

# *JOURNAL OF THE HOUSE*

## *NINETY-SEVENTH SESSION*

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TWENTY-SEVENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, February 23, 2022

The House convened at 12:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, David Hussey, followed by the Pledge of Allegiance led by House page Morgan Damman.

Roll Call: All members present.

### **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 26th 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

**COMMUNICATIONS AND PETITIONS**

2

February 17, 2022

3

Mr. Speaker and Members of the House:

4

I have the honor to inform you that on February 17, 2022, I approved House Bills 1056, 1069, 1075, 1085, and 1103, and the same have been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,

7

Kristi Noem

8

Governor

9

**MESSAGES FROM THE SENATE**

10

Mr. SPEAKER:

11

I have the honor to transmit herewith **SB 42, 43, 50, 54, 55, 61, 90, 96, 119, 122, 130, 132, 133, 144, 152, 159, 170, 175, 195, and 199** which have passed the Senate and your favorable consideration is respectfully requested.

12

13

14

Also Mr. SPEAKER:

15

I have the honor to transmit herewith **SCR 602** which has been adopted by the Senate and your concurrence is respectfully requested.

16

17

Respectfully,

18

Kay Johnson, Secretary

19

**MOTIONS AND RESOLUTIONS**

20

**HCR 6009:** A CONCURRENT RESOLUTION, commending Israel for its cordial and mutually beneficial relationship with this State and the United States.

21

22

Introduced by: **Representative** Sue Peterson

23

**SCR 602:** A CONCURRENT RESOLUTION, to encourage the executive branch of this state to examine mitigation efforts to curtail the spread of aquatic invasive species.

24

25

Were read the first time.

26

Rep. Kent Peterson moved that **SB 184** be deferred to Thursday, February 24, 2022, the 28<sup>th</sup> legislative day.

27

28

Which motion prevailed.

29

Rep. Kent Peterson moved that the House Committee on Appropriations be instructed to deliver **HB 1209** to the floor of the House, pursuant to JR 7-7.

30

31

Which motion was supported and the committee was so instructed.

1 Rep. Kent Peterson moved that the House Committee on Appropriations be instructed to deliver  
2 **HB 1210** to the floor of the House, pursuant to JR 7-7.

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

4 Rep. Kent Peterson moved that **HB 1209 and 1210** be placed on the top of today's calendar  
5 with a do pass recommendation, pursuant to JR 6F-6.

6 The question being on Rep. Kent Peterson's motion that **HB 1209 and 1210** be placed on the  
7 top of today's calendar with a do pass recommendation, pursuant to JR 6F-6.

8 And the roll being called:

9 Yeas 62, Nays 8, Excused 0, Absent 0

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

16 Nays: Aylward, Dennert, Deutsch, Haugaard, Howard, Milstead, Randolph, and Soye

17 So the motion having received an affirmative vote of a majority of the members-elect, the  
18 Speaker declared the motion prevailed and **HB 1209 and 1210** were so placed.

19 Rep. Tidemann moved that the House Committee on Appropriations be instructed to deliver  
20 **HB 1244** to the floor of the House, pursuant to JR 7-7.

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

## 22 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

24 Agriculture and Natural Resources on **HB 1162** as found on page 386 of the House Journal;  
25 also

26 Health and Human Services on **HB 1318** as found on page 394 of the House Journal; also

27 Transportation on **SB 176** as found on page 395 of the House Journal; also

28 Taxation on **HB 1178** as found on page 395 of the House Journal; also

29 House Appropriations on **HB 1137, 1306, and 1339** as found on page 385 of the House  
30 Journal; also

31 House Appropriations on **HB 1227** as found on page 417 of the House Journal; also

32 House Appropriations on **HB 1038** as found on page 384 of the House Journal; also

33 House Appropriations on **HB 1234** as found on page 418 of the House Journal; also

34 House Appropriations on **HB 1235** as found on page 419 of the House Journal; also

1 House Appropriations on **HB 1237** as found on page 420 of the House Journal; also  
 2 House Appropriations on **HB 1238** as found on page 421 of the House Journal; also  
 3 House Appropriations on **HB 1240** as found on page 422 of the House Journal; also  
 4 House Appropriations on **HB 1257** as found on page 425 of the House Journal be adopted.  
 5 Which motion prevailed and the reports were adopted.

6 Rep. Blare moved that **HB 1281** be placed on today's calendar with a do pass  
 7 recommendation, pursuant to JR 6F-6.

8 The question being on Rep. Blare's motion that **HB 1281** be placed on today's calendar with a  
 9 do pass recommendation, pursuant to JR 6F-6.

10 And the roll being called:

11 Yeas 57, Nays 13, Excused 0, Absent 0

12 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,  
 13 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Haugaard,  
 14 Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister, Mills,  
 15 Miskimins, Mortenson, Mulally, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson,  
 16 Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann,  
 17 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, and York

18 Nays: Aylward, Gross, Hansen, Howard, Phil Jensen, Marty, May, Milstead, Odenbach, Pischke,  
 19 Randolph, Soye, and Speaker Gosch

20 So the motion having received an affirmative vote of a majority of the members-elect, the  
 21 Speaker declared the motion prevailed and **HB 1281** was so placed.

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

23 **SB 42:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the  
 24 design and construction of an addition to the wellness center at the University of South Dakota, to  
 25 make an appropriation therefor, and to declare an emergency.

26 **SB 43:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the  
 27 design, renovation, and construction of an addition for a health sciences center at Black Hills State  
 28 University–Rapid City, to make an appropriation therefor, and to declare an emergency.

29 **SB 50:** FOR AN ACT ENTITLED, An Act to make an appropriation for water, wastewater and  
 30 storm water projects throughout state government, and to declare an emergency.

31 **SB 54:** FOR AN ACT ENTITLED, An Act to appropriate funds for the Dakota State University  
 32 Cyber Program Expansion and to declare an emergency.

33 **SB 55:** FOR AN ACT ENTITLED, An Act to appropriate funds for the expansion of broadband  
 34 infrastructure and to declare an emergency.

35 **SB 61:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical  
 36 Education to support the purchase of simulation equipment for a health sciences clinical simulation  
 37 center on the campus of Southeast Technical College and to declare an emergency.

1 **SB 90:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding local building  
 2 codes.

3 **SB 96:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents to  
 4 renovate the science laboratories in the Churchill-Haines Building at the University of South Dakota.

5 **SB 119:** FOR AN ACT ENTITLED, An Act to prohibit sexual contact between prison employees  
 6 and prisoners.

7 **SB 122:** FOR AN ACT ENTITLED, An Act to prohibit private funding of election costs except for  
 8 gifts of a nominal and intrinsic value.

9 **SB 130:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire property,  
 10 contract for the design and construction of the Dakota State University Applied Research Lab, to  
 11 make an appropriation therefor, and to declare an emergency.

12 **SB 132:** FOR AN ACT ENTITLED, An Act to make an appropriation for multi-media lab  
 13 equipment at Black Hills State University and to declare an emergency.

14 **SB 133:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents to  
 15 upgrade an education lab and purchase resources at Black Hills State University and to declare an  
 16 emergency.

17 **SB 144:** FOR AN ACT ENTITLED, An Act to create the prison construction fund for the capital  
 18 construction or improvement of state prisons.

19 **SB 152:** FOR AN ACT ENTITLED, An Act to provide for ticket-in, ticket-out video lottery.

20 **SB 159:** FOR AN ACT ENTITLED, An Act to exempt any person suffering from a severe mental  
 21 illness from capital punishment.

22 **SB 170:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to forest  
 23 resiliency and growth in the state and to declare an emergency.

24 **SB 175:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game,  
 25 Fish and Parks for building a shooting range in western South Dakota and to declare an emergency.

26 **SB 195:** FOR AN ACT ENTITLED, An Act to establish the burden of proof after a claim of  
 27 immunity.

28 **SB 199:** FOR AN ACT ENTITLED, An Act to revise provisions related to a name change for  
 29 certain crime victims.

30 Were read the first time.

31 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

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

36 **HB 1162:** FOR AN ACT ENTITLED, An Act to define a loaded firearm.

1 **SB 176:** FOR AN ACT ENTITLED, An Act to revise provisions regarding self-propelled  
2 agriculture units.

3 Were read the second time.

4 The question being "Shall **HB 1133 and 1162, and SB 176** pass as amended, and **HB 1156**  
5 pass?"

6 And the roll being called:

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

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

15 Nays: Speaker Gosch

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

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

19 **HB 1210:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents  
20 to provide grant funding for a new biomedical facility at the research park in Sioux Falls, and to  
21 declare an emergency.

22 Was read the second time.

23 The question being "Shall **HB 1210** pass?"

24 And the roll being called:

25 Yeas 53, Nays 17, Excused 0, Absent 0

26 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
27 Deutsch, Drury, Duba, Finck, Goodwin, Lana Greenfield, Hansen, Healy, Hoffman, Jamison, Kevin  
28 Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister, Miskimins, Mortenson, Olson, Ernie  
29 Otten, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Reed, Rehfeldt, Reimer, Schneider,  
30 Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen,  
31 Wink, York, and Speaker Gosch

32 Nays: Aylward, Dennert, Fitzgerald, Gross, Haugaard, Howard, Phil Jensen, Marty, May, Mills,  
33 Milstead, Mulally, Odenbach, Overweg, Randolph, Soye, and Weis

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

1 **HB 1209:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents  
 2 for improving the National Music Museum at the University of South Dakota and to declare an  
 3 emergency.

4 Was read the second time.

5 The question being "Shall **HB 1209** pass?"

6 And the roll being called:

7 Yeas 47, Nays 23, Excused 0, Absent 0

8 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
 9 Drury, Duba, Finck, Goodwin, Hansen, Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Karr,  
 10 Keintz, Koth, Lesmeister, Miskimins, Mortenson, Olson, Perry, Kent Peterson, Sue Peterson, Pourier,  
 11 Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann,  
 12 Vasgaard, Weisgram, Willadsen, Wink, York, and Speaker Gosch

13 Nays: Aylward, Dennert, Deutsch, Fitzgerald, Lana Greenfield, Gross, Haugaard, Howard, Phil  
 14 Jensen, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Pischke,  
 15 Randolph, Soye, Weis, and Wiese

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

18 **HB 1322:** FOR AN ACT ENTITLED, An Act to provide for the direct sale of certain home-  
 19 produced or home-processed foods and food products.

20 Was read the second time.

21 The question being "Shall **HB 1322** pass as amended?"

22 And the roll being called:

23 Yeas 70, Nays 0, Excused 0, Absent 0

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

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

33 **HB 1134:** FOR AN ACT ENTITLED, An Act to revise provisions related to medical cannabis for  
 34 the protection of youth.

35 Was read the second time.

36 The question being "Shall **HB 1134** pass as amended?"

37 And the roll being called:

38 Yeas 52, Nays 18, Excused 0, Absent 0

1 Yeas: Anderson, Barthel, Beal, Blare, Bordeaux, Chaffee, Derby, Deutsch, Drury, Finck,  
 2 Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin  
 3 Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins,  
 4 Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Randolph, Reed, Reimer,  
 5 Schneider, Soye, St. John, Stevens, Thomason, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink,  
 6 York, and Speaker Gosch

7 Nays: Aylward, Bartels, Chase, Cwach, Davis, Dennert, Duba, Healy, Keintz, Lesmeister,  
 8 Mortenson, Mulally, Ernie Otten, Pischke, Pourier, Rehfeldt, Jamie Smith, and Tidemann

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

11 **HB 1161:** FOR AN ACT ENTITLED, An Act to create a registration requirement for sober living  
 12 homes.

13 Was read the second time.

14 The question being "Shall **HB 1161** pass as amended?"

15 And the roll being called:

16 Yeas 44, Nays 26, Excused 0, Absent 0

17 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
 18 Deutsch, Drury, Duba, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison, Kevin  
 19 Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Milstead, Miskimins, Olson, Ernie Otten,  
 20 Perry, Kent Peterson, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,  
 21 Thomason, Tidemann, Weisgram, Willadsen, Wink, and York

22 Nays: Aylward, Beal, Dennert, Finck, Gross, Hansen, Haugaard, Howard, Phil Jensen, Karr,  
 23 Marty, May, Mills, Mortenson, Mulally, Odenbach, Overweg, Sue Peterson, Pischke, Pourier,  
 24 Randolph, Soye, Vasgaard, Weis, Wiese, and Speaker Gosch

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

27 **HB 1223:** FOR AN ACT ENTITLED, An Act to authorize the provision of informed consent by a  
 28 pregnant minor.

29 Was read the second time.

30 The question being "Shall **HB 1223** pass as amended?"

31 And the roll being called:

32 Yeas 37, Nays 33, Excused 0, Absent 0

33 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Bordeaux, Chase, Cwach, Davis, Drury, Duba,  
 34 Finck, Goodwin, Healy, Hoffman, Jamison, Kevin Jensen, Keintz, Koth, Lesmeister, Miskimins,  
 35 Mortenson, Olson, Perry, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Jamie Smith, St. John,  
 36 Thomason, Tidemann, Weisgram, Willadsen, Wink, and York

37 Nays: Blare, Chaffee, Dennert, Derby, Deutsch, Fitzgerald, Lana Greenfield, Gross, Hansen,  
 38 Haugaard, Howard, Phil Jensen, Chris Johnson, Karr, Ladner, Marty, May, Mills, Milstead, Mulally,



1 Odenbach, Ernie Otten, Overweg, Sue Peterson, Pischke, Randolph, Schneider, Soye, Stevens,  
2 Vasgaard, Weis, Wiese, and Speaker Gosch

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

5 **HB 1232:** FOR AN ACT ENTITLED, An Act to establish mandatory sentences for certain driving  
6 while under the influence violations.

7 Was read the second time.

8 Rep. Karr moved that **HB 1232** be amended as follows:

9 1232B

10 On page 1, line 22, of the House Judiciary Engrossed bill, after "least" delete " three years"

11 On page 1, line 22, of the House Judiciary Engrossed bill, after "years " insert "one year "

12 On page 2, line 17, of the House Judiciary Engrossed bill, after "least" delete " seven"

13 On page 2, line 17, of the House Judiciary Engrossed bill, after "seven " insert "three "

14 On page 2, line 25, of the House Judiciary Engrossed bill, after "§ 32-23-1" insert " and the  
15 person had at least six convictions of § 32-23-1 occurring within fifteen years of the violation being  
16 charged"

17 On page 2, line 25, of the House Judiciary Engrossed bill, after "least" delete " seven"

18 On page 2, line 25, of the House Judiciary Engrossed bill, after "seven " insert "five "

19 On page 3, after line 19, of the House Judiciary Engrossed bill, insert: "

20 **Section 4. That chapter 32-23 be amended with a NEW SECTION:**

21 Any person subject to a mandatory sentence under § 32-23-4.6, 32-23-4.7, or 32-23-4.9 is  
22 not eligible for parole consideration. "

23 Which motion prevailed.

24 The question being "Shall **HB 1232** pass as amended?"

25 And the roll being called:

26 Yeas 63, Nays 7, Excused 0, Absent 0

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

34 Nays: Bordeaux, Cwach, Derby, Healy, Mortenson, Olson, and Willadsen

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

1 **HB 1233:** FOR AN ACT ENTITLED, An Act to establish a parole hearing requirement for certain  
 2 inmates.

3 Was read the second time.

4 The question being "Shall **HB 1233** pass as amended?"

5 And the roll being called:

6 Yeas 57, Nays 13, Excused 0, Absent 0

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

13 Nays: Beal, Bordeaux, Chase, Cwach, Duba, Lana Greenfield, Healy, Keintz, Mortenson, Olson,  
 14 Pourier, Tidemann, and Willadsen

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

17 **HB 1051:** FOR AN ACT ENTITLED, An Act to amend certain provisions relating to the small  
 18 business credit initiative fund.

19 Was read the second time.

20 The question being "Shall **HB 1051** pass as amended?"

21 And the roll being called:

22 Yeas 50, Nays 20, Excused 0, Absent 0

23 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
 24 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Gross, Hansen, Healy, Hoffman, Jamison, Kevin  
 25 Jensen, Chris Johnson, Keintz, Koth, Lesmeister, May, Mills, Miskimins, Mortenson, Odenbach,  
 26 Olson, Ernie Otten, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St.  
 27 John, Stevens, Thomason, Tidemann, Weisgram, Wiese, Willadsen, Wink, and York

28 Nays: Aylward, Dennert, Lana Greenfield, Haugaard, Howard, Phil Jensen, Karr, Ladner, Marty,  
 29 Milstead, Mulally, Overweg, Perry, Sue Peterson, Pischke, Randolph, Soye, Vasgaard, Weis, and  
 30 Speaker Gosch

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

33 **HB 1318:** FOR AN ACT ENTITLED, An Act to prohibit medical abortion by telemedicine and to  
 34 increase the penalty for the unlicensed practice of medicine when performing a medical abortion.

35 Was read the second time.

1 The question being "Shall **HB 1318** pass as amended?"

2 And the roll being called:

3 Yeas 62, Nays 8, Excused 0, Absent 0

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

11 Nays: Bordeaux, Cwach, Duba, Healy, Keintz, Lesmeister, Pourier, and Jamie Smith

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 **HB 1327:** FOR AN ACT ENTITLED, An Act to reduce certain gross receipts tax rates and a use  
 15 tax rate, and to repeal a conditional reduction of certain gross receipts tax rates.

16 Was read the second time.

17 Rep. Karr moved that **HB 1327** be amended as follows:

1327C

19 On page 1, line 5, of the Introduced bill, after "10-45-2. " insert "Until June 30, 2022, "

20 On page 1, line 5, of the Introduced bill, delete "There " and insert "there "

21 On page 1, line 6, of the Introduced bill, remove the overstrikes from "and one-half"

22 On page 1, line 9, of the Introduced bill, after "users." insert "

23 On July 1, 2022"

24 On page 1, line 9, of the Introduced bill, after "users." insert " and until June 30, 2023"

25 On page 1, line 9, of the Introduced bill, after "users." insert ", the tax rate imposed by this  
 26 section is four and one"

27 On page 1, line 9, of the Introduced bill, after "users." insert the hyphen-minus

28 On page 1, line 9, of the Introduced bill, after "users." insert " quarter percent.

29 On July 1, 2023, the rate of the tax imposed by this"

30 On page 1, line 9, of the Introduced bill, after "users." insert " section is"

31 On page 1, line 9, of the Introduced bill, after "users." insert " four percent."

32 On page 1, line 11, of the Introduced bill, after "10-45-5. " insert "Until June 30, 2022,"

33 On page 1, line 11, of the Introduced bill, delete "There" and insert " there"

34 On page 1, line 11, of the Introduced bill, remove the overstrikes from "and one-half"

- 
- 1 On page 2, line 2, of the Introduced bill, after "§ 10-45-4." insert "
- 2 On July 1, 2022"
- 3 On page 2, line 1, of the Introduced bill, after "§ 10-45-4." insert " and until June 30, 2023"
- 4 On page 2, line 1, of the Introduced bill, after "§ 10-45-4." insert ", the tax rate imposed by  
5 this section is four and one "
- 6 On page 2, line 1, of the Introduced bill, after "§ 10-45-4." insert the hyphen-minus
- 7 On page 2, line 2, of the Introduced bill, after "§ 10-45-4." insert "quarter percent.
- 8 On July 1, 2023, the rate of the tax imposed by this"
- 9 On page 2, line 1, of the Introduced bill, after "§ 10-45-4." insert " section is"
- 10 On page 2, line 1, of the Introduced bill, after "§ 10-45-4." insert " four percent."
- 11 On page 2, line 4, of the Introduced bill, after "10-45-5.3. " insert "Until June 30, 2022, "
- 12 On page 2, line 4, of the Introduced bill, delete "There" and insert " there"
- 13 On page 2, line 4, of the Introduced bill, remove the overstrikes from " and"
- 14 On page 2, line 4, of the Introduced bill, remove the overstrikes from "one-half"
- 15 On page 2, line 8, of the Introduced bill, after "President." insert "
- 16 On July 1, 2022"
- 17 On page 2, line 8, of the Introduced bill, after "President." insert " and until June 30, 2023"
- 18 On page 2, line 8, of the Introduced bill, after "President." insert ", the tax rate imposed by  
19 this section is four and one "
- 20 On page 2, line 8, of the Introduced bill, after "President." insert the hyphen-minus
- 21 On page 2, line 8, of the Introduced bill, after "President." insert "quarter percent.
- 22 On July 1, 2023, the rate of the tax imposed by this "
- 23 On page 2, line 8, of the Introduced bill, after "President." insert "section is "
- 24 On page 2, line 8, of the Introduced bill, after "President." insert "four percent."
- 25 On page 2, line 10, of the Introduced bill, after "10-45-6. " insert "Until June 30, 2022,"
- 26 On page 2, line 10, of the Introduced bill, delete "There" and insert " there"
- 27 On page 2, line 10, of the Introduced bill, remove the overstrikes from " and one-half"
- 28 On page 2, line 14, of the Introduced bill, after "users." insert "
- 29 On July 1, 2022"
- 30 On page 2, line 14, of the Introduced bill, after "users." insert " and until June 30, 2023"

- 1 On page 2, line 14, of the Introduced bill, after "users." insert ", the tax rate imposed by this  
2 section is four and one"
- 3 On page 2, line 14, of the Introduced bill, after "users." insert the hyphen-minus
- 4 On page 2, line 14, of the Introduced bill, after "users." insert " quarter percent.
- 5 On July 1, 2023, the rate of the tax imposed by this"
- 6 On page 2, line 14, of the Introduced bill, after "users." insert " section is"
- 7 On page 2, line 14, of the Introduced bill, after "users." insert " four percent."
- 8 On page 2, line 16, of the Introduced bill, after "§ 10-45-6.2," insert " until June 30, 2022,"
- 9 On page 2, line 17, of the Introduced bill, remove the overstrikes from " and one-half"
- 10 On page 3, line 3, of the Introduced bill, after "interest." insert "
- 11 On July 1, 2022"
- 12 On page 3, line 3, of the Introduced bill, after "interest." insert " and until June 30, 2023"
- 13 On page 3, line 3, of the Introduced bill, after "interest." insert ", the tax rate imposed by this  
14 section is four and one "
- 15 On page 3, line 3, of the Introduced bill, after "interest." insert the hyphen-minus
- 16 On page 3, line 3, of the Introduced bill, after "interest." insert "quarter percent.
- 17 On July 1, 2023, the rate of the tax imposed by this "
- 18 On page 3, line 3, of the Introduced bill, after "interest." insert "section is "
- 19 On page 3, line 3, of the Introduced bill, after "interest." insert "four percent."
- 20 On page 3, line 5, of the Introduced bill, after "10-45-6.2. " insert "Until June 30, 2022,"
- 21 On page 3, line 5, of the Introduced bill, delete "There" and insert " there"
- 22 On page 3, line 5, of the Introduced bill, remove the overstrikes from " and"
- 23 On page 3, line 5, of the Introduced bill, remove the overstrikes from "one-half"
- 24 On page 3, line 14, of the Introduced bill, after "2000." insert "
- 25 On July 1, 2022"
- 26 On page 3, line 14, of the Introduced bill, after "2000." insert " and until June 30, 2023"
- 27 On page 3, line 14, of the Introduced bill, after "2000." insert ", the tax rate imposed by this  
28 section is four and one "
- 29 On page 3, line 14, of the Introduced bill, after "2000." insert the hyphen-minus
- 30 On page 3, line 14, of the Introduced bill, after "2000." insert "quarter percent.
- 31 On July 1, 2023, the rate of the tax imposed by this"

- 
- 1 On page 3, line 14, of the Introduced bill, after "2000." insert " section is"
- 2 On page 3, line 14, of the Introduced bill, after "2000." insert " four percent."
- 3 On page 3, line 16, of the Introduced bill, after "10-45-8. " insert "Until June 30, 2022,"
- 4 On page 3, line 16, of the Introduced bill, delete "There" and insert " there"
- 5 On page 3, line 16, of the Introduced bill, remove the overstrikes from " and one-half"
- 6 On page 3, line 18, of the Introduced bill, after "chapter." insert "
- 7 On July 1, 2022"
- 8 On page 3, line 18, of the Introduced bill, after "chapter." insert " and until June 30, 2023"
- 9 On page 3, line 18, of the Introduced bill, after "chapter." insert ", the tax rate imposed by this  
10 section is four and one"
- 11 On page 3, line 18, of the Introduced bill, after "chapter." insert the hyphen-minus
- 12 On page 3, line 18, of the Introduced bill, after "chapter." insert " quarter percent.
- 13 On July 1, 2023, the rate of the tax imposed by this"
- 14 On page 3, line 18, of the Introduced bill, after "chapter." insert " section is"
- 15 On page 3, line 18, of the Introduced bill, after "chapter." insert " four percent."
- 16 On page 3, line 20, of the Introduced bill, after "10-45-71. " insert "Until June 30, 2022, "
- 17 On page 3, line 20, of the Introduced bill, delete "There" and insert " there"
- 18 On page 3, line 20, of the Introduced bill, remove the overstrikes from " and one-half"
- 19 On page 3, line 23, of the Introduced bill, after "state." insert "
- 20 On July 1, 2022"
- 21 On page 3, line 23, of the Introduced bill, after "state." insert " and until June 30, 2023"
- 22 On page 3, line 23, of the Introduced bill, after "state." insert ", the tax rate imposed by this  
23 section is four and one"
- 24 On page 3, line 23, of the Introduced bill, after "state." insert the hyphen-minus
- 25 On page 3, line 23, of the Introduced bill, after "state." insert " quarter percent.
- 26 On July 1, 2023, the rate of the tax imposed by this"
- 27 On page 3, line 23, of the Introduced bill, after "state." insert " section is"
- 28 On page 3, line 23, of the Introduced bill, after "state." insert " four percent."
- 29 Which motion prevailed.

1 The question being "Shall **HB 1327** pass as amended?"

2 And the roll being called:

3 Yeas 39, Nays 31, Excused 0, Absent 0

4 Yeas: Aylward, Beal, Blare, Dennert, Deutsch, Finck, Fitzgerald, Goodwin, Lana Greenfield,  
5 Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, 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, St. John, Vasgaard, Weis, Wiese, Wink, and Speaker Gosch

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

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 **HB 1240:** FOR AN ACT ENTITLED, An Act to make an appropriation to enhance the economic  
15 health of South Dakota and to declare an emergency.

16 Was read the second time.

17 Rep. Karr moved that **HB 1240** be laid on the table.

18 And the roll being called:

19 Yeas 67, Nays 1, Excused 2, Absent 0

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

27 Nays: Speaker Gosch

28 Excused: Blare and Sue Peterson

29 So the motion having received an affirmative vote of a majority of the members-elect, the  
30 Speaker declared the motion carried and **HB 1240** was tabled.

31 **HB 1228:** FOR AN ACT ENTITLED, An Act to expand the ability for patients to seek  
32 investigational drugs, biological products, or devices.

33 Was read the second time.

34 The question being "Shall **HB 1228** pass?"

35 And the roll being called:

36 Yeas 57, Nays 13, Excused 0, Absent 0

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

7 Nays: Blare, Bordeaux, Chase, Cwach, Duba, Healy, Keintz, Lesmeister, Pourier, Jamie Smith,  
8 Stevens, Tidemann, and Willadsen

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

11 **HB 1215:** FOR AN ACT ENTITLED, An Act to revise the deadlines for state agencies to submit  
12 annual budget requests to the Legislative Research Council.

13 Was read the second time.

14 The question being "Shall **HB 1215** pass?"

15 And the roll being called:

16 Yeas 34, Nays 36, Excused 0, Absent 0

17 Yeas: Aylward, Beal, Chaffee, Dennert, Deutsch, Finck, Gross, Hansen, Haugaard, Hoffman,  
18 Howard, Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Miskimins, Mulally, Odenbach, Olson,  
19 Ernie Otten, Perry, Sue Peterson, Pischke, Randolph, Soye, St. John, Vasgaard, Weis, Wiese, Wink,  
20 and Speaker Gosch

21 Nays: Anderson, Bartels, Barthel, Blare, Bordeaux, Chase, Cwach, Davis, Derby, Drury, Duba,  
22 Fitzgerald, Goodwin, Lana Greenfield, Healy, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth,  
23 Lesmeister, Mortenson, Overweg, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie  
24 Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and York

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

27 Rep. Haugaard announced his intention to reconsider the vote by which **HB 1215** lost.

28 **HB 1235:** FOR AN ACT ENTITLED, An Act to require legislative approval for the acquisition,  
29 sale, or exchange of real property by the Department of Game, Fish and Parks.

30 Was read the second time.

31 The question being "Shall **HB 1235** pass as amended?"

32 And the roll being called:

33 Yeas 20, Nays 50, Excused 0, Absent 0

34 Yeas: Aylward, Dennert, Lana Greenfield, Hansen, Haugaard, Howard, Phil Jensen, Karr, Marty,  
35 May, Milstead, Mulally, Overweg, Perry, Sue Peterson, Pischke, Randolph, Soye, Wiese, and  
36 Speaker Gosch

37 Nays: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
38 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Gross, Healy, Hoffman, Jamison, Kevin Jensen,



1 Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Mills, Miskimins, Mortenson, Odenbach, Olson,  
2 Ernie Otten, Kent Peterson, Poirier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John,  
3 Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Willadsen, Wink, and York

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

6 There being no objection, the House reverted to Order of Business No. 4 - Communications  
7 and Petitions.

8 **COMMUNICATIONS AND PETITIONS**

9 February 10, 2022

10 Mr. Speaker and Members of the House:

11 I have the honor to inform you that on February 10, 2022, I approved House Bills 1010, 1011,  
12 1025, 1035, 1043, 1065, 1104, and 1105, and the same have been deposited in the office of the  
13 Secretary of State.

14 Respectfully submitted,  
15 Kristi Noem  
16 Governor

17 **REPORTS OF STANDING COMMITTEES**

18 MR. SPEAKER:

19 The Committee on House State Affairs respectfully reports that it has had under consideration  
20 **SB 14 and 68** and returns the same with the recommendation that said bills do pass.

21 Also MR. SPEAKER:

22 The Committee on House State Affairs respectfully reports that it has had under consideration  
23 **SB 6 and 7** and returns the same with the recommendation that said bills do pass, and having been  
24 certified as uncontested, be placed on the consent calendar.

25 Respectfully submitted,  
26 Kent Peterson, Chair

27 MR. SPEAKER:

28 The Committee on House Commerce and Energy respectfully reports that it has had under  
29 consideration **SB 17 and 148** and returns the same with the recommendation that said bills do  
30 pass, and having been certified as uncontested, be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under  
3 consideration **SB 101** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,  
5 Rhonda Milstead, Chair

6 MR. SPEAKER:

7 The Committee on House Judiciary respectfully reports that it has had under consideration  
8 **SB 1, 2, and 15** and returns the same with the recommendation that said bills do pass, and having  
9 been certified as uncontested, be placed on the consent calendar.

10 Also MR. SPEAKER:

11 The Committee on House Judiciary respectfully reports that it has had under consideration  
12 **SB 16 and 20** which were deferred to the 41st Legislative Day.

13 Respectfully submitted,  
14 Jon Hansen, Chair

15 MR. SPEAKER:

16 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
17 **HB 1071** and returns the same with the recommendation that said bill be amended as follows:

18 1071C

19 On page 1, line 4, of the House Transportation Engrossed bill, delete " \$1" and insert "  
20 \$1,000,000"

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

22 Also MR. SPEAKER:

23 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
24 **HB 1047** and returns the same with the recommendation that said bills do pass.

25 Also MR. SPEAKER:

26 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
27 **HB 1194 and 1264** which were tabled.

28 Respectfully submitted, Respectfully submitted,  
29 Chris Karr, Co-Chair Jean Hunhoff, Co-Chair

30 MR. SPEAKER:

31 The House Committee on Appropriations respectfully reports that it has had under  
32 consideration **HB 1244** and returns the same with the recommendation that said bill be amended  
33 as follows:

1 \_\_\_\_\_ 1244B

2 On page 1, line 4, of the House Health and Human Services Engrossed bill, delete "\$275,000"  
3 and insert "\$175,000"

4 And that as so amended, returns said bill without recommendation.

5 Respectfully submitted,  
6 Chris Karr, Chair

7 Rep. Kent Peterson moved that the House do now recess for 10 minutes.

8 Which motion prevailed and at 4:02 p.m., the House recessed.

9 **RECESS**

10 The House reconvened at 4:20 p.m., the Speaker presiding.

11 **MOTIONS AND RESOLUTIONS**

12 Rep. Tidemann moved that **HB 1244** be placed on today's calendar with a do pass  
13 recommendation, pursuant to JR 6F-6.

14 The question being on Rep. Tidemann's motion that **HB 1244** be placed on today's calendar  
15 with a do pass recommendation, pursuant to JR 6F-6.

16 And the roll being called:

17 Yeas 44, Nays 24, Excused 2, Absent 0

18 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
19 Deutsch, Drury, Duba, Fitzgerald, Goodwin, Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson,  
20 Keintz, Koth, Ladner, Lesmeister, Mills, Miskimins, Mortenson, Olson, Perry, Kent Peterson, Pourier,  
21 Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Weis,  
22 Weisgram, Willadsen, and York

23 Nays: Aylward, Beal, Dennert, Finck, Lana Greenfield, Gross, Hansen, Haugaard, Howard, Phil  
24 Jensen, Karr, Marty, May, Milstead, Mulally, Odenbach, Overweg, Pischke, Randolph, Soye,  
25 Vasgaard, Wiese, Wink, and Speaker Gosch

26 Excused: Ernie Otten and Sue Peterson

27 So the motion having received an affirmative vote of a majority of the members-elect, the  
28 Speaker declared the motion prevailed and **HB 1244** was so placed.

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

30 **HB 1273:** FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to  
31 purchase certain real property in Chamberlain and to declare an emergency.

32 Was read the second time.

1 The question being "Shall **HB 1273** pass as amended?"

2 And the roll being called:

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

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

11 Excused: Ernie Otten

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

14 **HB 1248:** FOR AN ACT ENTITLED, An Act to make an appropriation for the erection of the  
15 South Dakota Sioux Code Talker Memorial and to declare an emergency.

16 Was read the second time.

17 The question being "Shall **HB 1248** pass?"

18 And the roll being called:

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

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

27 Nays: Beal, Dennert, and Howard

28 Excused: Ernie Otten

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

31 **HB 1038:** FOR AN ACT ENTITLED, An Act to establish an opioid trust fund and to declare an  
32 emergency.

33 Was read the second time.

34 The question being "Shall **HB 1038** pass as amended?"

35 And the roll being called:

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

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

8 Nays: Aylward, Hoffman, and Marty

9 Excused: Ernie Otten

10 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
11 the Speaker declared the bill passed.

12 The question being on the title.

13 Rep. Mulally moved that the title to **HB 1038** be amended as follows:

14 1038E

15 On page 1, line 1, of the House Appropriations Engrossed bill, delete "trust " and insert  
16 "abatement and remediation "

17 Which motion prevailed and the title was so amended.

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

20 Was read the second time.

21 The question being "Shall **HB 1137** pass as amended?"

22 And the roll being called:

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

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

30 Nays: Aylward, Hansen, Haugaard, Howard, Phil Jensen, Karr, Marty, May, Milstead, Overweg,  
31 Pischke, Soye, Weis, and Speaker Gosch

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

34 **HB 1306**: FOR AN ACT ENTITLED, An Act to make an appropriation to rural access  
35 infrastructure funds and to declare an emergency.

36 Was read the second time.

1 The question being "Shall **HB 1306** pass as amended?"

2 And the roll being called:

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

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

11 Nays: Beal, Hansen, and Phil Jensen

12 Excused: Ernie Otten

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 1227**: FOR AN ACT ENTITLED, An Act to make an appropriation for stormwater  
16 infrastructure improvements in South Dakota and to declare an emergency.

17 Was read the second time.

18 The question being "Shall **HB 1227** pass as amended?"

19 And the roll being called:

20 Yeas 53, Nays 16, Excused 1, Absent 0

21 Yeas: Aylward, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Deutsch, Duba,  
22 Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Haugaard, Healy, Hoffman, Howard, Kevin  
23 Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Ladner, Lesmeister, Marty, May, Mills, Milstead,  
24 Miskimins, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Pourier, Randolph, Reed,  
25 Jamie Smith, Soye, St. John, Stevens, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Wink, York,  
26 and Speaker Gosch

27 Nays: Anderson, Bartels, Barthel, Derby, Drury, Hansen, Jamison, Koth, Mortenson, Olson,  
28 Kent Peterson, Rehfeldt, Reimer, Schneider, Thomason, and Willadsen

29 Excused: Ernie Otten

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

32 **HB 1257**: FOR AN ACT ENTITLED, An Act to establish a fund to assist counties with paying  
33 infrastructure expenditures and to declare an emergency.

34 Was read the second time.

35 The question being "Shall **HB 1257** pass as amended?"

36 And the roll being called:

37 Yeas 55, Nays 14, Excused 1, Absent 0

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

7 Nays: Anderson, Bartels, Beal, Derby, Drury, Duba, Hansen, Healy, Koth, Mortenson, Rehfeldt,  
 8 Stevens, Thomason, and Willadsen

9 Excused: Ernie Otten

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

12 **HB 1339:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide contingency  
 13 funds for unanticipated costs and to declare an emergency.

14 Was read the second time.

15 Rep. Karr moved that **HB 1339** be amended as follows:

16 1339C

17 On page 1, line 4, of the House Appropriations Engrossed bill, delete "\$2,100,000,000" and  
 18 insert "\$2,850,063,196"

19 Which motion prevailed.

20 The question being "Shall **HB 1339** pass as amended?"

21 And the roll being called:

22 Yeas 32, Nays 37, Excused 1, Absent 0

23 Yeas: Beal, Chaffee, Dennert, Deutsch, Finck, Fitzgerald, Lana Greenfield, Gross, Hansen,  
 24 Haugaard, Howard, Kevin Jensen, Phil Jensen, Karr, Marty, May, Mills, Milstead, Mulally, Odenbach,  
 25 Overweg, Perry, Sue Peterson, Pischke, Randolph, Soye, St. John, Vasgaard, Weis, Wiese, Wink,  
 26 and York

27 Nays: Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chase, Cwach, Davis, Derby,  
 28 Drury, Duba, Goodwin, Healy, Hoffman, Jamison, Chris Johnson, Keintz, Koth, Ladner, Lesmeister,  
 29 Miskimins, Mortenson, Olson, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie  
 30 Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and Speaker Gosch

31 Excused: Ernie Otten

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

34 **HB 1178:** FOR AN ACT ENTITLED, An Act to establish provisions concerning the sale of adult-  
 35 use retail marijuana.

36 Was read the second time.

1 Rep. Derby moved that **HB 1178** be amended as follows:

2 1178C

3 On page 7, line 12, of the House Taxation Engrossed bill, after "thereafter." delete "Section  
4 28. That chapter 10-45 be amended with a NEW SECTION:

5 "

6 On page 7, line 13, of the House Taxation Engrossed bill, after "SECTION:" delete "Each county  
7 shall use the revenue distributed under section 31 of this Act for necessary expenses incurred by  
8 the county under the provisions of chapters 7-12, 7-16, 7-16A, and 23A-40."

9 On page 7, line 16, of the House Taxation Engrossed bill, after "23A-40." delete "Section 29.  
10 That a NEW SECTION be added to title 10:

11 "

12 On page 7, line 17, of the House Taxation Engrossed bill, after "10:" delete "Terms used in this  
13 chapter mean:

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

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

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

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

22 On page 7, line 27, of the House Taxation Engrossed bill, after "humans." delete "Section 30.  
23 That a NEW SECTION be added to title 10:

24 "

25 On page 7, line 28, of the House Taxation Engrossed bill, after "10:" delete "There is imposed  
26 an excise tax at the rate of eight and one-half percent on the gross receipts from the sale of  
27 marijuana, marijuana concentrate, and marijuana products by a dispensary. The excise tax imposed  
28 under this chapter does not apply to gross receipts from the sale of marijuana, marijuana  
29 concentrate, and marijuana products to a cardholder as defined in § 34-20G-1."

30 On page 8, line 3, of the House Taxation Engrossed bill, after "34-20G-1." delete "Section 31.  
31 That a NEW SECTION be added to title 10:

32 "

33 On page 8, line 4, of the House Taxation Engrossed bill, after "10:" delete "The excise tax  
34 revenue collected pursuant to section 30 of this Act must be divided proportionally amongst the  
35 counties based on where the revenue was generated. The revenue must be distributed to the county  
36 by September first of each year to be used for the purposes set forth in section 28 of this Act."

37 On page 8, line 8, of the House Taxation Engrossed bill, after "Act." delete "Section 32. That a  
38 NEW SECTION be added to title 10:

39 "



1 On page 8, line 9, of the House Taxation Engrossed bill, after "10:" delete "The excise tax  
2 imposed under section 30 of this Act shall be collected and remitted pursuant to chapter 10-45 and  
3 administered pursuant to chapter 10-59."

4 On page 8, line 11, of the House Taxation Engrossed bill, after "10-59." delete "Section 33.  
5 That a NEW SECTION be added to title 10:

6 "

7 On page 8, line 12, of the House Taxation Engrossed bill, after "10:" delete "There is hereby  
8 created within the state treasury the marijuana fund into which all funds collected under this chapter  
9 shall be deposited."

10 On page 8, line 14, of the House Taxation Engrossed bill, after "deposited." delete "Section 34.  
11 That chapter 10-52 be amended with a NEW SECTION:

12 "

13 On page 8, line 15, of the House Taxation Engrossed bill, after "SECTION:" delete "In lieu of  
14 any tax imposed under chapter 10-52A, there is imposed an excise tax at the rate of five percent  
15 on the gross receipts from the sale of marijuana, marijuana concentrate, and marijuana products  
16 by a dispensary."

17 On page 8, line 18, of the House Taxation Engrossed bill, after "dispensary." delete "Section  
18 35. That chapter 10-52 be amended with a NEW SECTION:

19 "

20 On page 8, line 19, of the House Taxation Engrossed bill, after "SECTION:" delete "The excise  
21 tax revenue collected pursuant to section 34 of this Act must be divided proportionally amongst the  
22 municipalities based on where the revenue was generated. All moneys received and collected on  
23 behalf of a municipality by the department, pursuant to section 34 of this Act, shall be credited to a  
24 special municipal tax fund and after deducting the amount of refunds made, the amounts necessary  
25 to defray the cost of collecting the tax, and the administrative expenses incident thereto, shall be  
26 paid within thirty days after collection to the municipality entitled thereto."

27 On page 8, line 26, of the House Taxation Engrossed bill, after "thereto." delete "Section 36.  
28 That chapter 10-45 be amended with a NEW SECTION:

29 "

30 On page 9, line 1, of the House Taxation Engrossed bill, after "SECTION:" delete "In lieu of  
31 any other tax imposed under this chapter, there is imposed an excise tax at the rate of one and  
32 one-half percent on the gross receipts from the sale of marijuana, marijuana concentrate, and  
33 marijuana products by a dispensary."

34 On page 9, line 4, of the House Taxation Engrossed bill, after "dispensary." delete "Section 37.  
35 That chapter 10-45 be amended with a NEW SECTION:

36 "

37 On page 9, line 5, of the House Taxation Engrossed bill, after "SECTION:" delete "The excise  
38 tax revenue collected pursuant to section 36 of this Act must be distributed to the marijuana fund."

39 On page 9, line 7, of the House Taxation Engrossed bill, after "fund." delete "Section 38. That  
40 chapter 10-45 be amended with a NEW SECTION:

41 "

1 On page 9, line 8, of the House Taxation Engrossed bill, after "SECTION:" delete "The excise  
2 taxes imposed under sections 30, 34, and 36 of this Act shall be collected and remitted pursuant to  
3 chapter 10-45 and administered pursuant to chapter 10-59."

4 Which motion prevailed.

5 Rep. Derby rose to a point of order that he defers part of his closing comments to Rep. Bartels,  
6 the chair of the marijuana summer study committee.

7 The question being "Shall **HB 1178** pass as amended?"

8 And the roll being called:

9 Yeas 17, Nays 52, Excused 1, Absent 0

10 Yeas: Aylward, Beal, Bordeaux, Dennert, Derby, Drury, Duba, Lana Greenfield, Healy, Jamison,  
11 Keintz, Olson, Pischke, Pourier, Rehfeldt, Thomason, and Willadsen

12 Nays: Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Cwach, Davis, Deutsch, Finck,  
13 Fitzgerald, Goodwin, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris  
14 Johnson, Karr, Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally,  
15 Odenbach, Overweg, Perry, Kent Peterson, Sue Peterson, Randolph, Reed, Reimer, Schneider, Jamie  
16 Smith, Soye, St. John, Stevens, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Wink, York, and  
17 Speaker Gosch

18 Excused: Ernie Otten

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

21 Rep. Kent Peterson moved that **HB 1238** be moved to the bottom of the calendar.

22 Which motion prevailed.

23 **HB 1031**: FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical  
24 Education to construct an advanced manufacturing laboratory space and classrooms on the campus  
25 of Lake Area Technical College and to declare an emergency.

26 Was read the second time.

27 The question being "Shall **HB 1031** pass?"

28 And the roll being called:

29 Yeas 64, Nays 4, Excused 2, Absent 0

30 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,  
31 Dennert, Derby, Deutsch, Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Healy,  
32 Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner,  
33 Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Perry,  
34 Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie

1 Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen,  
2 Wink, York, and Speaker Gosch

3 Nays: Aylward, Haugaard, Overweg, and Soye

4 Excused: Fitzgerald and Ernie Otten

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

7 **HB 1032:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical  
8 Education to construct an agriculture and diesel power laboratory and multi-purpose space on the  
9 campus of Mitchell Technical College and to declare an emergency.

10 Was read the second time.

11 The question being "Shall **HB 1032** pass?"

12 And the roll being called:

13 Yeas 62, Nays 5, Excused 3, Absent 0

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

20 Nays: Aylward, Haugaard, Phil Jensen, Overweg, and Soye

21 Excused: Fitzgerald, Gross, and Ernie Otten

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

24 **1092:** FOR AN ACT ENTITLED, An Act to make an appropriation for the precision agriculture  
25 cybersecurity CyberAg partnership initiative and to declare an emergency.

26 Was read the second time.

27 The question being "Shall **HB 1092** pass?"

28 And the roll being called:

29 Yeas 53, Nays 15, Excused 2, Absent 0

30 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
31 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison, Kevin  
32 Jensen, Keintz, Koth, Ladner, Lesmeister, Mills, Miskimins, Mortenson, Mulally, Odenbach, Olson,  
33 Overweg, Perry, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie

1 Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York,  
2 and Speaker Gosch

3 Nays: Aylward, Dennert, Hansen, Haugaard, Howard, Phil Jensen, Chris Johnson, Karr, Marty,  
4 May, Milstead, Pischke, Randolph, Soye, and Weis

5 Excused: Gross and Ernie Otten

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

8 **HB 1166:** FOR AN ACT ENTITLED, An Act to make an appropriation for road improvements  
9 leading to the former entrance into the Palisades State Park and to declare an emergency.

10 Was read the second time.

11 The question being "Shall **HB 1166** pass as amended?"

12 And the roll being called:

13 Yeas 52, Nays 15, Excused 3, Absent 0

14 Yeas: Aylward, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Cwach, Dennert, Derby, Deutsch,  
15 Finck, Fitzgerald, Lana Greenfield, Hansen, Haugaard, Hoffman, Jamison, Kevin Jensen, Chris  
16 Johnson, Karr, Koth, Ladner, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson,  
17 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer,  
18 Soye, St. John, Stevens, Thomason, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, and York

19 Nays: Anderson, Bordeaux, Davis, Drury, Duba, Goodwin, Healy, Phil Jensen, Keintz,  
20 Lesmeister, Marty, Schneider, Jamie Smith, Tidemann, and Speaker Gosch

21 Excused: Gross, Howard, and Ernie Otten

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

24 **HB 1277:** FOR AN ACT ENTITLED, An Act to make an appropriation to the State Conservation  
25 Commission, transfer moneys thereto, and to declare an emergency.

26 Was read the second time.

27 The question being "Shall **HB 1277** pass?"

28 And the roll being called:

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

30 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,  
31 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Hansen,  
32 Haugaard, Healy, Hoffman, Jamison, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister, Marty,  
33 May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Overweg, Perry, Kent  
34 Peterson, Sue Peterson, Pischke, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye,

1 St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and  
2 Speaker Gosch

3 Nays: Kevin Jensen, Phil Jensen, Randolph, and Weis

4 Excused: Gross, Howard, and Ernie Otten

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

7 **HB 1234:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide contingency  
8 funds for unanticipated costs related to the coronavirus pandemic and to declare an emergency.

9 Was read the second time.

10 The question being "Shall **HB 1234** pass as amended?"

11 And the roll being called:

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

13 Yeas: Aylward, Chaffee, Dennert, Deutsch, Finck, Fitzgerald, Lana Greenfield, Hansen,  
14 Haugaard, Hoffman, Kevin Jensen, Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mulally,  
15 Odenbach, Overweg, Perry, Sue Peterson, Pischke, Randolph, Soye, St. John, Weis, Wiese, Wink,  
16 and Speaker Gosch

17 Nays: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chase, Cwach, Davis, Derby, Drury,  
18 Duba, Goodwin, Healy, Jamison, Chris Johnson, Keintz, Koth, Lesmeister, Miskimins, Mortenson,  
19 Olson, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Stevens, Thomason,  
20 Tidemann, Vasgaard, Weisgram, Willadsen, and York

21 Excused: Gross, Howard, and Ernie Otten

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

24 **HB 1237:** FOR AN ACT ENTITLED, An Act to make an appropriation of moneys received from  
25 the Coronavirus State Fiscal Recovery Fund to provide cash assistance to South Dakota citizens.

26 Was read the second time.

27 The question being "Shall **HB 1237** pass as amended?"

28 And the roll being called:

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

30 Yeas: Aylward, Bordeaux, Dennert, Deutsch, Finck, Fitzgerald, Goodwin, Lana Greenfield,  
31 Hansen, Haugaard, Hoffman, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Ladner, Lesmeister,  
32 Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Pourier,  
33 Randolph, Jamie Smith, Soye, St. John, Vasgaard, Weis, Wiese, York, and Speaker Gosch

1 Nays: Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Cwach, Davis, Derby, Drury,  
2 Duba, Healy, Jamison, Keintz, Koth, Miskimins, Mortenson, Olson, Kent Peterson, Reed, Rehfeldt,  
3 Reimer, Schneider, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and Wink

4 Excused: Gross, Howard, and Ernie Otten

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

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

10 Was read the second time.

11 The question being "Shall **HB 1281** pass?"

12 And the roll being called:

13 Yeas 52, Nays 15, Excused 3, Absent 0

14 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,  
15 Dennert, Derby, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Haugaard, Healy,  
16 Hoffman, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, May, Miskimins,  
17 Mortenson, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer,  
18 Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese,  
19 Willadsen, Wink, and York

20 Nays: Aylward, Deutsch, Hansen, Phil Jensen, Karr, Marty, Mills, Milstead, Mulally, Odenbach,  
21 Pischke, Randolph, Soye, Weis, and Speaker Gosch

22 Excused: Gross, Howard, and Ernie Otten

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

25 **HB 1244:** FOR AN ACT ENTITLED, An Act to make an appropriation to develop and create a  
26 residency program for psychologists and to declare an emergency.

27 Was read the second time.

28 The question being "Shall **HB 1244** pass as amended?"

29 And the roll being called:

30 Yeas 46, Nays 21, Excused 3, Absent 0

31 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
32 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Healy, Hoffman, Jamison, Kevin Jensen, Chris  
33 Johnson, Keintz, Koth, Ladner, Lesmeister, Mills, Miskimins, Mortenson, Olson, Kent Peterson, Sue  
34 Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason,  
35 Tidemann, Weisgram, Willadsen, Wink, and York

1 Nays: Aylward, Dennert, Lana Greenfield, Hansen, Haugaard, Phil Jensen, Karr, Marty, May,  
2 Milstead, Mulally, Odenbach, Overweg, Perry, Pischke, Randolph, Soye, Vasgaard, Weis, Wiese, and  
3 Speaker Gosch

4 Excused: Gross, Howard, and Ernie Otten

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

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

9 **MOTIONS AND RESOLUTIONS**

10 Rep. Haugaard moved that the House do now reconsider the vote by which **HB 1215** lost.

11 The question being on Rep. Haugaard's motion to reconsider the vote by which **HB 1215** lost.

12 And the roll being called:

13 Yeas 37, Nays 29, Excused 4, Absent 0

14 Yeas: Aylward, Bordeaux, Cwach, Dennert, Deutsch, Fitzgerald, Goodwin, Hansen, Haugaard,  
15 Healy, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Ladner, Lesmeister, Marty, May,  
16 Mills, Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Pourier, Randolph, Jamie  
17 Smith, Soye, Vasgaard, Weis, Wiese, Wink, York, and Speaker Gosch

18 Nays: Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Davis, Derby, Drury, Duba,  
19 Finck, Lana Greenfield, Hoffman, Keintz, Koth, Miskimins, Olson, Kent Peterson, Reed, Rehfeldt,  
20 Reimer, Schneider, St. John, Stevens, Thomason, Tidemann, Weisgram, and Willadsen

21 Excused: Gross, Howard, Mortenson, and Ernie Otten

22 So the motion having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the motion carried and **HB 1215** was up for reconsideration and final passage.

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

25 **HB 1215:** FOR AN ACT ENTITLED, An Act to revise the deadlines for state agencies to submit  
26 annual budget requests to the Legislative Research Council.

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

28 The question being "Shall **HB 1215** pass?"

29 And the roll being called:

30 Yeas 37, Nays 29, Excused 4, Absent 0

31 Yeas: Aylward, Bordeaux, Cwach, Dennert, Deutsch, Finck, Fitzgerald, Goodwin, Hansen,  
32 Haugaard, Healy, Jamison, Kevin Jensen, Phil Jensen, Karr, Ladner, Lesmeister, Marty, May, Mills,

1 Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Pourier, Randolph, Jamie  
2 Smith, Soye, Vasgaard, Weis, Wiese, Wink, York, and Speaker Gosch

3 Nays: Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Davis, Derby, Drury, Duba, Lana  
4 Greenfield, Hoffman, Chris Johnson, Keintz, Koth, Miskimins, Olson, Kent Peterson, Reed, Rehfeldt,  
5 Reimer, Schneider, St. John, Stevens, Thomason, Tidemann, Weisgram, and Willadsen

6 Excused: Gross, Howard, Mortenson, and Ernie Otten

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

9 **HB 1238:** FOR AN ACT ENTITLED, An Act to create a task force on jail planning, to make an  
10 appropriation of general contingency funds therefor, and to declare an emergency.

11 Was read the second time.

12 Rep. Fitzgerald moved that **HB 1238** be amended as follows:

13 1238D

14 On page 1, line 1, of the House Appropriations Engrossed bill, after "planning" delete ", to  
15 make an appropriation of general contingency funds therefor, and to declare an emergency"

16 On page 1, line 7, of the House Appropriations Engrossed bill, delete the comma and insert a  
17 semicolon

18 On page 1, line 8, of the House Appropriations Engrossed bill, delete the comma and insert ";  
19 and"

20 On page 1, line 8, of the House Appropriations Engrossed bill, after "sheriffs," insert " two  
21 county commissioners, one employee of the Unified Judicial System,"

22 On page 1, line 15, of the House Appropriations Engrossed bill, after "2023." delete "Section  
23 3. There is hereby appropriated the sum of \$50,000,000 in general funds to the Bureau of Finance  
24 and Management for purposes of providing contingency funds to be made available in accordance  
25 with the provisions in §§ 4-8A-9, 4-8A-10, and 4-8A-11. The contingency funds must be used to  
26 implement the recommendations of the jail planning task force created in section 1 of this Act. "

27 On page 1, line 20, of the House Appropriations Engrossed bill, after "Act." delete "Section 4.  
28 The commissioner of the Bureau of Finance and Management shall approve vouchers and the state  
29 auditor shall draw warrants to pay expenditures authorized by this Act."

30 On page 1, line 23, of the House Appropriations Engrossed bill, after "Act." delete "Section 5.  
31 Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2027, shall  
32 revert in accordance with the procedures prescribed in chapter 4-8."

33 On page 2, line 1, of the House Appropriations Engrossed bill, after "4-8." delete "Section 6.  
34 Whereas, this Act is necessary for the support of the state government and its existing public  
35 institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect  
36 from and after its passage and approval."

37 Which motion prevailed.

38 Rep. Milstead moved that **HB 1238** be amended as follows:

39 1238E

40 On amendment (1238D),



1 On page 1, after line 3, insert: "

2 **Section 1.** The Legislature shall assemble a jail planning task force consisting of ~~eleven~~  
 3 fourteen members to examine administrative efficiencies, cost effectiveness, utilization, and need  
 4 for jails across the State. The membership of the task force shall include three members of the  
 5 House of Representatives appointed by the speaker; three members of the Senate appointed by  
 6 the president pro tempore; and three sheriffs, two county commissioners, one employee of the  
 7 Unified Judicial System, and two state's attorneys appointed by the Executive Board of the  
 8 Legislative Research Council. The sheriff and state's attorney task force members must be from  
 9 different counties and have small and large county representation. All expenses incurred in carrying  
 10 out the work of the task force shall be paid out of funds appropriated to the Legislature."

11 Which motion prevailed.

12 The question being "Shall **HB 1238** pass as amended?"

13 And the roll being called:

14 Yeas 35, Nays 30, Excused 5, Absent 0

15 Yeas: Aylward, Bartels, Barthel, Chaffee, Davis, Dennert, Deutsch, Drury, Finck, Fitzgerald,  
 16 Hansen, Haugaard, Hoffman, Jamison, Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mulally,  
 17 Odenbach, Perry, Sue Peterson, Pourier, Randolph, Soye, St. John, Stevens, Weis, Wiese, Wink,  
 18 York, and Speaker Gosch

19 Nays: Anderson, Beal, Blare, Bordeaux, Chase, Cwach, Derby, Duba, Goodwin, Lana  
 20 Greenfield, Healy, Kevin Jensen, Chris Johnson, Keintz, Koth, Lesmeister, Miskimins, Olson,  
 21 Overweg, Kent Peterson, Pischke, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Thomason,  
 22 Tidemann, Vasgaard, and Willadsen

23 Excused: Gross, Howard, Mortenson, Ernie Otten, and Weisgram

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

26 **COMMEMORATIONS**

27 **HC 8006:** A LEGISLATIVE COMMEMORATION, honoring Auburn Brenner of Sioux Falls, South  
 28 Dakota Girls State Governor, and Joseph Gebel of Mitchell, South Dakota Boys State Governor, and  
 29 commending the South Dakota American Legion and Auxiliary for their sponsorship and coordination  
 30 of the Girls State and Boys State programs.

31 Introduced by: **Representative** Duba

32 **HC 8007:** A LEGISLATIVE COMMEMORATION, honoring and remembering the life of Betty Lou  
 33 Kost.

34 Introduced by: **Representative** Lesmeister.

35 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 7:33 p.m.  
 36 the House adjourned.

37 Patricia Miller, Chief Clerk

