be appointed by the Speaker:

- 33 Chair: Spencer Gosch
- 34 Vice Chair: Kent Peterson
- 35 Member: Jon Hansen
- 36 Member: Mike Derby
- 37 Member: Drew Dennert

1 Member: Liz May
2 Member: Bethany Soye
3 Member: Ryan Cwach

4 Respectfully submitted,
5 Kent Peterson
6 Spencer Gosch
7 Jamie Smith

8 **MESSAGES FROM THE SENATE**

9 Mr. SPEAKER:

10 I have the honor to return herewith **HB 1029, 1053, 1067, 1073, 1196, and 1234** which
11 have passed the Senate without change.

12 Also Mr. SPEAKER:

13 I have the honor to return herewith **HCR 6003** in which Senate has concurred.

14 Also Mr. SPEAKER:

15 I have the honor to return herewith **HB 1065** which has been amended by the Senate and
16 your concurrence in the amendments is respectfully requested.

17 Also Mr. SPEAKER:

18 I have the honor to transmit herewith **SB 141, 161, 174, 175, 176, 180, 183, and 184**
19 which have passed the Senate and your favorable consideration is respectfully requested.

20 Respectfully,
21 Kay Johnson, Secretary

22 **SIGNING OF BILLS**

23 The Speaker publicly read the title to

24 **HB 1029:** FOR AN ACT ENTITLED, An Act to require a permit to conduct mining operations for
25 certain ore milling facilities.

26 **HB 1053:** FOR AN ACT ENTITLED, An Act to establish an annual fee for certain electric motor
27 vehicles.

28 **HB 1067:** FOR AN ACT ENTITLED, An Act to modify identification requirements for a marriage
29 license and to provide certain provisions for a name change.

30 **HB 1069:** FOR AN ACT ENTITLED, An Act to modify the expenditures that are recoverable as
31 disbursements by a prevailing party in a civil action or a special proceeding.

32 **HB 1073:** FOR AN ACT ENTITLED, An Act to authorize dentists to void certain contract terms
33 with insurers.

1 Nays:
2 Anderson, Bartels, Barthel, Chase, Davis, Gross, Haugaard, Jamison, Koth, Mills, Miskimins,
3 Mortenson, Odenbach, Stevens, Thomason, Tidemann, Vasgaard, and Wiese

4 Excused:
5 Ladner

6 So the motion having received an affirmative vote of a majority of the members-elect, the
7 Speaker declared the motion carried and **HCR 6006** was adopted as amended.

8 **HCR 6007**: A CONCURRENT RESOLUTION, To provide for an interim study regarding foreign
9 ownership of agricultural land.

10 Having had its second reading was up for consideration.

11 Rep. Mulally moved that **HCR 6007** as found on page 327 of the House Journal be adopted.

12 The question being on Rep. Mulally's motion that **HCR 6007** be adopted.

13 And the roll being called:

14 Yeas 41, Nays 28, Excused 1, Absent 0

15 Yeas:
16 Aylward, Beal, Cwach, Davis, Dennert, Derby, Deutsch, Drury, Fitzgerald, Lana Greenfield,
17 Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Marty, May,
18 Milstead, Mortenson, Mulally, Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson,
19 Pischke, Pourier, Randolph, Rehfeldt, Schneider, Soye, St. John, Vasgaard, Weis, Wink, York, and
20 Speaker Gosch

21 Nays:
22 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Duba, Finck, Goodwin, Gross,
23 Healy, Jamison, Keintz, Koth, Lesmeister, Mills, Miskimins, Ernie Otten, Reed, Reimer, Jamie Smith,
24 Stevens, Thomason, Tidemann, Weisgram, Wiese, and Willadsen

25 Excused:
26 Ladner

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the motion carried and **HCR 6007** was adopted.

29 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

31 House Appropriations on **HB 1267, 1268, and 1270** as found on page 342 and **HB 1271,**
32 **1274, 1281, and 1282** as found on page 343 of the House Journal; also

33 Judiciary on **HB 1061** as found on page 329 of the House Journal; also

34 State Affairs on **HB 1217** as found on page 338 and **HB 1232 and 1247** as found on page
35 341 of the House Journal be adopted.

36 Which motion prevailed and the reports were adopted.

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

SB 141: FOR AN ACT ENTITLED, An Act to revise the automatic removal of certain convictions from a background check record.

3

4

SB 161: FOR AN ACT ENTITLED, An Act to revise the qualifications to serve as a trustee of a county road district.

5

6

SB 174: FOR AN ACT ENTITLED, An Act to revise provisions related to the automatic removal of certain charges or convictions from a defendant's public record.

7

8

SB 175: FOR AN ACT ENTITLED, An Act to remove certain eligibility requirements for the partners in education tax credit program.

9

10

SB 176: FOR AN ACT ENTITLED, An Act to adopt the Uniform Faithful Presidential Electors Act.

11

SB 180: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding revenues generated by and donations to the South Dakota State Veterans Cemetery, and to declare an emergency.

12

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14

SB 183: FOR AN ACT ENTITLED, An Act to declare certain contract provisions regarding abortion as unenforceable and to provide a penalty therefor.

15

16

SB 184: FOR AN ACT ENTITLED, An Act to require the sorting of absentee ballots.

17

Were read the first time.

18

SECOND READING OF CONSENT CALENDAR ITEMS

19

HB 1197: FOR AN ACT ENTITLED, An Act to require the attorney general be licensed to practice law in the state.

20

21

Was read the second time.

22

The question being "Shall **HB 1197** pass?"

23

Which bill passed and the title was agreed to.

24

And the roll being called:

25

Yeas 67, Nays 2, Excused 1, Absent 0

26

Yeas:

27

Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, 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

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34

Nays:

35

Dennert and Pischke

36

Excused:

37

Ladner

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

3 Speaker Pro tempore Hansen now presiding.

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

5 **HB 1100:** FOR AN ACT ENTITLED, An Act to modify the medical marijuana program and to
6 create an interim committee to recommend implementation of the medical marijuana program.

7 Was read the second time.

8 Rep. Gosch moved that **HB 1100** be amended as follows:

9 1100H

10 On amendment (1100F),

11 On page 8, line 7, delete "may" and insert " shall"

12 On page 8, line 8, delete "may" and insert " shall"

13 On page 8, line 9, delete "may" and insert " shall"

14 On page 8, line 10, delete "may" and insert " shall"

15 On page 8, line 12, delete "may" and insert " shall"

16 On page 8, line 17, delete "may" and insert " shall"

17 On page 8, line 18, delete "may" and insert " shall"

18 Rep. Cwach requested that Joint Rule 5-17 be invoked on **HB 1100**.

19 Rep. Gosch rose to a point of order that the amendment needed to be adopted before Joint
20 Rule 5-17 could be invoked.

21 Rep. Cwach's request was supported and **HB 1100** with Rep. Gosch's pending motion to
22 amend was deferred until Wednesday, February 24, 2021, the 27th legislative day.

23 Speaker Gosch now presiding.

24 **HB 1228:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp and
25 to declare an emergency.

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

1 The question being "Shall **HB 1228** pass as amended?"

2 And the roll being called:

3 Yeas 58, Nays 11, Excused 1, Absent 0

4 Yeas:

5 Aylward, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby, Deutsch,
6 Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Healy, Hoffman, Howard, Jamison,
7 Phil Jensen, Chris Johnson, Karr, Keintz, Lesmeister, Marty, May, Mills, Mortenson, Odenbach, Olson,
8 Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, 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 Nays:

12 Anderson, Bartels, Beal, Fitzgerald, Haugaard, Kevin Jensen, Koth, Milstead, Miskimins,
13 Mulally, and Vasgaard

14 Excused:

15 Ladner

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 1223**: FOR AN ACT ENTITLED, An Act to prohibit certain social media censorship.

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

20 The question being "Shall **HB 1223** pass?"

21 And the roll being called:

22 Yeas 32, Nays 37, Excused 1, Absent 0

23 Yeas:

24 Aylward, Beal, Dennert, Deutsch, Fitzgerald, Gross, Haugaard, Hoffman, Howard, Kevin
25 Jensen, Phil Jensen, Chris Johnson, Karr, Marty, May, Mills, Milstead, Odenbach, Ernie Otten, Perry,
26 Sue Peterson, Pischke, Randolph, Rehfeldt, Soye, St. John, Vasgaard, Weis, Wiese, Wink, York, and
27 Speaker Gosch

28 Nays:

29 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Drury,
30 Duba, Finck, Goodwin, Lana Greenfield, Hansen, Healy, Jamison, Keintz, Koth, Lesmeister,
31 Miskimins, Mortenson, Mulally, Olson, Overweg, Kent Peterson, Pourier, Reed, Reimer, Schneider,
32 Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, and Willadsen

33 Excused:

34 Ladner

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

37 Speaker Pro tempore Hansen now presiding.

1 **HB 1199**: FOR AN ACT ENTITLED, An Act to establish the Office of Liaison for Missing and
2 Murdered Indigenous Persons.

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

4 The question being "Shall **HB 1199** pass?"

5 And the roll being called:

6 Yeas 57, Nays 12, Excused 1, Absent 0

7 Yeas:

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

14 Nays:

15 Aylward, Beal, Dennert, Gross, Milstead, Ernie Otten, Overweg, Kent Peterson, Pischke, Soye,
16 Wiese, and Speaker Gosch

17 Excused:

18 Ladner

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

21 Speaker Gosch now presiding.

22 **HB 1256**: FOR AN ACT ENTITLED, An Act to make an appropriation for the cleanup of the Big
23 Sioux watershed and River and to declare an emergency.

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

25 The question being "Shall **HB 1256** pass?"

26 And the roll being called:

27 Yeas 48, Nays 20, Excused 2, Absent 0

28 Yeas:

29 Bartels, Barthel, Blare, Bordeaux, Cwach, Davis, Dennert, Deutsch, Drury, Duba, Finck,
30 Fitzgerald, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin
31 Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Lesmeister, Marty, May, Mills, Milstead, Mulally,
32 Odenbach, Olson, Perry, Sue Peterson, Pischke, Randolph, Rehfeldt, Jamie Smith, Soye, St. John,
33 Thomason, Vasgaard, Weis, Wiese, Willadsen, York, and Speaker Gosch

34 Nays:

35 Anderson, Aylward, Beal, Chaffee, Chase, Derby, Goodwin, Koth, Miskimins, Mortenson, Ernie
36 Otten, Overweg, Kent Peterson, Reed, Reimer, Schneider, Stevens, Tidemann, Weisgram, and Wink

1 Excused:
2 Ladner and Pourier

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

5 **HB 1264:** FOR AN ACT ENTITLED, An Act to make appropriations from the water and
6 environment fund and its revolving fund subfunds for various water and environmental purposes
7 and to declare an emergency.

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

9 The question being "Shall **HB 1264** pass?"

10 And the roll being called:

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

12 Yeas:

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

20 Nays:

21 Aylward and Beal

22 Excused:

23 Ladner and Pourier

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

26 **HB 1265:** FOR AN ACT ENTITLED, An Act to make an appropriation for the improvement of
27 the state radio system in South Dakota and to declare an emergency.

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

29 The question being "Shall **HB 1265** pass?"

30 And the roll being called:

31 Yeas 65, Nays 3, Excused 2, Absent 0

32 Yeas:

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

1 Nays:
2 Aylward, Beal, and Soye

3 Excused:
4 Ladner and Pourier

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

7 **HB 1266:** FOR AN ACT ENTITLED, An Act to make an appropriation for the improvement of
8 information technology servers and infrastructure of state government and to declare an emergency.

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

10 The question being "Shall **HB 1266** pass?"

11 And the roll being called:

12 Yeas 62, Nays 6, Excused 2, Absent 0

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

21 Nays:
22 Aylward, Beal, Dennert, Howard, Phil Jensen, and Marty

23 Excused:
24 Ladner and Pourier

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

27 **HB 1269:** FOR AN ACT ENTITLED, An Act to make an appropriation for the creation of a
28 missing persons clearinghouse website and to declare an emergency.

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

30 The question being "Shall **HB 1269** pass?"

31 And the roll being called:

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

33 Yeas:
34 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,
35 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
36 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,
37 Koth, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie
38 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer,

1 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,
2 Wiese, Willadsen, Wink, York, and Speaker Gosch

3 Nays:
4 Beal

5 Excused:
6 Ladner and Pourier

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

9 **HB 1272:** FOR AN ACT ENTITLED, An Act to transfer funds to the state aeronautics fund and
10 to declare an emergency.

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

12 The question being "Shall **HB 1272** pass?"

13 And the roll being called:

14 Yeas 63, Nays 5, Excused 2, Absent 0

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

23 Nays:
24 Aylward, Beal, Ernie Otten, Pischke, and Stevens

25 Excused:
26 Ladner and Pourier

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

29 **HB 1273:** FOR AN ACT ENTITLED, An Act to transfer funds to the health care trust fund and
30 to declare an emergency.

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

32 The question being "Shall **HB 1273** pass?"

33 And the roll being called:

34 Yeas 59, Nays 8, Excused 3, Absent 0

1 Yeas:

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

8 Nays:

9 Aylward, Bordeaux, Cwach, Duba, Healy, Lesmeister, Schneider, and Jamie Smith

10 Excused:

11 Beal, Ladner, and Pourier

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

14 **HB 1275:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purchase of
15 metrology lab equipment and to declare an emergency.

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

17 The question being "Shall **HB 1275** pass?"

18 And the roll being called:

19 Yeas 61, Nays 6, Excused 3, Absent 0

20 Yeas:

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

28 Nays:

29 Aylward, Dennert, May, Soye, Wiese, and Speaker Gosch

30 Excused:

31 Beal, Ladner, and Pourier

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

34 **HB 1276:** FOR AN ACT ENTITLED, An Act to make an appropriation for capital improvements
35 to the State Veterans' Home and to declare an emergency.

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

1 The question being "Shall **HB 1276** pass?"

2 And the roll being called:

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

4 Yeas:

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

12 Excused:

13 Beal, Ladner, and Pourier

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

16 **HB 1277**: FOR AN ACT ENTITLED, An Act to make an appropriation for the installation of a
17 sprinkler system at the State Veterans' Cemetery and to declare an emergency.

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

19 The question being "Shall **HB 1277** pass?"

20 And the roll being called:

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

22 Yeas:

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

30 Nays:

31 Gross, May, Reimer, and Weis

32 Excused:

33 Beal and Ladner

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

36 **HB 1278**: FOR AN ACT ENTITLED, An Act to make an appropriation for the purchase of a new
37 skid steer and to declare an emergency.

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

1 The question being "Shall **HB 1278** pass?"

2 And the roll being called:

3 Yeas 60, Nays 8, Excused 2, Absent 0

4 Yeas:

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

11 Nays:

12 Aylward, Deutsch, Gross, Mulally, Pischke, Randolph, Reimer, and Soye

13 Excused:

14 Beal and Ladner

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

17 **HB 1279:** FOR AN ACT ENTITLED, An Act to make an appropriation for the development of a
18 K-12 civics and history curriculum and to declare an emergency.

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

20 The question being "Shall **HB 1279** pass?"

21 And the roll being called:

22 Yeas 63, Nays 5, Excused 2, Absent 0

23 Yeas:

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

31 Nays:

32 Bordeaux, Healy, Keintz, Olson, and Jamie Smith

33 Excused:

34 Beal and Ladner

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

37 **HB 1280:** FOR AN ACT ENTITLED, An Act to make an appropriation for updating the educator
38 certification system within the Department of Education and to declare an emergency.

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

1 The question being "Shall **HB 1280** pass?"

2 And the roll being called:

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

4 Yeas:

5 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Deutsch,
6 Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Healy, Hoffman, Jamison,
7 Kevin Jensen, Chris Johnson, Karr, Keintz, Koth, Lesmeister, Marty, May, Mills, Milstead, Miskimins,
8 Mortenson, Odenbach, Olson, Ernie Otten, Perry, Kent Peterson, Sue Peterson, Pourier, Reed,
9 Rehfeldt, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram,
10 Wiese, Willadsen, Wink, and York

11 Nays:

12 Aylward, Dennert, Haugaard, Howard, Phil Jensen, Mulally, Overweg, Pischke, Randolph,
13 Reimer, Soye, Weis, and Speaker Gosch

14 Excused:

15 Beal and Ladner

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

18 Rep. Kent Peterson moved that the balance of the calendar including **SB 59 and 96** be
19 deferred to Monday, March 1, 2021, the 29th legislative day.

20 Which motion prevailed.

21 **SIGNING OF BILLS**

22 The Speaker publicly read the title to

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

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

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

28 Rep. Gosch moved that the House do now recess until after the Committees on Appropriations,
29 Health and Human Services, and Local Government have completed their business.

30 Which motion prevailed and at 5:46 p.m., the House recessed.

31 **RECESS**

32 The House reconvened at 9:26 p.m., the Speaker presiding.

1 On page 1, line 5, of the Introduced bill, after "patient--Limitations--Restriction--Notice."
2 delete "

3 Except as otherwise provided in this section, each patient admitted to a hospital may designate
4 one person who shall have an unrestricted privilege to be present while the patient is in the patient's
5 room. If the attending physician determines that the designated person's presence is medically or
6 therapeutically contraindicated or otherwise inadvisable, the physician may impose limitations,
7 including the time of day, duration, and frequency of the presence, and may impose requirements,
8 including the wearing of personal protective equipment, which must be provided, without charge,
9 by the hospital.

10 The privilege afforded by this section may not be terminated, suspended, or waived in the
11 event of a disaster or emergency declaration under chapter 34-48A.

12 Each hospital shall inform each patient of the privilege granted by this section and shall post
13 information regarding this section in a conspicuous place within the hospital."

14 On page 1, line 17, of the Introduced bill, after "hospital." delete "Section 2. That a NEW
15 SECTION be added:

16 "

17 On page 1, line 18, of the Introduced bill, after "added:" delete "Visitation of resident--
18 Limitations--Restrictions--Notice."

19 On page 1, line 18, of the Introduced bill, after "resident--Limitations--Restrictions--Notice."
20 delete "

21 Except as otherwise provided in this section, each resident of an assisted living facility,
22 intermediate care facility, or a skilled nursing facility may designate one person who shall have an
23 unrestricted privilege to be present while the resident is in the resident's room. If the facility
24 determines that the designated person's presence is medically or therapeutically contraindicated or
25 otherwise inadvisable, the facility may impose limitations, including the time of day, duration, and
26 frequency of the presence, and may impose requirements, including the wearing of personal
27 protective equipment, which must be provided, without charge, by the facility.

28 An assisted living facility, intermediate care facility, or a skilled nursing facility may not restrict
29 the designated person from accompanying the resident to a necessary medical or dental
30 appointment.

31 The privilege afforded by this section may not be terminated, suspended, or waived in the
32 event of a disaster or emergency declaration under chapter 34-48A.

33 Each assisted living facility, intermediate care facility, or skilled nursing facility shall inform
34 each resident of the privilege granted by this section and shall post information regarding this section
35 in a conspicuous place within the facility."

36 On page 2, after line 10, of the Introduced bill, insert "

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

38 34-12-67. Assisted living facility—Resident—Visitation rights.

39 Each resident of an assisted living facility has a right to receive visitors of the resident's own
40 choosing, at the time of the resident's own choosing, provided the visitation does not impose upon
41 the rights of another resident.

42 In addition to those persons granted access to a resident in accordance with their official
43 capacities, a facility must provide access to any resident by:

1 (1) A member of the resident's immediate family and other relatives of the resident, subject
2 to reasonable clinical and safety restrictions and the resident's right to deny or withdraw consent;

3 (2) Any other person visiting with the consent of the resident, subject to reasonable clinical
4 and safety restrictions and the resident's right to deny or withdraw consent; and

5 (3) Any person providing health, social, legal, or other services to the resident, subject to
6 reasonable clinical and safety restrictions and the resident's right to deny or withdraw consent.

7 "

8 On page 2, after line 10, of the Introduced bill, insert "

9 **Section 2.** That a NEW SECTION be added:

10 34-12-68. Visitation policies and procedures—Limitations and restrictions—Notice.

11 An assisted living facility shall post on its website and in a conspicuous place within the facility,
12 all policies and procedures pertaining to the visitation rights set forth in § 34-12-67. The facility
13 shall, prior to the signing of an occupancy contract with a resident and at least annually thereafter,
14 provide electronic copies of the visitation policies and procedures to the resident and the resident's
15 designated family members and shall provide printed copies upon request. Each facility shall also
16 post its visitation policies and procedures on its website.

17 If in accordance with federal or state laws, or if in accordance with best clinical practices during
18 a health emergency, the visitation policies and procedures must be limited or restricted, the facility
19 shall inform each resident and designated family members and shall provide electronic or, if
20 requested, printed notices regarding the limitations and restrictions, the reason and rationale for
21 such, and the period of time that the limitations and restrictions are to remain in effect. The facility
22 shall also post such information on its website.

23 Any limitations and restrictions instituted in accordance with this section must be reviewed at
24 least every thirty days. The facility shall provide notice of the review to residents and designated
25 family members, encourage the submission of written and oral comments, and give due
26 consideration to the submissions.

27 If after the required review the facility determines that the limitations or restrictions are to be
28 continued, the facility shall post notice of the continuation on the facility's website and in a
29 conspicuous place within the facility. The notice must include:

30 (1) The citation of the federal or state law being implemented; or

31 (2) A link to evidence-based research indicating that the continuation is clinically necessary
32 for the health and safety of the residents.

33 A printed copy of the applicable laws or evidence-based research must be provided upon
34 request."

35 On page 2, after line 10, of the Introduced bill, insert "

36 **Section 3.** That a NEW SECTION be added:

37 34-12-69. Guidance documents—Visitation—Posting requirement.

38 During a health emergency, each facility shall post on its website, the most recent guidance
39 documents provided from or through the Department of Health and pertaining to the imposition of
40 restrictions or limitations on visitation and the conditions under which such restrictions or limitations
41 may be reduced or removed."

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

1 Also MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under
3 consideration **HB 1220 and 1251** which were deferred to the 41st Legislative Day.

4 Also MR. SPEAKER:

5 The Committee on House Health and Human Services respectfully reports that it has had under
6 consideration **HB 1239** which was tabled.

7 Respectfully submitted,
8 Kevin D. Jensen, Chair

9 Also MR. SPEAKER:

10 The House Committee on Appropriations respectfully reports that it has had under
11 consideration **HB 1019, 1209, 1221, and 1240** which were deferred to the 41st Legislative Day.

12 Also MR. SPEAKER:

13 The House Committee on Appropriations respectfully reports that it has had under
14 consideration **HB 1134, 1144, 1151, 1152, 1168, 1172, 1173, 1174, 1175, 1177, and 1206**
15 which were tabled.

16 Also MR. SPEAKER:

17 The House Committee on Appropriations respectfully reports that it has had under
18 consideration **HB 1040** and returns the same with the recommendation that said bill be amended
19 as follows:

20 1040A

21 On page 1, line 11, of the Introduced bill, after "grants" insert " used to reimburse up to fifty
22 percent"

23 On page 1, line 12, of the Introduced bill, after "grants " insert "of eligible invoices "

24 1040B

25 On the previously adopted amendment (1040A), On page 1, line 4, delete "\$5,000,000" and
26 insert "\$1"

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 1063** and returns the same with the recommendation that said bill be amended
31 as follows:

32 1063B

33 On page 1, line 16, of the House Commerce and Energy bill, after "years." insert "

34 At the end the contract funded by this appropriation, the South Dakota Firefighters'
35 Association, Incorporated, or the covered entities, shall be responsible for any financial obligations
36 for continuing or establishing new coverage for mental health insurance."

1 On page 1, line 17, of the House Commerce and Energy bill, delete "\$200,000 " and insert
 2 "\$150,000 "

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

4 Also MR. SPEAKER:

5 The House Committee on Appropriations respectfully reports that it has had under
 6 consideration **HB 1064** and returns the same with the recommendation that said bill be amended
 7 as follows:

8 1064A

9 On page 2, after line 30, of the Introduced bill, insert "

10 **Section 6. There is hereby appropriated from the general fund the sum of \$200,000,**
 11 **to the Department of Public Safety, for the purposes of creating an endowment to provide ongoing**
 12 **monies for the heroes wellness grant, to be called the South Dakota Heroes Wellness endowment,**
 13 **held in trust and vested with the South Dakota Community Foundation, and administered by the**
 14 **Department of Public Safety.**

15 "

16 On page 2, after line 30, of the Introduced bill, insert "

17 **Section 7. The funds appropriated in section 7 of this Act shall be transferred to the**
 18 **South Dakota Community Foundation to fund the South Dakota Heroes Wellness**
 19 **endowment, to be administered in accordance with the provisions of this Act.**

20 "

21 On page 2, line 31, of the Introduced bill, delete "\$200,000 " and insert "\$50,000 "

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

23 Also MR. SPEAKER:

24 The House Committee on Appropriations respectfully reports that it has had under
 25 consideration **HB 1153** and returns the same with the recommendation that said bill be amended
 26 as follows:

27 1153D

28 On page 1, line 11, of the House Agriculture and Natural Resources bill, delete "\$7,500,000"
 29 and insert "\$1"

30 On page 1, line 12, of the House Agriculture and Natural Resources bill, delete "\$7,500,000"
 31 and insert "\$1"

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

33 Also MR. SPEAKER:

34 The House Committee on Appropriations respectfully reports that it has had under
 35 consideration **HB 1165** and returns the same with the recommendation that said bill be amended
 36 as follows:

1 1165D

2 On page 1, line 15, of the Introduced bill, after "dollars." insert " After the transfer to the
3 general fund, the state treasurer shall transfer any remaining amount to the trust fund for unclaimed
4 property."

5 On page 1, line 19, of the Introduced bill, after "sixteen. " insert "The state investment officer
6 shall calculate an amount equal to four percent of the market value, without invading principal, as
7 eligible for distribution. For the purpose of this section, the term, principal, means the sum of all
8 contributions to the fund. "

9 On page 1, line 19, of the Introduced bill, delete "that " and insert "the distribution "

10 On page 1, line 23, of the Introduced bill, after "Dakota." delete "Section 2. That § 4-7-31 be
11 AMENDED.

12 "

13 On page 2, line 1, of the Introduced bill, after "AMENDED." delete "4-7-31. "

14 On page 2, line 1, of the Introduced bill, after "4-7-31. " delete "Budget reserve fund
15 established."

16 On page 2, line 1, of the Introduced bill, after "established." delete "

17 There is hereby established within the state treasury the budget reserve fund. Expenditures
18 out of the budget reserve fund shall only be by special appropriation of the Legislature and shall
19 only redress such unforeseen expenditure obligations or such unforeseen revenue shortfalls as may
20 constitute an emergency pursuant to S. D. Const. , Art. III, § 1."

21 On page 2, line 7, of the Introduced bill, after "1." delete "Section 3. That § 4-7-32 be
22 AMENDED.

23 "

24 On page 2, line 8, of the Introduced bill, after "AMENDED." delete "4-7-32. "

25 On page 2, line 8, of the Introduced bill, after "4-7-32. " delete "Transfer of unobligated cash
26 to budget reserve fund--Legislative action required for reserve fund expenditures."

27 On page 2, line 9, of the Introduced bill, after "expenditures." delete "

28 The transfer of all prior year unobligated cash shall take place in accordance with this section
29 as follows:

30 (1) On July first of each fiscal year or at such time that as the prior fiscal year general fund
31 ending unobligated cash balance is determined, the commissioner of the Bureau of Finance and
32 Management shall transfer all prior year unobligated cash up to an amount equal to equaling ten
33 percent of the general fund appropriations from the general appropriation act for the prior fiscal
34 year into the budget reserve fund. In no event shall the The cash balance in the budget reserve
35 fund be greater than may not exceed ten percent of the general fund appropriations from the general
36 appropriation act for the prior fiscal year;

37 (2) If any unobligated cash balance remains after the requirements of subdivision (1) are met,
38 the commissioner of the Bureau of Finance and Management shall transfer that balance, up to an
39 amount equaling fifteen percent of the general fund appropriations from the general appropriation
40 act for the prior fiscal year, into the trust fund for unclaimed property; and

1 (3) If any unobligated cash balance remains after the requirements of subdivision (2) are met,
2 the commissioner of the Bureau of Finance and Management shall transfer the remaining amount
3 into the general revenue replacement fund.

4 Expenditures out of the budget reserve fund shall only be by special appropriation of the
5 Legislature and shall only redress such unforeseen expenditure obligations or such unforeseen
6 revenue shortfalls as may constitute an emergency pursuant to S. D. Const. , Art. III, § 1."

7 On page 2, line 32, of the Introduced bill, after "§ 1." delete "Section 4. That § 4-7-39 be
8 REPEALED.

9 4-7-39. "

10 On page 2, line 33, of the Introduced bill, after "4-7-39. " delete "Transfer of unobligated cash
11 to general revenue replacement fund."

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

13 Also MR. SPEAKER:

14 The House Committee on Appropriations respectfully reports that it has had under
15 consideration **HB 1210** and returns the same with the recommendation that said bill be amended
16 as follows:

17 1210A

18 On page 1, line 5, of the Introduced bill, delete "\$20,000,000" and insert "\$1"

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

20 Also MR. SPEAKER:

21 The House Committee on Appropriations respectfully reports that it has had under
22 consideration **HB 1237** and returns the same with the recommendation that said bill be amended
23 as follows:

24 1237A

25 On page 1, line 4, of the Introduced bill, delete "\$4,011,837 " and insert "\$3,329,000 "

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

27 Also MR. SPEAKER:

28 The House Committee on Appropriations respectfully reports that it has had under
29 consideration **HB 1255** and returns the same with the recommendation that said bill be amended
30 as follows:

31 1255B

32 On page 1, line 13, of the Introduced bill, after "sixteen." insert " The state investment officer
33 shall calculate an amount equal to four percent of the market value, without invading principal, as
34 eligible for distribution. For the purpose of this section, the term, principal, means the sum of all
35 contributions to the fund."

36 On page 1, line 14, of the Introduced bill, delete "that " and insert "the distribution "

37 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 1020, 1166, 1167, 1169, and 1171, and HJR 5004 and 5005** and returns
4 the same with the recommendation that said bills and resolutions do pass.

5 Respectfully submitted,
6 Chris Karr, Chair

7 Rep. Finck moved that the House do now adjourn, which motion prevailed and at 9:30 p.m.
8 the House adjourned.

9 Patricia Miller, Chief Clerk

