

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

TWENTY-SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 22, 2022

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by House pages Mollie Brown and William Cutler.

Roll Call: All members present except Reps. Keintz, St. John, and Wiese who were excused and Rep. Ernie Otten who was 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 25th 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 the following named pages:

2 Mollie Brown, William Cutler, Morgan Damman, Alexander Deak, Aida Desaulniers, Dawson
3 Desaulniers, Grace Glover, Erica Ingerson, Claire Koenecke, Alexander Otten, Britta Pietila, Rylee
4 Rinehart, Addyson Wittnebel.

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

6 **REPORTS OF STANDING COMMITTEES**

7 Mr. SPEAKER:

8 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
9 Enrolling has carefully compared **HB 1097 and 1275** and finds the same correctly enrolled.

10 Respectfully submitted,
11 Spencer R. Gosch, Chair

12 MR. SPEAKER:

13 The House Committee on Appropriations respectfully reports that it has had under
14 consideration **HB 1038** and returns the same with the recommendation that said bill be amended
15 as follows:

16 1038B

17 On the Introduced bill, delete everything after the enacting clause and insert:

18 "

19 **Section 1. That chapter 34-20B be amended with a NEW SECTION:**

20 The opioid abatement and remediation fund is established in the state treasury. Money received
21 from the following sources may be deposited into the fund:

22 (1) Money received by the state pursuant to settlements or judgments relating to opioids;

23 (2) Direct appropriations from the general fund;

24 (3) Any gifts, bequests, or donations; and

25 (4) Interest earned on money in the fund established under this section shall be credited to
26 the fund.

27 All money in the opioid abatement and remediation fund may only be used for purposes
28 relating to opioid abuse treatment, prevention, and recovery programs and must be
29 appropriated through the normal budget process. Expenditures of the state from the fund must
30 be assigned to the Department of Social Services.

31 **Section 2.** Money received from the National Settlement Agreement involving Johnson &
32 Johnson, AmerisourceBergen, Cardinal Health, and McKesson and a Bankruptcy Resolution
33 concerning Purdue Pharma, L.P. entered into by the State and the Participating Local Governments
34 must be divided with 70% allocated to the State and 30% allocated directly to participating local
35 government subdivisions in proportions based on the opioid negotiation class model to be used only
36 for purposes relating to opioid abuse treatment, prevention, and recovery programs.

1 **Section 3.** Whereas, this Act is necessary for the immediate preservation of the public peace,
2 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
3 effect from and after its passage and approval. "

4 1038D

5 On the previously adopted amendment (1038B), On page 1, line 8, after "opioids;" delete "(2)"
6 Direct appropriations from the general fund;"

7 On the previously adopted amendment (1038B), On page 1, line 9, delete "(3)" and insert
8 "(2)"

9 On the previously adopted amendment (1038B), On page 1, line 10, delete "(4)" and insert
10 "(3)"

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

12 Also MR. SPEAKER:

13 The House Committee on Appropriations respectfully reports that it has had under
14 consideration **HB 1137** and returns the same with the recommendation that said bill be amended
15 as follows:

16 1137A

17 On page 1, line 11, of the Introduced bill, after "members." delete "Section 2. The Board of
18 Regents may accept, transfer, and expend any funds obtained for the purposes authorized in this
19 Act from federal sources, donations, revenues, or any other external sources, all of which comprise
20 a special fund for the benefitted project."

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

22 Also MR. SPEAKER:

23 The House Committee on Appropriations respectfully reports that it has had under
24 consideration **HB 1306** and returns the same with the recommendation that said bill be amended
25 as follows:

26 1306B

27 On page 1, line 5, of the House Transportation Engrossed bill, delete " three" and insert " five"

28 On page 1, line 6, of the House Transportation Engrossed bill, after "2024," delete " and"

29 On page 1, line 6, of the House Transportation Engrossed bill, after "2025," insert " 2026, and
30 2027,"

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

32 Also MR. SPEAKER:

33 The House Committee on Appropriations respectfully reports that it has had under
34 consideration **HB 1339** and returns the same with the recommendation that said bill be amended
35 as follows:

36 1339A

37 On page 1, line 4, of the Introduced bill, delete " \$1" and insert " \$2,100,000,000"

1 On page 1, line 4, of the Introduced bill, after "authority" insert " for the expenditure of
2 Infrastructure Investment and Jobs Act moneys, public law 117-58"

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

4 Also MR. SPEAKER:

5 The House Committee on Appropriations respectfully reports that it has had under
6 consideration **HB 1243 and 1244** which were deferred to the 41st Legislative Day.

7 Also MR. SPEAKER:

8 The House Committee on Appropriations respectfully reports that it has had under
9 consideration **HB 1281** which was tabled.

10 Also MR. SPEAKER:

11 The House Committee on Appropriations respectfully reports that it has had under
12 consideration **HB 1327** and returns the same with the recommendation that said bill do pass.

13 Respectfully submitted,
14 Chris Karr, Chair

15 MR. SPEAKER:

16 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
17 under consideration **HB 1156** and returns the same with the recommendation that said bill do pass,
18 and having been certified as uncontested, be placed on the consent calendar.

19 Also MR. SPEAKER:

20 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
21 under consideration **HB 1162** and returns the same with the recommendation that said bill be
22 amended as follows:

23 1162C

24 On page 1, line 1, of the Introduced bill, delete "remove the definition of" and insert "define"

25 On the Introduced bill, delete everything after the enacting clause and insert:

26 "

27 **Section 1. That § 22-1-2 be AMENDED:**

28 **22-1-2.** Terms used in this title mean:

29 (1) If applied to the intent with which an act is done or omitted:

30 (a) The words, "malice, maliciously," and all derivatives thereof import a wish to
31 intentionally vex, annoy, or injure another person, established either by proof or presumption of
32 law;

33 (b) The words, "intent, intentionally," and all derivatives thereof, import a specific
34 design to cause a certain result or, if the material part of a charge is the violation of a prohibition
35 against conduct of a certain nature, regardless of what the offender intends to accomplish thereby,
36 a specific design to engage in conduct of that nature;

1 (c) The words, "knowledge, knowingly," and all derivatives thereof, import only a
2 knowledge that the facts exist which bring the act or omission within the provisions of any statute.
3 A person has knowledge if that person is aware that the facts exist which bring the act or omission
4 within the provisions of any statute. Knowledge of the unlawfulness of such act or omission is not
5 required;

6 (d) The words, "reckless, recklessly," and all derivatives thereof, import a conscious
7 and unjustifiable disregard of a substantial risk that the offender's conduct may cause a certain
8 result or may be of a certain nature. A person is reckless with respect to circumstances if that person
9 consciously and unjustifiably disregards a substantial risk that such circumstances may exist;

10 (e) The words, "neglect, negligently," and all words derived thereof, import a want of
11 attention to the nature or probable consequences of an act or omission which a prudent person
12 ordinarily bestows in acting in his or her own concerns;

13 (f) If the section defining an offense provides that negligence suffices to establish an
14 element thereof, then recklessness, knowledge, intent, or malice also constitutes sufficient
15 culpability for such element. If recklessness suffices to establish an element of the offense, then
16 knowledge, intent or malice also constitutes sufficient culpability for such element. If knowledge
17 suffices to establish an element of an offense, then intent or malice also constitutes sufficient
18 culpability for such element. If intent suffices to establish an element of an offense, then malice also
19 constitutes sufficient culpability for such element;

20 (2) "Actor," the person who takes the active part in a transaction;

21 (3) "Affirmative defense," an issue involving an alleged defense to which, unless the state's
22 evidence raises the issue, the defendant, to raise the issue, must present some credible evidence.
23 If the issue involved in an affirmative defense is raised, then the guilt of the defendant must be
24 established beyond a reasonable doubt as to that issue as well as all other elements of the offense;

25 (4) "Antique firearm," any firearm, including any firearm with a matchlock, flintlock,
26 percussion cap or similar type of ignition system, manufactured before 1899, and any replica of any
27 firearm described in this section if such replica is not designed or redesigned for using rimfire or
28 conventional centerfire fixed ammunition or if it uses rimfire or conventional centerfire fixed
29 ammunition which is no longer manufactured in the United States and which is not readily available
30 in the ordinary channels of commercial trade;

31 (5) "Check," any check, draft, order or other commercial device which orders a financial
32 institution to pay a sum certain of money on its presentment;

33 (6) "Concealed," any firearm that is totally hidden from view. If any part of the firearm is
34 capable of being seen, it is not concealed;

35 (7) "Consideration," any type of property or thing of legal value, whether delivered in the
36 past, present or to be delivered in the future. The term includes an unfulfilled promise to deliver.
37 The term may include an advantage or benefit to the promisor or a loss or detriment to the promisee.
38 Any amount, advantage or inconvenience, no matter how trifling, is sufficient to constitute
39 consideration;

40 (8) "Controlled weapon" includes any firearm silencer, machine gun, or short shotgun, as
41 those terms are defined in subdivisions (17), (23), and (46) of this section;

42 (9) "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy
43 to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape,
44 aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual
45 contact as defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in
46 the commission of which the perpetrator used force, or was armed with a dangerous weapon, or
47 used any explosive or destructive device;

1 (9A) "Critical infrastructure facility," any of the following facilities, whether in operation, idle,
 2 or under construction, maintenance or repair, that are enclosed by a fence or other physical barrier
 3 that is obviously designed to exclude trespassers and are clearly marked with a sign that is posted
 4 on the property and reasonably likely to come to the attention of any trespasser that indicates that
 5 entry is forbidden, or any pole or tower used for any of the purposes in this subdivision, whether
 6 enclosed or marked with a sign or not:

7 (a) Electric utility facility, including a power generation facility, an electric transmission
 8 facility, an electric station or substation, or any other facility used to support the generation,
 9 transmission, or distribution of electricity;

10 (b) Water tower, municipal or rural water system well, water intake structure, or water
 11 treatment facility;

12 (c) Natural gas utility facility, including a regulator station, a compressor station, an
 13 odorization facility, a mainline valve, a natural gas storage facility, or any other facility used to
 14 support the acquisition, transmission, distribution, or storage of natural gas;

15 (d) Tank farm, pipeline terminal, pipeline, pump or compressor station or storage facility
 16 for gasoline, crude or refined or synthetic oil, ethanol, propane, liquid natural gas, or other
 17 hazardous liquid;

18 (e) Transportation facility, including a port, railroad switching yard, or trucking
 19 terminal;

20 (f) Hazardous waste storage, treatment, or disposal facility;

21 (g) Oil and gas locations, facilities, and equipment, including temporary drilling rigs,
 22 permanent oil and gas product facilities, and artificial lift equipment;

23 (h) Communications services facility, infrastructure or equipment involved in the
 24 carriage of essential communications services for both wired and wireless communications,
 25 switching, routing, repeater/amplifier equipment or other electronic equipment, macro and micro
 26 wireless towers using federally licensed spectrum, video headend equipment, and satellite
 27 communications receiver or transmission equipment;

28 (i) Dam that is owned by the state or a subdivision;

29 (j) Facility either (i) whose owner or operator is required to submit a risk management plan
 30 under the federal Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act (42
 31 U.S.C. 7412(r)); or (ii) is identified and regulated by the United States Department of Homeland
 32 Security Chemical Facility Anti-Terrorism Standards (CFATS) program; or

33 (k) Any construction area, pipe yard, or laydown yard for any of the above, whether
 34 permanent or temporary in nature;

35 (10) "Dangerous weapon" or "deadly weapon," any firearm, stun gun, knife, or device,
 36 instrument, material, or substance, whether animate or inanimate, which is calculated or designed
 37 to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death
 38 or serious bodily harm;

39 (11) "Dealer in stolen property," any person who:

40 (a) Is found in possession or control of property stolen from two or more persons on
 41 separate occasions; or

42 (b) Has received stolen property in another transaction within the year preceding the
 43 commencement of the prosecution; or

- 1 (c) Trades in property similar to the type of stolen property received and acquires
2 such property for a consideration which that person knows is substantially below its reasonable
3 value;
- 4 (12) "Deprive," to take or to withhold property of another or to dispose of property of another
5 so as to make it unlikely that the owner will receive it;
- 6 (13) "Destructive device,"
- 7 (a) Any bomb, grenade, explosive missile, or similar device or any launching device
8 therefor; or
- 9 (b) Any breakable container which contains a flammable liquid with a flashpoint of
10 one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being
11 ignited;
- 12 (c) The term does not include "permissible fireworks," defined by § 34-37-5; any
13 device which is neither designed nor redesigned for use as a weapon; any device, although originally
14 designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing,
15 safety or similar device; surplus ordnance sold, loaned or given by the secretary of the army
16 pursuant to the provisions of 10 U.S.C. §§ 4684(2), 4685, or 4686; or any other device which is an
17 antique or is a rifle which the owner intends to use solely for sporting purposes;
- 18 (14) "Explosive," any substance, or combination of substances, that is used for the purpose
19 of detonation and which, upon exposure to any external or internal force or condition, is capable of
20 a relatively instantaneous release of gas and heat. The term does not include "permissible
21 fireworks," as defined by § 34-37-5;
- 22 (15) "Financial institution," a bank, insurance company, credit union, savings and loan
23 association, investment trust, or other organization held out to the public as a place of deposit of
24 funds or medium of savings or collective investment;
- 25 (16) "Firearm," any weapon from which a projectile or projectiles may be discharged by
26 gunpowder. As used in this subdivision, the term, gunpowder, includes any propellant that upon
27 oxidization emits heat and light and is commonly used in firearms cartridges;
- 28 (17) "Firearm silencer," any instrument, attachment, weapon or appliance for causing the
29 firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the
30 noise of the firing of any such weapon;
- 31 (18) "Government," the United States, any state, county, municipality, school district, or other
32 political unit, or any department, agency, or subdivision of any of the foregoing, or any corporation
33 or other association carrying out the functions of any of the foregoing;
- 34 (19) "Immediate family," any spouse, child, parent, or guardian of the victim;
- 35 (20) "Insanity," the condition of a person temporarily or partially deprived of reason, upon
36 proof that at the time of committing the act, the person was incapable of knowing its wrongfulness,
37 but not including an abnormality manifested only by repeated unlawful or antisocial behavior;
- 38 (21) "Intoxication," a disturbance of mental or physical capacities resulting from the
39 introduction of substances into the body. Intoxication is not, in itself, a mental disease or defect;
- 40 (22) "Law enforcement officer," any officer, prosecutor, or employee of the state or any of its
41 political subdivisions or of the United States, or, while on duty, an agent or employee of a railroad
42 or express company or security personnel of an airline or airport, who is responsible for the
43 prevention, detection, or prosecution of crimes, for the enforcement of the criminal or highway
44 traffic laws of the state, or for the supervision of confined persons or those persons on supervised
45 release or probation;

- 1 (22A) "Loaded firearm," any functional firearm that contains a cartridge, shell, or projectile in
2 the chamber, including any chamber in the cylinder of a revolver;
- 3 (23) "Machine gun," any firearm, whatever its size and usual designation, that automatically
4 discharges two or more cartridges by a single function of the firing device;
- 5 (24) "Mental illness," any substantial psychiatric disorder of thought, mood or behavior which
6 affects a person at the time of the commission of the offense and which impairs a person's judgment,
7 but not to the extent that the person is incapable of knowing the wrongfulness of such act. Mental
8 illness does not include abnormalities manifested only by repeated criminal or otherwise antisocial
9 conduct;
- 10 (25) "Moral turpitude," an act done contrary to justice, honesty, principle, or good morals, as
11 well as an act of baseness, vileness, or depravity in the private and social duties which a person
12 owes to his fellow man or to society in general;
- 13 (26) "Motor vehicle," any automobile, motor truck, motorcycle, house trailer, trailer coach,
14 cabin trailer, or any vehicle propelled by power other than muscular power;
- 15 (27) "Obtain,"
- 16 (a) In relation to property, to bring about a transfer or purported transfer of a legal
17 interest in the property, whether to the actor or another; or
- 18 (b) In relation to labor or service, to secure performance thereof;
- 19 (28) "Occupied structure," any structure:
- 20 (a) Which is the permanent or temporary habitation of any person, whether or not
21 any person is actually present;
- 22 (b) Which at the time is specially adapted for the overnight accommodation of any
23 person, whether or not any person is actually present; or
- 24 (c) In which at the time any person is present;
- 25 (29) "Offense" or "public offense," any crime, petty offense, violation of a city or county
26 ordinance, or act prohibited by state or federal law;
- 27 (30) "Pass," to utter, publish or sell or to put or send forth into circulation. The term includes
28 any delivery of a check to another for value with intent that it shall be put into circulation as money;
- 29 (31) "Person," any natural person, unborn child, association, limited liability company,
30 corporation, firm, organization, partnership, or society. If the term is used to designate a party
31 whose property may be the subject of a crime or petty offense, it also includes the United States,
32 any other country, this state, and any other state or territory of the United States, and any of their
33 political subdivisions, agencies, or corporations;
- 34 (32) "Pistol," any firearm with a barrel less than sixteen inches in length, designed to expel a
35 projectile or projectiles by the action of an explosive;
- 36 (33) "Private place," a place where one may reasonably expect to be safe from casual or
37 hostile intrusion or surveillance, but does not include a place to which the public or a substantial
38 group thereof has access;
- 39 (34) "Process," any writ, warrant, summons, or order issued in the course of judicial
40 proceedings;
- 41 (35) "Property," anything of value, including, but not limited to, motor vehicles, real estate,
42 tangible and intangible personal property, contract rights, choses-in-action, and other interests in

1 or claims to wealth, admission or transportation tickets, captured or domestic animals, food and
2 drink, electric or other power, services, and signatures which purport to create, maintain, or
3 extinguish any legal obligation;

4 (36) "Property of another," property in which any person other than the actor has an interest
5 upon which the actor is not privileged to infringe, regardless of the fact that the actor also has an
6 interest in the property and regardless of the fact that the other person might be precluded from
7 civil recovery because the property was used in an unlawful transaction or was subject to forfeiture
8 as contraband. Property in possession of an actor may not be deemed property of another who has
9 only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales
10 contract or other security agreement;

11 (37) "Public employee," any person employed by the state or any of its political subdivisions,
12 who is not a public officer;

13 (38) "Public office," the position held by a public officer or employee;

14 (39) "Public officer," any person who holds a position in the state government or in any of its
15 political subdivisions, by election or appointment, for a definite period, whose duties are fixed by
16 law, and who is invested with some portion of the sovereign functions of government;

17 (40) "Public record," any official book, paper, or record created, received, or used by or in any
18 office or agency of the state or of any of its political subdivisions;

19 (41) "Publish," to disseminate, circulate or place before the public in any way, other than by
20 speech which is not mechanically or electronically amplified;

21 (42) "Receive," to acquire possession, control or title, or to lend or borrow on the security of
22 the property;

23 (43) "Service," labor that does not include a tangible commodity. The term includes, but is
24 not limited to: labor; professional advice; telephone, cable television and other utility service;
25 accommodations in hotels, restaurants or elsewhere; admissions to exhibits and entertainments;
26 the use of machines designed to be operated by coin or other thing of value; and the use of rental
27 property;

28 (44) "Seller," any person or employee engaged in the business of selling pistols at retail;

29 (44A) "Serious bodily injury," such injury as is grave and not trivial, and gives rise to
30 apprehension of danger to life, health, or limb;

31 (45) "Short rifle," any rifle having a barrel less than sixteen inches long, or an overall length
32 of less than twenty-six inches;

33 (46) "Short shotgun," any shotgun having a barrel less than eighteen inches long or an overall
34 length of less than twenty-six inches;

35 (47) "Signature," any name, mark or sign written with intent to authenticate any instrument
36 or writing;

37 (48) Deleted by SL 2005, ch 120, § 357

38 (49) "Structure," any house, building, outbuilding, motor vehicle, watercraft, aircraft, railroad
39 car, trailer, tent, or other edifice, vehicle or shelter, or any portion thereof;

40 (50) "Stun gun," any battery-powered, pulsed electrical device of high voltage and low or no
41 amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle
42 control of a person;

- 1 (50A) "Unborn child," an individual organism of the species homo sapiens from fertilization until
2 live birth;
- 3 (51) "Unoccupied structure," any structure which is not an occupied structure;
- 4 (52) "Vessel," if used with reference to shipping, any ship of any kind and every structure
5 adapted to be navigated from place to place;
- 6 (53) "Victim," any natural person against whom the defendant in a criminal prosecution has
7 committed or attempted to commit a crime;
- 8 (54) "Voluntary intoxication," intoxication caused by substances that an actor knowingly
9 introduces into his or her body, the tendency of which is to cause intoxication; and
- 10 (55) "Written instrument," any paper, document, or other instrument containing written or
11 printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying, or
12 recording information, and any money, credit card, token, stamp, seal, badge, trade mark, service
13 mark or any evidence or symbol of value, right, privilege or identification, which is capable of being
14 used to the advantage or disadvantage of some person.
- 15 **Section 2. That § 41-1-1 be AMENDED:**
- 16 **41-1-1.** Terms used in this title mean:
- 17 (1) "Any part thereof" or "the parts thereof," includes the hide, horns, and hoofs of any
18 animal so referred to, and the plumage and skin and every other part of any bird so referred to;
- 19 (2) "Bait," baitfish, frogs, toads, salamanders, crayfish, freshwater shrimp, clams, snails and
20 leeches;
- 21 (3) "Baitfish," includes fish of the minnow family (cyprinidae) except carp (cyprinus spp.)
22 and goldfish (carassius spp.), fish of the sucker family (castostomidae) except buffalofish (ictiobus
23 spp.) and carpsucker (carpiodes spp.), and fish of the stickleback family (gasterosteidae);
- 24 (4) "Big game," all cloven-hoofed wild animals, wild mountain lion, wild black bear, and wild
25 turkey. The term includes facsimiles of big game used for law enforcement purposes, but does not
26 include any captive nondomestic animal of the mammalia class and the products thereof regulated
27 by the Animal Industry Board under Title 40;
- 28 (5) "Big game seal," a locking seal which bears the same number as the license with which
29 it is issued;
- 30 (6) "Big game tag," a tag which is part of the regular big game license and bears the same
31 number as the license proper;
- 32 (7) "Biological specimens," wild nongame animals used for scientific study and collected for
33 resale to biological supply companies;
- 34 (8) "Carcass," the dead body of any wild animal to which it refers, including the head, hair,
35 skin, plumage, skeleton, or any other part thereof;
- 36 (9) "Domestic animal," any animal that through long association with man, has been bred to
37 a degree which has resulted in genetic changes affecting the temperament, color, conformation, or
38 other attributes of the species to an extent that makes it unique and different from wild individuals
39 of its kind;
- 40 ~~(9A)~~(10) "Domicile," a person's established, fixed, and permanent home to which the
41 person, whenever absent, has the present intention of returning;

- 1 ~~(10)~~(11) "Fishing," the taking, capturing, killing, or fishing for fish of any variety in any
2 manner. If the word, fish, is used as a verb, it has the same meaning as the word, fishing;
- 3 ~~(11)~~(12) "Fur-bearing animals," opossum, muskrat, beaver, mink, marten, river otter,
4 fisher, blackfooted ferret, skunks (all species), raccoon, badger, red, grey and swift fox, coyote,
5 bobcat, lynx, weasel, and jackrabbit;
- 6 ~~(12)~~(13) "Game," all wild mammals or birds;
- 7 ~~(13)~~(14) "Game fish," all species belonging to the paddlefish, sturgeon, salmon (trout),
8 pike, catfish (including bullheads), sunfish (including black bass and crappies), perch (including
9 walleye and sauger), and bass families. All species not included in the game fish families are rough
10 fish;
- 11 ~~(14)~~(15) "Hunt" or "hunting," shooting, shooting at, pursuing, taking, attempting to take,
12 catching, or killing of any wild animal or animals;
- 13 ~~(15) "Loaded firearm," any firearm or other implement capable of discharging a projectile,
14 containing cartridges, shells or projectiles in either the chamber, clip, or magazine;~~
- 15 (16) "Migratory waterfowl," any wild geese, swans, brants, coot, merganser, or wild ducks;
- 16 (17) "Migratory bird," all migratory waterfowl, sandhill crane, snipe, and dove;
- 17 (18) "Motor vehicle," any self-propelled vehicle and any vehicle propelled or drawn by a self-
18 propelled vehicle, whether operated upon a highway, railroad track, on the ground, in the water, or
19 in the air;
- 20 (19) "Nondomestic animal," any animal that is not domestic;
- 21 (20) "Possession," both actual and constructive possession, as well as the control of the article
22 referred to;
- 23 (21) "Predator/varmint," coyote, wolf, gray fox, red fox, skunk, gopher, ground squirrel,
24 chipmunk, jackrabbit, marmot, opossum, porcupine, crow, and prairie dog;
- 25 (22) "Resident," a person having a domicile within this state for at least ninety consecutive
26 days immediately preceding the date of application for, purchasing, or attempting to purchase any
27 license required under the provisions of this title or rules of the commission, who makes no claim of
28 residency in any other state or foreign country for any purpose, and other than for a person
29 described in § 41-1-1.1, claims no resident hunting, fishing, or trapping privileges in any other state
30 or foreign country, and prior to any application for any license, transfers to this state the person's
31 driver's license and motor vehicle registrations;
- 32 (23) "Sell" and "sale," any sale or offer to sell or have in possession with intent to sell, use,
33 or dispose of;
- 34 (24) "Small game," anatidae, commonly known as swans, geese, brants, merganser, and river
35 and sea ducks; the rallidae, commonly known as rails, coots, and gallinule; the limicolae, referring
36 specifically to shore birds, plover, snipe, and woodcock; the gruidae, commonly known as sandhill
37 crane; the columbidae, commonly known as the mourning dove; the gallinae, commonly known as
38 grouse, prairie chickens, pheasants, partridges, and quail but does not include wild turkeys;
39 cottontail rabbit; and fox, grey and red squirrel. The term includes facsimiles of small game used
40 for law enforcement purposes;
- 41 (25) "Trapping," the taking or the attempting to take of any wild animals by means of setting
42 or operating of any device, mechanism, or contraption that is designed, built, or made to close upon,
43 hold fast, or otherwise capture a wild animal or animals. If the word, trap, is used as a verb, it has
44 the same meaning as the word, trapping;

1 (26) "Trout streams" or "trout waters," all waters and streams or portions of streams which
 2 contain trout;

3 (27) "Waters of the state," all the boundary waters of the state, and the provisions of this title
 4 are deemed to extend to and be in force and effect over and upon and in all thereof, unless otherwise
 5 expressly provided; and

6 (28) "Wild animal," any mammal, bird, fish, or other creature of a wild nature endowed with
 7 sensation and the power of voluntary motion."

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

10 Also MR. SPEAKER:

11 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
 12 under consideration **HB 1316 and 1321** which were tabled.

13 Respectfully submitted,
 14 Marty Overweg, Chair

15 MR. SPEAKER:

16 The Committee on House Local Government respectfully reports that it has had under
 17 consideration **HB 1317** which was tabled.

18 Respectfully submitted,
 19 Nancy York, Chair

20 MR. SPEAKER:

21 The Committee on House Health and Human Services respectfully reports that it has had under
 22 consideration **HB 1228** and returns the same with the recommendation that said bill do pass.

23 Also MR. SPEAKER:

24 The Committee on House Health and Human Services respectfully reports that it has had under
 25 consideration **HB 1242** which was deferred to the 41st Legislative Day.

26 Also MR. SPEAKER:

27 The Committee on House Health and Human Services respectfully reports that it has had under
 28 consideration **HB 1318** and returns the same with the recommendation that said bill be amended
 29 as follows:

30 1318C

31 On page 1, line 1, of the Introduced bill, delete ", " and insert "and "

32 On page 1, line 2, of the Introduced bill, after "abortion" delete ", and to declare an emergency"

33 1318A

34 On page 1, line 13, of the Introduced bill, delete "woman " and insert "mother "

35 On page 1, line 18, of the Introduced bill, delete "woman " and insert "mother "

1 On page 1, line 18, of the Introduced bill, delete "take " and insert "be administered "

2 On page 1, line 18, of the Introduced bill, delete "at a licensed abortion facility and only after
3 " and insert "by the licensed physician who fully complied with all the provisions of § 34-23A-56,
4 and first obtains, from the pregnant mother, all information required by § 34-23A-57 and her "

5 On page 1, line 19, of the Introduced bill, delete "has been obtained pursuant to § 34-23A-10.
6 1 and consistent with § 34-23A-56" and insert ". A different physician may administer Mifepristone
7 and take a signed consent from the pregnant mother only if expressly authorized pursuant to § 34-
8 23A-57"

9 On page 1, line 22, of the Introduced bill, delete "woman " and insert "mother "

10 On page 1, line 24, of the Introduced bill, delete "woman " and insert "mother "

11 On page 1, line 24, of the Introduced bill, delete "woman " and insert "mother "

12 On page 2, line 1, of the Introduced bill, delete "woman " and insert "mother "

13 On page 2, line 5, of the Introduced bill, delete "woman " and insert "mother "

14 On page 2, line 9, of the Introduced bill, delete "woman " and insert "mother "

15 On page 4, line 13, of the Introduced bill, delete "woman " and insert "mother "

16 On page 4, line 15, of the Introduced bill, delete "woman " and insert "mother "

17 On page 4, line 21, of the Introduced bill, delete "woman " and insert "mother "

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

19 Respectfully submitted,
20 Kevin D. Jensen, Chair

21 MR. SPEAKER:

22 The Committee on House Transportation respectfully reports that it has had under
23 consideration **SB 176** and returns the same with the recommendation that said bill be amended as
24 follows:

25 176B

26 On page 9, line 33, of the Senate Transportation Engrossed bill, delete " a spray" and insert "
27 an application"

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

30 Respectfully submitted,
31 Caleb Finck, Chair

32 MR. SPEAKER:

33 The Committee on House Taxation respectfully reports that it has had under consideration
34 **HB 1178** and returns the same with the recommendation that said bill be amended as follows:

1

1178B

2 On page 1, line 1, of the Introduced bill, delete " criteria regarding marijuana" and insert "
3 provisions concerning the sale of adult-use retail marijuana"

4 On the Introduced bill, delete everything after the enacting clause and insert:

5 "

6 **Section 1.** The Legislature does not endorse the sale, possession, and consumption of adult-
7 use marijuana. Recognizing the possibility that the voters may approve an initiated measure
8 authorizing the sale, possession, and consumption of adult-use marijuana at the next general
9 election, the Legislature believes it necessary to establish provisions concerning the sale,
10 possession, and consumption of adult-use marijuana. Accordingly, the Legislature enacts this
11 legislation to put in place a system for the sale, possession, and consumption of adult-use marijuana
12 that may be authorized by the passage of an initiated measure at the general election on November
13 8, 2022.

14 **Section 2.** If the voters approve an initiated measure authorizing the sale, possession, and
15 consumption of adult-use marijuana at the general election on November 8, 2022:

16 (1) This Act, except section 9, is effective July 1, 2023; and

17 (2) Notwithstanding § 2-1-12, section 9 is effective on the first day after the completion of the
18 official canvass by the State Canvassing Board. As soon as practicable after the effective date of
19 section 9, the secretary shall begin the rule promulgation process under the authority provided
20 under section 9 with the intention that licenses authorized by this Act may be issued by the
21 department beginning July 1, 2023.

22 **Section 3. That a NEW SECTION be added to title 34:**

23 Terms used in this Act mean:

24 (1) "Adult-use retail marijuana," marijuana that is sold in a retail dispensary location;

25 (2) "Adult-use marijuana retailer" or "retailer," any person who is licensed to sell marijuana
26 for other than resale;

27 (3) "Department," the Department of Revenue;

28 (4) "Dispensary," an entity licensed pursuant to this chapter that acquires, possesses, stores,
29 delivers, transfers, transports, sells, supplies, or dispenses marijuana, marijuana products, and
30 related supplies to a consumer;

31 (5) "Marijuana," the plant of the genus cannabis, and any part of that plant, including the
32 seeds, the resin extracted from any part of the plant, and every compound, manufacture, salt,
33 derivative, mixture, or preparation of the plant, its seeds, or its resin. The term includes an altered
34 state of marijuana absorbed into the human body. The term does not include hemp, or fiber
35 produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant
36 that is incapable of germination, or the weight of any other ingredient combined with marijuana to
37 prepare topical or oral administrations, food, drink, or other products;

38 (6) "Sale," the transfer, for consideration, of title to any adult-use marijuana;

39 (7) "Secretary," the secretary of revenue.

40 **Section 4. That a NEW SECTION be added to title 34:**

41 The secretary shall administer this Act and may employ help and purchase equipment and
42 supplies that are necessary for performance of the secretary's duties.

1 **Section 5. That a NEW SECTION be added to title 34:**

2 Neither the secretary nor any employee of the department that issues any adult-use retail
3 marijuana license may have any interest, financial or otherwise, in the production, transportation,
4 storage, or sale of marijuana.

5 **Section 6. That a NEW SECTION be added to title 34:**

6 No person may produce, transport, store, or sell any marijuana except as authorized under
7 this Act and under rules promulgated by the department pursuant to chapter 1-26. This section does
8 not apply to medical cannabis pursuant to chapter 34-20G.

9 **Section 7. That a NEW SECTION be added to title 34:**

10 No person may transact any business as an adult-use marijuana retailer without an adult-use
11 retail marijuana license as provided by this Act and under rules promulgated by the department
12 pursuant to chapter 1-26. A violation of this section is a Class 1 misdemeanor.

13 **Section 8. That a NEW SECTION be added to title 34:**

14 Any person who, in any application, report, or statement, knowingly makes a false statement
15 as to any matter required by any provision of this Act or under rules promulgated by the department
16 pursuant to chapter 1-26 to be set forth in the application, report, or statement, is guilty of a Class
17 1 misdemeanor.

18 **Section 9. That a NEW SECTION be added to title 34:**

19 The secretary shall promulgate rules, pursuant to chapter 1-26, regarding the sale, purchase,
20 distribution, and licensing of adult-use retail marijuana for the effective implementation and
21 enforcement of this Act.

22 **Section 10. That a NEW SECTION be added to title 34:**

23 Any applicant for a new adult-use retail marijuana license or the transfer of an existing adult-
24 use retail marijuana license must submit an application to the governing body of the municipality in
25 which the applicant intends to operate, or if outside the corporate limits of a municipality, to the
26 governing body of the county in which the applicant intends to operate. The governing body may
27 approve the application for a new adult-use retail marijuana license or the transfer of an existing
28 adult-use retail marijuana license if the governing body considers the applicant suitable to hold the
29 adult-use retail marijuana license and the governing board considers the proposed location to be
30 suitable.

31 Any application for the reissuance of an adult-use retail marijuana license may be approved by
32 the municipal or county governing body without a hearing unless, in the past year, the adult-use
33 retail marijuana licensee or one or more of the adult-use retail marijuana licensee's employees have
34 been convicted of a violation of the adult-use retail marijuana law or the adult-use retail marijuana
35 license has been suspended.

36 **Section 11. That a NEW SECTION be added to title 34:**

37 Any adult-use retail marijuana licensee under this Act must be a person of good moral
38 character who has never been convicted of a felony. If the licensee is a corporation, the managing
39 officers of the corporation must meet the same qualifications.

40 **Section 12. That a NEW SECTION be added to title 34:**

41 An applicant for an adult-use retail marijuana license must meet the following criteria:

42 (1) Obtain a license pursuant to subdivision 35-4-2(3) or 35-4-2(16) prior to applying for a
43 license under this chapter; and

1 (2) Submit to a background investigation. If the applicant is a partnership or corporation, the
 2 requirement for a background check includes each partner of a partnership and each director and
 3 officer and all stockholders in the corporation, its parent corporation, or its subsidiary corporation.

4 **Section 13. That a NEW SECTION be added to title 34:**

5 No adult-use retail marijuana licensee may sell any adult-use retail marijuana between the
 6 hours of two a.m. and seven a.m. A violation of this section is a Class 2 misdemeanor.

7 **Section 14. That a NEW SECTION be added to title 34:**

8 The department shall promulgate rules, pursuant to chapter 1-26, establishing the types of
 9 marijuana products that may be sold by an adult-use marijuana retailer.

10 **Section 15. That a NEW SECTION be added to title 34:**

11 It is a Class 1 misdemeanor for an adult-use retail marijuana licensee to furnish marijuana to
 12 any person under the age of eighteen years.

13 **Section 16. That a NEW SECTION be added to title 34:**

14 It is a Class 2 misdemeanor for an adult-use retail marijuana licensee to furnish marijuana to
 15 any person eighteen years or older but less than twenty-one years.

16 **Section 17. That a NEW SECTION be added to title 34:**

17 No person may be convicted of illegally selling any adult-use retail marijuana to any underage
 18 person pursuant to section 15 or 16 of this Act if the underage person was in possession of, and the
 19 seller relied upon, any false, age-bearing identification document that was furnished to the underage
 20 person by any state agency or local law enforcement agency or any agent, employee, contractor,
 21 or associate of any state agency or local law enforcement agency for the purpose of attempting to
 22 illegally purchase any adult-use retail marijuana.

23 **Section 18. That a NEW SECTION be added to title 34:**

24 No criminal penalty may be imposed on an adult-use retail marijuana licensee licensed
 25 pursuant to this Act if:

26 (1) The person making the sale in violation of section 15 or 16 of this Act is an employee or
 27 agent of the adult-use retail marijuana licensee;

28 (2) The employee or agent does not own a controlling interest in the adult-use retail marijuana
 29 licensee; and

30 (3) The adult-use marijuana licensee or person having a controlling interest in the adult-use
 31 retail marijuana licensee is not present at the time of the sale.

32 **Section 19. That a NEW SECTION be added to title 34:**

33 It is a Class 2 misdemeanor for any person under the age of twenty-one years to purchase or
 34 attempt to purchase adult-use retail marijuana or to misrepresent the person's age with the use of
 35 any document for the purpose of purchasing or attempting to purchase adult-use retail marijuana
 36 from any adult-use retail marijuana licensee.

37 **Section 20. That a NEW SECTION be added to title 34:**

38 No person under the age of twenty-one years may be subject to any penalty arising out of
 39 underage consumption or possession of marijuana if that person contacts law enforcement or
 40 emergency medical services and reports that a person needs medical assistance due to marijuana

1 consumption and that person remains and cooperates with medical assistance and law enforcement
2 personnel on the scene.

3 **Section 21. That a NEW SECTION be added to title 34:**

4 It is a Class 1 misdemeanor for any person twenty-one years of age or older to purchase or
5 otherwise acquire adult-use retail marijuana from a retailer and to give or resell the adult-use retail
6 marijuana to any person under the age of twenty-one years.

7 **Section 22. That a NEW SECTION be added to title 34:**

8 No social host or adult-use retail marijuana licensee is civilly liable to any injured person or the
9 injured person's estate for any injury suffered, including any action for wrongful death, or property
10 damage suffered, because of the sale or consumption of any marijuana in violation of the provisions
11 of this chapter.

12 **Section 23. That a NEW SECTION be added to title 34:**

13 Any structure, conveyance, or place where marijuana is manufactured, sold, kept, bartered,
14 given away, found, consumed, or used in violation of the laws of the state relating to adult-use retail
15 marijuana, and all marijuana and property kept and used in maintaining the same, is a common
16 nuisance, and any person who maintains such a common nuisance is guilty of a Class 1
17 misdemeanor.

18 **Section 24. That a NEW SECTION be added to title 34:**

19 If a person has knowledge or reason to believe that the person's structure, conveyance, or
20 place is occupied or used for the manufacture, sale, bartering, giving away, keeping, consuming, or
21 using of marijuana, contrary to the provisions of the laws of the state, and if the person allows the
22 structure, conveyance, or place to be so occupied or used, the structure, conveyance, or place is
23 subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of
24 such nuisance for such violation. The lien may be enforced by action in any court having jurisdiction.

25 **Section 25. That a NEW SECTION be added to title 34:**

26 An action to enjoin any nuisance as defined in section 23 of this Act may be brought in the
27 name of the state by the attorney general or by the state's attorney of the county in which the
28 property constituting the nuisance is located. Any action to abate or to enjoin the nuisance may be
29 commenced and conducted as other actions or proceedings for injunction. However, the complaint
30 or affidavit used may be made on information and belief and no bond is required in instituting the
31 proceedings or to secure the issuance of any such injunction.

32 **Section 26. That a NEW SECTION be added to title 34:**

33 If, in an action pursuant to section 25 of this Act, it is made to appear by affidavits or otherwise,
34 to the satisfaction of the court, or judge in vacation, that a nuisance exists, a temporary writ of
35 injunction shall be issued, restraining the defendant from conducting or permitting the continuance
36 of the nuisance until the conclusion of the trial. If a temporary injunction is sought, the court may
37 issue an order restraining the defendant and all other persons from removing, or in any way
38 interfering, with the marijuana or fixtures, or other things used in connection with the violation of
39 the laws of this state constituting the nuisance.

40 **Section 27. That a NEW SECTION be added to title 34:**

41 It is not necessary in an action pursuant to section 25 of this Act for the court to find the
42 property involved was being unlawfully used as described in section 23 of this Act at the time of the
43 hearing. However, on finding that the material allegations of the petition are true, the court shall
44 order that no marijuana may be manufactured, sold, bartered, or stored in the structure,
45 conveyance, or place. Upon judgment of the court ordering the nuisance to be abated, the court
46 may order that the structure, conveyance, or place not be occupied or used for one year thereafter.

1 **Section 28. That chapter 10-45 be amended with a NEW SECTION:**

2 Each county shall use the revenue distributed under section 31 of this Act for necessary
 3 expenses incurred by the county under the provisions of chapters 7-12, 7-16, 7-16A, and 23A-40.

4 **Section 29. That a NEW SECTION be added to title 10:**

5 Terms used in this chapter mean:

6 (1) "Dispensary," a licensed entity that acquires, possesses, stores, delivers, transfers,
 7 transports, sells, supplies, or dispenses marijuana, marijuana products, and related supplies to a
 8 consumer;

9 (2) "Marijuana," as defined in § 22-42-1;

10 (3) "Marijuana concentrate," the resin extracted from any part of a marijuana plant and every
 11 compound, manufacture, salt, derivative, mixture, or preparation from such resin;

12 (4) "Marijuana product," any product infused with marijuana concentrate and intended for use
 13 or consumption by humans.

14 **Section 30. That a NEW SECTION be added to title 10:**

15 There is imposed an excise tax at the rate of eight and one-half percent on the gross receipts
 16 from the sale of marijuana, marijuana concentrate, and marijuana products by a dispensary. The
 17 excise tax imposed under this chapter does not apply to gross receipts from the sale of marijuana,
 18 marijuana concentrate, and marijuana products to a cardholder as defined in § 34-20G-1.

19 **Section 31. That a NEW SECTION be added to title 10:**

20 The excise tax revenue collected pursuant to section 30 of this Act must be divided
 21 proportionally amongst the counties based on where the revenue was generated. The revenue must
 22 be distributed to the county by September first of each year to be used for the purposes set forth
 23 in section 28 of this Act.

24 **Section 32. That a NEW SECTION be added to title 10:**

25 The excise tax imposed under section 30 of this Act shall be collected and remitted pursuant
 26 to chapter 10-45 and administered pursuant to chapter 10-59.

27 **Section 33. That a NEW SECTION be added to title 10:**

28 There is hereby created within the state treasury the marijuana fund into which all funds
 29 collected under this chapter shall be deposited.

30 **Section 34. That chapter 10-52 be amended with a NEW SECTION:**

31 In lieu of any tax imposed under chapter 10-52A, there is imposed an excise tax at the rate of
 32 five percent on the gross receipts from the sale of marijuana, marijuana concentrate, and marijuana
 33 products by a dispensary.

34 **Section 35. That chapter 10-52 be amended with a NEW SECTION:**

35 The excise tax revenue collected pursuant to section 34 of this Act must be divided
 36 proportionally amongst the municipalities based on where the revenue was generated. All moneys
 37 received and collected on behalf of a municipality by the department, pursuant to section 34 of this
 38 Act, shall be credited to a special municipal tax fund and after deducting the amount of refunds
 39 made, the amounts necessary to defray the cost of collecting the tax, and the administrative

1 expenses incident thereto, shall be paid within thirty days after collection to the municipality entitled
2 thereto.

3 **Section 36. That chapter 10-45 be amended with a NEW SECTION:**

4 In lieu of any other tax imposed under this chapter, there is imposed an excise tax at the rate
5 of one and one-half percent on the gross receipts from the sale of marijuana, marijuana concentrate,
6 and marijuana products by a dispensary.

7 **Section 37. That chapter 10-45 be amended with a NEW SECTION:**

8 The excise tax revenue collected pursuant to section 36 of this Act must be distributed to the
9 marijuana fund.

10 **Section 38. That chapter 10-45 be amended with a NEW SECTION:**

11 The excise taxes imposed under sections 30, 34, and 36 of this Act shall be collected and
12 remitted pursuant to chapter 10-45 and administered pursuant to chapter 10-59."

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

14 Also MR. SPEAKER:

15 The Committee on House Taxation respectfully reports that it has had under consideration
16 **HB 1224** which was deferred to the 41st Legislative Day.

17 Respectfully submitted,
18 Drew Dennert, Chair

19 **MESSAGES FROM THE SENATE**

20 Mr. SPEAKER:

21 I have the honor to return herewith **HB 1097 and 1275** which have passed the Senate without
22 change.

23 Also Mr. SPEAKER:

24 I have the honor to transmit herewith **SB 142, 143, 167, 169, and 187** which have passed
25 the Senate and your favorable consideration is respectfully requested.

26 Respectfully,
27 Kay Johnson, Secretary

28 **MOTIONS AND RESOLUTIONS**

29 Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 12:00 p.m.
30 on Wednesday, February 23, 2022, the 27th legislative day.

31 Which motion prevailed.

1 Rep. Kent Peterson moved that **HB 1215** be referred from the Joint Committee on
2 Appropriations to the House Committee on Appropriations.

3 Which motion prevailed.

4 Rep. Kent Peterson moved that **HB 1322** be deferred to Wednesday, February 23, 2022, the
5 27th legislative day.

6 Which motion prevailed.

7 **HCR 6006**: A CONCURRENT RESOLUTION, To urge the United States Congress and the
8 President of the United States to take no action to employ military forces of the United States in
9 active-duty combat unless the United States Congress has passed an official declaration of war and
10 to bring troops home who are engaged in unconstitutional foreign conflicts.

11 Was read the second time.

12 Rep. Aylward moved that **HCR 6006** as found on page 257 of the House Journal be adopted.

13 The question being on Rep. Aylward's motion that **HCR 6006** be adopted.

14 And the roll being called:

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

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

23 Nays: Derby and Ernie Otten

24 Excused: Keintz, St. John, and Wiese

25 So the motion having received an affirmative vote of a majority of the members-elect, the
26 Speaker declared the motion carried and **HCR 6006** was adopted.

27 Thursday, Rep. Stevens announced his intention to reconsider the vote by which **HB 1278**
28 lost.

29 Rep. Stevens moved to reconsider the vote by which **HB 1278** lost.

30 The question being on Rep. Stevens' motion to reconsider the vote by which **HB 1278** lost.

31 And the roll being called:

32 Yeas 63, Nays 4, Excused 3, Absent 0

33 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
34 Davis, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
35 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth, Ladner,
36 Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten,
37 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer,

1 Schneider, Jamie Smith, Soye, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen,
2 Wink, York, and Speaker Gosch

3 Nays: Dennert, Phil Jensen, Mulally, and Weis

4 Excused: Keintz, St. John, and Wiese

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the motion carried and **HB 1278** was up for reconsideration and final passage.

7 **HB 1278**: FOR AN ACT ENTITLED, An Act to revise the child support obligation schedule.

8 Having had its second reading was up for reconsideration and final passage.

9 The question being "Shall **HB 1278** pass?"

10 And the roll being called:

11 Yeas 59, Nays 8, Excused 3, Absent 0

12 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
13 Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy,
14 Hoffman, Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth, Ladner, Lesmeister, Marty,
15 May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent
16 Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie
17 Smith, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York

18 Nays: Aylward, Dennert, Deutsch, Phil Jensen, Mulally, Soye, Weis, and Speaker Gosch

19 Excused: Keintz, St. John, and Wiese

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

22 Rep. Blare moved that the House Committee on Appropriations be instructed to deliver
23 **HB 1281** to the floor of the House, pursuant to JR 7-7.

24 Which motion was supported and the committee was so instructed.

25 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

27 Health and Human Services on **HB 1133** as found on page 359 of the House Journal; also

28 Health and Human Services on **HB 1134** as found on page 360 of the House Journal; also

29 Health and Human Services on **HB 1161** as found on page 364 of the House Journal; also

30 Health and Human Services on **HB 1223** as found on page 366 of the House Journal; also

31 Judiciary on **HB 1232 and 1233** as found on page 381 of the House Journal; also

32 Military and Veterans Affairs on **HB 1273** as found on page 357 of the House Journal; also

1 House Appropriations on **HB 1051** as found on page 357 of the House Journal; and
2 Agriculture and Natural Resources on **SB 184** as found on page 358 of the House Journal be
3 adopted.
4 Which motion prevailed and the reports were adopted.

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

6 **SB 167:** FOR AN ACT ENTITLED, An Act to clarify the certification process for teachers and
7 school administrators.

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

9 **SB 169:** FOR AN ACT ENTITLED, An Act to establish a means for certain Department of
10 Corrections inmates to earn credit against fines or costs ordered by the sentencing court.

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

12 **SB 142:** FOR AN ACT ENTITLED, An Act to establish provisions for medical services.

13 **SB 143:** FOR AN ACT ENTITLED, An Act to establish provisions related to education.

14 **SB 187:** FOR AN ACT ENTITLED, An Act to require state agencies to provide certain information
15 for initiated measure or constitutional amendment fiscal notes.

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

17 The following bills were read on February 16, 2022, and today the Speaker assigned these bills
18 to committees:

19 **SB 52, 64, and 67** were referred to the House Committee on Appropriations.

20 **SB 197** was referred to the Committee on Military and Veterans Affairs.

21 The following bill was read on February 17, 2022, and today the Speaker assigned this bill to
22 committee:

23 **SB 188** was referred to the Committee on Commerce and Energy.

24 **SECOND READING OF CONSENT CALENDAR ITEMS**

25 **SB 190:** FOR AN ACT ENTITLED, An Act to revise provisions regarding municipal zoning of
26 medical cannabis establishments.

27 Was read the second time.

28 The question being "Shall **SB 190** pass?"

1 And the roll being called:

2 Yeas 66, Nays 1, Excused 3, Absent 0

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

10 Nays: Randolph

11 Excused: Keintz, St. John, and Wiese

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

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

15 **HB 1222:** FOR AN ACT ENTITLED, An Act to provide property tax relief for family day care
16 homes.

17 Was read the second time.

18 The question being "Shall **HB 1222** pass?"

19 And the roll being called:

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

21 Yeas: Anderson, Barthel, Bordeaux, Cwach, Derby, Drury, Duba, Goodwin, Healy, Jamison,
22 Kevin Jensen, Ladner, Lesmeister, Miskimins, Odenbach, Olson, Pourier, Rehfeldt, Jamie Smith,
23 Soye, Thomason, Tidemann, and Speaker Gosch

24 Nays: Aylward, Bartels, Beal, Blare, Chaffee, Chase, Davis, Dennert, Deutsch, Finck, Fitzgerald,
25 Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Phil Jensen, Chris Johnson, Karr,
26 Koth, Marty, May, Mills, Milstead, Mortenson, Mulally, Ernie Otten, Overweg, Perry, Kent Peterson,
27 Sue Peterson, Pischke, Randolph, Reed, Reimer, Schneider, Stevens, Vasgaard, Weis, Weisgram,
28 Willadsen, Wink, and York

29 Excused: Keintz, St. John, and Wiese

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

32 **HB 1052:** FOR AN ACT ENTITLED, An Act to place limitations on the enforcement of federal
33 laws and orders related to firearms, accessories, and ammunition.

34 Was read the second time.

35 Rep. Aylward moved that **HB 1052** be amended as follows:

36

1052J

1 On page 1, after line 3, of the House Judiciary Engrossed bill, insert: "

2 **Section 1. That a NEW SECTION be added to title 23:**

3 Terms used in sections 2 to 8, inclusive of this Act, mean:

4 (1) "Law-abiding citizen," a person who is not otherwise precluded, under state law,
5 from owning or possessing a firearm; and

6 (2) "Material aid," clothing, communications equipment and services, facilities, firearms,
7 firearm accessories, ammunition, lodging, social media accounts, personnel, transportation, and
8 other physical assets. "

9 On page 1, line 25, of the House Judiciary Engrossed bill, delete "1 " and insert "2 "

10 On page 2, line 2, of the House Judiciary Engrossed bill, delete "in " and insert "by "

11 On page 2, line 4, of the House Judiciary Engrossed bill, delete "Has no effect in " and insert
12 "May not be enforced by "

13 On page 2, line 8, of the House Judiciary Engrossed bill, delete "1 " and insert "2 "

14 On page 2, line 12, of the House Judiciary Engrossed bill, delete "1 " and insert "2 "

15 On page 2, line 18, of the House Judiciary Engrossed bill, delete "imposition, by a court, of a
16 civil penalty" and insert " an order of restitution, by a circuit court having jurisdiction over the area
17 in which the violation occurred,"

18 On page 2, line 29, of the House Judiciary Engrossed bill, after "to " insert "voluntarily "

19 On page 3, line 4, of the House Judiciary Engrossed bill, delete "provide material aid to" and
20 insert " assist"

21 On page 3, after line 10, of the House Judiciary Engrossed bill, insert: "

22 **Section 8. That chapter 22-15 be amended with a NEW SECTION:**

23 A person may not own or possess a firearm, if the person:

24 (1) Is a fugitive from justice;

25 (2) Has been adjudicated as a mental defective or has been committed to any mental
26 institution;

27 (3) Is an unlawful user of or addicted to any controlled drug or substance, as defined in § 34-
28 20B-3;

29 (4) Is an illegal alien or otherwise unlawfully present in the United States;

30 (5) Has been discharged from the Armed Forces under dishonorable conditions;

31 (6) Has renounced United States citizenship; or

32 (7) Is subject to a restraining order or a protection order for harassing, stalking, or threatening
33 an intimate partner or a child of an intimate partner, or for engaging in conduct that would place an
34 intimate partner in reasonable fear of bodily injury either to the intimate partner or to a child of the
35 intimate partner, provided the order;

1 (a) Was issued after a hearing for which the person received actual notice and had been
2 given an opportunity to participate; and

3 (b) Includes a finding that the person represents a credible threat to the physical safety
4 of an intimate partner or child of an intimate partner or explicitly prohibits the use, attempted use,
5 or threatened use of physical force that would reasonably be expected to cause bodily injury, against
6 an intimate partner or child of an intimate partner.

7 Any person who violates this section is guilty of a Class 6 felony.

8 "

9 On page 3, after line 10, of the House Judiciary Engrossed bill, insert: "

10 **Section 9. That chapter 22-14 be amended with a NEW SECTION:**

11 Sovereign immunity is not an affirmative defense in any action pursued under sections 2 to 8,
12 inclusive, of this Act. "

13 Which motion prevailed.

14 The question being "Shall **HB 1052** pass as amended?"

15 And the roll being called:

16 Yeas 28, Nays 39, Excused 3, Absent 0

17 Yeas: Aylward, Beal, Dennert, Finck, Fitzgerald, Lana Greenfield, Gross, Hansen, Haugaard,
18 Howard, Kevin Jensen, Phil Jensen, Karr, Ladner, Marty, May, Mills, Mulally, Odenbach, Ernie Otten,
19 Overweg, Perry, Sue Peterson, Pischke, Randolph, Rehfeldt, Soye, and Weis

20 Nays: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
21 Deutsch, Drury, Duba, Goodwin, Healy, Hoffman, Jamison, Chris Johnson, Koth, Lesmeister,
22 Milstead, Miskimins, Mortenson, Olson, Kent Peterson, Pourier, Reed, Reimer, Schneider, Jamie
23 Smith, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, York, and
24 Speaker Gosch

25 Excused: Keintz, St. John, and Wiese

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

28 Rep. Kent Peterson moved that **HB 1334** be laid on the table.

29 The question being on Rep. Kent Peterson's motion that **HB 1334** be laid on the table.

30 And the roll being called:

31 Yeas 64, Nays 3, 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, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr,
35 Koth, Ladner, Lesmeister, Marty, May, Mills, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie
36 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pourier, Randolph, Reed, Rehfeldt, Reimer,

1 Schneider, Jamie Smith, Soye, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,
2 Willadsen, Wink, York, and Speaker Gosch

3 Nays: Healy, Milstead, and Pischke

4 Excused: Keintz, St. John, and Wiese

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the motion carried and **HB 1334** was tabled.

7 Speaker Pro tempore Hansen now presiding.

8 **HB 1045:** FOR AN ACT ENTITLED, An Act to provide for the use and regulated sale of
9 marijuana, and to impose a tax on the sale of marijuana, and to distribute that revenue to counties.

10 Was read the second time.

11 Rep. Bartels moved that **HB 1045** be amended as follows:

12 1045K

13 On page 23, line 9, of the House Taxation Engrossed bill, delete " 25" and insert " 24"

14 On page 27, line 26, of the House Taxation Engrossed bill, after "ordinance" insert " or
15 resolution"

16 On page 27, line 27, of the House Taxation Engrossed bill, after "jurisdiction." insert "

17 If the governing body of a municipality or county does not prohibit the locating of marijuana
18 facilities, the body may not, by ordinance or resolution, establish a maximum number of
19 manufacturer, cultivator, or dispensary licenses within its jurisdiction."

20 Which motion prevailed.

21 Rep. Bartels moved that **HB 1045** be amended as follows:

22 1045L

23 On page 22, after line 6, of the House Taxation Engrossed bill, insert: "

24 **Section 21. That chapter 34-20G be amended with a NEW SECTION:**

25 Notwithstanding §§ 34-20G-8 and 34-20G-70, a dispensary located in a jurisdiction that
26 permits marijuana sales pursuant to sections 22 to 61, inclusive, of this Act may sell cannabis,
27 cannabis products, cannabis paraphernalia, or related supplies to any person twenty-one years or
28 older. The conditions and limitations for dispensing cannabis, cannabis products, cannabis
29 paraphernalia, or related supplies pursuant to sections 22 to 61, inclusive, of this Act apply to a sale
30 to any person twenty-one years or older who is not a cardholder or nonresident cardholder."

31 On page 33, line 16, of the House Taxation Engrossed bill, after "section" delete " 61"

32 On page 33, line 16, of the House Taxation Engrossed bill, after "61 " insert "62 "

33 On page 33, line 19, of the House Taxation Engrossed bill, after "section" delete " 61"

34 On page 33, line 19, of the House Taxation Engrossed bill, after "61 " insert "62 "

1 On page 33, line 28, of the House Taxation Engrossed bill, after "section" delete " 63"

2 On page 33, line 28, of the House Taxation Engrossed bill, after "63 " insert "64 "

3 On page 34, line 2, of the House Taxation Engrossed bill, delete " 61" and insert " 62"

4 On page 34, line 2, of the House Taxation Engrossed bill, after "and" delete " 63"

5 On page 34, line 2, of the House Taxation Engrossed bill, after "63 " insert "64 "

6 Which motion prevailed.

7 The question being "Shall **HB 1045** pass as amended?"

8 And the roll being called:

9 Yeas 31, Nays 36, Excused 3, Absent 0

10 Yeas: Aylward, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby, Drury,
11 Duba, Finck, Healy, Hoffman, Jamison, Koth, Lesmeister, Olson, Ernie Otten, Perry, Pischke, Pourier,
12 Reed, Rehfeldt, Schneider, Jamie Smith, Thomason, Tidemann, Weisgram, and Willadsen

13 Nays: Anderson, Bartels, Barthel, Deutsch, Fitzgerald, Goodwin, Lana Greenfield, Gross,
14 Hansen, Haugaard, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Ladner, Marty, May,
15 Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Overweg, Kent Peterson, Sue Peterson,
16 Randolph, Reimer, Soye, Stevens, Vasgaard, Weis, Wink, York, and Speaker Gosch

17 Excused: Keintz, St. John, and Wiese

18 So the bill not having received an affirmative vote of a two-thirds majority of the members-
19 elect, the Speaker declared the bill lost.

20 **HB 1258:** FOR AN ACT ENTITLED, An Act to protect an individual's conscience from entities
21 requiring the COVID-19 vaccine.

22 Was read the second time.

23 Rep. Goodwin moved that **HB 1258** be amended as follows:

24 1258B

25 On page 2, after line 13, of the House State Affairs Engrossed bill, insert: "

26 **Section 8. That a NEW SECTION be added to title 34:**

27 This Act does not:

28 (1) Apply to the South Dakota National Guard; and

29 (2) Prevent the South Dakota National Guard from requiring a COVID-19 immunization
30 in compliance with a valid and lawful command order that applies to a servicemember who may be
31 subject to federal activation."

32 Which motion prevailed.

1 The question being "Shall **HB 1258** pass as amended?"

2 And the roll being called:

3 Yeas 37, Nays 30, Excused 3, Absent 0

4 Yeas: Aylward, Beal, Blare, Chaffee, Dennert, Derby, Deutsch, Finck, Fitzgerald, Goodwin, Lana
5 Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson,
6 Karr, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Sue
7 Peterson, Pischke, Randolph, Soye, Vasgaard, Weis, and Speaker Gosch

8 Nays: Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Drury, Duba, Healy,
9 Jamison, Koth, Lesmeister, Miskimins, Mortenson, Olson, Kent Peterson, Pourier, Reed, Rehfeldt,
10 Reimer, Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, Wink, and
11 York

12 Excused: Keintz, St. John, and Wiese

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

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

16 Was read the second time.

17 Rep. Thomason moved that **HB 1289** be amended as follows:

18 1289C

19 On page 3, line 15, of the House Judiciary Engrossed bill, after "located" delete " or in any
20 other manner that results in at least three independent bidders registering for, viewing, or attending,
21 the sale"

22 Which motion prevailed.

23 The question being "Shall **HB 1289** pass as amended?"

24 And the roll being called:

25 Yeas 59, Nays 8, Excused 3, Absent 0

26 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
27 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,
28 Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth,
29 Ladner, Lesmeister, May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten,
30 Overweg, Perry, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Stevens,
31 Thomason, Tidemann, Vasgaard, Weis, Weisgram, Willadsen, Wink, and York

32 Nays: Phil Jensen, Marty, Mulally, Sue Peterson, Pischke, Randolph, Soye, and Speaker Gosch

33 Excused: Keintz, St. John, and Wiese

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 **HB 1302:** FOR AN ACT ENTITLED, An Act to modify tuition responsibilities for children in
2 treatment facilities.

3 Was read the second time.

4 Rep. Duba moved that **HB 1302** be amended as follows:

5 1302D

6 On page 1, line 1, of the House Education Engrossed bill, after "in" insert " residential"

7 On page 1, line 1, of the House Education Engrossed bill, after "treatment" delete " facilities"

8 On page 1, line 1, of the House Education Engrossed bill, after "facilities" insert " centers"

9 On page 1, line 19, of the House Education Engrossed bill, remove the overstrikes from "
10 residential treatment center or an intensive residential treatment center"

11 On page 1, line 20, of the House Education Engrossed bill, after "center" delete " facility"

12 On page 1, line 21, of the House Education Engrossed bill, remove the overstrikes from "
13 residential treatment center or intensive residential treatment center "

14 On page 1, line 22, of the House Education Engrossed bill, after "center " delete "facility "

15 On page 2, line 4, of the House Education Engrossed bill, delete the comma and insert " or"

16 On page 2, line 4, of the House Education Engrossed bill, after "Services" delete ", or "

17 On page 2, line 5, of the House Education Engrossed bill, after "by " delete "the Department
18 of "

19 On page 2, line 5, of the House Education Engrossed bill, after "Social " delete "Human
20 Services"

21 On page 2, line 5, of the House Education Engrossed bill, after "state" delete ", provided the
22 placement is:"

23 On page 2, line 7, of the House Education Engrossed bill, after "is:" delete "(1) In a residential
24 treatment center;

25 (2) In an intensive residential treatment center;

26 (3) In a group care center;

27 (4) In an intermediate care facility; or

28 (5) With a community services provider"

29 On page 3, line 6, of the House Education Engrossed bill, remove the overstrikes from
30 "residential treatment centers or intensive residential treatment centers"

31 On page 3, line 6, of the House Education Engrossed bill, after "centers" delete " a facility"

32 Which motion prevailed.

1 The question being "Shall **HB 1302** pass as amended?"

2 And the roll being called:

3 Yeas 54, Nays 13, Excused 3, Absent 0

4 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
5 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard,
6 Healy, Hoffman, Jamison, Kevin Jensen, Karr, Koth, Ladner, Lesmeister, May, Mills, Milstead,
7 Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Kent Peterson, Sue Peterson, Pourier, Reed,
8 Rehfeldt, Reimer, Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Vasgaard, Weisgram,
9 Willadsen, Wink, York, and Speaker Gosch

10 Nays: Aylward, Dennert, Howard, Phil Jensen, Chris Johnson, Marty, Mulally, Overweg, Perry,
11 Pischke, Randolph, Soye, and Weis

12 Excused: Keintz, St. John, and Wiese

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

15 **HB 1328:** FOR AN ACT ENTITLED, An Act to require law enforcement to report certain seizures
16 of property.

17 Was read the second time.

18 The question being "Shall **HB 1328** pass as amended?"

19 And the roll being called:

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

21 Yeas: Aylward, Blare, Bordeaux, Cwach, Dennert, Deutsch, Finck, Lana Greenfield, Hansen,
22 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr,
23 Ladner, Marty, May, Mills, Mortenson, Mulally, Odenbach, Olson, Overweg, Perry, Sue Peterson,
24 Pischke, Pourier, Randolph, Rehfeldt, Reimer, Soye, Vasgaard, Weis, and Speaker Gosch

25 Nays: Anderson, Bartels, Barthel, Beal, Chaffee, Chase, Davis, Derby, Drury, Duba, Fitzgerald,
26 Goodwin, Gross, Koth, Lesmeister, Milstead, Miskimins, Ernie Otten, Kent Peterson, Reed,
27 Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, Wink, and York

28 Excused: Keintz, St. John, and Wiese

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

31 **HJR 5003:** A JOINT RESOLUTION, proposing and submitting to the voters at the next general
32 election a new section to Article VI of the Constitution of the State of South Dakota, relating to the
33 definition of a human being.

34 Was read the second time.

1 The question being "Shall **HJR 5003** pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 34, Excused 3, Absent 0

4 Yeas: Aylward, Blare, Chaffee, Dennert, Deutsch, Fitzgerald, Goodwin, Lana Greenfield, Gross,
5 Hansen, Haugaard, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Ladner, Marty, May,
6 Mills, Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Randolph, Reimer, Soye,
7 Vasgaard, Weis, and Speaker Gosch

8 Nays: Anderson, Bartels, Barthel, Beal, Bordeaux, Chase, Cwach, Davis, Derby, Drury, Duba,
9 Finck, Healy, Hoffman, Jamison, Koth, Lesmeister, Miskimins, Mortenson, Olson, Ernie Otten, Kent
10 Peterson, Pourier, Reed, Rehfeldt, Schneider, Jamie Smith, Stevens, Thomason, Tidemann,
11 Weisgram, Willadsen, Wink, and York

12 Excused: Keintz, St. John, and Wiese

13 So the resolution not having received an affirmative vote of a majority of the members-elect,
14 the Speaker declared the resolution lost.

15 **HB 1021:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire
16 property, contract for the design and construction of an athletics events center at Dakota State
17 University, to make an appropriation therefor, and to declare an emergency.

18 Was read the second time.

19 The question being "Shall **HB 1021** pass?"

20 And the roll being called:

21 Yeas 64, Nays 3, Excused 3, Absent 0

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

29 Nays: Haugaard, Phil Jensen, and Soye

30 Excused: Keintz, St. John, and Wiese

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

33 **HB 1022:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
34 design and renovation of, and construction of an addition to, the Stanley J. Marshall Center at South
35 Dakota State University, to make an appropriation therefor, and to declare an emergency.

36 Was read the second time.

1 The question being "Shall **HB 1022** pass?"

2 And the roll being called:

3 Yeas 56, Nays 11, Excused 3, Absent 0

4 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
5 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Healy, Hoffman,
6 Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth, Ladner, Lesmeister, May, Mills, Milstead,
7 Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Perry, Kent Peterson, Sue Peterson, Pischke,
8 Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Vasgaard,
9 Weisgram, Willadsen, Wink, and York

10 Nays: Aylward, Dennert, Haugaard, Phil Jensen, Marty, Mulally, Overweg, Randolph, Soye,
11 Weis, and Speaker Gosch

12 Excused: Keintz, St. John, and Wiese

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

15 **HB 1023:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish a
16 South Dakota State University building and to make an appropriation therefor.

17 Was read the second time.

18 Rep. Tidemann moved that **HB 1023** be amended as follows:

19 1023A

20 On page 2, line 7, of the Introduced bill, after "4-8." insert "

21 Section 7. The administration of the project authorized in this Act shall be under the general
22 charge and supervision of the Bureau of Administration as provided in chapter 5-14."

23 Which motion prevailed.

24 The question being "Shall **HB 1023** pass as amended?"

25 And the roll being called:

26 Yeas 60, Nays 6, Excused 4, Absent 0

27 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
28 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
29 Healy, Hoffman, Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth, Ladner, Lesmeister,
30 Marty, May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Overweg, Perry,
31 Kent Peterson, Sue Peterson, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith,
32 Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, York, and Speaker Gosch

33 Nays: Aylward, Haugaard, Phil Jensen, Pischke, Soye, and Weis

34 Excused: Keintz, Mulally, St. John, and Wiese

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

1 **HB 1096:** FOR AN ACT ENTITLED, An Act to revise provisions regarding livestock identification.

2 Was read the second time.

3 Rep. Overweg moved that **HB 1096** be amended as follows:

4 1096A

5 On page 1, line 14, of the Introduced bill, after "section. " delete "The state may not expend
6 any money for the enforcement of mandatory electronic identification tags for the purposes of
7 livestock identification."

8 Which motion prevailed.

9 The question being "Shall **HB 1096** pass as amended?"

10 And the roll being called:

11 Yeas 53, Nays 14, Excused 3, Absent 0

12 Yeas: Anderson, Aylward, Barthel, Blare, Bordeaux, Chaffee, Cwach, Dennert, Derby, Deutsch,
13 Drury, Duba, Finck, Goodwin, Lana Greenfield, Hansen, Haugaard, Healy, Hoffman, Howard,
14 Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Ladner, Lesmeister, Marty, May, Mills,
15 Milstead, Mortenson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson,
16 Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Jamie Smith, Soye, Thomason, Weis,
17 Weisgram, Wink, York, and Speaker Gosch

18 Nays: Bartels, Beal, Chase, Davis, Fitzgerald, Gross, Koth, Miskimins, Mulally, Schneider,
19 Stevens, Tidemann, Vasgaard, and Willadsen

20 Excused: Keintz, St. John, and Wiese

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

23 **HB 1208:** FOR AN ACT ENTITLED, An Act to prohibit chemical abortion drugs and to provide
24 a penalty therefor.

25 Was read the second time.

26 Rep. Haugaard moved that **HB 1208** be amended as follows:

27 1208C

28 On page 1, line 12, of the Introduced bill, after "drug" insert ", unless the drug is to be used
29 for a purpose other than an abortion"

30 On page 2, line 10, of the Introduced bill, delete "person " and insert "physician "

31 On page 2, line 13, of the Introduced bill, after "drug" insert ", unless the drug is to be used
32 for a purpose other than an abortion"

33 Which motion prevailed.

1 The question being "Shall **HB 1208** pass as amended?"

2 And the roll being called:

3 Yeas 40, Nays 27, Excused 3, Absent 0

4 Yeas: Aylward, Beal, Blare, Chaffee, Dennert, Deutsch, Finck, Fitzgerald, Goodwin, Lana
5 Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson,
6 Karr, Ladner, Marty, May, Milstead, Mortenson, Mulally, Odenbach, Ernie Otten, Overweg, Perry,
7 Kent Peterson, Sue Peterson, Pischke, Randolph, Schneider, Soye, Vasgaard, Weis, Weisgram, York,
8 and Speaker Gosch

9 Nays: Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Derby, Drury, Duba, Healy,
10 Jamison, Koth, Lesmeister, Mills, Miskimins, Olson, Pourier, Reed, Rehfeldt, Reimer, Jamie Smith,
11 Stevens, Thomason, Tidemann, Willadsen, and Wink

12 Excused: Keintz, St. John, and Wiese

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

15 **HB 1293:** FOR AN ACT ENTITLED, An Act to limit liability for certain child welfare agency
16 licensees.

17 Was read the second time.

18 The question being "Shall **HB 1293** pass?"

19 And the roll being called:

20 Yeas 55, Nays 12, Excused 3, Absent 0

21 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
22 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
23 Healy, Hoffman, Jamison, Kevin Jensen, Koth, Ladner, Lesmeister, May, Milstead, Miskimins,
24 Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson,
25 Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, Stevens, Thomason, Tidemann,
26 Vasgaard, Weisgram, Willadsen, Wink, and York

27 Nays: Aylward, Haugaard, Howard, Phil Jensen, Chris Johnson, Karr, Marty, Mills, Pischke,
28 Randolph, Weis, and Speaker Gosch

29 Excused: Keintz, St. John, and Wiese

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

32 Rep. Kent Peterson moved that the House do now recess until after the House Committee on
33 Appropriations finishes its work.

34 Which motion prevailed and at 6:03 p.m., the House recessed.

35 **RECESS**

36 The House reconvened at 7:33 p.m., the Speaker presiding.

1 stormwater infrastructure improvements eligible under Coronavirus State Fiscal Recovery Fund
 2 guidance, to the Department of Revenue to be distributed to each county in an amount equal to the
 3 value of the county population multiplied by the population adjustment factor divided by the
 4 adjusted total population.

5 **Section 3.** The secretary of the Department of Revenue shall approve vouchers and the state
 6 auditor shall draw warrants to pay expenditures authorized by this Act.

7 **Section 4.** Any amounts appropriated in this Act not lawfully expended or obligated by June
 8 30, 2026 shall revert in accordance with the procedures prescribed in chapter 4-8.

9 **Section 5.** Whereas, this Act is necessary for the support of the state government and its
 10 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
 11 force and effect from and after its passage and approval."

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

13 Also MR. SPEAKER:

14 The House Committee on Appropriations respectfully reports that it has had under
 15 consideration **HB 1234** and returns the same with the recommendation that said bill be amended
 16 as follows:

17 1234A

18 On page 1, line 1, of the Introduced bill, delete "make an appropriation to improve the
 19 greatness of South Dakota and to declare an emergency." and insert "make an appropriation to
 20 provide contingency funds for unanticipated costs related to the coronavirus pandemic and to
 21 declare an emergency"

22 On the Introduced bill, delete everything after the enacting clause and insert:

23 "

24 **Section 1.** There is hereby appropriated the sum of \$1,915,257,865 in federal fund
 25 expenditure authority for the expenditure of Public Law 117-2, American Rescue Plan Act of 2021
 26 moneys; Public Law 116-260, Consolidated Appropriations Act, 2021 moneys; and Public Law 116-
 27 136, Coronavirus Aid, Relief, and Economic Security Act moneys to the Bureau of Finance and
 28 Management, for purposes of providing contingency funds to be made available in accordance with
 29 the provisions in §§ 4-8A-9, 4-8A-10, and 4-8A-11. The contingency funds shall be used for
 30 unanticipated costs related to the coronavirus pandemic for which the state was provided funding
 31 through Public Law 117-2, American Rescue Plan Act of 2021; Public Law 116-260, Consolidated
 32 Appropriations Act, 2021; and Public Law 116-136, Coronavirus Aid, Relief, and Economic Security
 33 Act. The contingency funds appropriated in this section are allocated to contingency sub funds as
 34 follows:

35 (1) ARPA state fiscal recovery fund consisting of the sum of \$974,478,793 for the
 36 purpose of responding to the coronavirus pandemic and its economic effects and to replace revenue
 37 lost due to the public health emergency;

38 (2) ARPA capital projects fund consisting of the sum of \$115,898,703, for the purpose
 39 of building infrastructure needed to provide access to critical services; and

40 (3) Agency coronavirus fund consisting of the sum of \$824,880,369, for the purpose of
 41 facilitating the state's recovery from the economic and health effects of the coronavirus pandemic.

42 **Section 2.** The commissioner of the Bureau of Finance and Management shall approve
 43 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

1 **Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated by June
2 30, 2026, shall revert in accordance with the procedures prescribed in chapter 4-8.

3 **Section 4.** Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
5 force and effect from and after its passage and approval."

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

7 Also MR. SPEAKER:

8 The House Committee on Appropriations respectfully reports that it has had under
9 consideration **HB 1235** and returns the same with the recommendation that said bill be amended
10 as follows:

11 1235A

12 On the Introduced bill, delete everything after the enacting clause and insert:

13 "

14 **Section 1. That § 41-2-19 be AMENDED:**

15 **41-2-19.** The Department of Game, Fish and Parks may, on behalf and in the name of the
16 state, acquire public or private property by gift, grant, devise, purchase, lease, or condemnation
17 proceedings, and may manage, control, and improve the property for the purpose of exercising the
18 powers granted in this title.

19 Real property may not be accepted, received, or administered by the department until the
20 attorney general certifies that the real property is free from any legal obligations, and the real
21 property may not be accepted, received, or administered without specific approval by the
22 Legislature.

23 **Section 2. That § 41-2-20 be AMENDED:**

24 **41-2-20.** Any personal property or buildings or fixtures on real estate, acquired pursuant to
25 § 41-2-19, may be sold by the Game, Fish and Parks Commission if the commission determines it
26 to be obsolete or no longer useful and obtains the specific approval of the Legislature. The property
27 ~~shall~~ must be sold according to procedures prescribed by the commissioner of the Bureau of
28 Administration.

29 **Section 3. That § 41-2-21 be AMENDED:**

30 **41-2-21.** The Department of Game, Fish and Parks may acquire by any means or methods as
31 specified in § 41-2-19 any public or private real property especially desirable for purposes of
32 establishing public shooting areas or for the purposes of water conservation or recreation and may
33 develop and improve the property for such purposes.

34 Real property may not be accepted, received, or administered by the department until the
35 attorney general certifies that the real property is free from any legal obligations, and the real
36 property may not be accepted, received, or administered without specific approval by the
37 Legislature.

38 **Section 4. That § 41-2-29.1 be AMENDED:**

39 **41-2-29.1.** The Department of Game, Fish and Parks shall sell real property owned by the
40 state and held by the department if ~~such~~ the real property is no longer needed for game, fish, or
41 parks purposes and the department obtains the specific approval of the Legislature. ~~Such~~ The sale
42 may be made only by the following procedure:

- 1 (1) At the full value established by a qualified appraiser employed by the department;
- 2 (2) For cash at public auction;
- 3 (3) Five days after the last of at least two publications of notice of the sale in at least
- 4 three daily newspapers of the state. The publications shall disclose all details relative to the sale;
- 5 (4) Money received shall be deposited with the state treasurer and credited to the game,
- 6 fish and parks fund;
- 7 (5) Conveyance shall be made in the name of the State of South Dakota acting by and
- 8 through the Department of Game, Fish and Parks and executed in the manner provided by § 5-2-
- 9 11.

10 **Section 5. That § 41-2-29.2 be AMENDED:**

11 **41-2-29.2.** The Department of Game, Fish and Parks, in addition to or as an alternative to the
12 requirements and methods specified in § 41-2-29.1, may trade or exchange real property owned by
13 the state and held by the department if the real property is no longer needed for game, fish or parks
14 purposes or if real property more suitable to department purposes may be obtained by an exchange.
15 The exchange may be made only for other real property of equal value as determined by a qualified
16 appraiser employed by the department. Conveyance ~~shall~~ must be made in the name of the State
17 of South Dakota acting by and through the Department of Game, Fish and Parks and executed in
18 the manner provided by § 5-2-11.

19 Real property may not be accepted, received, or administered by the department until the
20 attorney general certifies that the real property is free from any legal obligations, and the real
21 property may not be traded, accepted, received, or administered without specific approval by the
22 Legislature.

23 "

1235B

25 On the previously adopted amendment (1235A), On page 1, line 1, delete "make an
26 appropriation for the wellness of South Dakota and to declare an emergency." and insert "require
27 legislative approval for the acquisition, sale, or exchange of real property by the Department of
28 Game, Fish and Parks."

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

30 Also MR. SPEAKER:

31 The House Committee on Appropriations respectfully reports that it has had under
32 consideration **HB 1237** and returns the same with the recommendation that said bill be amended
33 as follows:

1237D

35 On page 1, line 1, of the Introduced bill, after "to " insert "make an appropriation of moneys
36 received from the Coronavirus State Fiscal Recovery Fund to provide cash assistance to South
37 Dakota citizens."

38 On page 1, line 1, after "to " delete "make an appropriation to expand the progress of South
39 Dakota and to declare an emergency."

40 On the Introduced bill, delete everything after the enacting clause and insert:

41 "

1 **Section 1. There is hereby appropriated \$156,173,000 in federal fund expenditure**
2 authority for Coronavirus State Fiscal Recovery Fund moneys authorized by Public Law 117-2,
3 American Rescue Plan Act of 2021, for the purposes of planning, logistics, administration, payment,
4 and distribution of direct cash assistance to certain South Dakota citizens, whose primary residence
5 is South Dakota, in accordance with section 2 of this Act, by the Department of Revenue.

6 **Section 2. The payment referenced in section 1 of this Act must be distributed to all**
7 South Dakota citizens, whose primary residence is South Dakota, filing a separate 2021 federal
8 income tax return with an adjusted gross income of less than or equal to \$75,000 or a joint 2021
9 federal income tax return with an adjusted gross income of less than or equal to \$150,000, in the
10 amount of \$200 per filer and dependent.

11 **Section 3. The payments under this Act must be distributed by January 1, 2025.**

12 **Section 4.** The Department of Revenue must develop an application and review process for
13 the distribution of payments in accordance with sections 1 and 2 of this Act.

14 **Section 5. The Department of Revenue** must maximize the amount of payments provided,
15 while preventing inaccuracies and abuse, and must distribute the payments in accordance with
16 sections 1 and 2 of this Act.

17 **Section 6. The secretary of the Department of Revenue shall approve vouchers and**
18 **the state auditor shall draw warrants to pay expenditures authorized by this Act.**

19 **Section 7. Any amounts appropriated in this Act not lawfully expended or obligated**
20 **by December 31, 2025, shall revert in accordance with the procedures prescribed in**
21 **chapter 4-8."**

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

23 Also MR. SPEAKER:

24 The House Committee on Appropriations respectfully reports that it has had under
25 consideration **HB 1238** and returns the same with the recommendation that said bill be amended
26 as follows:

27 1238A

28 On page 1, line 1, of the Introduced bill, delete "make an appropriation to advance South
29 Dakota " and insert "create a task force on jail planning, to make an appropriation of general
30 contingency funds therefor, "

31 On the Introduced bill, delete everything after the enacting clause and insert:

32 "

33 **Section 1. The Legislature shall assemble a jail planning task force consisting of eleven**
34 members to examine administrative efficiencies, cost effectiveness, utilization, and need for jails
35 across the State. The membership of the task force shall include three members of the House of
36 Representatives appointed by the speaker, three members of the Senate appointed by the president
37 pro tempore, three sheriffs, and two state's attorneys appointed by the Executive Board of the
38 Legislative Research Council. The sheriff and state's attorney task force members must be from
39 different counties and have small and large county representation. All expenses incurred in carrying
40 out the work of the task force shall be paid out of funds appropriated to the Legislature.

1 **Section 2.** The findings of the task force shall be provided to the Governor and to the
2 Legislature no later than November 15, 2023.

3 **Section 3.** There is hereby appropriated the sum of \$50,000,000 in general funds to the
4 Bureau of Finance and Management for purposes of providing contingency funds to be made
5 available in accordance with the provisions in §§ 4-8A-9, 4-8A-10, and 4-8A-11. The contingency
6 funds must be used to implement the recommendations of the jail planning task force created in
7 section 1 of this Act.

8 **Section 4.** The commissioner of the Bureau of Finance and Management shall approve
9 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

10 **Section 5.** Any amounts appropriated in this Act not lawfully expended or obligated by June
11 30, 2027 shall revert in accordance with the procedures prescribed in chapter 4-8.

12 **Section 6.** Whereas, this Act is necessary for the support of the state government and its
13 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
14 force and effect from and after its passage and approval."

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

16 Also MR. SPEAKER:

17 The House Committee on Appropriations respectfully reports that it has had under
18 consideration **HB 1240** and returns the same with the recommendation that said bill be amended
19 as follows:

1240A

21 On the Introduced bill, delete everything after the enacting clause and insert:

22 "

23 **Section 1. That § 10-45-2 be AMENDED:**

24 **10-45-2.** ThereUntil June 30, 2022, there is hereby imposed a tax upon the privilege of
25 engaging in business as a retailer, a tax of four and one-half percent upon the gross receipts of all
26 sales of tangible personal property consisting of goods, wares, or merchandise, except as otherwise
27 provided in this chapter, sold at retail in the State of South Dakota to consumers or users.

28 On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-
29 quarter percent.

30 On July 1, 2023, the tax rate imposed by this section is four percent.

31 **Section 2. That § 10-45-5 be AMENDED:**

32 **10-45-5.** ThereUntil June 30, 2022, there is imposed a tax at the rate of four and one-half
33 percent upon the gross receipts of any person from engaging or continuing in any of the following
34 businesses or services in this state: abstracters; accountants; ancillary services; architects;
35 barbers; beauty shops; bill collection services; blacksmith shops; car washing; dry cleaning; dyeing;
36 exterminators; garage and service stations; garment alteration; cleaning and pressing; janitorial
37 services and supplies; specialty cleaners; laundry; linen and towel supply; membership or entrance
38 fees for the use of a facility or for the right to purchase tangible personal property, any product
39 transferred electronically, or services; photography; photo developing and enlarging; tire recapping;
40 welding and all repair services, except repair services for farm machinery, attachment units, and
41 irrigation equipment used exclusively for agricultural purposes; cable television; and rentals of
42 tangible personal property except leases of tangible personal property between one telephone
43 company and another telephone company, motor vehicles as defined pursuant to § 32-5-1 leased
44 under a single contract for more than twenty-eight days and mobile homes. However, the specific

1 enumeration of businesses and professions made in this section does not, in any way, limit the
 2 scope and effect of the provisions of § 10-45-4.

3 On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-
 4 quarter percent.

5 On July 1, 2023, the tax rate imposed by this section is four percent.

6 **Section 3. That § 10-45-5.3 be AMENDED:**

7 **10-45-5.3.** ~~There~~Until June 30, 2022, there is imposed, at the rate of four and one-half
 8 percent, an excise tax on the gross receipts of any person engaging in oil and gas field services
 9 (group no. 138) as enumerated in the Standard Industrial Classification Manual, 1987, as prepared
 10 by the Statistical Policy Division of the Office of Management and Budget, Office of the President.

11 On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-
 12 quarter percent.

13 On July 1, 2023, the tax rate imposed by this section is four percent.

14 **Section 4. That § 10-45-6 be AMENDED:**

15 **10-45-6.** ~~There~~Until June 30, 2022, there is hereby imposed a tax of four and one-half percent
 16 upon the gross receipts from sales, furnishing, or service of gas, electricity, and water, including the
 17 gross receipts from such sales by any municipal corporation furnishing gas, and electricity, to the
 18 public in its proprietary capacity, except as otherwise provided in this chapter, when sold at retail
 19 in the State of South Dakota to consumers or users.

20 On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-
 21 quarter percent.

22 On July 1, 2023, the tax rate imposed by this section is four percent.

23 **Section 5. That § 10-45-6.1 be AMENDED:**

24 **10-45-6.1.** Except as provided in § 10-45-6.2, until June 30, 2022, there is hereby imposed
 25 a tax of four and one-half percent upon the gross receipts from providing any intrastate, interstate,
 26 or international telecommunications service that originates or terminates in this state and that is
 27 billed or charged to a service address in this state, or that both originates and terminates in this
 28 state. However, the tax imposed by this section does not apply to:

29 (1) Any eight hundred or eight hundred type service unless the service both originates
 30 and terminates in this state;

31 (2) Any sale of a telecommunication service to a provider of telecommunication
 32 services, including access service, for use in providing any telecommunication service; or

33 (3) Any sale of interstate telecommunication service provided to a call center that has
 34 been certified by the secretary of revenue to meet the criterion established in § 10-45-6.3 and the
 35 call center has provided to the telecommunications service provider an exemption certificate issued
 36 by the secretary indicating that it meets the criterion.

37 If a call center uses an exemption certificate to purchase services not meeting the criterion
 38 established in § 10-45-6.3, the call center is liable for the applicable tax, penalty, and interest.

39 On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-
 40 quarter percent.

41 On July 1, 2023, the tax rate imposed by this section is four percent.

1 **Section 6. That § 10-45-6.2 be AMENDED:**

2 **10-45-6.2.** ~~There~~Until June 30, 2022, there is hereby imposed a tax of four and one-half
 3 percent upon the gross receipts of mobile telecommunications services, as defined in 4 U.S.C.
 4 § 124(7) as of January 1, 2002, that originate and terminate in the same state and are billed to a
 5 customer with a place of primary use in this state or are deemed to have originated or been received
 6 in this state and to be billed or charged to a service address in this state if the customer's place of
 7 primary use is located in this state regardless of where the service actually originates or terminates.
 8 Notwithstanding any other provision of this chapter and for purposes of the tax imposed by this
 9 section, the tax imposed upon mobile telecommunication services shall be administered in
 10 accordance with 4 U.S.C. §§ 116-126 as in effect on July 28, 2000.

11 On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-
 12 quarter percent.

13 On July 1, 2023, the tax rate imposed by this section is four percent.

14 **Section 7. That § 10-45-8 be AMENDED:**

15 **10-45-8.** ~~There~~Until June 30, 2022, there is imposed a tax of four and one-half percent upon
 16 the gross receipts from all sales of tickets or admissions to places of amusement and athletic
 17 contests or events, except as otherwise provided in this chapter.

18 On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-
 19 quarter percent.

20 On July 1, 2023, the tax rate imposed by this section is four percent.

21 **Section 8. That § 10-45-71 be AMENDED:**

22 **10-45-71.** ~~There~~Until June 30, 2022, there is imposed a tax of four and one-half percent on
 23 the gross receipts from the transportation of passengers. The tax imposed by this section shall apply
 24 to any transportation of passengers if the passenger boards and exits the mode of transportation
 25 within this state.

26 On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-
 27 quarter percent.

28 On July 1, 2023, the tax rate imposed by this section is four percent.

29 **Section 9. That § 10-64-9 be REPEALED:**

30 ~~If the state is able to enforce the obligation to collect and remit sales tax on remote sellers
 31 who deliver tangible personal property, products transferred electronically, or services directly to
 32 the citizens of South Dakota, the additional net revenue from such obligation shall be used to reduce
 33 the rate of certain taxes. The rate of tax imposed by §§ 10-45-2, 10-45-5, 10-45-5.3, 10-45-6, 10-
 34 45-6.1, 10-45-6.2, 10-45-8, 10-45-71, 10-46-2.1, 10-46-2.2, 10-46-58, 10-46-69, 10-46-69.1,
 35 10-46-69.2, 10-46E-1, and 10-58-1 shall be reduced by one-tenth percent on July first following
 36 the calendar year for which each additional twenty million dollar increment of net revenue is
 37 collected and remitted by such remote sellers. However, the rate of tax imposed by §§ 10-45-2, 10-
 38 45-5, 10-45-5.3, 10-45-6, 10-45-6.1, 10-45-6.2, 10-45-8, 10-45-71, 10-46-2.1, 10-46-2.2, 10-
 39 46-58, 10-46-69, 10-46-69.1, 10-46-69.2, 10-46E-1, and 10-58-1 may not be reduced below four
 40 percent pursuant to the provisions of this section."~~

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

1 Also MR. SPEAKER:

2 The House Committee on Appropriations respectfully reports that it has had under
3 consideration **HB 1257** and returns the same with the recommendation that said bill be amended
4 as follows:

5 1257C

6 On page 1, line 1, of the House Taxation Engrossed bill, after "expenditures" insert " and to
7 declare an emergency"

8 On page 1, line 3, of the House Taxation Engrossed bill, after "Dakota:" delete "Section 1. That
9 § 10-1-44 be AMENDED:

10 "

11 On page 1, line 4, of the House Taxation Engrossed bill, after "AMENDED:" delete "10-1-44.
12 There shall be established within the state treasury the sales and use tax collection fund for the
13 purpose of administering the sales, use, municipal non-ad valorem, and contractors' excise taxes.
14 Charges for the administration and collection of taxes collected pursuant to chapter 10-52 shall be
15 deposited into the sales and use tax collection fund. In addition, subject to section 2 of this Act, the
16 secretary of the Department of Revenue shall, on a monthly basis, deposit revenue collected as a
17 result of taxes imposed in chapters 10-45, 10-46, and 10-58 in the sales and use tax collection
18 fund. The total amount deposited in the sales and use tax collection fund may not exceed the amount
19 budgeted for such purposes. All money in the fund created by this section shall be budgeted and
20 expended in accordance with the provisions of Title 4 on warrants drawn by the state auditor on
21 vouchers approved by the secretary of the Department of Revenue.

22 At the end of each fiscal year any cash balance left in the sales and use tax collection fund
23 shall be transferred to the general fund."

24 On page 3, line 9, of the House Taxation Engrossed bill, after "section." delete "Section 4. This
25 Act is effective on July 1, 2023."

26 On page 3, after line 9, of the House Taxation Engrossed bill, insert: "

27 **Section 3.** There is hereby appropriated from the general fund a sum of \$20,000,000 to the
28 Department of Revenue for the purposes described in section 2 of this Act. "

29 On page 3, after line 9, of the House Taxation Engrossed bill, insert: "

30 **Section 4.** The secretary of revenue shall approve vouchers and the state auditor shall draw
31 warrants to pay expenditures authorized by this Act."

32 On page 3, after line 9, of the House Taxation Engrossed bill, insert: "

33 **Section 5.** Any amounts appropriated in this Act not lawfully expended or obligated shall revert
34 in accordance with the procedures prescribed in chapter 4-8."

35 On page 3, after line 9, of the House Taxation Engrossed bill, insert: "

36 **Section 6.** Whereas, this Act is necessary for the support of the state government and its
37 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
38 force and effect from and after its passage and approval."

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

40
41

Respectfully submitted,
Chris Karr, Chair

1 MR. SPEAKER:

2 The House Committee on Appropriations respectfully reports that it has had under
3 consideration **HB 1281** and returns the same without recommendation.

4 Respectfully submitted,
5 Chris Karr, Chair

6 **SIGNING OF BILLS**

7 The Speaker publicly read the title to

8 **HB 1097:** FOR AN ACT ENTITLED, An Act to clarify conduct that is not required related to
9 medical cannabis.

10 **HB 1275:** FOR AN ACT ENTITLED, An Act to clarify signature requirements on petitions
11 regarding the change of form of government in municipalities.

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

13 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 7:37 p.m.
14 the House adjourned.

15 Patricia Miller, Chief Clerk