

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 25, 2022

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Russell Jones, followed by the Pledge of Allegiance led by House page Sarah Cox.

Roll Call: All members present except Rep. Hoffman who was excused and Reps. Beal, Bordeaux, Hansen, and Tidemann 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 9th 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.

1 The oath of office was administered by Speaker Gosch to legislative page Harlie Johnson.

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

3 **REPORTS OF STANDING COMMITTEES**

4 MR. SPEAKER:

5 The Committee on House Taxation respectfully reports that it has had under consideration
6 **HB 1001** and returns the same with the recommendation that said bill do pass.

7 Also MR. SPEAKER:

8 The Committee on House Taxation respectfully reports that it has had under consideration
9 **HB 1010 and 1011** and returns the same with the recommendation that said bills do pass, and
10 having been certified as uncontested, be placed on the consent calendar.

11 Respectfully submitted,
12 Drew Dennert, Chair

13 MR. SPEAKER:

14 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
15 under consideration **HB 1049** which was deferred to the 41st Legislative Day.

16 Also MR. SPEAKER:

17 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
18 under consideration **HB 1050** and returns the same with the recommendation that said bill do pass,
19 and having been certified as uncontested, be placed on the consent calendar.

20 Respectfully submitted,
21 Marty Overweg, Chair

22 MR. SPEAKER:

23 The Committee on House Transportation respectfully reports that it has had under
24 consideration **HB 1078** and returns the same with the recommendation that said bill be amended
25 as follows:

26 1078A

27 On page 1, line 9, of the Introduced bill, after "vehicle" insert ", with four or more wheels,"

28 On page 1, line 15, of the Introduced bill, after "32-14-13," delete " or"

29 On page 1, line 16, of the Introduced bill, after "32-3-71" insert ", or a toy or youth off-road
30 vehicle"

31 On page 1, line 20, of the Introduced bill, after "misdemeanor." delete "Section 2. "

32 On page 1, line 20, of the Introduced bill, after "2. " delete "This Act is effective June 27,
33 2022."

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

3 Also MR. SPEAKER:

4 The Committee on House Transportation respectfully reports that it has had under
5 consideration **SB 29** and returns the same with the recommendation that said bill do pass, and
6 having been certified as uncontested, be placed on the consent calendar.

7 Respectfully submitted,
8 Caleb Finck, Chair

9 MR. SPEAKER:

10 The Committee on House Local Government respectfully reports that it has had under
11 consideration **HB 1018** and returns the same with the recommendation that said bill be referred to
12 the House Committee on Appropriations.

13 Respectfully submitted,
14 Nancy York, Chair

15 **MESSAGES FROM THE SENATE**

16 Mr. SPEAKER:

17 I have the honor to transmit herewith **SB 13, 69, 76, 80, and 81** which have passed the
18 Senate and your favorable consideration is respectfully requested.

19 Respectfully,
20 Kay Johnson, Secretary

21 **MOTIONS AND RESOLUTIONS**

22 Rep. Kent Peterson moved that **HB 1021, 1022, and 1031** be referred from the Joint
23 Committee on Appropriations to the House Committee on Appropriations.

24 Which motion prevailed.

25 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

27 Education on **HB 1080** as found on page 102 of the House Journal; and

28 Judiciary on **HB 1106** as found on page 103 of the House Journal be adopted.

29 Which motion prevailed and the reports were adopted.

1

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1121: FOR AN ACT ENTITLED, An Act to revise certain provisions related to advanced life support personnel.

3

4

Introduced by: **Representative** Rehfeldt

5

HB 1122: FOR AN ACT ENTITLED, An Act to require criminal background checks for emergency medical technicians and advanced life support personnel.

6

7

Introduced by: **Representative** Rehfeldt

8

HB 1123: FOR AN ACT ENTITLED, An Act to establish licensure for rural emergency hospitals.

9

Introduced by: **Representative** Rehfeldt

10

HB 1129: FOR AN ACT ENTITLED, An Act to prohibit forms of discrimination in access to organ transplantation.

11

12

Introduced by: **Representative** Chaffee

13

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

14

HB 1124: FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

15

Introduced by: **Representative** Kent Peterson

16

HB 1125: FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in South Dakota.

17

18

Introduced by: **Representative** Kent Peterson

19

HB 1126: FOR AN ACT ENTITLED, An Act to accommodate legislation relating to the protection of public safety.

20

21

Introduced by: **Representative** Kent Peterson

22

HB 1127: FOR AN ACT ENTITLED, An Act to enhance South Dakota.

23

Introduced by: **Representative** Kent Peterson

24

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

25

HB 1128: FOR AN ACT ENTITLED, An Act to protect the integrity of reemployment assistance.

26

Introduced by: **Representative** Willadsen

27

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

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

SB 13: FOR AN ACT ENTITLED, An Act to repeal provisions permitting certain documents to serve as temporary registry identification cards for medical cannabis.

3

4

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

5

SB 69: FOR AN ACT ENTITLED, An Act to provide for an electronic system to update voter registration information.

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7

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

8

SB 76: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the minimum amount of a lottery prize that is subject to setoff.

9

10

SB 80: FOR AN ACT ENTITLED, An Act to exempt the provision of electricity through electric vehicle charging stations from the definition of electric utility.

11

12

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

13

SB 81: FOR AN ACT ENTITLED, An Act to revise the definition of sexual contact.

14

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

15

SECOND READING OF CONSENT CALENDAR ITEMS

16

HB 1069: FOR AN ACT ENTITLED, An Act to include out-of-state convictions as a basis of an enhanced penalty for certain drug crimes.

17

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HB 1104: FOR AN ACT ENTITLED, An Act to revise provisions related to the location of courtroom facilities.

19

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HB 1105: FOR AN ACT ENTITLED, An Act to allow for a good cause exception to the time for an involuntary commitment hearing.

21

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HB 1107: FOR AN ACT ENTITLED, An Act to establish a process for requesting records prepared or maintained by court services officers.

23

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HB 1108: FOR AN ACT ENTITLED, An Act to revise provisions related to driving under the influence.

25

26

HB 1109: FOR AN ACT ENTITLED, An Act to revise a provision related to the review of the master jury list.

27

28

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

29

30

Were read the second time.

31

The question being "Shall **HB 1069** pass as amended, and **HB 1104, 1105, 1107, 1108, and 1109, and SB 45** pass?"

32

1 And the roll being called:

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

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

10 Nays: Fitzgerald

11 Excused: Hoffman

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

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

15 **HJR 5001:** A JOINT RESOLUTION, To apply for a convention of states under Article V of the
16 Constitution of the United States, to impose fiscal restraints on the federal government, to limit the
17 power and jurisdiction of the federal government, and to limit the terms of office for federal officials
18 and members of Congress.

19 Was read the second time.

20 The question being "Shall **HJR 5001** pass?"

21 And the roll being called:

22 Yeas 39, Nays 30, Excused 1, Absent 0

23 Yeas: Anderson, Aylward, Barthel, Beal, Blare, Chaffee, Davis, Dennert, Deutsch, Finck,
24 Fitzgerald, Goodwin, Hansen, Haugaard, Howard, Jamison, Kevin Jensen, Phil Jensen, Karr, Koth,
25 Marty, May, Mills, Miskimins, Odenbach, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson,
26 Pischke, Rehfeldt, Reimer, Soye, St. John, Vasgaard, Weis, Willadsen, and Wink

27 Nays: Bartels, Bordeaux, Chase, Cwach, Derby, Drury, Duba, Lana Greenfield, Gross, Healy,
28 Chris Johnson, Keintz, Ladner, Lesmeister, Milstead, Mortenson, Mulally, Olson, Pourier, Randolph,
29 Reed, Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Wiese, York, and
30 Speaker Gosch

31 Excused: Hoffman

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

1

COMMEMORATIONS

2

HC 8001: A LEGISLATIVE COMMEMORATION, honoring the 2020-2021 Outstanding School Administrators of South Dakota: Dr. Becky Guffin, Aberdeen School Superintendent; Fran Ruesink, Dell Rapids Middle School Principal; Susan Purintun, DeSmet School Business Official; Nick Gottlob, Spearfish Elementary School Principal; Mathew Raba, Belle Fourche Secondary School Principal; Joe Williams, Meade Assistant Middle School Principal; Dr. Tonia Warzecha, Tea Curriculum Leader; and Deb Muilenburg-Wilson, Sioux Falls Director of Special Education.

8

Introduced by: **Representatives** Lana Greenfield, Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Davis, Dennert, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Gosch, Gross, Healy, Hoffman, Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Marty, Mills, Miskimins, Mortenson, Odenbach, Ernie Otten, Perry, Kent Peterson, Pischke, Reed, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Wiese, Willadsen, and York and **Senators** Novstrup, Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Duvall, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Kolbeck, Maher, Nesiba, Herman Otten, Rohl, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Symens, Wheeler, Wiik, and Zikmund.

16

Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 2:38 p.m. the House adjourned.

17

18

Patricia Miller, Chief Clerk

