

# *JOURNAL OF THE HOUSE*

## *NINETY-SEVENTH SESSION*

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ELEVENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, January 26, 2022

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

The prayer was offered by the Chaplain, Emily Munger, followed by the Pledge of Allegiance led by House pages Kimberly Hageman and Joseph Gebel.

Roll Call: All members present except Reps. Dennert, Hoffman, Kent Peterson, and Willadsen who were excused and Reps. Beal, 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 10th 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**

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 45** and finds the same correctly enrolled.

Respectfully submitted,  
Spencer R. Gosch, Chair

MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1058, and SB 46** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,  
Kent Peterson, Chair

MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1024** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1064** which was tabled.

Respectfully submitted,  
Lana Greenfield, Chair

MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1061** and returns the same with the recommendation that said bill be amended as follows:

1061E

On the previously adopted amendment (1061A), On page 1, line 1, delete " board" and insert " council"

On the previously adopted amendment (1061A), On page 1, line 6, delete " board" and insert " council"

On the previously adopted amendment (1061A), On page 1, line 10, delete " board" and insert " council"

On the previously adopted amendment (1061A), On page 1, line 10, delete " ten" and insert " eleven"

On the previously adopted amendment (1061A), On page 1, line 11, delete "One representative" and insert " Director"

- 1 On the previously adopted amendment (1061A), On page 1, line 12, delete "One  
2 representative" and insert " Executive Director"
- 3 On the previously adopted amendment (1061A), On page 1, line 16, delete "Five" and insert "  
4 Six"
- 5 On the previously adopted amendment (1061A), On page 1, line 16, after "state" insert ":
- 6 (a) One state-licensed appraiser located anywhere in the state;
- 7 (b) Two state-certified residential appraisers, one located in eastern South Dakota and one  
8 located in western South Dakota;
- 9 (c) Two state-certified general appraisers, one located in eastern South Dakota and one located  
10 in western South Dakota; and
- 11 (d) One institutional staff appraiser"
- 12 On the previously adopted amendment (1061A), On page 1, line 18, delete " board" and insert  
13 " council"
- 14 On the previously adopted amendment (1061A), On page 1, line 18, after "years" insert "  
15 except that the those who are members as licensed or certified appraisers that are initially appointed  
16 shall serve a term of two years"
- 17 On the previously adopted amendment (1061A), On page 1, line 18, delete " board" and insert  
18 " council"
- 19 On the previously adopted amendment (1061A), On page 1, line 20, delete " board shall  
20 appoint a person to fill the unexpired term" and insert " council will recommend to the secretary of  
21 the Department of Labor and Regulation a person to fill the unexpired term"
- 22 On the previously adopted amendment (1061A), On page 1, line 21, after "term." insert " Term  
23 limits do not apply to the director of the Banking Division or the Executive Director of the South  
24 Dakota Real Estate Commission. These members represent a department staff position."
- 25 On the previously adopted amendment (1061A), On page 1, line 22, delete " board" and insert  
26 " council"
- 27 On the previously adopted amendment (1061A), On page 1, line 24, delete " board" and insert  
28 " council"
- 29 On the previously adopted amendment (1061A), On page 2, line 1, delete " board" and insert  
30 " council"
- 31 On the previously adopted amendment (1061A), On page 2, line 1, after "member" insert "  
32 except the members representing a department staff position,"
- 33 On the previously adopted amendment (1061A), On page 2, line 1, after "travel" delete " and"
- 34 On the previously adopted amendment (1061A), On page 2, line 1, delete " expense" and  
35 insert ", and per diem"
- 36 On the previously adopted amendment (1061A), On page 2, line 2, delete "In addition, per  
37 diem at rates established by the board " and insert "Eligible members "
- 38 On the previously adopted amendment (1061A), On page 2, line 3, after "paid" delete " each  
39 member"

1 On the previously adopted amendment (1061A), On page 2, line 4, delete " board" and insert  
2 " council"

3 On the previously adopted amendment (1061A), On page 2, line 6, delete " board" and insert  
4 " State Board of Finance"

5 On the previously adopted amendment (1061A), On page 2, after line 6, insert: "

6 **Section 3. That chapter 36-21B be amended with a NEW SECTION:**

7 To be eligible to serve as a council member, a candidate for the appraiser, real estate broker,  
8 or mortgage broker position must hold an applicable license, certificate, or credential in good  
9 standing in this state. To be considered in good standing, the candidate must not have been subject  
10 to any disciplinary action that affects legal eligibility to engage in appraisal practice, real estate  
11 brokerage, or mortgage brokerage for three years after successful completion of any sanctions  
12 imposed. Examples of sanctions that affect a licensee’s eligibility to practice are suspension,  
13 revocation or voluntary surrender."

14 On the previously adopted amendment (1061A), On page 2, after line 6, insert: "

15 **Section 4. That chapter 36-21B be amended with a NEW SECTION:**

16 If an appraiser, real estate broker, or mortgage broker member of the council is subject to any  
17 disciplinary action that affects legal eligibility to engage in appraisal practice, real estate brokerage,  
18 or mortgage brokerage, the council shall recommend that the secretary of the Department of Labor  
19 and Regulation remove the member."

20 1061F

21 On amendment (1061E),  
22 On page 2, line 2, after "that" insert " three of"

23 1061G

24 On amendment (1061F),  
25 On page 2, line 2, after "of" delete " the"

26 1061A

- 27 On page 1, line 1, of the Introduced bill, delete " committee" and insert " board"
- 28 On page 1, line 1, of the Introduced bill, delete " appraisal" and insert " appraiser"
- 29 On page 1, line 5, of the Introduced bill, delete " committee" and insert " board"
- 30 On page 1, line 6, of the Introduced bill, delete " appraisal" and insert " appraiser"
- 31 On page 1, line 8, of the Introduced bill, delete " committee" and insert " board"
- 32 On page 1, line 12, of the Introduced bill, delete " banking" and insert " financial"
- 33 On page 1, line 16, of the Introduced bill, delete " committee" and insert " board"
- 34 On page 1, line 16, of the Introduced bill, delete " committee" and insert " board"
- 35 On page 1, line 20, of the Introduced bill, delete " committee" and insert " board"

1 On page 1, line 21, of the Introduced bill, delete " committee" and insert " board"

2 On page 1, line 23, of the Introduced bill, delete " committee" and insert " board"

3 On page 2, line 1, of the Introduced bill, delete " committee" and insert " board"

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

5 Also MR. SPEAKER:

6 The Committee on House Commerce and Energy respectfully reports that it has had under  
7 consideration **HB 1093** which was deferred to the 41st Legislative Day.

8 Also MR. SPEAKER:

9 The Committee on House Commerce and Energy respectfully reports that it has had under  
10 consideration **HB 1102, and SB 36 and 47** and returns the same with the recommendation that  
11 said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

12 Respectfully submitted,  
13 Rhonda Milstead, Chair

14 **MESSAGES FROM THE SENATE**

15 Mr. SPEAKER:

16 I have the honor to transmit herewith **SB 4, 14, 17, 18, 21, 23, 26, and 27** which have  
17 passed the Senate and your favorable consideration is respectfully requested.

18 Respectfully,  
19 Kay Johnson, Secretary

20 **MOTIONS AND RESOLUTIONS**

21 **HCR 6004:** A CONCURRENT RESOLUTION, urging the creation of safe and supportive  
22 environments for students with epilepsy.

23 Introduced by: **Representative** Lana Greenfield

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

25 **HR 7001:** A RESOLUTION, In support of investigating and opening an official inquiry into the  
26 Medals of Honor given to United States soldiers for the involvement and participation of the soldiers  
27 in the Wounded Knee Massacre of 1890.

28 Introduced by: **Representative** Bordeaux

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

30 Rep. Howard requested a fiscal note on **HB 1001**.

31 Which request was supported.

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**CONSIDERATION OF REPORTS OF COMMITTEES**

Rep. Chris Johnson moved that the report of the Standing Committee on Transportation on **HB 1078** as found on page 114 of the House Journal be adopted. Which motion prevailed and the report was adopted.

**FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

The Speaker declared that **HB 1089** was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

**HB 1131:** FOR AN ACT ENTITLED, An Act to provide for a revocation of hunting, trapping, or fishing privileges.

Introduced by: **Representative** Gosch  
Was read the first time and referred to the Committee on Agriculture and Natural Resources.

**HB 1130:** FOR AN ACT ENTITLED, An Act to specify taxation, authorization, and standards of practice for the sale of travel insurance.

Introduced by: **Representative** Anderson

**HB 1138:** FOR AN ACT ENTITLED, An Act to increase dollar limits related to play on video lottery machines.

Introduced by: **Representative** Willadsen  
Were read the first time and referred to the Committee on Commerce and Energy.

**HB 1137:** FOR AN ACT ENTITLED, An Act to make an appropriation for high performance computing and data storage systems at South Dakota State University and to declare an emergency.

Introduced by: **Representative** Tidemann  
**HB 1158:** FOR AN ACT ENTITLED, An Act to regulate school resource officers.

Introduced by: **Representative** Jamie Smith  
Were read the first time and referred to the Committee on Education.

**HB 1133:** FOR AN ACT ENTITLED, An Act to provide that the cost of a home study required for an adoption is the responsibility of the Department of Social Services.

Introduced by: **Representative** Olson

1 **HB 1134:** FOR AN ACT ENTITLED, An Act to accommodate legislation related to medical  
2 cannabis.

3 Introduced by: **Representative** Milstead

4 **HB 1135:** FOR AN ACT ENTITLED, An Act to accommodate legislation related to medical  
5 cannabis.

6 Introduced by: **Representative** Milstead

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

8 **HB 1132:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide a grant for the  
9 infrastructure and construction of a new justice center in Lincoln County and to declare an  
10 emergency.

11 Introduced by: **Representative** Ernie Otten

12 **HB 1136:** FOR AN ACT ENTITLED, An Act to revise oversight and reporting requirements  
13 concerning cannabis.

14 Introduced by: **Representative** Milstead

15 **HB 1152:** FOR AN ACT ENTITLED, An Act to establish rights regarding the disposition of a  
16 person's remains.

17 Introduced by: **Representative** Hoffman

18 **HB 1157:** FOR AN ACT ENTITLED, An Act to revise the penalty for the ingestion of certain  
19 controlled substances.

20 Introduced by: **Representative** Jamie Smith

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

22 **HB 1139:** FOR AN ACT ENTITLED, An Act to create the Commission on Indian Affairs.

23 Introduced by: **Representative** Bordeaux

24 **HB 1140:** FOR AN ACT ENTITLED, An Act to permit the use of tribal identification cards when  
25 registering to vote.

26 Introduced by: **Representative** Bordeaux

27 **HB 1141:** FOR AN ACT ENTITLED, An Act to exempt members of Indian tribes in South Dakota  
28 from hunting and fishing license fees.

29 Introduced by: **Representative** Bordeaux

30 **HB 1142:** FOR AN ACT ENTITLED, An Act to exempt members of Indian tribes from admission  
31 fees, camping permit fees, and park service fees of state parks.

32 Introduced by: **Representative** Bordeaux

1 **HB 1143:** FOR AN ACT ENTITLED, An Act to require training on Native American law be  
2 provided to legislators and legislative staff.

3 Introduced by: **Representative** Bordeaux

4 **HB 1144:** FOR AN ACT ENTITLED, An Act to establish provisions for replacing certain names  
5 of geographic places that use offensive words or phrases.

6 Introduced by: **Representative** Bordeaux

7 **HB 1145:** FOR AN ACT ENTITLED, An Act to provide for the appointment of members of the  
8 Senate and House of Representatives to the South Dakota Capitol Complex Restoration and  
9 Beautification Commission.

10 Introduced by: **Representative** Bordeaux

11 **HB 1146:** FOR AN ACT ENTITLED, An Act to authorize the State-Tribal Relations Committee  
12 to issue subpoenas.

13 Introduced by: **Representative** Bordeaux

14 **HB 1147:** FOR AN ACT ENTITLED, An Act to provide a penalty for businesses that do not  
15 accept tribal identification cards as a valid form of identification.

16 Introduced by: **Representative** Bordeaux

17 **HB 1148:** FOR AN ACT ENTITLED, An Act to authorize sports wagering within a licensed  
18 affiliate business.

19 Introduced by: **Representative** Willadsen

20 **HB 1149:** FOR AN ACT ENTITLED, An Act to require sellers of residential real property to  
21 disclose property taxes to buyers.

22 Introduced by: **Representative** Bordeaux

23 **HB 1150:** FOR AN ACT ENTITLED, An Act to prohibit the use of cyanide for the purpose of  
24 mining for gold and silver.

25 Introduced by: **Representative** Bordeaux

26 **HB 1151:** FOR AN ACT ENTITLED, An Act to direct the Department of Labor and Regulation to  
27 compile and report statistics related to poverty and workforce development on tribal lands.

28 Introduced by: **Representative** Bordeaux

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

30 **HB 1153:** FOR AN ACT ENTITLED, An Act to revise the number of class hours required to  
31 obtain a responsible broker's license.

32 Introduced by: **Representative** Chase

1 **HB 1154:** FOR AN ACT ENTITLED, An Act to reduce the number of years of delinquent property  
2 taxes required for a county to issue a tax deed on a property.

3 Introduced by: **Representative** Chase

4 **HB 1155:** FOR AN ACT ENTITLED, An Act to revise the compensation for a township board  
5 member overseer.

6 Introduced by: **Representative** Chase

7 **HB 1156:** FOR AN ACT ENTITLED, An Act to revise provisions regarding weed removal along  
8 highways.

9 Introduced by: **Representative** Chase

10 Were read the first time.

11 The following bill was read on January 21, 2022, and today the Speaker assigned this bill to  
12 committee:

13 **HB 1101** was referred to the Committee on Judiciary.

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

15 **SB 18:** FOR AN ACT ENTITLED, An Act to revise rulemaking authority related to medical  
16 cannabis.

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

18 **SB 4:** FOR AN ACT ENTITLED, An Act to revise provisions related to a written certification for  
19 the medical use of cannabis.

20 **SB 14:** FOR AN ACT ENTITLED, An Act to revise provisions related to the confidential list of  
21 medical cannabis cardholders maintained by the Department of Health.

22 **SB 17:** FOR AN ACT ENTITLED, An Act to revise provisions regarding cost reimbursement  
23 associated with medical cannabis.

24 **SB 21:** FOR AN ACT ENTITLED, An Act to revise provisions related to the revocation of a  
25 medical cannabis registry identification card.

26 **SB 23:** FOR AN ACT ENTITLED, An Act to revise the definition of bona fide practitioner-patient  
27 relationship.

28 **SB 26:** FOR AN ACT ENTITLED, An Act to revise the definition of practitioner for purposes of  
29 the medical cannabis program.

30 **SB 27:** FOR AN ACT ENTITLED, An Act to revise the provisions regarding the denial or  
31 nonrenewal of a patient registry identification card.

32 Were read the first time.

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

3 **REPORTS OF STANDING COMMITTEES**

4 MR. SPEAKER:

5 The Committee on House Judiciary respectfully reports that it has had under consideration  
6 **HB 1026** and returns the same with the recommendation that said bill be amended as follows:

7 1026A

8 On page 1, line 20, of the Introduced bill, after "under" delete " §"

9 On page 1, line 20, of the Introduced bill, after "§ " insert "subdivisions "

10 On page 1, line 20, of the Introduced bill, after "22-22-1" insert "(1), (2), and (3)"

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

12 Also MR. SPEAKER:

13 The Committee on House Judiciary respectfully reports that it has had under consideration  
14 **HB 1057** and returns the same with the recommendation that said bill do pass.

15 Also MR. SPEAKER:

16 The Committee on House Judiciary respectfully reports that it has had under consideration  
17 **HB 1085** and returns the same with the recommendation that said bill do pass, and having been  
18 certified as uncontested, be placed on the consent calendar.

19 Respectfully submitted,  
20 Mike Stevens, Vice-Chair

21 **SECOND READING OF CONSENT CALENDAR ITEMS**

22 **HB 1010:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue  
23 Code.

24 **HB 1011:** FOR AN ACT ENTITLED, An Act to revise the application process for the reduction  
25 of tax on dwellings owned by paraplegics.

26 **HB 1050:** FOR AN ACT ENTITLED, An Act to repeal obsolete lease requirements for the Black  
27 Hills Playhouse.

28 **SB 29:** FOR AN ACT ENTITLED, An Act to authorize highway maintenance vehicles to operate  
29 at less than the posted minimum speed on interstate highways.

30 Were read the second time.

31 The question being "Shall **HB 1010, 1011, and 1050, and SB 29** pass?"

32 And the roll being called:

33 Yeas 66, Nays 0, Excused 4, Absent 0

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

8 Excused: Dennert, Hoffman, Kent Peterson, and Willadsen

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

12 **HB 1080:** FOR AN ACT ENTITLED, An Act to prolong requirements for increasing teacher  
13 compensation.

14 Was read the second time.

15 The question being "Shall **HB 1080** pass as amended?"

16 And the roll being called:

17 Yeas 65, Nays 1, Excused 4, Absent 0

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

25 Nays: Phil Jensen

26 Excused: Dennert, Hoffman, Kent Peterson, and Willadsen

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

29 **HB 1106:** FOR AN ACT ENTITLED, An Act to provide for the security and privacy of certain  
30 personally identifiable information for judicial officers and to declare an emergency.

31 Was read the second time.

32 The question being "Shall **HB 1106** pass as amended?"

33 And the roll being called:

34 Yeas 57, Nays 9, Excused 4, Absent 0

35 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
36 Deutsch, Drury, Duba, Finck, Goodwin, Lana Greenfield, Hansen, Haugaard, Healy, Howard,  
37 Jamison, Kevin Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister, Marty, May, Mills,  
38 Miskimins, Mortenson, Olson, Ernie Otten, Overweg, Perry, Sue Peterson, Pourier, Randolph, Reed,

1 Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard,  
2 Weis, Weisgram, Wiese, Wink, York, and Speaker Gosch

3 Nays: Aylward, Fitzgerald, Gross, Phil Jensen, Milstead, Mulally, Odenbach, Pischke, and Soye

4 Excused: Dennert, Hoffman, Kent Peterson, and Willadsen

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

7 **SIGNING OF BILLS**

8 The Speaker publicly read the title to

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

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

12 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 2:37 p.m.  
13 the House adjourned.

14 Patricia Miller, Chief Clerk