

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

THIRTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, March 10, 2021

The House convened at 10:08 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Fr. Joe Holzouser, followed by the Pledge of Allegiance led by House page Matea Gordon.

Roll Call: All members present.

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 thirty-fourth day.

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

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Spencer R. Gosch, Chair

1

REPORTS OF STANDING COMMITTEES

2 Mr. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
4 Enrolling has carefully compared **HB 1018, 1064, 1139, 1140, 1153, 1166, 1169, 1171, 1191,**
5 **1256, 1259, 1265, and 1266, and HCR 6012** and finds the same correctly enrolled.

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7

Respectfully submitted,
Spencer R. Gosch, Chair

8

MESSAGES FROM THE SENATE

9 Mr. SPEAKER:

10 I have the honor to inform your honorable body that the Senate has concurred in House
11 amendments to **SB 80, 95, 128, 162, and 167.**

12
13

Respectfully,
Kay Johnson, Secretary

14 Rep. Gosch moved that the House do now recess until after caucus.

15 Which motion prevailed and at 10:13 a.m., the House recessed.

16

RECESS

17 The House reconvened at 11:54 a.m., Speaker Pro tempore Hansen presiding.

18

MOTIONS AND RESOLUTIONS

19 Rep. Gosch moved that the House do not concur in Senate amendments to **HB 1100** and that
20 a committee of three on the part of the House be appointed to meet with a like committee on the
21 part of the Senate to adjust the differences between the two houses.

22 Rep. Jamison made a substitute motion that the House do concur in Senate amendments to
23 **HB 1100.**

24 The question being on Rep. Jamison's motion that the House do concur in Senate amendments
25 to **HB 1100.**

26 And the roll being called:

27 Yeas 24, Nays 46, Excused 0, Absent 0

28 Yeas:

29 Aylward, Bordeaux, Cwach, Davis, Dennert, Derby, Drury, Duba, Lana Greenfield, Healy,
30 Jamison, Keintz, Lesmeister, Marty, May, Olson, Ernie Otten, Pischke, Pourier, Rehfeldt, Jamie
31 Smith, St. John, Thomason, and Willadsen

1 Nays:
 2 Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Deutsch, Finck, Fitzgerald, Goodwin,
 3 Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth,
 4 Ladner, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Overweg, Perry, Kent Peterson,
 5 Sue Peterson, Randolph, Reed, Reimer, Schneider, Soye, Stevens, Tidemann, Vasgaard, Weis,
 6 Weisgram, Wiese, Wink, York, and Speaker Gosch

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

9 Consideration reverted to Rep. Gosch's previous motion that the House do not concur in Senate
 10 amendments to **HB 1100** and that a committee of three on the part of the House be appointed to
 11 meet with a like committee on the part of the Senate to adjust the differences between the two
 12 houses.

13 Which motion prevailed and the Speaker appointed as such committee Representatives Gosch (Chair),
 14 Kent Peterson, and Lesmeister.

15 Speaker Gosch now presiding.

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

18 **REPORTS OF STANDING COMMITTEES**

19 Mr. SPEAKER:

20 The Committee on Legislative Procedure respectfully reports that **HB 1038, 1047, 1080,**
 21 **1081, 1094, 1096, 1131, 1154, 1155, 1199, 1210, 1212, 1217, 1228, 1264, and 1273** were
 22 delivered to her Excellency, the Governor, for her approval at 11:15 a.m., March 10, 2021.

23 Respectfully submitted,
 24 Spencer R. Gosch, Chair

25 **MESSAGES FROM THE SENATE**

26 Mr. SPEAKER:

27 I have the honor to inform your honorable body that the Senate has adopted the report of the
 28 Conference Committee on **SB 77**.

29 Respectfully,
 30 Kay Johnson, Secretary

31 Rep. Hansen moved that the House do now recess until 4:00 p.m.

32 Which motion prevailed and at 12:12 p.m., the House recessed.

1

RECESS

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The House reconvened at 2:50 p.m., the Speaker presiding.

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MESSAGES FROM THE SENATE

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Mr. SPEAKER:

5

I have the honor to inform your honorable body that the Senate has appointed Senators Curd (Chair), Rohl, and Sutton as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on **HB 1100**.

9

Respectfully,

10

Kay Johnson, Secretary

11

Speaker announced that the HB1100 A Conference Committee on HB1100 would meet at 3:00 p.m. in Room 414.

12

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Speaker moved that the House do now recess until 6:00 p.m.

14

Which motion prevailed and at 2:51 p.m., the House recessed.

15

RECESS

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The House reconvened at 6:12 p.m., Speaker Pro tempore Hansen now presiding.

17

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

18

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REPORTS OF CONFERENCE COMMITTEES

20

MR. SPEAKER:

21

The SB180 A Conference Committee on SB180 respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

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23

24

180D

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On the House Military and Veterans Affairs engrossed bill, delete the previously adopted amendment(s), thus restoring the bill to the Senate Military and Veterans Affairs version.

26

27

Respectfully submitted,
Larry P. Zikmund, Chair

28

Respectfully submitted,
Tony Randolph, Chair

1 Also MR. SPEAKER:

2 The HB1100 A Conference Committee on HB1100 respectfully reports that it has considered
3 the disagreement of the two houses and returns the same without recommendation.

4 Respectfully submitted, Respectfully submitted,
5 Spencer Gosch, Chair R. Blake Curd, Chair

6 Rep. Gosch moved that the report of the Conference Committee on **HB 1100** as found on page
7 546 of the House Journal not be adopted and do not appoint a new committee.

8 The question being on Rep. Gosch's motion that the report of the Conference Committee on
9 **HB 1100** not be adopted and to not appoint a new committee.

10 And the roll being called:

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

12 Yeas:

13 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
14 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
15 Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth,
16 Ladner, Lesmeister, Marty, May, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten,
17 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, 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 Hugaard, Mills, and Milstead

22 So the motion having received an affirmative vote of a majority of the members-elect, the
23 Speaker declared the motion carried and the report was not adopted, and no new committee was
24 appointed.

25 Speaker Gosch now presiding.

26 **MOTIONS AND RESOLUTIONS**

27 Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 9:00 a.m.,
28 Thursday, March 11, 2021, the 36th legislative day.

29 Which motion prevailed.

30 **CONSIDERATION OF REPORTS OF COMMITTEES**

31 Rep. Kent Peterson moved that the report of the Standing Committee on Joint Legislative
32 Procedure relative to the calendar for the Ninety-seventh legislative session and the associated
33 Chapter 17 rules changes as found on page 538 of the House Journal be adopted.

34 And the roll being called:

35 Yeas 43, Nays 27, Excused 0, Absent 0

1 Yeas:
 2 Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Drury,
 3 Duba, Finck, Goodwin, Lana Greenfield, Hansen, Healy, Jamison, Chris Johnson, Keintz, Koth,
 4 Ladner, Lesmeister, Miskimins, Mortenson, Olson, Ernie Otten, Perry, Kent Peterson, Sue Peterson,
 5 Reed, Rehfeldt, Reimer, Jamie Smith, Soye, St. John, Thomason, Tidemann, Weisgram, Willadsen,
 6 Wink, York, and Speaker Gosch

7 Nays:
 8 Aylward, Blare, Derby, Deutsch, Fitzgerald, Gross, Haugaard, Hoffman, Howard, Kevin Jensen,
 9 Phil Jensen, Karr, Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Pischke, Pourier,
 10 Randolph, Schneider, Stevens, Vasgaard, Weis, and Wiese

11 So the motion having received an affirmative vote of a majority of the members-elect, the
 12 Speaker declared the motion prevailed and the report was adopted.

13 **SIGNING OF BILLS**

14 The Speaker publicly read the title to

15 **HB 1018:** FOR AN ACT ENTITLED, An Act to authorize the construction of a National Guard
 16 Readiness Center in Sioux Falls, to make an appropriation therefor, and to declare an emergency.

17 **HB 1064:** FOR AN ACT ENTITLED, An Act to make an appropriation for and the establishment
 18 of peer support and critical incident stress management training for first responder organizations,
 19 and to declare an emergency.

20 **HB 1139:** FOR AN ACT ENTITLED, An Act to require that assisted living facilities create and
 21 post visitation policies.

22 **HB 1140:** FOR AN ACT ENTITLED, An Act to restrict the entry of conservation officers onto
 23 certain private land without permission.

24 **HB 1153:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
 25 design and construction of a new dairy research and extension farm on the campus of South Dakota
 26 State University, together with equipment and furnishings, to make an appropriation therefor, and
 27 to declare an emergency.

28 **HB 1166:** FOR AN ACT ENTITLED, An Act to make an appropriation to support the Ellsworth
 29 Air Force Base and to declare an emergency.

30 **HB 1169:** FOR AN ACT ENTITLED, An Act to make an appropriation for the arts and to declare
 31 an emergency.

32 **HB 1171:** FOR AN ACT ENTITLED, An Act to make an appropriation to the State Conservation
 33 Commission and to declare an emergency.

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

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

38 **HB 1259:** FOR AN ACT ENTITLED, An Act to make an appropriation for rural access
 39 infrastructure improvements and to declare an emergency.

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

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

3 **SB 17:** FOR AN ACT ENTITLED, An Act to authorize the South Dakota Department of
 4 Corrections to purchase certain real property, to make an appropriation, and to declare an
 5 emergency.

6 **SB 27:** FOR AN ACT ENTITLED, An Act to revise off-campus tuition rates at institutions
 7 governed by the Board of Regents.

8 **SB 28:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
 9 redesign and renovation of, and the design and construction of an addition to, the Sanford Jackrabbit
 10 Athletic Complex on the campus of South Dakota State University, together with equipment and
 11 furnishings, to make an appropriation therefor, and to declare an emergency.

12 **SB 33:** FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related to
 13 the commissioning of the USS Pierre and to declare an emergency.

14 **SB 34:** FOR AN ACT ENTITLED, An Act to make an appropriation to expand rural access to
 15 broadband services and to declare an emergency.

16 **SB 35:** FOR AN ACT ENTITLED, An Act to make an appropriation to implement provisions
 17 concerning the legalization, regulation, and taxation of marijuana, and to declare an emergency.

18 **SB 36:** FOR AN ACT ENTITLED, An Act to authorize the Department of Human Services to
 19 dismantle and demolish Dakota Hall and the root cellar and to restore grounds on the South Dakota
 20 Developmental Center campus, to make an appropriation therefor, and to declare an emergency.

21 **SB 47:** FOR AN ACT ENTITLED, An Act to make an appropriation for the maintenance and
 22 repair of state-owned dams and to declare an emergency.

23 **SB 48:** FOR AN ACT ENTITLED, An Act to authorize the payment of lease rental obligations to
 24 the South Dakota Health and Educational Facilities Authority, to make an appropriation therefor,
 25 and to declare an emergency.

26 **SB 54:** FOR AN ACT ENTITLED, An Act to make an appropriation to build a bison visitors center
 27 in Custer State Park and to declare an emergency.

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

30 **SB 80:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the legislative
 31 redistricting process.

32 **SB 93:** FOR AN ACT ENTITLED, An Act to make an appropriation to rehabilitate the rail line
 33 from west of the city of Fort Pierre to the city of Rapid City and to declare an emergency.

34 **SB 95:** FOR AN ACT ENTITLED, An Act to provide protection for actions assisting an impaired
 35 lawyer or judge.

36 **SB 99:** FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to contract
 37 for the construction of a livestock and equestrian complex at the State Fair, to make an appropriation
 38 therefor, and to declare an emergency.

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

41 **SB 128:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to news media
 42 coverage of high school activities.

1 **SB 144:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide for a crisis
2 stabilization unit and to declare an emergency.

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

5 **SB 149:** FOR AN ACT ENTITLED, An Act to revise an appropriation regarding the fire insurance
6 premium tax.

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

11 **SB 162:** FOR AN ACT ENTITLED, An Act to appropriate funds for airport route restoration,
12 business development, and air service marketing and to declare an emergency.

13 **SB 167:** FOR AN ACT ENTITLED, An Act to establish criteria for a regional nursing facility
14 designation.

15 **SB 181:** FOR AN ACT ENTITLED, An Act to make an appropriation for road improvements
16 leading to the State Veterans Cemetery and to declare an emergency.

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

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

20 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 6:31 p.m.
21 the House adjourned.

22 Patricia Miller, Chief Clerk