

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 20, 2022

The House convened at 2:00 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 page Ashlyne Utter.

Roll Call: All members present except Reps. Davis and Soye who were excused and Reps. Bordeaux, Finck, Healy, Milstead, Olson, and Weisgram who were present remotely.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 6th day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Spencer R. Gosch, Chair

Which motion prevailed.

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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 **HB 1028** and returns the same with the recommendation that said bill be amended
5 as follows:

6 1028A

7 On page 9, line 14, of the Introduced bill, after "exists." delete "Section 17. That § 36-7-1. 1
8 be REPEALED:

9 "

10 On page 9, line 15, of the Introduced bill, after "REPEALED:" delete "Notwithstanding anything
11 in this chapter to the contrary, an optometrist, except an optometrist certified for diagnostic and
12 therapeutic agents as provided by §§ 36-7-15. 1 to 36-7-15. 3, inclusive, and as provided in § 36-
13 7-31, may not treat glaucoma or ocular hypertension."

14 And that as so amended, said bill do pass, and having been certified as uncontested, be placed
15 on the consent calendar.

16 Also MR. SPEAKER:

17 The Committee on House Health and Human Services respectfully reports that it has had under
18 consideration **HB 1054** which was deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Kevin D. Jensen, Chair

21 MR. SPEAKER:

22 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
23 under consideration **HB 1035 and 1039** and returns the same with the recommendation that said
24 bills do pass.

25 Respectfully submitted,
26 Marty Overweg, Chair

27 MR. SPEAKER:

28 The Committee on House Local Government respectfully reports that it has had under
29 consideration **HB 1075** and returns the same with the recommendation that said bill do pass.

30 Also MR. SPEAKER:

31 The Committee on House Local Government respectfully reports that it has had under
32 consideration **HB 1046** and returns the same with the recommendation that said bill do pass, and
33 having been certified as uncontested, be placed on the consent calendar.

34 Also MR. SPEAKER:

35 The Committee on House Local Government respectfully reports that it has had under
36 consideration **HB 1076** and returns the same with the recommendation that said bill be amended
37 as follows:

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1076A

2 On page 1, line 4, of the Introduced bill, delete " two" and insert " three"

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

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Respectfully submitted,
Nancy York, Chair

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MESSAGES FROM THE SENATE

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Mr. SPEAKER:

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I have the honor to transmit herewith **SB 1, 2, 45, and 46** which have passed the Senate and your favorable consideration is respectfully requested.

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Respectfully,
Kay Johnson, Secretary

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MOTIONS AND RESOLUTIONS

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Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on Friday, January 21, 2022, the 8th legislative day.

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Which motion prevailed.

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CONSIDERATION OF REPORTS OF COMMITTEES

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

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State Affairs on **HB 1007** as found on page 38 of the House Journal; also

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Judiciary on **HB 1056** as found on page 42 of the House Journal be adopted.

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Which motion prevailed and the reports were adopted.

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FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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HB 1090: FOR AN ACT ENTITLED, An Act to require an annual report on nonmeandered waters.

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Introduced by: **Representative** Pischke

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Was read the first time and referred to the Committee on Agriculture and Natural Resources.

1 **HB 1086:** FOR AN ACT ENTITLED, An Act to provide for the redistribution of donated
2 prescription drugs and medical supplies.

3 Introduced by: **Representative** Wiese

4 Was read the first time and referred to the Committee on Health and Human Services.

5 **HB 1085:** FOR AN ACT ENTITLED, An Act to expand the eligibility for a small estate probate.

6 Introduced by: **Representative** Mortenson

7 Was read the first time and referred to the Committee on Judiciary.

8 **HB 1087:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding records that
9 are not open to inspection and copying.

10 Introduced by: **Representative** Reed

11 Was read the first time and referred to the Committee on Local Government.

12 **HB 1088:** FOR AN ACT ENTITLED, An Act to limit the delta-9 tetrahydrocannabinol
13 concentration in medical cannabis and cannabis products that may be dispensed.

14 Introduced by: **Representative** Deutsch

15 Was read the first time and referred to the Committee on State Affairs.

16 **HB 1089:** FOR AN ACT ENTITLED, An Act to revise provisions related to abandoned mobile or
17 manufactured homes.

18 Introduced by: **Representative** Weisgram

19 **HB 1091:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
20 design and construction of a year-round rodeo practice facility on the campus of South Dakota State
21 University, together with equipment and furnishings, to make an appropriation therefor, and to
22 declare an emergency.

23 Introduced by: **Representative** Tidemann

24 **HB 1092:** FOR AN ACT ENTITLED, An Act to make an appropriation for the precision agriculture
25 cybersecurity CyberAg partnership initiative and to declare an emergency.

26 Introduced by: **Representative** Tidemann

27 Were read the first time.

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

29 **SB 45:** FOR AN ACT ENTITLED, An Act to revise notice and record keeping requirements of
30 real estate brokerages.

31 Was read the first time and referred to the Committee on Commerce and Energy.

1 **SB 46:** FOR AN ACT ENTITLED, An Act to protect fairness in women's sports.

2 Was read the first time and referred to the Committee on State Affairs.

3 **SB 1:** FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2021.

4 **SB 2:** FOR AN ACT ENTITLED, An Act to publish voter-approved initiated constitutional
5 amendments and initiated measures in the session laws.

6 Were read the first time.

7 **SECOND READING OF CONSENT CALENDAR ITEMS**

8 **HB 1002:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
9 investments authorized for state public funds.

10 **HB 1009:** FOR AN ACT ENTITLED, An Act to revise certain provisions of the Higher Education
11 Savings Plan Act.

12 **HB 1043:** FOR AN ACT ENTITLED, An Act to revise renewal and licensing requirements for
13 plumbers.

14 **HB 1059:** FOR AN ACT ENTITLED, An Act to permit nonresponsive insurance producer
15 applications be deemed withdrawn as to not constitute a refusal or administrative action.

16 **HB 1062:** FOR AN ACT ENTITLED, An Act to revise a provision regarding when a license is not
17 required of a person installing electric wiring.

18 **HB 1068:** FOR AN ACT ENTITLED, An Act to clarify the processing of sexual assault kits
19 performed on individuals ages sixteen and seventeen.

20 Were read the second time.

21 The question being "Shall **HB 1002, 1009, 1043, 1059, 1062, and 1068** pass?"

22 And the roll being called:

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

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

31 Excused: Davis, Olson, and Soye

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

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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2 **HB 1044:** FOR AN ACT ENTITLED, An Act to adopt the 2021 edition of the Uniform Plumbing
3 Code.

4 Was read the second time.

5 The question being "Shall **HB 1044** pass?"

6 And the roll being called:

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

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

15 Excused: Davis and Soye

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 1036:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding search
19 warrants for tracking devices.

20 Was read the second time.

21 The question being "Shall **HB 1036** pass?"

22 And the roll being called:

23 Yeas 54, Nays 14, Excused 2, Absent 0

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

30 Nays: Aylward, Bordeaux, Cwach, Dennert, Duba, Healy, Phil Jensen, Keintz, Mulally, Olson,
31 Overweg, Pourier, Jamie Smith, and Weis

32 Excused: Davis and Soye

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

35 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 2:30 p.m.
36 the House adjourned.

37 Patricia Miller, Chief Clerk

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JOINT MEMORIAL SERVICE

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Pursuant to the report of the Joint-Select Committee, as found on page 20 of the House Journal, the Senate and the House of Representatives met in informal joint session in the House Chamber for the purpose of having a memorial service for deceased former members and reading of the following Joint Memorial Resolution:

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WHEREAS, the Great Ruler of the Universe has ordered a final adjournment in the lives of thirteen former members of the South Dakota Legislature, namely: the *Honorable Gerald "Jerry" F. Apa*; the *Honorable Kathryn "Kay" Davis-Sturzenbecher*; the *Honorable James "Jim" Emery*; the *Honorable Robert "Bob" Faehn*; the *Honorable Wendell H. Hanson*; the *Honorable David E. Lust*; the *Honorable Elaine McCart*; the *Honorable Roger R. Moore*; the *Honorable James Sperry*; the *Honorable Dale Slaughter*; the *Honorable Carveth "Carv" Thompson*; the *Honorable Robert R. "Bob" Weber*; and the *Honorable Charles B. Welke*.

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WHEREAS, in the lives of all of these eminent public servants there was noted a profound urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but with a consciousness that here in a land of freedom the dignity of the individual is supreme, that justice must be dispensed, and that only by eternal vigilance and unrelenting effort can self-government of a people be preserved; and

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WHEREAS, it is fitting that we humbly honor the memory of those who have thus contributed to the orderly process of government under the Constitution:

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NOW, THEREFORE, BE IT RESOLVED, by the Senate and the House of Representatives of the Ninety-seventh Session of the Legislature of the State of South Dakota duly convened in recess session in recognition of the useful lives and unflinching devotion to the interests of the State of South Dakota, as well as the rectitude of thought and action and fidelity to the highest principles of American citizenship by these honorable people, that the Senate and the House of Representatives do now pause in their labors out of respect for the memory of their late fellow associates in the functions of government, and note that in their passing, the state they have served so well has suffered a distinct loss, and though their labors have ceased and they have been laid to rest, the people of this great state have benefited greatly from the services rendered by them and they have left upon the sands of time an inspiring record of devotion to their fellow citizens under the guiding hand of Almighty God; and

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BE IT FURTHER RESOLVED, that this Resolution be printed in the journals of the Senate and the House of Representatives of the Ninety-seventh Session of the Legislature of the State of South Dakota, now assembled this 20th day of January, 2022, at Pierre, South Dakota.

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