

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

FOURTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 01, 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 Evan Onken. Sarah Carlson and Wanda Goodman sang the National Anthem.

Roll Call: All members present except Reps. Lesmeister, Randolph, and Reimer who were excused and Reps. Gross, Mills, and Reed 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 13th 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

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 1097, and SB 5** and returns the same with the recommendation that said bills
5 do pass, and having been certified as uncontested, be placed on the consent calendar.

6 Also MR. SPEAKER:

7 The Committee on House Health and Human Services respectfully reports that it has had under
8 consideration **HB 1098** and returns the same with the recommendation that said bill be amended
9 as follows:

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1098A

11 On page 2, line 14, of the Introduced bill, after "affiliated" insert ", associated, or contracted"

12 On page 3, line 1, of the Introduced bill, after "affiliated" insert ", associated, or contracted"

13 On page 3, line 11, of the Introduced bill, after "affiliated" insert ", associated, or contracted"

14 On page 3, line 15, of the Introduced bill, after "to" delete " the"

15 On page 3, line 16, of the Introduced bill, after "examination " insert "by the Department of
16 Revenue "

17 On page 3, line 16, of the Introduced bill, after "all " insert "financial "

18 On page 3, line 16, of the Introduced bill, after "records" delete " related to the financial and
19 business affairs"

20 On page 3, line 18, of the Introduced bill, delete " department" and insert " Department of
21 Revenue"

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

23

Respectfully submitted,
Kevin D. Jensen, Chair

24

25 MR. SPEAKER:

26 The Committee on House Taxation respectfully reports that it has had under consideration
27 **HB 1082** and returns the same with the recommendation that said bill be amended as follows:

28

1082B

29 On page 1, line 21, of the Introduced bill, delete " that" and insert " than"

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

1 Also MR. SPEAKER:

2 The Committee on House Taxation respectfully reports that it has had under consideration
3 **HB 1120, and SB 37** and returns the same with the recommendation that said bills do pass.

4 Respectfully submitted,
5 Drew Dennert, Chair

6 MR. SPEAKER:

7 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
8 under consideration **HB 1048** which was deferred to the 41st Legislative Day.

9 Respectfully submitted,
10 Marty Overweg, Chair

11 MR. SPEAKER:

12 The Committee on House Transportation respectfully reports that it has had under
13 consideration **HB 1167** which was deferred to the 41st Legislative Day.

14 Respectfully submitted,
15 Caleb Finck, Chair

16 **MESSAGES FROM THE SENATE**

17 Mr. SPEAKER:

18 I have the honor to transmit herewith **SB 40, 56, 57, 83, 87, 88, and 95** which have passed
19 the Senate and your favorable consideration is respectfully requested.

20 Also Mr. SPEAKER:

21 I have the honor to return herewith **HB 1027 and 1046** which have passed the Senate without
22 change.

23 Also Mr. SPEAKER:

24 I have the honor to transmit herewith **SCR 601** which has been adopted by the Senate and
25 your concurrence is respectfully requested.

26 Respectfully,
27 Kay Johnson, Secretary

1

MOTIONS AND RESOLUTIONS

2

Rep. Sue Peterson moved that **HB 1246** be referred from the Committee on Local Government to the Committee on Judiciary.

3

4

Which motion prevailed.

5

HCR 6007: A CONCURRENT RESOLUTION, Celebrating the sister-state relationship with Taiwan.

6

7

Was read the second time.

8

Rep. Haugaard moved that **HCR 6007** as found on page 136 of the House Journal be adopted.

9

The question being on Rep. Haugaard's motion that **HCR 6007** be adopted.

10

And the roll being called:

11

Yeas 67, Nays 0, Excused 3, Absent 0

12

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

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Excused: Lesmeister, Randolph, and Reimer

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So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HCR 6007** was adopted.

21

22

CONSIDERATION OF REPORTS OF COMMITTEES

23

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

24

Judiciary on **HB 1110** as found on page 152 of the House Journal; and

25

Commerce and Energy on **HB 1128** as found on page 153 of the House Journal be adopted.

26

Which motion prevailed and the reports were adopted.

27

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

28

HB 1289: FOR AN ACT ENTITLED, An Act to update provisions regarding self-service storage.

29

Introduced by: **Representative** Thomason

30

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

1 **HB 1281:** FOR AN ACT ENTITLED, An Act to make an appropriation for matching funds to
2 enhance research in manufacturing processes having lunar application and planetary use in tribal
3 housing development and to declare an emergency.

4 Introduced by: **Representative** Blare

5 **HB 1282:** FOR AN ACT ENTITLED, An Act to allow inpatient psychiatric facility placement
6 alternatives for certain patients.

7 Introduced by: **Representative** Miskimins

8 **HB 1283:** FOR AN ACT ENTITLED, An Act to require the posting of laws regarding hospital and
9 nursing facility visitation.

10 Introduced by: **Representative** Phil Jensen

11 **HB 1284:** FOR AN ACT ENTITLED, An Act to increase household income thresholds for a
12 paraplegic tax reduction.

13 Introduced by: **Representative** Chaffee

14 **HB 1285:** FOR AN ACT ENTITLED, An Act to create a critical care endorsement for emergency
15 medical technician-paramedics.

16 Introduced by: **Representative** Davis

17 **HB 1286:** FOR AN ACT ENTITLED, An Act to permit municipalities to contribute more to the
18 cost of insurance provided to certain officers or retired employees.

19 Introduced by: **Representative** Drury

20 **HB 1287:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crime of
21 rape and provide a penalty therefor.

22 Introduced by: **Representative** Reed

23 **HB 1288:** FOR AN ACT ENTITLED, An Act to make an appropriation for the planning,
24 renovation, and equipping of the North East Regional Jail Facility in Brown County and to declare an
25 emergency.

26 Introduced by: **Representative** Perry

27 Were read the first time.

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

29 **SB 40:** FOR AN ACT ENTITLED, An Act to to establish safety standards regarding biogas
30 gathering lines.

31 **SB 56:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South Dakota
32 Retirement System.

33 **SB 57:** FOR AN ACT ENTITLED, An Act to add gaming enforcement agents to Class B
34 membership of the South Dakota Retirement System.

35 **SB 83:** FOR AN ACT ENTITLED, An Act to modify when a motion for expungement of an arrest
36 record may be made and to declare an emergency.

1 **SB 87:** FOR AN ACT ENTITLED, An Act to update the South Dakota Coordinate System to
2 conform to national standards.

3 **SB 88:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the State
4 Conservation Commission and conservation districts.

5 **SB 95:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the Teacher
6 Compensation Review Board.

7 Were read the first time.

8 **SECOND READING OF CONSENT CALENDAR ITEMS**

9 Rep. Wiese requested that **HB 1086** be removed from the Consent Calendar.

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

12 Was read the second time.

13 The question being "Shall **HB 1117** pass?"

14 And the roll being called:

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

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

23 Excused: Lesmeister, Randolph, and Reimer

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

26 There being no objection, the House reverted to Order of Business No. 14 - Second Reading of
27 Senate Bills and Joint Resolutions.

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

29 Rep. Milstead moved that the pending amendment to **SB 46** be laid on the table.

30 And the roll being called:

31 Yeas 65, Nays 2, Excused 3, Absent 0

32 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
33 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,
34 Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson,

1 Karr, Keintz, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,
2 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Reed, Rehfeldt,
3 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Vasgaard, Weis, Weisgram, Wiese,
4 Willadsen, Wink, and York

5 Nays: Tidemann and Speaker Gosch

6 Excused: Lesmeister, Randolph, and Reimer

7 So the motion having received an affirmative vote of a majority of the members-elect, the
8 Speaker declared the motion prevailed.

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

10 Having had its second reading was up for consideration and final passage.

11 The question being "Shall **SB 46** pass as amended?"

12 And the roll being called:

13 Yeas 50, Nays 17, Excused 3, Absent 0

14 Yeas: Anderson, Aylward, Bartels, Beal, Blare, Chaffee, Davis, Dennert, Derby, Deutsch, Drury,
15 Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison,
16 Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Mortenson,
17 Mulally, Odenbach, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Rehfeldt, Schneider,
18 Soye, St. John, Thomason, Vasgaard, Weis, Wiese, Wink, York, and Speaker Gosch

19 Nays: Barthel, Bordeaux, Chase, Cwach, Duba, Healy, Keintz, Miskimins, Olson, Ernie Otten,
20 Pourier, Reed, Jamie Smith, Stevens, Tidemann, Weisgram, and Willadsen

21 Excused: Lesmeister, Randolph, and Reimer

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

24 Speaker Pro tempore Hansen now presiding.

25 There being no objection, the House reverted to Order of Business No. 13 - Second Reading of
26 House Bills and Joint Resolutions.

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

28 **HB 1005:** FOR AN ACT ENTITLED, An Act to provide for the designated use of public school
29 multi-occupancy rooms and sleeping rooms.

30 Was read the second time.

31 Rep. Gosch moved that **HB 1005** be amended as follows:

32 1005A

33 On page 3, after line 20, of the Introduced bill, insert: "

1 **Section 9. That chapter 13-32 be amended with a NEW SECTION:**

2 If a lawsuit is brought or a complaint is filed against a school district, an employee of a school
3 district, the board of a school district, or a board member, as a result of the district implementing
4 sections 2, 3, 5, or 6 of this Act, the attorney general shall provide legal representation, at no cost
5 to the school district, employee, board, or board member.

6 In addition to the expenses of representation, the state shall assume financial responsibility
7 for any other related expenses incurred by the school district, an employee, the board, or a board
8 member, including any award for monetary damages, attorney's fees, and costs for which the school
9 district, an employee, the board, or a board member would be otherwise responsible."

10 Which motion prevailed.

11 The question being "Shall **HB 1005** pass as amended?"

12 And the roll being called:

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

14 Yeas: Aylward, Beal, Blare, Chaffee, Dennert, Deutsch, Drury, Finck, Fitzgerald, Lana
15 Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson,
16 Karr, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke,
17 Schneider, Soye, Vasgaard, Weis, Wiese, Wink, York, and Speaker Gosch

18 Nays: Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Derby, Duba, Goodwin,
19 Healy, Jamison, Keintz, Koth, Miskimins, Mortenson, Olson, Ernie Otten, Kent Peterson, Pourier,
20 Reed, Rehfeldt, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Weisgram, and Willadsen

21 Excused: Lesmeister, Randolph, and Reimer

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

24 **HB 1084:** FOR AN ACT ENTITLED, An Act to provide for the regulation of motorized foot
25 scooters and to declare an emergency.

26 Was read the second time.

27 The question being "Shall **HB 1084** pass as amended?"

28 And the roll being called:

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

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

37 Excused: Lesmeister, Randolph, and Reimer

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

1 Speaker Gosch now presiding

2 **HB 1103:** FOR AN ACT ENTITLED, An Act to provide a reimbursement schedule for
3 chiropractic, dental, and optometric services under the Medicaid program.

4 Was read the second time.

5 The question being "Shall **HB 1103** pass as amended?"

6 And the roll being called:

7 Yeas 61, Nays 6, Excused 3, Absent 0

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

14 Nays: Aylward, Dennert, May, Mulally, Odenbach, and Overweg

15 Excused: Lesmeister, Randolph, and Reimer

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

19 **SB 71:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to the partners in
20 education tax credit program.

21 Was read the second time.

22 The question being "Shall **SB 71** pass as amended?"

23 And the roll being called:

24 Yeas 44, Nays 23, Excused 3, Absent 0

25 Yeas: Aylward, Barthel, Beal, Blare, Bordeaux, Chaffee, Davis, Dennert, Derby, Deutsch,
26 Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin
27 Jensen, Phil Jensen, Chris Johnson, Karr, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach,
28 Overweg, Perry, Sue Peterson, Pischke, Rehfeldt, Schneider, Soye, St. John, Vasgaard, Weis,
29 Weisgram, Wiese, York, and Speaker Gosch

30 Nays: Anderson, Bartels, Chase, Cwach, Drury, Duba, Finck, Healy, Keintz, Koth, Miskimins,
31 Mortenson, Olson, Ernie Otten, Kent Peterson, Pourier, Reed, Jamie Smith, Stevens, Thomason,
32 Tidemann, Willadsen, and Wink

33 Excused: Lesmeister, Randolph, and Reimer

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

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

3 Was read the second time.

4 The question being "Shall **SB 76** pass?"

5 And the roll being called:

6 Yeas 48, Nays 18, Excused 4, Absent 0

7 Yeas: Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby,
8 Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Healy, Hoffman, Howard, Jamison, Kevin
9 Jensen, Phil Jensen, Karr, Keintz, Koth, Ladner, Marty, May, Miskimins, Mortenson, Olson, Ernie
10 Otten, Kent Peterson, Pischke, Pourier, Reed, Rehfeldt, Schneider, Jamie Smith, Soye, St. John,
11 Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, and Wink

12 Nays: Aylward, Beal, Blare, Deutsch, Fitzgerald, Hansen, Haugaard, Mills, Milstead, Mulally,
13 Odenbach, Overweg, Perry, Sue Peterson, Weis, Wiese, York, and Speaker Gosch

14 Excused: Chris Johnson, Lesmeister, Randolph, and Reimer

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

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

19 Was read the second time.

20 The question being "Shall **SB 80** pass as amended?"

21 And the roll being called:

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

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

30 Nays: Pourier

31 Excused: Chris Johnson, Lesmeister, Randolph, and Reimer

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

34 **SIGNING OF BILLS**

35 The Speaker publicly read the title to

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

1 **SB 47:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding money
2 transmission.

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

4 Rep. Chaffee moved that the House do now adjourn, which motion prevailed and at 3:54 p.m.
5 the House adjourned.

6
Patricia Miller, Chief Clerk

