

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, March 02, 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 Britta Pietila and Rylee Rinehart.

Roll Call: All members present except Rep. Mulally who was excused.

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 31st day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Spencer R. Gosch, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1130, 1153, 1169, and 1195** were delivered to her Excellency, the Governor, for her approval at 9:15 a.m., March 2, 2022.

Respectfully submitted,
Spencer R. Gosch, Chair

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1030, 1034, 1047, 1086, 1092, 1110, 1115, 1120, 1121, 1137, 1155, 1177, 1196, 1197, 1282, 1283, 1285, 1292, and 1308** and finds the same correctly enrolled.

Respectfully submitted,
Spencer R. Gosch, Chair

MR. SPEAKER:

The Committee on House Retirement Laws respectfully reports that it has had under consideration **SB 56 and 141** and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on House Retirement Laws respectfully reports that it has had under consideration **SB 57** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Hugh M. Bartels, Chair

MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **SB 42, 43, 44, 55, 130, and 133** and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **SB 96** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **SB 54** and returns the same with the recommendation that said bill be amended as follows:

54B

On page 1, line 4, of the Senate Engrossed bill, delete "\$30,000,000" and insert "\$1"

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

2 Also MR. SPEAKER:

3 The House Committee on Appropriations respectfully reports that it has had under
4 consideration **SB 174** and returns the same with the recommendation that said bill be amended as
5 follows:

6 174B

7 On page 1, line 4, of the Senate Appropriations Engrossed bill, delete "\$1" and insert
8 "\$16,000,000"

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

10 Respectfully submitted,
11 Chris Karr, Chair

12 MR. SPEAKER:

13 The House Committee on Appropriations respectfully reports that it has had under
14 consideration **SB 32** which was deferred to the 41st Legislative Day.

15 Also MR. SPEAKER:

16 The House Committee on Appropriations respectfully reports that it has had under
17 consideration **SB 33, 58, 61, and 132** and returns the same with the recommendation that said
18 bills do pass.

19 Respectfully submitted,
20 Chris Karr, Chair

21 MR. SPEAKER:

22 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
23 consideration **SB 197** and returns the same with the recommendation that said bill do pass.

24 Respectfully submitted,
25 Tony Randolph, Chair

26 MR. SPEAKER:

27 The Committee on House State Affairs respectfully reports that it has had under consideration
28 **SB 3** and returns the same with the recommendation that it be sent to the House floor with a Do
29 Not Pass recommendation.

30 Respectfully submitted,
31 Kent Peterson, Chair

32 MR. SPEAKER:

33 The Committee on House State Affairs respectfully reports that it has had under consideration
34 **SB 69 and 172** which were deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration
 3 **SB 122** and returns the same with the recommendation that said bill do pass, and having been
 4 certified as uncontested, be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on House State Affairs respectfully reports that it has had under consideration
 7 **SB 142 and 143** and returns the same with the recommendation that said bills do pass.

8 Also MR. SPEAKER:

9 The Committee on House State Affairs respectfully reports that it has had under consideration
 10 **SB 212** and returns the same with the recommendation that said bill be amended as follows:

11 212E

12 On the Senate Engrossed bill, delete the previously adopted amendment(s), thus restoring the
 13 bill to the Introduced version.

14 On page 10, after line 7, insert: "

15 **Section 16. That chapter 23-7 be amended with a NEW SECTION:**

16 The Office of the Secretary of State shall reimburse counties based on the number of concealed
 17 carry permits issued each year. The reimbursement amount is:

18 (1) Three dollars for an initial permit to carry a concealed pistol issued under § 23-7-8.2;

19 (2) Three dollars for renewal of a permit to carry a concealed pistol issued under § 23-7-8.11;

20 (3) Fifty dollars for an initial enhanced permit to carry a concealed pistol issued under § 23-7-
 21 53;

22 (4) Twenty-five dollars for renewal of an enhanced permit to carry a concealed pistol issued
 23 under § 23-7-56;

24 (5) Thirty dollars for an initial gold card permit to carry a concealed pistol issued under § 23-
 25 7-60; and

26 (6) Thirty dollars for renewal of a gold card permit to carry a concealed pistol issued under §
 27 23-7-62.

28 The Office of the Secretary of State shall develop and provide to counties a form on which the
 29 counties may submit the number of permits issued each calendar year. The form must be submitted
 30 to the Office of the Secretary of State on or before January thirty- first. The Office of the Secretary
 31 of State shall reimburse the counties on or before March thirty-first. The reimbursements must be
 32 paid on vouchers approved by the secretary of state and paid on warrants drawn by the state
 33 auditor.

34 Only those permits issued on or after July 1, 2022, are eligible for reimbursement in accordance
 35 with this section."

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

37
 38

Respectfully submitted,
 Kent Peterson, Chair

1 MR. SPEAKER:

2 The Committee on House Education respectfully reports that it has had under consideration
3 **SB 139** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Lana Greenfield, Chair

6 MR. SPEAKER:

7 The Committee on House Commerce and Energy respectfully reports that it has had under
8 consideration **SB 152 and 203** and returns the same with the recommendation that said bills do
9 pass.

10 Respectfully submitted,
11 Arch Beal, Vice-Chair

12 **REPORTS OF CONFERENCE COMMITTEES**

13 MR. SPEAKER:

14 The HB1044 A Conference Committee on **HB1044** respectfully reports that it has considered
15 the disagreement of the two houses, and returns the same with the recommendation that the Senate
16 and House do NOT concur with the Senate amendments to **HB 1044** and do NOT appoint a new
17 committee.

18 Respectfully submitted, Will Mortenson, Chair
19 Respectfully submitted, Wayne H. Steinhauer, Chair

20 **MESSAGES FROM THE SENATE**

21 Mr. SPEAKER:

22 I have the honor to return herewith **HB 1092 and 1137** which have passed the Senate without
23 change.

24 Also Mr. SPEAKER:

25 I have the honor to return herewith **HCR 6009** in which the Senate has concurred.

26 Also Mr. SPEAKER:

27 I have the honor to return herewith **HB 1014, 1099, 1100, 1176, and 1284** which have
28 been amended by the Senate and your concurrence in the amendments is respectfully requested.

29 Respectfully,
30 Kay Johnson, Secretary

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MOTIONS AND RESOLUTIONS

2

Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 12:00 p.m. on Thursday, March 3, 2022, the 33rd legislative day.

3

4

Which motion prevailed.

5

Rep. Ernie Otten moved that the House do concur in Senate amendments to **HB 1041**.

6

The question being on Rep. Ernie Otten's motion that the House do concur in Senate amendments to **HB 1041**.

7

8

And the roll being called:

9

Yeas 66, Nays 3, Excused 1, Absent 0

10

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

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Nays: Milstead, Kent Peterson, and Randolph

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Excused: Mulally

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So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

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21

Rep. Blare moved that the House do concur in Senate amendments to **HB 1119**.

22

The question being on Rep. Blare's motion that the House do concur in Senate amendments to **HB 1119**.

23

24

And the roll being called:

25

Yeas 56, Nays 13, Excused 1, Absent 0

26

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

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Nays: Aylward, Beal, Dennert, Hansen, Howard, Phil Jensen, Karr, Marty, Milstead, Odenbach, Pischke, Soye, and Weis

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Excused: Mulally

35

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

36

1 Rep. Hoffman moved that the House do concur in Senate amendments to **HB 1152**.

2 The question being on Rep. Hoffman's motion that the House do concur in Senate amendments
3 to **HB 1152**.

4 And the roll being called:

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

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

13 Nays: Pischke, Randolph, and Speaker Gosch

14 Excused: Mulally

15 So the motion having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the motion carried and the amendments were concurred in.

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

19 Was read the second time.

20 Rep. Reimer moved that **SCR 602** as found on page 428 of the House Journal be concurred
21 in.

22 The question being on Rep. Reimer's motion that **SCR 602** be concurred in.

23 And the roll being called:

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

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

32 Excused: Mulally

33 So the motion having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the motion carried and **SCR 602** was concurred in.

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CONSIDERATION OF REPORTS OF COMMITTEES

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

3

Health and Human Services on **SB 19 and 26** as found on page 502 of the House Journal;

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also

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Local Government on **SB 90** as found on page 503 of the House Journal; also

6

Taxation on **SB 162** as found on page 501 of the House Journal; and

7

State Affairs on **SB 150** as found on page 498 of the House Journal be adopted.

8

Which motion prevailed and the reports were adopted.

9

Rep. Chase moved that **SB 53** be placed on today's calendar with a do pass recommendation, pursuant to JR 6F-6.

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The question being on Rep. Chase's motion that **SB 53** be placed on today's calendar with a do pass recommendation, pursuant to JR 6F-6.

12

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And the roll being called:

14

Yeas 48, Nays 21, Excused 1, Absent 0

15

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

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Nays: Aylward, Beal, Dennert, Gross, Hansen, Haugaard, Howard, Phil Jensen, Karr, Marty, May, Mills, Milstead, Odenbach, Overweg, Pischke, Randolph, Soye, Weis, Wiese, and Speaker Gosch

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Excused: Mulally

23

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed and **SB 53** was so placed.

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25

Rep. Chase moved that **SB 65** be placed on today's calendar with a do pass recommendation, pursuant to JR 6F-6.

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27

The question being on Rep. Chase's motion that **SB 65** be placed on today's calendar with a do pass recommendation, pursuant to JR 6F-6.

28

29

And the roll being called:

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Yeas 48, Nays 21, Excused 1, Absent 0

31

Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Miskimins, Mortenson, Ernie Otten, Perry,

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1 Kent Peterson, Sue Peterson, Pischke, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St.
2 John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York

3 Nays: Aylward, Beal, Dennert, Gross, Hansen, Haugaard, Howard, Phil Jensen, Karr, Marty,
4 May, Mills, Milstead, Odenbach, Olson, Overweg, Randolph, Soye, Weis, Wiese, and Speaker Gosch

5 Excused: Mulally

6 So the motion having received an affirmative vote of a majority of the members-elect, the
7 Speaker declared the motion prevailed and **SB 65** was so placed.

8 Rep. Chase moved that **SB 84** be placed on today's calendar with a do pass recommendation,
9 pursuant to JR 6F-6.

10 The question being on Rep. Chase's motion that **SB 84** be placed on today's calendar with a
11 do pass recommendation, pursuant to JR 6F-6.

12 And the roll being called:

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

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

20 Nays: Aylward, Gross, Hansen, Haugaard, Howard, Phil Jensen, Chris Johnson, Karr, Marty,
21 May, Mills, Milstead, Sue Peterson, Pischke, Randolph, Soye, and Speaker Gosch

22 Excused: Mulally

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the motion prevailed and **SB 84** was so placed.

25 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

26 Rep. Reed moved that the report of the Conference Committee on **HB 1068** as found on page
27 504 of the House Journal be adopted.

28 The question being on Rep. Reed's motion that the report of the Conference Committee on
29 **HB 1068** be adopted.

30 And the roll being called:

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

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

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

3 Excused: Mulally

4 So the motion having received an affirmative vote of a majority of the members-elect, the
5 Speaker declared the motion carried and the report was adopted.

6 **SECOND READING OF CONSENT CALENDAR ITEMS**

7 **SB 108:** FOR AN ACT ENTITLED, An Act to repeal certain reporting requirements to the
8 Executive Board of the Legislative Research Council.

9 **SB 118:** FOR AN ACT ENTITLED, An Act to establish provisions related to the testing of medical
10 cannabis.

11 **SB 131:** FOR AN ACT ENTITLED, An Act to require the Board of Regents to provide an annual
12 presentation to the special committee.

13 **SB 136:** FOR AN ACT ENTITLED, An Act to revise and clarify certain processes for emergency
14 detainment related to drug and alcohol abuse.

15 **SB 156:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding census estimates
16 for the purposes of off-sale and on-sale liquor licenses.

17 **SB 165:** FOR AN ACT ENTITLED, An Act to exempt gross receipts of certain coaches from
18 certain gross receipts taxes.

19 Were read the second time.

20 The question being "Shall **SB 108, 118, 131, and 165** pass as amended, and **SB 136 and**
21 **156** pass?"

22 And the roll being called:

23 Yeas 68, Nays 1, Excused 1, 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, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,
27 Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Olson, Ernie
28 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt,
29 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,
30 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

31 Nays: Haugaard

32 Excused: Mulally

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

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

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

4 Was read the second time.

5 The question being "Shall **SB 167** pass as amended?"

6 And the roll being called:

7 Yeas 54, Nays 15, Excused 1, Absent 0

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

14 Nays: Aylward, Davis, Fitzgerald, Hansen, Haugaard, Phil Jensen, Karr, May, Olson, Ernie
15 Otten, Sue Peterson, Pourier, Rehfeldt, Willadsen, and Speaker Gosch

16 Excused: Mulally

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

19 **SB 41:** FOR AN ACT ENTITLED, An Act to revise the appropriation for the construction of a
20 National Guard Readiness Center in Sioux Falls, for the purchase and exchange of property between
21 the state and the Sioux Falls Development Foundation, and to declare an emergency.

22 Was read the second time.

23 The question being "Shall **SB 41** pass as amended?"

24 And the roll being called:

25 Yeas 69, Nays 0, Excused 1, 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, Phil Jensen, Chris Johnson,
29 Karr, Keintz, Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson,
30 Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier,
31 Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason,
32 Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

33 Excused: Mulally

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 **SB 201:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp and to
2 declare an emergency.

3 Was read the second time.

4 Rep. Finck moved that **SB 201** be amended as follows:

5 201D

6 On page 2, line 19, of the Senate Engrossed bill, delete "five " and insert "one "

7 On page 10, after line 18, of the Senate Engrossed bill, insert: "

8 **Section 18. That chapter 38-35 be amended with a NEW SECTION:**

9 No industrial hemp may be grown, stored, or transported concurrently with marijuana. A
10 violation of this section is a Class 2 misdemeanor."

11 Which motion prevailed.

12 The question being "Shall **SB 201** pass as amended?"

13 And the roll being called:

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

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

22 Nays: Aylward, Haugaard, and Randolph

23 Excused: Mulally

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

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

28 Was read the second time.

29 The question being "Shall **SB 195** pass as amended?"

30 And the roll being called:

31 Yeas 51, Nays 18, Excused 1, Absent 0

32 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Davis, Dennert, Derby,
33 Deutsch, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison,
34 Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Miskimins,
35 Mortenson, Odenbach, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,

1 Randolph, Rehfeldt, Reimer, Schneider, Soye, St. John, Thomason, Vasgaard, Weis, Wiese,
2 Willadsen, and Speaker Gosch

3 Nays: Bordeaux, Cwach, Drury, Duba, Fitzgerald, Healy, Keintz, Lesmeister, Milstead, Olson,
4 Pourier, Reed, Jamie Smith, Stevens, Tidemann, Weisgram, Wink, and York

5 Excused: Mulally

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

8 **SB 24:** FOR AN ACT ENTITLED, An Act to establish a maximum number of cannabis plants that
9 may be cultivated by a medical cannabis cardholder.

10 Was read the second time.

11 Rep. Deutsch moved that **SB 24** be amended as follows:

12 24E

13 On page 1, line 1, of the Senate Engrossed bill, delete "establish a maximum number of
14 cannabis plants that may be cultivated " and insert "prohibit cultivation of medical cannabis "

15 On page 1, line 7, of the Senate Engrossed bill, after "less;" insert " and"

16 On page 1, line 10, of the Senate Engrossed bill, after "§ 34-20G-72;" delete "(c) If the
17 cardholder has a registry identification card allowing cultivation, three flowering cannabis plants
18 minimum or as prescribed by physician and three cannabis plants that are not flowering; and

19 (d) If the cardholder has a registry identification card allowing cultivation, the amount of
20 cannabis and cannabis products that were produced from the cardholder's allowable plants, if the
21 cannabis and cannabis products are possessed at the same property where the plants were
22 cultivated;

23 "

24 On page 3, line 6, of the Senate Engrossed bill, after "products;

25 (13)" delete ""Enclosed, locked facility," any closet, room, greenhouse, building, or other
26 enclosed area that is equipped with locks or other security devices that permit access only by a
27 cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the
28 same dwelling may share one enclosed, locked facility for cultivation;

29 (14) "Flowering cannabis plant," the reproductive state of the cannabis plant in which the plant
30 shows physical signs of flower budding out of the nodes of the stem;

31 (15) "

32 On page 3, line 14, of the Senate Engrossed bill, delete "(16)" and insert "(14)"

33 On page 3, line 18, of the Senate Engrossed bill, delete "(17)" and insert "(15)"

34 On page 3, line 20, of the Senate Engrossed bill, delete "(18)" and insert "(16)"

35 On page 3, line 22, of the Senate Engrossed bill, delete "(19)" and insert "(17)"

36 On page 3, line 22, of the Senate Engrossed bill, after "use," delete " includes"

1 On page 3, line 22, of the Senate Engrossed bill, after "administration, " delete "cultivation,
2 manufacture, "

3 On page 3, line 23, of the Senate Engrossed bill, after "delivery," delete " harvest,"

4 On page 3, line 28, of the Senate Engrossed bill, after "by" delete " a nonresident"

5 On page 3, line 28, of the Senate Engrossed bill, after "nonresident " insert "any "

6 On page 3, line 28, of the Senate Engrossed bill, after "cardholder;" insert " or"

7 On page 3, line 29, of the Senate Engrossed bill, after "cardholder;

8 (b)" delete "The cultivation of cannabis by a cardholder who is not designated as being allowed
9 to cultivate on the cardholder's registry identification card; or

10 (c)"

11 On page 3, line 33, of the Senate Engrossed bill, delete "(20)" and insert "(18)"

12 On page 4, line 12, of the Senate Engrossed bill, delete "(21)" and insert "(19)"

13 On page 4, line 16, of the Senate Engrossed bill, delete "(22)" and insert "(20)"

14 On page 4, line 18, of the Senate Engrossed bill, delete "(23)" and insert "(21)"

15 On page 4, line 22, of the Senate Engrossed bill, delete "(24)" and insert "(22)"

16 On page 4, after line 28, of the Senate Engrossed bill, insert: "

17 **Section 2. That § 34-20G-2 be AMENDED:**

18 **34-20G-2.** A cardholder is not subject to arrest, prosecution, or penalty of any kind, or denial
19 of any right or privilege, including any civil penalty or disciplinary action by a court or occupational
20 or professional licensing board or bureau, for:

21 (1)The medical use of cannabis in accordance with this chapter, if the cardholder does not
22 possess more than the allowable amount of cannabis,~~and if any cannabis plant is either cultivated~~
23 ~~in an enclosed, locked facility or is being transported;~~

24 (2) Reimbursement by a registered qualifying patient to the patient's registered
25 designated caregiver for direct costs incurred by the registered designated caregiver for assisting
26 with the registered qualifying patient's medical use of cannabis;

27 (3) Transferring the cannabis to a testing facility;

28 (4) Compensating a dispensary or a testing facility for goods or services provided; or

29 (5) ~~Selling, transferring, or delivering cannabis seeds produced by the cardholder to a~~
30 ~~cultivation facility or dispensary; or~~

31 ~~(6)~~ Offering or providing cannabis to a cardholder for a registered qualifying patient's
32 medical use, to a nonresident cardholder, or to a dispensary if nothing of value is transferred in
33 return and the person giving the cannabis does not knowingly cause the recipient to possess more
34 than the allowable amount of cannabis."

35 On page 4, after line 28, of the Senate Engrossed bill, insert: "

36 **Section 3. That § 34-20G-9 be AMENDED:**

1 **34-20G-9.** No cultivation facility or a cultivation facility agent is subject to prosecution, search,
2 or inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty of any kind,
3 or may be denied any right or privilege, including civil penalty or disciplinary action by a court or
4 business licensing board or entity, for acting in accordance with this chapter to:

5 (1) Possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture,
6 compound, convert, prepare, pack, repack, or store cannabis;

7 (2) Deliver, transfer, or transport cannabis to a testing facility and compensate a testing
8 facility for services provided;

9 (3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of value
10 is exchanged in return;

11 (4) Purchase or otherwise acquire cannabis from a cultivation facility;

12 (5) Purchase cannabis seeds from ~~a cardholder, nonresident cardholder, or~~ the
13 equivalent of a medical cannabis establishment that is registered in another jurisdiction; or

14 (6) Deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, or
15 related supplies or educational materials to a cultivation facility and dispensary."

16 On page 4, after line 28, of the Senate Engrossed bill, insert: "

17 **Section 4. That § 34-20G-12 be AMENDED:**

18 **34-20G-12.** ~~A cardholder, nonresident cardholder, or the~~ The equivalent of a medical cannabis
19 establishment that is registered in another jurisdiction may sell or donate cannabis seeds to a
20 cultivation facility in this state."

21 On page 4, after line 28, of the Senate Engrossed bill, insert: "

22 **Section 5. That § 34-20G-18 be AMENDED:**

23 **34-20G-18.** This chapter does not authorize any person to engage in, and does not prevent
24 the imposition of any civil, criminal, or other penalty for engaging in, the following conduct:

25 (1) Undertaking any task under the influence of cannabis, when doing so would
26 constitute negligence or professional malpractice;

27 (2) Possessing cannabis or otherwise engaging in the medical use of cannabis in any
28 correctional facility;

29 (3) Smoking cannabis:

30 (a) On any form of public transportation; or

31 (b) In any public place or any place that is open to the public;

32 (4) Operating, navigating, or being in actual physical control of any motor vehicle,
33 aircraft, train, or motorboat while under the influence of cannabis, except that a registered qualifying
34 patient or nonresident cardholder is not considered to be under the influence of cannabis solely
35 because of the presence of metabolites or components of cannabis that appear in insufficient
36 concentration to cause impairment-;

37 (5) Cultivating cannabis by any person not licensed or registered with the state to cultivate
38 cannabis; or

1 (6) Cultivating cannabis in a manner not authorized by this chapter or by administrative rules
2 promulgated under this chapter."

3 On page 4, after line 28, of the Senate Engrossed bill, insert: "

4 **Section 6. That § 34-20G-27 be AMENDED:**

5 **34-20G-27.** Nothing in this chapter requires:

6 (1) A government medical assistance program or private insurer to reimburse a person
7 for costs associated with the medical use of cannabis; or

8 (2) Any person or establishment in lawful possession of property to allow a guest, client,
9 customer, or other visitor to smoke cannabis on or in that property; ~~or~~

10 ~~(3) A landlord to allow the cultivation of cannabis on the rental property."~~

11 On page 4, after line 28, of the Senate Engrossed bill, insert: "

12 **Section 7. That § 34-20G-29 be AMENDED:**

13 **34-20G-29.** ~~No later than November 18, 2021, the~~ The department shall issue registry
14 identification cards to qualifying patients who submit the following, in accordance with rules
15 promulgated by the department:

16 (1) A written certification issued by a practitioner within ninety days immediately
17 preceding the date of an application;

18 (2) The application or renewal fee;

19 (3) The name, address, and date of birth of the qualifying patient, except that if the
20 applicant is homeless, no address is required;

21 (4) The name, address, and telephone number of the qualifying patient's practitioner;

22 (5) The name, address, and date of birth of the designated caregiver, or designated
23 caregivers, chosen by the qualifying patient;

24 (6) If more than one designated caregiver is designated at any given time,
25 documentation demonstrating that a greater number of designated caregivers are needed due to
26 the patient's age or medical condition; and

27 (7) The name of no more than two dispensaries that the qualifying patient designates,
28 if any; ~~and~~

29 ~~(8) If the qualifying patient designates a designated caregiver, a designation as to~~
30 ~~whether the qualifying patient or designated caregiver will be allowed under state law to possess~~
31 ~~and cultivate cannabis plants for the qualifying patient's medical use."~~

32 On page 4, after line 28, of the Senate Engrossed bill, insert: "

33 **Section 8. That § 34-20G-42 be AMENDED:**

34 **34-20G-42.** A registry identification card shall contain all of the following:

35 (1) The name of the cardholder;

36 (2) A designation of whether the cardholder is a qualifying patient or a designated
37 caregiver;

- 1 (3) The date of issuance and expiration date of the registry identification card;
- 2 (4) A random ten-digit alphanumeric identification number, containing at least four
- 3 numbers and at least four letters, that is unique to the cardholder;
- 4 (5) If the cardholder is a designated caregiver, the random identification number of the
- 5 qualifying patient the designated caregiver will assist;
- 6 (6) ~~A clear indication of whether the cardholder has been designated to cultivate~~
- 7 ~~cannabis plants for the qualifying patient's medical use;~~
- 8 ~~(7)~~ A photograph of the cardholder; and
- 9 ~~(8)~~(7) The phone number or website address where the card can be verified."

10 On page 4, after line 28, of the Senate Engrossed bill, insert: "

11 **Section 9. That § 34-20G-45 be AMENDED:**

12 **34-20G-45.** ~~Within one hundred twenty days of July 1, 2021, the~~ The department shall
 13 establish a secure phone or web-based verification system. The verification system shall allow law
 14 enforcement personnel and medical cannabis establishments to enter a registry identification
 15 number and determine whether the number corresponds with a current, valid registry identification
 16 card. The system may disclose only:

- 17 (1) Whether the identification card is valid;
- 18 (2) The name of the cardholder;
- 19 (3) Whether the cardholder is a qualifying patient or a designated caregiver;
- 20 (4) ~~Whether the cardholder is permitted to cultivate cannabis plants;~~
- 21 ~~(5)~~ The registry identification number of any affiliated registered qualifying patient; and
- 22 ~~(6)~~(5) The registry identification of the qualifying patient's dispensary or dispensaries, if
- 23 any."

24 On page 4, after line 28, of the Senate Engrossed bill, insert: "

25 **Section 10. That § 34-20G-46 be AMENDED:**

26 **34-20G-46.** The following notifications are required:

- 27 (1) A registered qualifying patient shall notify the department of any change in the
- 28 applicant's name or address, or if the patient ceases to have a debilitating medical condition, within
- 29 ten days of the change;
- 30 (2) A registered designated caregiver shall notify the department of any change in the
- 31 caregiver's name or address, or if the caregiver becomes aware the qualifying patient passed away,
- 32 within ten days of the change;
- 33 (3) Before a registered qualifying patient changes a designated caregiver, the patient
- 34 shall notify the department;
- 35 (4) ~~If a registered qualifying patient changes a preference as to who may cultivate~~
- 36 ~~cannabis for the patient, the patient shall notify the department;~~

1 ~~(5)~~ If a cardholder loses a registry identification card, the cardholder shall notify the
 2 department within ten days of becoming aware the card has been lost; and

3 ~~(6)(5)~~ Before a registered qualifying patient changes a designated dispensary, the patient
 4 shall notify the department."

5 On page 5, line 5, of the Senate Engrossed bill, after "cannabis" delete the comma

6 On page 5, line 5, of the Senate Engrossed bill, after "cannabis, " insert "and "

7 On page 5, line 6, of the Senate Engrossed bill, after "rules" delete ", six three flowering
 8 cannabis plants minimum or as prescribed by a physician, three cannabis plants that are not
 9 flowering, and the cannabis produced by those plants"

10 On page 5, line 8, of the Senate Engrossed bill, after "plants;" insert " and"

11 On page 5, line 9, of the Senate Engrossed bill, after "use," delete " manufacture,"

12 On page 5, line 10, of the Senate Engrossed bill, after "manufacture, " delete "cultivation,"

13 On page 5, line 12, of the Senate Engrossed bill, after "condition" delete "; and"

14 On page 5, line 14, of the Senate Engrossed bill, after "and" delete "(4) Any cultivation of
 15 cannabis and storage of more than three ounces of cannabis occurred in a secure location that only
 16 the person asserting the defense could access"

17 On page 5, after line 16, of the Senate Engrossed bill, insert: "

18 **Section 12. That § 34-20G-52 be AMENDED:**

19 **34-20G-52.** An affirmative defense and motion to dismiss shall fail if the prosecution proves
 20 that:

21 (1) The person had a registry identification card revoked for misconduct; or

22 (2) The purpose for the possession ~~or cultivation~~ of cannabis was not solely for palliative
 23 or therapeutic use by the person with a debilitating medical condition who raised the defense."

24 Rep. Deutsch requested a roll call vote.

25 And the roll being called:

26 Yeas 40, Nays 29, Excused 1, Absent 0

27 Yeas: Anderson, Barthel, Blare, Chaffee, Derby, Deutsch, Finck, Fitzgerald, Goodwin, Lana
 28 Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson,
 29 Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Odenbach, Overweg, Kent Peterson, Sue
 30 Peterson, Randolph, Reimer, Soye, Stevens, Vasgaard, Wiese, Willadsen, Wink, York, and
 31 Speaker Gosch

32 Nays: Aylward, Bartels, Beal, Bordeaux, Chase, Cwach, Davis, Dennert, Drury, Duba, Healy,
 33 Jamison, Keintz, Lesmeister, Mortenson, Olson, Ernie Otten, Perry, Pischke, Pourier, Reed, Rehfeldt,
 34 Schneider, Jamie Smith, St. John, Thomason, Tidemann, Weis, and Weisgram

35 Excused: Mulally

36 So the motion having received an affirmative vote of a majority of the members-elect, the
 37 Speaker declared the motion prevailed and **SB 24** was so amended.

1 The question being "Shall **SB 24** pass as amended?"

2 And the roll being called:

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

4 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Cwach, Davis, Derby, Deutsch,
5 Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Hoffman, Howard, Jamison,
6 Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins,
7 Odenbach, Overweg, Perry, Kent Peterson, Sue Peterson, Reed, Reimer, Schneider, Soye, Stevens,
8 Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

9 Nays: Aylward, Bordeaux, Dennert, Duba, Haugaard, Healy, Keintz, Lesmeister, Mortenson,
10 Olson, Ernie Otten, Pischke, Pourier, Randolph, Rehfeldt, Jamie Smith, and St. John

11 Excused: Mulally

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 **SB 53**: FOR AN ACT ENTITLED, An Act to make an appropriation to increase workforce housing
15 and to declare an emergency.

16 Was read the second time.

17 Rep. Derby rose to a point of order that Rep. Odenbach speak only to SB 53.

18 The question being "Shall **SB 53** pass as amended?"

19 And the roll being called:

20 Yeas 45, Nays 23, Excused 2, Absent 0

21 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
22 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Healy, Hoffman, Jamison, Chris Johnson, Keintz,
23 Koth, Ladner, Lesmeister, Miskimins, Mortenson, Ernie Otten, Perry, Kent Peterson, Sue Peterson,
24 Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann,
25 Vasgaard, Weisgram, Willadsen, Wink, and York

26 Nays: Aylward, Beal, Dennert, Lana Greenfield, Gross, Hansen, Haugaard, Howard, Kevin
27 Jensen, Phil Jensen, Karr, Marty, May, Mills, Odenbach, Olson, Overweg, Pischke, Randolph, Soye,
28 Weis, Wiese, and Speaker Gosch

29 Excused: Milstead and Mulally

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

32 Rep. Chase announced his intention to reconsider the vote by which **SB 53** lost.

33 **SB 65**: FOR AN ACT ENTITLED, An Act to delineate uses for the South Dakota housing
34 opportunity fund.

35 Was read the second time.

1 Rep. Mortenson appealed the ruling of the Speaker that the bill required a two-thirds of a
2 majority of the members-elect vote and requested a roll call vote on the appealing.

3 And the roll being called:

4 Yeas 29, Nays 39, Excused 2, Absent 0

5 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chase, Cwach, Davis, Derby, Duba,
6 Goodwin, Healy, Keintz, Koth, Lesmeister, Miskimins, Mortenson, Pourier, Reed, Rehfeldt,
7 Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and York

8 Nays: Aylward, Beal, Chaffee, Dennert, Deutsch, Drury, Finck, Fitzgerald, Lana Greenfield,
9 Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson,
10 Karr, Ladner, Marty, May, Mills, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue
11 Peterson, Pischke, Randolph, Reimer, Soye, Vasgaard, Weis, Wiese, Wink, and Speaker Gosch

12 Excused: Milstead and Mulally

13 So the question not having received an affirmative vote of a majority of the members present,
14 the ruling of the Speaker was upheld and the vote on SB 65 remained a two-thirds of a majority of
15 the members-elect vote.

16 The question being "Shall **SB 65** pass as amended?"

17 And the roll being called:

18 Yeas 45, Nays 23, Excused 2, Absent 0

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

24 Nays: Aylward, Beal, Dennert, Lana Greenfield, Gross, Hansen, Haugaard, Howard, Kevin
25 Jensen, Phil Jensen, Karr, Marty, May, Mills, Odenbach, Olson, Overweg, Pischke, Randolph, Soye,
26 Weis, Wiese, and Speaker Gosch

27 Excused: Milstead and Mulally

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

30 Rep. Chase announced his intention to reconsider the vote by which **SB 65** lost.

31 **SB 84**: FOR AN ACT ENTITLED, An Act to make an appropriation for the design, renovation,
32 and construction of a multi-purpose facility at the Cottonwood Field Station and to declare an
33 emergency.

34 Was read the second time.

35 The question being "Shall **SB 84** pass?"

36 And the roll being called:

37 Yeas 54, Nays 13, Excused 3, 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,
3 Hoffman, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Mills, Miskimins,
4 Mortenson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Pourier, Reed, Rehfeldt,
5 Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,
6 Weisgram, Wiese, Willadsen, Wink, and York

7 Nays: Aylward, Hansen, Howard, Phil Jensen, Karr, Marty, May, Milstead, Sue Peterson,
8 Pischke, Randolph, Soye, and Speaker Gosch

9 Excused: Haugaard, Healy, and Mulally

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

14 **REPORTS OF STANDING COMMITTEES**

15 MR. SPEAKER:

16 The Committee on House Judiciary respectfully reports that it has had under consideration
17 **SB 107, 120, and 151** and returns the same with the recommendation that said bills do pass.

18 Also MR. SPEAKER:

19 The Committee on House Judiciary respectfully reports that it has had under consideration
20 **SB 81** and returns the same with the recommendation that said bill be amended as follows:

21 81A

22 On page 1, line 1, of the Introduced bill, after "contact" insert " for purposes of sexual contact
23 with a child under eighteen by a person in a position of authority"

24 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That § 22-22-7. 1
25 be AMENDED:"

26 On page 1, line 4, of the Introduced bill, after "AMENDED:" delete "22-22-7. 1. As used in this
27 chapter, the term, sexual contact, means any touching with the intent to arouse or gratify the sexual
28 desire of either party, not amounting to rape, whether or not through clothing or other covering, of
29 the breasts of a female or the genitalia or anus of any person with the intent to arouse or gratify
30 the sexual desire of either party. :

31 (1) Breasts of a female; or

32 (2) Genitalia, anus, buttocks, or inner thighs of any person.

33 Practitioners of the healing arts lawfully practicing within the scope of their practice, which
34 determination shall be is conclusive as against the state and shall must be made by the court prior
35 to trial, are not included within the provisions of this section. In any pretrial proceeding under this
36 section, the prosecution has the burden of establishing probable cause."

37 On page 1, after line 15, of the Introduced bill, insert: "

38 **Section 1. That § 22-22-7.8 be AMENDED:**

1 **22-22-7.8.** A person is guilty of a Class 6 felony if the person:

2 (1) (a) Is at least eighteen years of age; and

3 (b) Is at least five years older than the victim;

4 (2) Is in a position of authority, as defined in this section; and

5 (3) Knowingly engages in sexual contact, or touches the buttocks or inner thighs with
6 the intent to arouse or gratify the sexual desire of either party, with another who is:

7 (a) Less than eighteen years of age; and

8 (b) Not the person's spouse.

9 For purposes of this section, a person is in a position of authority if the person, at the time of
10 the sexual contact, or within the one-hundred-twenty-day period immediately preceding the sexual
11 contact, interacts, no matter how briefly, with the victim as a coach, child care provider, disability
12 services provider, guardian ad litem, health care provider, law enforcement officer, mental health
13 counselor, probation officer, religious leader, school administrator, social worker, teacher, therapist,
14 or youth leader.

15 Notwithstanding § 23A-42-2, a charge pursuant to this section may be brought at any time
16 before the victim reaches the age of twenty-five or within seven years from the commission of the
17 crime, whichever is longer."

18 81C

19 On the previously adopted amendment (81A), On page 1, line 22, after "or" insert " upper"

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

21 Also MR. SPEAKER:

22 The Committee on House Judiciary respectfully reports that it has had under consideration
23 **SB 159** and returns the same with the recommendation that said bill be amended as follows:

24 159C

25 On page 1, line 19, of the Senate Engrossed bill, after "term" delete the comma

26 On page 1, line 19, of the Senate Engrossed bill, delete the comma and insert " only"

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

28 Respectfully submitted,
29 Jon Hansen, Chair

30 **MOTIONS AND RESOLUTIONS**

31 Earlier today, Rep. Chase announced his intention to reconsider the vote by which **SB 53** lost.

32 Rep. Chase moved that the House do now reconsider the vote by which **SB 53** lost.

33 And the roll being called:

34 Yeas 49, Nays 19, Excused 2, Absent 0

1 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,
 2 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison,
 3 Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Miskimins, Mortenson, Olson, Ernie
 4 Otten, Perry, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith,
 5 St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York

6 Nays: Aylward, Beal, Gross, Hansen, Howard, Phil Jensen, Karr, Marty, May, Mills, Milstead,
 7 Odenbach, Overweg, Pischke, Randolph, Soye, Weis, Wiese, and Speaker Gosch

8 Excused: Haugaard and Mulally

9 So the motion having received an affirmative vote of a majority of the members-elect, the
 10 Speaker declared the motion carried and **SB 53** was up for reconsideration and final passage.

11 **SB 53**: FOR AN ACT ENTITLED, An Act to make an appropriation to increase workforce housing
 12 and to declare an emergency.

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

14 Rep. Finck moved that **SB 53** be amended as follows:

15 53G

16 On page 1, line 4, of the Senate Engrossed bill, after "appropriated " delete "from the general
 17 fund the sum of \$50,000,000 and appropriated "

18 On page 1, line 8, of the Senate Engrossed bill, delete "Funds shall" and insert "Moneys
 19 appropriated under section 1 of this Act must"

20 On page 1, line 21, of the Senate Engrossed bill, after "Act." delete "Section 5. There is hereby
 21 transferred from the general fund the sum of \$100,000,000 to the South Dakota housing opportunity
 22 fund created under § 11-13-2. The moneys must be administrated by the South Dakota Housing
 23 Development Authority (SDHDA) for the purpose of providing moneys for revolving loans for costs
 24 relating to housing infrastructure. SDHDA shall use the amount appropriated to provide loans to
 25 entities eligible under § 11-13-4 with flexible payment structures to accommodate project cash
 26 flow."

27 Rep. York requested a roll call vote.

28 And the roll being called:

29 Yeas 50, Nays 18, Excused 2, Absent 0

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

35 Nays: Aylward, Beal, Gross, Hansen, Howard, Phil Jensen, Karr, Marty, May, Mills, Milstead,
 36 Odenbach, Overweg, Pischke, Randolph, Soye, Weis, and Speaker Gosch

37 Excused: Haugaard and Mulally

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

1 Rep. Dennert moved that **SB 53** be amended as follows:

2 53H

3 On the previously adopted amendment (53G), On page 1, line 11, delete "fifty " and insert
4 "seventy "

5 On the previously adopted amendment (53G), On page 1, line 12, delete "fifty " and insert "
6 thirty "

7 Which motion prevailed.

8 The question being "Shall **SB 53** pass as amended?"

9 And the roll being called:

10 Yeas 47, Nays 21, Excused 2, Absent 0

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

16 Nays: Aylward, Beal, Gross, Hansen, Haugaard, Howard, Phil Jensen, Karr, Ladner, Marty, May,
17 Mills, Milstead, Odenbach, Ernie Otten, Overweg, Pischke, Randolph, Weis, Wiese, and
18 Speaker Gosch

19 Excused: Mulally and Soye

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

22 Earlier today, Rep. Chase announced his intention to reconsider the vote by which **SB 65** lost.

23 Rep. Chase moved that the House do now reconsider the vote by which **SB 65** lost.

24 And the roll being called:

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

26 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,
27 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison,
28 Kevin Jensen, Chris Johnson, 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, Willadsen, Wink, and
31 York

32 Nays: Aylward, Beal, Gross, Hansen, Haugaard, Howard, Karr, Marty, May, Mills, Milstead,
33 Odenbach, Overweg, Randolph, Weis, Wiese, and Speaker Gosch

34 Excused: Phil Jensen, Mulally, and Soye

35 So the motion having received an affirmative vote of a majority of the members-elect, the
36 Speaker declared the motion carried and **SB 65** was up for reconsideration and final passage.

1 **SB 65:** FOR AN ACT ENTITLED, An Act to delineate uses for the South Dakota housing
 2 opportunity fund.

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

4 Rep. Finck moved that **SB 65** be amended as follows:

5 65E

6 On page 1, line 1, of the Senate Commerce and Energy Engrossed bill, after "fund" insert "
 7 and to declare an emergency"

8 On page 1, line 14, of the Senate Commerce and Energy Engrossed bill, after "§ 11-13-1"
 9 delete ", except that moneys appropriated for housing infrastructure must be disbursed to the
 10 authority upon passage"

11 On page 2, line 25, of the Senate Commerce and Energy Engrossed bill, after "applications."
 12 delete "The geographic distribution guideline is not applicable to moneys appropriated for housing
 13 infrastructure costs."

14 On page 3, after line 10, of the Senate Commerce and Energy Engrossed bill, insert: "

15 **Section 5.** There is hereby transferred from the general fund the sum of \$150,000,000 to the
 16 South Dakota housing opportunity fund created under § 11-13-2. The moneys must be administered
 17 by the South Dakota Housing Development Authority. Other fund expenditure authority, in the sum
 18 of \$150,000,000, is hereby appropriated for the purpose of providing housing loans to entities
 19 eligible under § 11-13-4. "

20 On page 3, after line 10, of the Senate Commerce and Energy Engrossed bill, insert: "

21 **Section 6.** The executive director of the South Dakota Housing Development Authority shall
 22 approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this
 23 Act. "

24 On page 3, after line 10, of the Senate Commerce and Energy Engrossed bill, insert: "

25 **Section 7.** Any amount appropriated in this Act not lawfully expended or obligated shall
 26 revert in accordance with the procedures prescribed in chapter 4-8. "

27 On page 3, after line 10, of the Senate Commerce and Energy Engrossed bill, insert: "

28 **Section 8.** Whereas, this Act is necessary for the support of the state government and its
 29 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
 30 force and effect from and after its passage and approval."

31 Which motion prevailed.

32 The question being "Shall **SB 65** pass as amended?"

33 And the roll being called:

34 Yeas 46, Nays 22, Excused 2, Absent 0

35 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,
 36 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison,
 37 Chris Johnson, Keintz, Koth, Lesmeister, Miskimins, Mortenson, Olson, Perry, Kent Peterson, Sue

1 Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason,
2 Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York

3 Nays: Aylward, Beal, Gross, Hansen, Haugaard, Howard, Kevin Jensen, Phil Jensen, Karr,
4 Ladner, Marty, May, Mills, Milstead, Odenbach, Ernie Otten, Overweg, Pischke, Randolph, Weis,
5 Wiese, and Speaker Gosch

6 Excused: Mulally and Soye

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

9 Rep. Chase announced his intention to reconsider the vote by which **SB 65** lost.

10 The Speaker announced that according to JR 5-11.1 a second motion to reconsider would
11 require unanimous consent.

12 Rep. Chase withdrew his intent to reconsider motion.

13 **SIGNING OF BILLS**

14 The Speaker publicly read the title to

15 **HB 1016:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
16 disasters in the state and to declare an emergency.

17 **HB 1017:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
18 suppression of wildfires in the state and to declare an emergency.

19 **HB 1020:** FOR AN ACT ENTITLED, An Act to authorize the Bureau of Administration to
20 construct an addition to the Kinsman Building in Pierre, to make an appropriation therefor, and to
21 declare an emergency.

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

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

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

30 **HB 1024:** FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions regarding
31 self-support tuition rates at off-campus locations governed by the Board of Regents.

32 **HB 1030:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain health
33 care professionals who have complied with the requirements for certain health care recruitment
34 assistance programs and to declare an emergency.

35 **HB 1034:** FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
36 natural resources conservation fund to the State Conservation Commission and to declare an
37 emergency.

1 **HB 1047:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
2 Education to improve and renovate the Cultural Heritage Center and to declare an emergency.

3 **HB 1086:** FOR AN ACT ENTITLED, An Act to provide for the redistribution of donated
4 prescription drugs and medical supplies.

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

7 **HB 1110:** FOR AN ACT ENTITLED, An Act to revise a provision related to the appointment of
8 a guardian ad litem or a special advocate to represent an abused or neglected child.

9 **HB 1115:** FOR AN ACT ENTITLED, An Act to allow succession to real property by an affidavit.

10 **HB 1120:** FOR AN ACT ENTITLED, An Act to include carbon dioxide and carbon dioxide capture
11 companies in certain provisions regarding pipeline taxation.

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

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

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

18 **HB 1177:** FOR AN ACT ENTITLED, An Act to establish provisions regarding ejection of persons
19 from certain lodging establishments and recreational vehicle facilities.

20 **HB 1196:** FOR AN ACT ENTITLED, An Act to designate the traditional flute as the official
21 indigenous musical instrument of South Dakota.

22 **HB 1197:** FOR AN ACT ENTITLED, An Act to include certain costs as project costs for tax
23 increment financing districts.

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

26 **HB 1283:** FOR AN ACT ENTITLED, An Act to require the posting of laws regarding hospital,
27 nursing facility, and assisted living center visitation.

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

30 **HB 1292:** FOR AN ACT ENTITLED, An Act to regulate delta-8 tetrahydrocannabinol, THC-O
31 acetate, and hexahydrocannabinol for those under the age of twenty-one.

32 **HB 1308:** FOR AN ACT ENTITLED, An Act to provide for the payment of signing bonuses to
33 school district staff members.

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

35 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 6:28 p.m.
36 the House adjourned.

37

Patricia Miller, Chief Clerk

