

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

NINTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, January 24, 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 Shelby Bestgen.

Roll Call: All members present except Reps. Beal, Bordeaux, and Finck 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 8th 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 The oath of office was administered by Speaker Gosch to the following named pages:

2 Shelby Bestgen, Sarah Cox, Joseph Gebel, Kimberly Hageman, Jailey Hutson, William Kuhl IV,
3 Evan Onken, Shane Rist, Lawson Santema, Colton Schamber, Patience Swift.

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

5 **REPORTS OF STANDING COMMITTEES**

6 MR. SPEAKER:

7 The Committee on House Education respectfully reports that it has had under consideration
8 **HB 1031** and returns the same with the recommendation that said bill be referred to the Joint
9 Committee on Appropriations with a Do Pass recommendation.

10 Also MR. SPEAKER:

11 The Committee on House Education respectfully reports that it has had under consideration
12 **HB 1021** and returns the same with the recommendation that said bill be referred to the Joint
13 Committee on Appropriations with a Do Pass recommendation.

14 Also MR. SPEAKER:

15 The Committee on House Education respectfully reports that it has had under consideration
16 **HB 1022** and returns the same with the recommendation that said bill be referred to the Joint
17 Committee on Appropriations with a Do Pass recommendation.

18 Also MR. SPEAKER:

19 The Committee on House Education respectfully reports that it has had under consideration
20 **HB 1080** and returns the same with the recommendation that said bill be amended as follows:

21 1080B

22 On page 1, line 14, of the Introduced bill, after "2017." delete "For each school district, the
23 district's increase in average teacher compensation from fiscal year 2016 to 2017 shall must be
24 equal to at least eighty-five percent of the district's increase in local need, as defined in subdivision
25 (2), from fiscal year 2016 to fiscal year 2017 and, notwithstanding any negotiated agreement, at
26 least eighty-five percent of the increase in state aid to general education funding the school district
27 receives for fiscal year 2017, less the amount of revenue generated in fiscal year 2016, shall must
28 be used to increase instructional salaries and benefits for certified instructional staff.

29 "

30 1080C

31 On page 1, line 21, of the Introduced bill, after "staff." delete "If a district fails to comply with
32 the requirements of this section, state aid to general education funding to the district in fiscal year
33 2018 shall must be decreased by an amount equal to fifty percent of the amount calculated in
34 subdivision (2).

35 "

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

37 Respectfully submitted,
38 Lana Greenfield, Chair

1 MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration
3 **HJR 5001** and returns the same with the recommendation that said resolution do pass.

4 Respectfully submitted,
5 Kent Peterson, Chair

6 MR. SPEAKER:

7 The Committee on House Commerce and Energy respectfully reports that it has had under
8 consideration **SB 45** and returns the same with the recommendation that said bill do pass, and
9 having been certified as uncontested, be placed on the consent calendar.

10 Respectfully submitted,
11 Rhonda Milstead, Chair

12 MR. SPEAKER:

13 The Committee on House Judiciary respectfully reports that it has had under consideration
14 **HB 1104, 1105, 1107, 1108, and 1109** and returns the same with the recommendation that said
15 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

16 Also MR. SPEAKER:

17 The Committee on House Judiciary respectfully reports that it has had under consideration
18 **HB 1106** and returns the same with the recommendation that said bill be amended as follows:

19 1106A

20 On page 2, line 5, of the Introduced bill, delete "The" and insert "Home address information
21 on the"

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

23 Respectfully submitted,
24 Jon Hansen, Chair

25 **MESSAGES FROM THE SENATE**

26 Mr. SPEAKER:

27 I have the honor to transmit herewith **SB 5, 9, 10, 15, and 79** which have passed the Senate
28 and your favorable consideration is respectfully requested.

29 Respectfully,
30 Kay Johnson, Secretary

31 **MOTIONS AND RESOLUTIONS**

32 Rep. Tidemann requested a fiscal note on **HB 1039**.

33 Which request was supported.

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

Rep. Kent Peterson moved that the report of the Standing Committee on

3

Judiciary on **HB 1069** as found on page 52 of the House Journal be adopted.

4

Which motion prevailed and the report was adopted.

5

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

6

HB 1112: FOR AN ACT ENTITLED, An Act to authorize the use of crossbows by senior hunters.

7

Introduced by: **Representative** Kevin Jensen

8

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

9

HB 1115: FOR AN ACT ENTITLED, An Act to allow succession to real property by an affidavit.

10

Introduced by: **Representative** Cwach

11

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

12

HB 1114: FOR AN ACT ENTITLED, An Act to revise a notice requirement for a hearing on the comprehensive plan in a joint jurisdictional area.

13

14

Introduced by: **Representative** Finck

15

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

16

HB 1113: FOR AN ACT ENTITLED, An Act to prohibit threats made with the intent to coerce an abortion and to provide a penalty therefor.

17

18

Introduced by: **Representative** Randolph

19

HB 1116: FOR AN ACT ENTITLED, An Act to modify the date for the state's presidential primary elections.

20

21

Introduced by: **Representative** Dennert

22

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

23

HB 1117: FOR AN ACT ENTITLED, An Act to revise a certain provision regarding standard nonforfeiture amounts for individual deferred annuities.

24

25

Introduced by: **Representative** Willadsen

26

HB 1118: FOR AN ACT ENTITLED, An Act to clarify when a delivery facilitation contractor may be considered an independent contractor.

27

28

Introduced by: **Representative** Reed

29

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

1 **HB 1119:** FOR AN ACT ENTITLED, An Act to revise the general state aid formula to provide
2 adjustment for alternative education students participating in interscholastic activities.

3 Introduced by: **Representative** Blare

4 Was read the first time and referred to the Committee on Education.

5 **HB 1120:** FOR AN ACT ENTITLED, An Act to include carbon dioxide and carbon dioxide capture
6 companies in certain provisions regarding pipeline taxation.

7 Introduced by: **Representative** Chaffee

8 Was read the first time and referred to the Committee on Taxation.

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

10 **SB 5:** FOR AN ACT ENTITLED, An Act to revise acceptable conduct related to the medical use
11 of cannabis.

12 **SB 9:** FOR AN ACT ENTITLED, An Act to revise the definition of a designated caregiver.

13 **SB 10:** FOR AN ACT ENTITLED, An Act to require a cardholder or nonresident cardholder to
14 present photographic identification to receive medical cannabis.

15 Were read the first time and referred to the Committee on Health and Human Services.

16 **SB 15:** FOR AN ACT ENTITLED, An Act to revise provisions providing that certain professions
17 are not subject to discipline for certain conduct relating to medical cannabis.

18 **SB 79:** FOR AN ACT ENTITLED, An Act to clarify cross-references regarding powers of attorney.

19 Were read the first time and referred to the Committee on Judiciary.

20 **SECOND READING OF CONSENT CALENDAR ITEMS**

21 **HB 1028:** FOR AN ACT ENTITLED, An Act to update certain provisions related to the licensure
22 of optometrists.

23 **HB 1063:** FOR AN ACT ENTITLED, An Act to revise the approval process for state employee
24 household moving allowances.

25 **HB 1065:** FOR AN ACT ENTITLED, An Act to repeal references to nonresident holders of
26 concealed pistol permits.

27 Were read the second time.

28 The question being "Shall **HB 1028** pass as amended, and **HB 1063 and 1065** pass?"

29 And the roll being called:

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

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

8 Nays: Keintz

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

11 There being no objection, the House reverted to Order of Business No. 8 - Motions and
12 Resolutions.

13 MOTIONS AND RESOLUTIONS

14 Rep. Kent Peterson moved that **HB 1007** be placed to follow **HB 1025** on today's calendar.

15 Which motion prevailed.

16 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

17 **HB 1056:** FOR AN ACT ENTITLED, An Act to revise provisions related to medical cannabis data
18 maintained by the Department of Health.

19 Was read the second time.

20 The question being "Shall **HB 1056** pass as amended?"

21 And the roll being called:

22 Yeas 56, Nays 14, Excused 0, Absent 0

23 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
24 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard,
25 Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Mills,
26 Milstead, Miskimins, Mortenson, Odenbach, Perry, Kent Peterson, Sue Peterson, Pourier, Reed,
27 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann,
28 Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

29 Nays: Aylward, Dennert, Howard, Phil Jensen, Karr, Marty, May, Mulally, Olson, Ernie Otten,
30 Overweg, Pischke, Randolph, and Weis

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

33 **HB 1035:** FOR AN ACT ENTITLED, An Act to to allow the Department of Agriculture and Natural
34 Resources to collect receipts from timber sales on federal lands and disburse those receipts
35 according to federal law.

36 Was read the second time.

1 The question being "Shall **HB 1035** pass?"

2 And the roll being called:

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

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

11 Nays: Bordeaux, Healy, and Pourier

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

14 **HB 1075:** FOR AN ACT ENTITLED, An Act to modify legal and official notice publication
15 requirements.

16 Was read the second time.

17 The question being "Shall **HB 1075** pass?"

18 And the roll being called:

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

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

27 Nays: Speaker Gosch

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

30 **HB 1076:** FOR AN ACT ENTITLED, An Act to permit certain municipalities to elect aldermen at
31 large.

32 Was read the second time.

33 The question being "Shall **HB 1076** pass as amended?"

34 And the roll being called:

35 Yeas 51, Nays 19, Excused 0, Absent 0

1 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Davis, Dennert,
2 Deutsch, Finck, Goodwin, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil
3 Jensen, Koth, Ladner, May, Mills, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Overweg,
4 Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, Schneider, Soye,
5 St. John, Stevens, Thomason, Tidemann, Weis, Weisgram, Willadsen, Wink, York, and
6 Speaker Gosch

7 Nays: Bordeaux, Cwach, Derby, Drury, Duba, Fitzgerald, Lana Greenfield, Healy, Chris
8 Johnson, Karr, Keintz, Lesmeister, Marty, Milstead, Mulally, Pourier, Jamie Smith, Vasgaard, and
9 Wiese

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

12 **HB 1041:** FOR AN ACT ENTITLED, An Act to facilitate legislative oversight of settlement
13 agreements involving a state entity or official.

14 Was read the second time.

15 The question being "Shall **HB 1041** pass?"

16 And the roll being called:

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

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

25 Nays: Davis, Fitzgerald, Mortenson, Kent Peterson, Weisgram, and Willadsen

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

28 **HB 1004:** FOR AN ACT ENTITLED, An Act to prohibit cardholder cultivation of medical
29 cannabis.

30 Was read the second time.

31 The question being "Shall **HB 1004** pass?"

32 And the roll being called:

33 Yeas 41, Nays 29, Excused 0, Absent 0

1 Yeas: Anderson, Bartels, Barthel, Blare, Chaffee, Derby, Deutsch, Finck, Fitzgerald, Goodwin,
2 Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris
3 Johnson, Karr, Koth, Ladner, Mills, Milstead, Miskimins, Mulally, Odenbach, Perry, Kent Peterson,
4 Sue Peterson, Randolph, Reimer, Schneider, Soye, Stevens, Vasgaard, Wiese, Willadsen, Wink,
5 York, and Speaker Gosch

6 Nays: Aylward, Beal, Bordeaux, Chase, Cwach, Davis, Dennert, Drury, Duba, Healy, Jamison,
7 Keintz, Lesmeister, Marty, May, Mortenson, Olson, Ernie Otten, Overweg, Pischke, Pourier, Reed,
8 Rehfeldt, Jamie Smith, St. John, Thomason, Tidemann, Weis, and Weisgram

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

11 **HB 1025:** FOR AN ACT ENTITLED, An Act to update legal holidays in South Dakota.

12 Was read the second time.

13 The question being "Shall **HB 1025** pass?"

14 And the roll being called:

15 Yeas 44, Nays 25, Excused 1, Absent 0

16 Yeas: Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Davis, Deutsch,
17 Drury, Duba, Finck, Goodwin, Hansen, Haugaard, Healy, Jamison, Kevin Jensen, Chris Johnson,
18 Keintz, Koth, Lesmeister, May, Mortenson, Olson, Ernie Otten, Kent Peterson, Sue Peterson, Pourier,
19 Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann,
20 Vasgaard, Weisgram, Willadsen, Wink, and York

21 Nays: Aylward, Blare, Dennert, Derby, Fitzgerald, Lana Greenfield, Gross, Hoffman, Howard,
22 Phil Jensen, Karr, Ladner, Marty, Mills, Milstead, Miskimins, Mulally, Odenbach, Overweg, Perry,
23 Pischke, Soye, Weis, Wiese, and Speaker Gosch

24 Excused: Randolph

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 **HB 1007:** FOR AN ACT ENTITLED, An Act to codify a joint committee for legislative
28 redistricting.

29 Was read the second time.

30 Rep. Deutsch moved that **HB 1007** be amended as follows:

31 1007D

32 On page 1, line 12, of the House State Affairs Engrossed bill, after "first. " insert "The house
33 with a majority of members shall alternate with each ten-year redistricting cycle beginning in 2031,
34 with the house in the minority of the 2011 Legislative Redistricting Committee being in the majority
35 in 2031. "

36 Which motion prevailed.

1 Rep. Dennert moved that **HB 1007** be amended as follows:

2 1007E

3 On page 1, line 12, of the House State Affairs Engrossed bill, after "first. " insert "The house
4 with a majority of members shall alternate with each ten-year redistricting cycle beginning in 2031,
5 with the house in the minority of the 2011 Legislative Redistricting Committee being in the majority
6 in 2031. "

7 On page 1, line 14, of the House State Affairs Engrossed bill, after "Council." insert "

8 A committee recommendation on a redistricting map, whether partial or full, requires a two-
9 thirds vote of the members present."

10 The Speaker requested a roll call vote.

11 And the roll being called:

12 Yeas 29, Nays 38, Excused 3, Absent 0

13 Yeas: Anderson, Barthel, Chaffee, Dennert, Derby, Fitzgerald, Lana Greenfield, Gross,
14 Haugaard, Howard, Jamison, Phil Jensen, Chris Johnson, Ladner, Marty, Mills, Milstead, Mulally,
15 Perry, Sue Peterson, Pischke, Randolph, Soye, St. John, Vasgaard, Weis, Wiese, York, and
16 Speaker Gosch

17 Nays: Aylward, Bartels, Blare, Chase, Cwach, Davis, Deutsch, Drury, Duba, Goodwin, Hansen,
18 Healy, Hoffman, Kevin Jensen, Karr, Keintz, Koth, Lesmeister, May, Miskimins, Mortenson,
19 Odenbach, Olson, Ernie Otten, Overweg, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider,
20 Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and Wink

21 Excused: Beal, Bordeaux, and Finck

22 So the motion not having received an affirmative vote of a majority of the members-present,
23 the Speaker declared the motion lost.

24 The question being "Shall **HB 1007** pass as amended?"

25 And the roll being called:

26 Yeas 10, Nays 59, Excused 1, Absent 0

27 Yeas: Chaffee, Deutsch, Mills, Milstead, Sue Peterson, Soye, St. John, Vasgaard, Wiese, and
28 York

29 Nays: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chase, Cwach, Davis,
30 Dennert, Derby, Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy,
31 Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner,
32 Lesmeister, Marty, May, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg,
33 Perry, Kent Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith,
34 Stevens, Thomason, Tidemann, Weis, Weisgram, Willadsen, Wink, and Speaker Gosch

35 Excused: Fitzgerald

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

1 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:57 p.m.
2 the House adjourned.

3

Patricia Miller, Chief Clerk

