

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

THIRTIETH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, March 02, 2021

The House convened at 2:27 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House pages Alexis Moran and Nolan Rounds.

Roll Call: All members present except Rep. Aylward 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-ninth day.

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

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Spencer R. Gosch, Chair

1

REPORTS OF STANDING COMMITTEES

2 MR. SPEAKER:

3 The Committee on House Health and Human Services respectfully reports that it has had under
4 consideration **HCR 6012** and returns the same with the recommendation that said resolution be
5 adopted.

6
7

Respectfully submitted,
Kevin D. Jensen, Chair

8 Also MR. SPEAKER:

9 The Committee on House Transportation respectfully reports that it has had under
10 consideration **SB 161** and returns the same with the recommendation that said bill do pass, and
11 having been certified as uncontested, be placed on the consent calendar.

12
13

Respectfully submitted,
Caleb Finck, Chair

14 Also MR. SPEAKER:

15 The Committee on House Local Government respectfully reports that it has had under
16 consideration **SB 108, 138, 142, and 168** and returns the same with the recommendation that
17 said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

18 Also MR. SPEAKER:

19 The Committee on House Local Government respectfully reports that it has had under
20 consideration **SCR 603** and returns the same with the recommendation that said resolution be
21 concurred in.

22
23

Respectfully submitted,
Nancy York, Chair

24 Also MR. SPEAKER:

25 The Committee on House Taxation respectfully reports that it has had under consideration
26 **SB 70** and returns the same with the recommendation that said bill do pass.

27
28

Respectfully submitted,
Drew Dennert, Chair

29 Also MR. SPEAKER:

30 The Joint Committee on Appropriations respectfully reports that it has had under consideration
31 **SB 28** and returns the same with the recommendation that said bill do pass.

32 Also MR. SPEAKER:

33 The Joint Committee on Appropriations respectfully reports that it has had under consideration
34 **HB 1283, and SB 84** which were tabled.

1 Also MR. SPEAKER:

2 The Joint Committee on Appropriations respectfully reports that it has had under consideration
3 **SB 47** and returns the same with the recommendation that said bill be amended as follows:

4 47A

5 On page 1, line 4, of the Introduced bill, delete "\$5,000,000 " and insert "\$9,000,000 "

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

7 Also MR. SPEAKER:

8 The Joint Committee on Appropriations respectfully reports that it has had under consideration
9 **SB 181** and returns the same with the recommendation that said bill be amended as follows:

10 181B

11 On page 1, line 4, of the Senate Military and Veterans Affairs bill, delete " \$4,500,000" and
12 insert " \$1,500,000"

13 On page 1, line 5, of the Senate Military and Veterans Affairs bill, after "to " delete "477th
14 Avenue from its intersection with 258th Street, and "

15 On page 1, line 6, of the Senate Military and Veterans Affairs bill, after "Road" insert " and
16 477th Avenue,"

17 On page 1, line 6, of the Senate Military and Veterans Affairs bill, delete " its" and insert " the"

18 On page 1, line 6, of the Senate Military and Veterans Affairs bill, delete " with" and insert " of
19 Slip Up Creek Road and"

20 On page 1, line 7, of the Senate Military and Veterans Affairs bill, after "Avenue" delete ",
21 leading"

22 On page 1, line 7, of the Senate Military and Veterans Affairs bill, after "the " insert "entrance
23 of the "

24 On page 1, line 7, of the Senate Military and Veterans Affairs bill, after "Cemetery" insert " on
25 477th Avenue"

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

27 Respectfully submitted,
Jean Hunhoff, Co-Chair

Respectfully submitted,
Chris Karr, Co-Chair

28 Also MR. SPEAKER:

29 The Joint Committee on Appropriations respectfully reports that it has had under consideration
30 **SB 17, 33, 48, 54, and 144** and returns the same with the recommendation that said bills do pass.

31 Also MR. SPEAKER:

32 The Joint Committee on Appropriations respectfully reports that it has had under consideration
33 **HB 1259** and returns the same with the recommendation that said bill be amended as follows:

1 1259F

2 On page 1, line 1, of the Introduced bill, after "to " delete "create the rural access infrastructure
3 fund, to provide for the use and distribution of the fund, "

4 On page 1, line 2, delete the comma and insert " for rural access infrastructure improvements"

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

6 "

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

8 31-34-1. Definition.

9 For the purposes of this Act, the term, small structure, means any small bridge or culvert with
10 an opening of sixteen square feet or more located on a township road or county secondary road,
11 excluding bridges as defined in § 31-14-1.

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

13 31-34-2. Rural access infrastructure program—Distribution.

14 Before August first of 2021, the Department of Revenue shall distribute the sum of three million
15 dollars on a pro rata basis to each county for the purpose of planning and completing an inventory
16 of small structures as prescribed by the Department of Transportation. Before August first of each
17 year for two years, starting in 2022, the Department of Revenue shall distribute the sum of three
18 million dollars to each county based on the allocation calculated in accordance with this section for
19 the purposes described in § 31-34-3. Each county's allocated percentage is calculated by using the
20 total number of small structures on township roads and county secondary roads located in a county
21 divided by the sum of all small structures on township roads and county secondary roads in the
22 state as reported to the Department of Transportation, multiplied by one hundred. Each county that
23 receives funds from this rural access infrastructure program shall use the funds in accordance with
24 the provisions of this Act.

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

26 31-34-3. Distribution and use of funds by county.

27 Each county shall establish a rural access infrastructure fund for the deposit of funds received
28 pursuant to this Act. The funds shall be distributed by the board of county commissioners for only
29 the following expenses:

30 (1) Engineering, hydrological studies, planning, materials, and other costs as necessary to plan
31 for and complete the projects;

32 (2) Construction, rehabilitation, or replacement of small structures located in townships
33 complying with the requirements of this Act;

34 (3) Construction, rehabilitation, or replacement of small structures described in a county
35 highway and bridge improvement plan that are located on county secondary highways.

36 The fund may not be used on no maintenance roads or minimum maintenance

37 roads.

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

1 31-34-4. County rural access infrastructure fund—Application process.

2 Applications for use of funds allocated pursuant to this Act shall be submitted to the board of
 3 county commissioners on or before January fifteenth on forms prescribed by the association of
 4 county commissioners. The board of county commissioners shall award the funds no later than
 5 March fifteenth. Applications from townships shall be accompanied by a resolution approved by the
 6 township board of supervisors authorizing the application and any funding commitments made by
 7 the township. The township or county share shall be a minimum of twenty percent of the funds
 8 necessary to complete the project. Applications for county secondary highways shall be submitted
 9 by the county highway superintendent.

10 **Section 5.** That a NEW SECTION be added:

11 31-34-5. Rural access infrastructure grants—Criteria.

12 The board of county commissioners shall, at a minimum, consider the following criteria in
 13 awarding rural access infrastructure grants:

14 (1) Traffic use of the highway;

15 (2) Public safety;

16 (3) Residential, commercial, recreational, and other uses of the highway;

17 (4) Cost of the project;

18 (5) Length of detour if the project is not completed;

19 (6) Number of residences, farms, and ranches served by the project;

20 (7) Contribution from township or others to the project and ability of township to fund the
 21 project without utilizing the rural access infrastructure fund;

22 (8) Confirmation the project is not located on a no maintenance or minimum maintenance
 23 road;

24 (9) Hydrological impact;

25 (10) If the highway does not terminate into a field entrance, driveway, single residence, farm,
 26 or ranch;

27 (11) The application, or group of applications, that best serves the citizens of this state; and

28 (12) Any other matters deemed applicable by the board of county commissioners.

29 The decisions of the county commissioner shall be final and nonappealable. However, a denied
 30 application may be submitted in a subsequent year.

31 **Section 6.** That a NEW SECTION be added:

32 31-34-6. Rural access infrastructure funds—Requirements for use.

33 A requesting township shall timely file the township small structure improvement plan pursuant
 34 to § 31-34-7 with the county highway superintendent and an annual report pursuant to § 8-10-30
 35 in order to be eligible for the funds. Any township requesting use of rural access infrastructure funds
 36 pursuant to this Act shall meet at least one of the following requirements:

37 (1) Impose an annual property tax levy of fifty cents per thousand pursuant to § 10-12-28.2;

38 or

1 (2) Impose a tax levy opt out pursuant to § 10-13-36.

2 **Section 7.** That a NEW SECTION be added:

3 31-34-7. Rural access infrastructure funds—Requirements for use

4 To be eligible to receive funding from the rural access infrastructure fund established under
5 this Act, a township shall, each year by November fifteenth, submit to the county that township is
6 located in, a small structure improvement plan and any updates shall be made in accordance with
7 this section. The township road small structure plan shall include:

8 (1) One or more maps showing the location of all small structures within the township;

9 (2) The location, width, and length of each small structure;

10 (3) A report on the condition of each small structure;

11 (4) Whether the small structure is posted for load capacity, and if so, what the posted limit is;

12 (5) A list of all projects proposed to be undertaken by the township over the next five years
13 including the location of the project, type of project, source of funding for the project, estimated
14 cost of the project, and the year the project is proposed to be completed; and

15 (6) Such additional items as may be prescribed by the Department of Transportation

16 **Section 8.** That a NEW SECTION be added:

17 31-34-8. County rural access infrastructure funds--Use

18 The county commission may use rural access infrastructure funds for the construction,
19 rehabilitation, or replacement of small structures on county secondary highways so long as such
20 projects are considered in a similar manner as the small structures that are located within an
21 organized township.

22 **Section 9.** There is hereby appropriated from the general fund the sum of \$9,000,000 to the
23 Department of Revenue for the purpose of distribution to county rural access infrastructure funds.

24 **Section 10.** The commissioner of the Department of Revenue shall approve vouchers and the
25 state auditor shall draw warrants to pay expenditures authorized by this Act.

26 **Section 11.** Any amounts appropriated in this Act not lawfully expended or obligated shall
27 revert in accordance with the procedures prescribed in chapter 4-8.

28 **Section 12.** Whereas, this Act is necessary for the support of the state government and its
29 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
30 force and effect from and after its passage and approval.

31 "

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

33 Also MR. SPEAKER:

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

36 34A

37 On page 1, line 5, of the Introduced bill, delete "\$100,000,000" and insert "\$75,000,000"

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

2 Also MR. SPEAKER:

3 The Joint Committee on Appropriations respectfully reports that it has had under consideration
4 **SB 93** and returns the same with the recommendation that said bill be amended as follows:

5 93E

6 On page 1, line 2, of the Senate Transportation bill, delete "through " and insert "to "

7 On page 1, line 2, of the Senate Transportation bill, delete "Midland " and insert "Rapid City "

8 On page 1, line 4, of the Senate Transportation bill, delete "\$6,000,000 " and insert
9 "\$20,000,000 "

10 On page 1, line 6, of the Senate Transportation bill, after "of " delete "approximately thirty-
11 four miles of "

12 On page 1, line 7, of the Senate Transportation bill, delete " through" and insert " to "

13 On page 1, line 7, of the Senate Transportation bill, delete " Midland" and insert " Rapid City"

14 On page 1, line 7, of the Senate Transportation bill, delete "receipt of a " and insert " receipts
15 of "

16 On page 1, line 8, of the Senate Transportation bill, after "grant " insert "money "

17 On page 1, line 8, of the Senate Transportation bill, after "rehabilitation" delete " project"

18 On page 1, line 11, of the Senate Transportation bill, after "obligated " insert "by June 30,
19 2029, "

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

21 Also MR. SPEAKER:

22 The Joint Committee on Appropriations respectfully reports that it has had under consideration
23 **SB 162** and returns the same with the recommendation that said bill be amended as follows:

24 162C

25 On page 1, line 4, of the Introduced bill, delete " \$4,000,000" and insert " \$3,800,000"

26 On page 1, line 5, of the Introduced bill, delete " a" and insert " marketing,"

27 On page 1, line 8, of the Introduced bill, delete " \$300,000" and insert " \$1,200,000"

28 On page 1, line 10, of the Introduced bill, after "marketing" insert ", route restoration, business
29 development, and air service marketing grants to help restore air service to airports in the state"

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

31 Also MR. SPEAKER:

32 The Joint Committee on Appropriations respectfully reports that it has had under consideration
33 **SB 167** and returns the same with the recommendation that said bill be amended as follows:

1 167B

2 On page 1, line 1, of the Introduced bill, delete "and " and insert a comma

3 On page 1, line 2, of the Introduced bill, after "appropriation" insert " therefor, and to declare
4 an emergency"

5 On page 1, line 10, of the Introduced bill, after "Medicaid;" delete "(2) Prepare and provide a
6 regional plan that pertains to the service area referenced in subdivision (4) of this section and
7 includes:

8 (a) Demographic and aging trends;

9 (b) A survey of existing aging and health care facilities, services, and staffing;

10 (c) A survey of aging and health care needs;

11 (d) A gap analysis of existing services and identified and projected needs;

12 (e) Recommendations for addressing any identified gaps between existing services and
13 identified and projected needs;

14 (f) Community input on the recommendations for addressing the identified gaps; and

15 (g) Other criteria, as set forth in rules promulgated by the department;

16 "

17 On page 1, line 21, of the Introduced bill, delete "3" and insert 2

18 On page 1, line 23, of the Introduced bill, delete "4" and insert 3

19 On page 2, line 1, of the Introduced bill, delete "5" and insert 4

20 On page 2, line 9, of the Introduced bill, delete "6" and insert 5

21 On page 2, line 13, of the Introduced bill, delete "The " and insert "Upon a determination by
22 the department that the proposal is budget-neutral for South Dakota Medicaid, the "

23 On page 2, line 14, of the Introduced bill, after "methodology" delete ", if the facility continues
24 to comply with this section and incurs costs related to the approved project"

25 On page 2, line 23, of the Introduced bill, after "plan" delete ", as required by § 34-12-35. 12"

26 On page 2, after line 34, of the Introduced bill, insert "

27 **Section 4.** Any amounts appropriated in this Act now lawfully expended or obligated shall
28 revert in accordance with the procedures prescribed in chapter 4-8.

29 "

30 On page 2, after line 34, of the Introduced bill, insert "

31 **Section 5.** Whereas, this Act is necessary for the support of the state government and its
32 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
33 force and effect from and after its passage and approval.

34 "

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

2 Also MR. SPEAKER:

3 The Joint Committee on Appropriations respectfully reports that it has had under consideration
4 **SB 151, 155, 157, and 185** which were tabled.

5 Respectfully submitted,
Jean Hunhoff, Co-Chair

Respectfully submitted,
Chris Karr, Co-Chair

6 Also Mr. SPEAKER:

7 The Committee on Legislative Procedure respectfully reports that **HB 1055, 1057, 1066,**
8 **1074, 1098, and 1113** were delivered to her Excellency, the Governor, for her approval at 1:15 p.m.,
9 March 2, 2021.

10
11

Respectfully submitted,
Spencer R. Gosch, Chair

12 Also Mr. SPEAKER:

13 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
14 Enrolling has carefully compared **HB 1065, 1084, 1102, 1179, 1203, and 1258** and finds the
15 same correctly enrolled.

16
17

Respectfully submitted,
Spencer R. Gosch, Chair

18 **MESSAGES FROM THE SENATE**

19 Mr. SPEAKER:

20 I have the honor to return herewith **HB 1084, 1102, 1179, 1203, and 1258** which have
21 passed the Senate without change.

22 Also Mr. SPEAKER:

23 I have the honor to transmit herewith **SB 156 and 186** which have passed the Senate and
24 your favorable consideration is respectfully requested.

25
26

Respectfully,
Kay Johnson, Secretary

27 **MOTIONS AND RESOLUTIONS**

28 Rep. Gosch moved that **SB 111** from today's consent calendar be deferred to Wednesday,
29 March 3, 2021, the 31st legislative day, and be placed on that day's consent calendar.

30 Which motion prevailed.

1 Rep. Kent Peterson moved that **SB 112, 141, and 171** be deferred to Wednesday, March 3, 2021,
2 the 31st legislative day.

3 Which motion prevailed.

4 Rep. Gosch moved that **SB 177** be moved to the top of today's calendar.

5 Which motion prevailed.

6 Rep. Odenbach moved that **SB 193** be deferred to Wednesday, March 3, 2021, the 31st legislative
7 day.

8 Which motion prevailed.

9 **HCR 6013:** A CONCURRENT RESOLUTION, To protect our Second Amendment rights from
10 federal overreach using the official purpose provision of the REAL ID Act of 2005.

11 Having had its second reading was up for consideration.

12 Rep. Dennert moved that **HCR 6013** as found on page 398 of the House Journal be adopted.

13 The question being on Rep. Dennert's motion that **HCR 6013** be adopted.

14 And the roll being called:

15 Yeas 62, Nays 7, Excused 1, Absent 0

16 Yeas:

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

24 Nays:

25 Bordeaux, Cwach, Duba, Healy, Keintz, Pourier, and Jamie Smith

26 Excused:

27 Aylward

28 So the motion having received an affirmative vote of a majority of the members-elect, the
29 Speaker declared the motion carried and **HCR 6013** was adopted.

30 **HCR 6014:** A CONCURRENT RESOLUTION, Acknowledging survivors of Native American
31 boarding schools in this state.

32 Was read the second time.

33 Rep. Pourier moved that **HCR 6014** be amended as follows:

1 HCR6014F

2 On page 1, line 1, of the Introduced bill, delete "Acknowledging survivors of" and insert " to
3 acknowledge and honor the"

4 On page 1, line 1, of the Introduced bill, after "American " insert "children who were survivors
5 of the "

6 On page 1, line 3, of the Introduced bill, after "state." delete " WHEREAS, this Legislature hears
7 the voice of the Native American boarding school survivors and desires to recognize the atrocities
8 caused by Native American boarding schools in South Dakota in the hope that it will aid in the
9 journey towards healing for all:"

10 On page 1, line 6, of the Introduced bill, after "all:" delete "WHEREAS, this Legislature
11 recognizes the history of Native American boarding schools in the United States and this state,
12 wherein Native American children were often sent far away from their families and communities
13 involuntarily, which left them particularly vulnerable and dependent upon the boarding school
14 system to protect them from harm; and"

15 On page 1, line 10, of the Introduced bill, after "and" delete "WHEREAS, these children
16 observed and suffered physical, emotional, cultural, spiritual, psychological, and sexual abuse, and
17 punishment by physical restraints, beatings, and isolation in inhospitable surroundings; and"

18 On page 1, line 13, of the Introduced bill, after "and" delete " WHEREAS, these children, their
19 children, and now their grandchildren and great-grandchildren, bear the burden of the legacy of the
20 boarding schools and the policies that established and sustained those schools, where the children
21 suffered trauma that has gone unrecognized and unresolved, and has been passed onto each
22 subsequent generation; and"

23 On page 1, line 17, of the Introduced bill, after "and" delete " WHEREAS, this historical and
24 inter-generational trauma continues to devastate, undermine, and negatively impact Native
25 American individuals, families, and communities; and"

26 On page 1, line 20, of the Introduced bill, after "and" delete " NOW, THEREFORE, BE IT
27 RESOLVED, by the House of Representatives of the Ninety-Sixth Legislature of the State of South
28 Dakota, the Senate concurring therein, that the survivors of Native American boarding schools along
29 with their families and communities are hereby acknowledged; and"

30 On page 2, line 1, of the Introduced bill, after "and" delete "BE IT FURTHER RESOLVED, that
31 the Legislature hereby declares February 5, 2022, as a day to recognize the atrocities and trauma
32 that have been endured by the survivors, their families, and their communities and to celebrate
33 their courage, strength, and resiliency."

34 On page 2, after line 3, of the Introduced bill, insert "

35 WHEREAS, beginning in the latter part of the nineteenth century, Native American children
36 were often involuntarily sent to boarding schools far away from their families and communities; and

37 "

38 On page 2, after line 3, of the Introduced bill, insert "

39 WHEREAS, these vulnerable children observed and suffered physical, emotional,
40 psychological, and sexual abuse; were forced to deny or abandon their cultural heritage and
41 relinquish their spirituality; and were often punished by being physically restrained, beaten, and
42 isolated in inhospitable surroundings; and

43 "

44 On page 2, after line 4, of the Introduced bill, insert "

1 WHEREAS, these children, their children, and now their grandchildren and great
2 grandchildren, bear the devastating legacy of the boarding school era and of the assimilation policies
3 that established and sustained the boarding schools; and

4 "

5 On page 2, after line 5, of the Introduced bill, insert "

6 WHEREAS, this historical, intergenerational, and often unrecognized trauma continues to
7 undermine and negatively impact Native American individuals, families, and communities;

8 "

9 On page 2, after line 6, of the Introduced bill, insert "

10 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-Sixth
11 Legislature of the State of South Dakota, the Senate concurring therein, that this Legislature hears
12 the voice of each Native American who survived the brutality of the boarding schools and
13 acknowledges the atrocities that occurred; and

14 "

15 On page 2, after line 6, of the Introduced bill, insert "

16 BE IT FURTHER RESOLVED, that this Legislature solemnly recognizes the individual and
17 collective suffering that so many endured as a result of policies to place and keep Native American
18 children in the boarding schools; honors the survivors, their families, and their communities; and
19 celebrates the courage, strength, and resiliency of the survivors.

20 "

21 Which motion prevailed.

22 Rep. Pourier moved that **HCR 6014** as found on page 398 of the House Journal be adopted as
23 amended on page 453 of the House Journal.

24 The question being on Rep. Pourier's motion that **HCR 6014** be adopted as amended.

25 And the roll being called:

26 Yeas 52, Nays 17, Excused 1, Absent 0

27 Yeas:

28 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby,
29 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Haugaard, Healy, Jamison, Kevin
30 Jensen, Phil Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Marty, May, Miskimins,
31 Mortenson, Olson, Ernie Otten, Perry, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt,
32 Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese,
33 Willadsen, Wink, and York

34 Nays:

35 Beal, Gross, Hansen, Hoffman, Howard, Karr, Mills, Milstead, Mulally, Odenbach, Overweg,
36 Pischke, Randolph, Reimer, Soye, Weis, and Speaker Gosch

37 Excused:

38 Aylward

39 So the motion having received an affirmative vote of a majority of the members-elect, the
40 Speaker declared the motion carried and **HCR 6014** was adopted as amended.

1 Rep. Chaffee moved that the House do concur in Senate amendments to **HB 1085**.

2 The question being on Rep. Chaffee's motion that the House do concur in Senate amendments
3 to **HB 1085**.

4 And the roll being called:

5 Yeas 68, Nays 1, Excused 1, Absent 0

6 Yeas:

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

14 Nays:

15 Mulally

16 Excused:

17 Aylward

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

20 Rep. Goodwin moved that the House do concur in Senate amendments to **HB 1235**.

21 The question being on Rep. Goodwin's motion that the House do concur in Senate amendments
22 to **HB 1235**.

23 And the roll being called:

24 Yeas 69, Nays 0, Excused 1, Absent 0

25 Yeas:

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

33 Excused:

34 Aylward

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

37 **CONSIDERATION OF REPORTS OF COMMITTEES**

38 Rep. Kent Peterson moved that the report of the Standing Committee on State Affairs on
39 **SB 103** as found on page 444 of the House Journal be adopted.

40 Which motion prevailed and the report was adopted.

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

SB 156: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of a Mineral Industry Building and the demolition of the old Mineral Industry Building on the campus of South Dakota School of Mines and Technology, to make an appropriation therefor, and to declare an emergency.

6

SB 186: FOR AN ACT ENTITLED, An Act to make an appropriation for behavioral and mental health service support in crisis stabilization and to declare an emergency.

8

Were read the first time.

9

SECOND READING OF CONSENT CALENDAR ITEMS

10

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

12

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.

14

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

15

Were read the second time.

16

The question being "Shall **SB 174** pass as amended, and **SB 135 and 184** pass?"

17

And the roll being called:

18

Yeas 69, Nays 0, Excused 1, Absent 0

19

Yeas:

20

Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, 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, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

27

Excused:

28

Aylward

29

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

30

31

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

32

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

33

34

Was read the second time.

1 Rep. Mortenson moved that **SB 177** be amended as follows:

2 177G

3 On page 1, after line 3, of the Senate bill, insert "

4 **Section 1.** That § 13-13-10.1 be AMENDED.

5 13-13-10.1. Definitions.

6 The education funding terms and procedures referenced in this chapter are defined as follows:

7 (1) Repealed by SL 2016, ch 83, § 4;

8 (1A) Nonresident students who are in the care and custody of the Department of Social
9 Services, the Unified Judicial System, the Department of Corrections, or other state
10 agencies and are attending a public school may be included in the fall enrollment of the
11 receiving district when enrolled in the receiving district;

12 (2) Repealed by SL 2016, ch 83, § 4;

13 (2A) "Fall enrollment," is calculated as follows:

14 (a) (i) Determine the number of kindergarten through twelfth grade students enrolled in all
15 schools operated by the school district on the last Friday of September of the current school year;
16 and

17 (ii) Add to the number determined under paragraph (i) of this subsection the product of
18 0.10 multiplied by the number of children who are participating in interscholastic
19 activities, as permitted by § 13-36-7, while receiving alternative instruction
20 pursuant to § 13-27-3;

21 (b) Subtract the number of students for whom the district receives tuition except for:

22 (i) Nonresident students who are in the care and custody of a state agency
23 and are attending a public school district; and

24 (ii) Students who are being provided an education pursuant to § 13-28-11;

25 (c) Add the number of students for whom the district pays tuition.

26 When computing state aid to education for a school district pursuant to § 13-13-73, the
27 secretary of the Department of Education shall use the school district's fall enrollment;

28 (2B) Repealed by SL 2010, ch 84, § 1;

29 (2C) "Target teacher ratio factor," is:

30 (a) For school districts with a fall enrollment of two hundred or less, the target teacher
31 ratio factor is 12;

32 (b) For districts with a fall enrollment of greater than two hundred, but less than six
33 hundred, the target teacher ratio factor is calculated as follows:

34 (1) Multiplying the fall enrollment by .00750;

35 (2) Adding 10.50 to the product of subsection (b)(1);

1 (c) For districts with a fall enrollment of six hundred or greater, the target teacher
2 ratio factor is 15.

3 The fall enrollment used for the determination of the target teacher ratio for a school district
4 may not include any students residing in a residential treatment facility when the education program
5 is operated by the school district;

6 (2D) "Limited English proficiency (LEP) adjustment," is calculated by multiplying 0.25 times
7 the number of kindergarten through twelfth grade students who, in the prior school year,
8 scored below level four on the state-administered language proficiency assessment as
9 required in the state's consolidated state application pursuant to 20 USC § 6311(b)(7)
10 as of January 1, 2013;

11 (3) "Index factor," is the annual percentage change in the consumer price index for urban
12 wage earners and clerical workers as computed by the Bureau of Labor Statistics of the
13 United States Department of Labor for the year before the year immediately preceding
14 the year of adjustment or three percent, whichever is less;

15 (4) "Target teacher salary," for the school fiscal year beginning July 1, 2020 is \$51,367.47.
16 Each school fiscal year thereafter, the target teacher salary is the previous fiscal year's
17 target teacher salary increased by the index factor;

18 (4A) "Target teacher benefits," is the target teacher salary multiplied by twenty-nine percent;

19 (4B) "Target teacher compensation," is the sum of the target teacher salary and the target
20 teacher benefits;

21 (4C) "Overhead rate," is thirty-four and ninety-three hundredths percent.

22 Beginning in school fiscal year 2018, the overhead rate shall be adjusted to take into account
23 the sum of the amounts that districts exceed the other revenue base amount;

24 (5) "Local need," is calculated as follows:

25 (a) Divide the fall enrollment by the target teacher ratio factor;

26 (b) If applicable, divide Limited English proficiency (LEP) adjustment pursuant to
27 subdivision (2D) by the target teacher ratio factor;

28 (c) Add the results of subsections (a) and (b);

29 (d) Multiply the result of subsection (c) by the target teacher compensation;

30 (e) Multiply the product of subsection (d) by the overhead rate;

31 (f) Add the products of subsections (d) and (e);

32 (g) When calculating local need at the statewide level, include the amounts set aside
33 for costs related to technology in schools and statewide student assessments; and

34 (h) When calculating local need at the statewide level, include the amounts set aside
35 for sparse school district benefits, calculated pursuant to §§ 13-13-78 and 13-13-
36 79;

37 (5A) "Alternative per student need," is calculated as follows:

38 (a) Add the total need for each school district for school fiscal year 2016, including
39 the small school adjustment and the limited English proficiency adjustment, to
40 the lesser of the amount of funds apportioned to each school district in the year
41 preceding the most recently completed school fiscal year or school fiscal year 2015

- 1 pursuant to §§ 13-13-4, 23A-27-25, 10-33-24, 10-36-10, 11-7-73, 10-35-21,
 2 and 10-43-77;
- 3 (b) Divide the result of (a) by the September 2015 fall enrollment, excluding any
 4 adjustments based on prior year student counts;
- 5 (5B) "Alternative local need," is the alternative per student need multiplied by the fall
 6 enrollment, excluding any adjustments based on prior year student counts;
- 7 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
 8 applying the levies established pursuant to § 10-12-42. Beginning on July 1, 2017, local
 9 effort will include the amount of funds apportioned to each school district in the year
 10 preceding the most recently completed school fiscal year pursuant to §§ 10-33-24, 10-
 11 35-21 as provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-
 12 27-25 and that exceeds the other revenue base amount. For the period July 1, 2016,
 13 through December 31, 2016, inclusive, local effort includes the amount of ad valorem
 14 taxes generated by applying the levies established pursuant to § 13-10-6 during this
 15 period;
- 16 (6A) "Other revenue base amount," for school districts not utilizing the alternative local need
 17 calculation is the amount of funds apportioned to each school district pursuant to §§ 10-
 18 33-24, 10-35-21 as provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-
 19 4, and 23A-27-25 calculated as follows:
- 20 (a) Beginning on July 1, 2017, equals the greatest of the amounts of the funds
 21 apportioned to each school district pursuant to §§ 10-33-24, 10-35-21 as
 22 provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-
 23 27-25 for school fiscal years 2013, 2014, and 2015;
- 24 (b) Beginning on July 1, 2018, multiply eighty percent times subsection (a);
- 25 (c) Beginning on July 1, 2019, multiply sixty percent times subsection (a);
- 26 (d) Beginning on July 1, 2020, multiply forty percent times subsection (a);
- 27 (e) Beginning on July 1, 2021, multiply twenty percent times subsection (a);
- 28 (f) Beginning on July 1, 2022, is zero.
- 29 For school districts utilizing the alternative local need calculation, the other revenue base amount is
 30 zero until such time the school district chooses to no longer utilize the alternative local need
 31 calculation. At that time, the other revenue base amount is calculated as defined above.
- 32 For a school district created or reorganized after July 1, 2016, the other revenue base amount is the
 33 sum of the other revenue base amount for each district before reorganization, and the new school
 34 district may not utilize the alternative local need calculation.
- 35 In the case of the dissolution and annexation of a district, the other revenue base amount of
 36 the dissolved school district will be prorated based on the total number of students in the fall
 37 enrollment as defined in subdivision (2A) who attend each district to which area of the dissolved
 38 district were annexed to in the first year of reorganization. The amount apportioned for each district
 39 will be added to the annexed districts' other revenue base;
- 40 (6B) "Wind energy tax revenue," any wind energy tax revenue apportioned to school districts
 41 pursuant to § 10-35-21 from a wind farm producing power for the first time before July
 42 1, 2016, shall be considered local effort pursuant to subdivision (6) and other revenue
 43 base amount pursuant to subdivision (6A). However, any wind energy tax revenue
 44 apportioned to a school district from a wind farm producing power for the first time after
 45 June 30, 2016, one hundred percent shall be retained by the school district to which the
 46 tax revenue is apportioned for the first five years of producing power, eighty percent for

- 1 the sixth year, sixty percent for the seventh year, forty percent for the eighth year,
 2 twenty percent for the ninth year, and zero percent thereafter;
- 3 (7) "Per student equivalent," for funding calculations that are determined on a per student
 4 basis, the per student equivalent is calculated as follows:
- 5 (a) Multiply the target teacher compensation times the sum of one plus the overhead
 6 rate;
- 7 (b) Divide subsection (a) by 15;
- 8 (8) "Monthly cash balance," the total amount of money for each month in the school district's
 9 general fund, calculated by adding all deposits made during the month to the beginning
 10 cash balance and deducting all disbursements or payments made during the month;
- 11 (9) "General fund base percentage," is determined as follows:
- 12 (a) Forty percent for a school district with a fall enrollment as defined in subdivision
 13 (2A) of two hundred or less;
- 14 (b) Thirty percent for a school district with fall enrollment as defined in subdivision
 15 (2A) of more than two hundred but less than six hundred; and
- 16 (c) Twenty-five percent for a school district with fall enrollment as defined in
 17 subdivision (2A) greater than or equal to six hundred.

18 When determining the general fund base percentage, the secretary of the
 19 Department of Education shall use the lesser of the school district's fall enrollment as
 20 defined in subdivision (2A) for the current school year or the school district's fall
 21 enrollment from the previous two years;

- 22 (10) "Allowable general fund cash balance," the general fund base percentage multiplied by
 23 the district's general fund expenditures in the previous school year.

24 "

25 Rep. Sue Peterson rose to a point of order that discussion should be limited to the amendment
 26 only.

27 A roll call vote was requested and supported.

28 Rep. Ernie Otten rose to a point of order on the need for a two-thirds vote as the amendment
 29 involved financial expenditures. The Speaker ruled that a two-thirds vote was unnecessary as the
 30 amount in question was hypothetical and arbitrary.

31 And the roll being called:

32 Yeas 29, Nays 40, Excused 1, Absent 0

33 Yeas:
 34 Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Drury, Duba, Lana Greenfield,
 35 Healy, Keintz, Koth, Lesmeister, May, Miskimins, Mortenson, Olson, Kent Peterson, Pourier, Reed,
 36 Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, York, and Speaker Gosch

37 Nays:
 38 Beal, Blare, Chaffee, Dennert, Derby, Deutsch, Finck, Fitzgerald, Goodwin, Gross, Hansen,
 39 Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Ladner,

1 Marty, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Sue Peterson, Pischke,
2 Randolph, Rehfeldt, Reimer, Schneider, Soye, St. John, Vasgaard, Weis, Wiese, and Wink

3 Excused:
4 Aylward

5 So the motion not having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the motion lost.

7 Rep. Healy moved that **SB 177** be amended as follows:

8 177L

9 On page 2, line 24, of the Senate bill, remove the overstrikes from "A child shall be excused
10 from school attendance, pursuant to § 13-27-2, because"

11 On page 2, line 25, of the Senate bill, after "because " delete "Upon a filing of a notification
12 with either the Department of Education or the local district from the parent, or guardian, or other
13 person having control of a child, the Department of Education or the local district has been notified
14 that "

15 On page 2, line 27, of the Senate bill, remove the overstrikes from "otherwise "

16 On page 2, line 27, of the Senate bill, after "otherwise " delete "being "

17 On page 2, line 28, of the Senate bill, remove the overstrikes from "for an equivalent period
18 of time, as in the public schools, "

19 On page 2, line 29, of the Senate bill, remove the overstrikes from "The parent or guardian of
20 the child shall identify in the notification the place where the child will be instructed and any person
21 who will instruct the child. "

22 On page 2, line 31, of the Senate bill, after "person " delete "providing instruction "

23 On page 2, line 31, of the Senate bill, remove the overstrikes from " The secretary of the
24 Department of Education may investigate and determine whether the instruction is being provided.
25 Failure to provide instruction is grounds for the school board, upon thirty days' notice, to revoke the
26 excuse from school attendance. The secretary of the Department of Education may inspect the
27 records of an alternative education program with fourteen days' written notice if the secretary has
28 probable cause to believe the program is not in compliance with this section. The records to be
29 inspected are limited to attendance and evidence showing academic progress."

30 On page 3, line 7, of the Senate bill, delete " a mastery" and insert " proficiency"

31 On page 3, line 7, of the Senate bill, after "language" insert " and mathematics"

32 On page 3, line 7, of the Senate bill, remove the overstrikes from " Each child receiving
33 alternative instruction who is in grades four, eight, or eleven shall take a nationally standardized
34 achievement test"

35 On page 3, line 9, of the Senate bill, after "skills" insert " for English language and mathematics.
36 The Department of Education shall set minimum standards for proficiency for each test"

37 On page 3, line 9, of the Senate bill, remove the overstrikes from ". The test may be the test
38 provided by the state and used in the "

39 On page 3, line 10, of the Senate bill, remove the overstrikes from "school district where the
40 child is instructed or another nationally standardized achievement test chosen by"

1 On page 3, line 11, of the Senate bill, remove the overstrikes from " the child's parent,
2 guardian, or school giving alternative instruction. The test may be monitored by the local school
3 district where the child is instructed."

4 On page 3, line 12, of the Senate bill, delete " The test may be monitored by the local school
5 district where the child is instructed." and insert " Any nationally standardized test selected by the
6 child's parent, guardian, or alternative school instructor must be approved by the department for
7 which the department shall establish proficiency and pay for expenses of administering the selected
8 test. The annual results of the nationally standardized achievement test shall be made available to
9 the department. If the results do not meet the proficiency standard, the department shall confer
10 with the parent, guardian, or alternative education instructor about a plan to achieve proficiency. "

11 A roll call vote was requested and supported.

12 And the roll being called:

13 Yeas 27, Nays 42, Excused 1, Absent 0

14 Yeas:

15 Anderson, Bartels, Bordeaux, Chase, Cwach, Davis, Drury, Duba, Lana Greenfield, Healy,
16 Keintz, Koth, Ladner, Lesmeister, May, Miskimins, Mortenson, Olson, Ernie Otten, Pourier, Jamie
17 Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and York

18 Nays:

19 Barthel, Beal, Blare, Chaffee, Dennert, Derby, Deutsch, Finck, Fitzgerald, Goodwin, Gross,
20 Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr,
21 Marty, Mills, Milstead, Mulally, Odenbach, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,
22 Randolph, Reed, Rehfeldt, Reimer, Schneider, Soye, St. John, Vasgaard, Weis, Wiese, Wink, and
23 Speaker Gosch

24 Excused:

25 Aylward

26 So the motion not having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the motion lost.

28 Rep. Olson moved that **SB 177** be amended as follows:

29 177M

30 On page 2, line 31, of the Senate bill, after "be " insert "a "

31 On page 2, line 31, of the Senate bill, after "certified" insert " teacher, but must have attained
32 an educational level that meets or exceeds the requirements for high school graduation"

33 Rep. Drury rose to a point of order that Rep. Milstead was not speaking to the amendment.

34 A roll call vote was requested and supported.

35 And the roll being called:

36 Yeas 24, Nays 43, Excused 3, Absent 0

37 Yeas:

38 Anderson, Bartels, Barthel, Chase, Cwach, Davis, Drury, Duba, Lana Greenfield, Healy, Keintz,
39 Lesmeister, May, Miskimins, Mortenson, Olson, Pourier, Jamie Smith, Stevens, Thomason,
40 Tidemann, Weisgram, Willadsen, and York

1 Nays:
2 Beal, Blare, Bordeaux, Chaffee, Dennert, Derby, Deutsch, Finck, Fitzgerald, Goodwin, Gross,
3 Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner,
4 Marty, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson,
5 Pischke, Randolph, Rehfeldt, Reimer, Schneider, Soye, St. John, Vasgaard, Weis, Wiese, Wink, and
6 Speaker Gosch

7 Excused:
8 Aylward, Jamison, and Reed

9 So the motion not having received an affirmative vote of a majority of the members-elect, the
10 Speaker declared the motion lost.

11 The question being "Shall **SB 177** pass?"

12 And the roll being called:

13 Yeas 41, Nays 27, Excused 2, Absent 0

14 Yeas:
15 Beal, Blare, Bordeaux, Chaffee, Dennert, Derby, Deutsch, Drury, Fitzgerald, Goodwin, Gross,
16 Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr,
17 Marty, May, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Sue Peterson, Pischke,
18 Randolph, Rehfeldt, Reimer, Schneider, Soye, St. John, Vasgaard, Weis, Wiese, and Wink

19 Nays:
20 Anderson, Bartels, Barthel, Chase, Cwach, Davis, Duba, Finck, Lana Greenfield, Healy, Keintz,
21 Koth, Ladner, Lesmeister, Miskimins, Mortenson, Olson, Kent Peterson, Reed, Jamie Smith, Stevens,
22 Thomason, Tidemann, Weisgram, Willadsen, York, and Speaker Gosch

23 Excused:
24 Aylward and Pourier

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

27 **SB 123**: FOR AN ACT ENTITLED, An Act to require a comment period for the attorney general's
28 statement regarding initiated measures and initiated amendments.

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

30 The question being "Shall **SB 123** pass as amended?"

31 And the roll being called:

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

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

1 Nays:
2 Bordeaux, Duba, and Overweg

3 Excused:
4 Aylward and Pourier

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

7 **SB 57:** FOR AN ACT ENTITLED, An Act to revise the provisions regarding the South Dakota
8 state employee health plan.

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

10 The question being "Shall **SB 57** pass?"

11 And the roll being called:

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

13 Yeas:
14 Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Davis, Dennert, Derby, Deutsch, Finck,
15 Fitzgerald, Goodwin, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil
16 Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson,
17 Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,
18 Randolph, Reed, Reimer, Schneider, Soye, Thomason, Tidemann, Vasgaard, Weis, Weisgram,
19 Wiese, Willadsen, Wink, and Speaker Gosch

20 Nays:
21 Bordeaux, Cwach, Drury, Duba, Lana Greenfield, Healy, Keintz, Lesmeister, Rehfeldt, Jamie
22 Smith, St. John, Stevens, and York

23 Excused:
24 Aylward and Pourier

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

27 **SB 109:** FOR AN ACT ENTITLED, An Act to authorize certain interstate shipments of distilled
28 spirits, to provide for the collection of taxes, and to establish certain penalties.

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

30 The question being "Shall **SB 109** pass?"

31 And the roll being called:

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

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

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

3 Nays:
4 Haugaard, Randolph, and Vasgaard

5 Excused:
6 Aylward and Pourier

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

9 **SB 152:** FOR AN ACT ENTITLED, An Act to authorize counties to issue off-sale liquor licenses.

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

11 The question being "Shall **SB 152** pass?"

12 And the roll being called:

13 Yeas 61, Nays 7, Excused 2, Absent 0

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

21 Nays:
22 Haugaard, Howard, Karr, Randolph, Soye, Weis, and Speaker Gosch

23 Excused:
24 Aylward and Pourier

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

27 **SB 71:** FOR AN ACT ENTITLED, An Act to designate Juneteenth as a working holiday.

28 Was read the second time.

29 Rep. Duba moved that **SB 71** be amended as follows:

30 71B

31 On page 1, line 6, of the Senate bill, delete "working " and insert "legal "

32 Which motion lost.

1 The question being "Shall **SB 71** pass?"

2 And the roll being called:

3 Yeas 31, Nays 36, Excused 3, Absent 0

4 Yeas:

5 Anderson, Bartels, Barthel, Chaffee, Davis, Dennert, Deutsch, Drury, Fitzgerald, Hansen,
6 Jamison, Chris Johnson, Koth, Ladner, Miskimins, Mortenson, Olson, Perry, Kent Peterson, Sue
7 Peterson, Reed, Rehfeldt, Schneider, St. John, Stevens, Thomason, Vasgaard, Weisgram, Wiese,
8 Willadsen, and Wink

9 Nays:

10 Beal, Blare, Bordeaux, Chase, Cwach, Derby, Duba, Finck, Goodwin, Lana Greenfield, Gross,
11 Haugaard, Healy, Hoffman, Howard, Kevin Jensen, Karr, Keintz, Lesmeister, Marty, May, Mills,
12 Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Pischke, Randolph, Reimer, Jamie Smith, Soye,
13 Tidemann, Weis, York, and Speaker Gosch

14 Excused:

15 Aylward, Phil Jensen, and Pourier

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

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

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

21 The question being "Shall **SB 85** pass?"

22 And the roll being called:

23 Yeas 56, Nays 11, Excused 3, Absent 0

24 Yeas:

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

31 Nays:

32 Bordeaux, Chase, Cwach, Duba, Healy, Keintz, Lesmeister, Mulally, Randolph, Rehfeldt, and
33 Jamie Smith

34 Excused:

35 Aylward, Phil Jensen, and Pourier

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

38 **SB 86**: FOR AN ACT ENTITLED, An Act to revise certain requirements regarding the review of
39 initiated amendments to the Constitution and to declare an emergency.

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

1 The question being "Shall **SB 86** pass?"

2 And the roll being called:

3 Yeas 58, Nays 9, Excused 3, Absent 0

4 Yeas:

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

11 Nays:

12 Bordeaux, Cwach, Duba, Healy, Chris Johnson, Keintz, Lesmeister, Overweg, and Jamie Smith

13 Excused:

14 Aylward, Phil Jensen, and Pourier

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 Speaker Pro tempore Hansen now presiding.

18 **SB 100**: FOR AN ACT ENTITLED, An Act to continue the prohibition on the seizure of firearms
19 and ammunitions.

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

21 The question being "Shall **SB 100** pass?"

22 And the roll being called:

23 Yeas 62, Nays 5, Excused 3, Absent 0

24 Yeas:

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

32 Nays:

33 Bordeaux, Duba, Healy, Keintz, and Jamie Smith

34 Excused:

35 Aylward, Phil Jensen, and Pourier

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

38 Speaker Gosch now presiding.

1 **SB 124:** FOR AN ACT ENTITLED, An Act to provide protections for the exercise of religious
2 freedom.

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

4 The question being "Shall **SB 124** pass?"

5 And the roll being called:

6 Yeas 64, Nays 3, Excused 3, Absent 0

7 Yeas:

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

15 Nays:

16 Bordeaux, Healy, and Keintz

17 Excused:

18 Aylward, Phil Jensen, and Pourier

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 **SIGNING OF BILLS**

22 The Speaker publicly read the title to

23 **HB 1065:** FOR AN ACT ENTITLED, An Act to adopt the emergency medical personnel licensure
24 interstate compact.

25 **HB 1084:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the duration of
26 restrictive contracts or declarations.

27 **HB 1102:** FOR AN ACT ENTITLED, An Act to revise certain definitions for sex offender registry.

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

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

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

33 **SB 4:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the health
34 professionals assistance program.

35 **SB 10:** FOR AN ACT ENTITLED, An Act to revise the composition of the state trunk highway
36 system.

37 **SB 31:** FOR AN ACT ENTITLED, An Act to provide for the release of adult abuse case
38 information to certain parties to assist in the provision of adult protective services.

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

4 **SB 72:** FOR AN ACT ENTITLED, An Act to revise notification requirements for listing and
5 delisting species on the threatened and endangered species list.

6 **SB 83:** FOR AN ACT ENTITLED, An Act to require the provision of information regarding
7 perinatal hospice.

8 **SB 96:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of
9 telehealth technologies.

10 **SB 134:** FOR AN ACT ENTITLED, An Act to limit the required application of green building
11 standards.

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

13 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 5:42 p.m.
14 the House adjourned.

15

Patricia Miller, Chief Clerk

