

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 17, 2022

The House convened at 1:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House page Jacob Weinheimer.

Roll Call: All members present except Reps. Beal, Ladner, and Ernie Otten who were excused and Rep. Gross who was present remotely.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 24th 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.

HOUSE PAGE RESOLUTION 3 Introduced by: Representatives Anderson; Aylward; Bartels; Barthel; Beal; Blare; Bordeaux; Chaffee; Chase; Cwach; Davis; Dennert; Derby; Deutsch; Drury; Duba; Finck; Fitzgerald; Goodwin; Gosch; Greenfield, Lana; Gross; Hansen; Haugaard; Healy; Hoffman; Howard; Jamison; Jensen, Kevin; Jensen, Phil; Johnson, Chris; Karr; Keintz; Koth; Ladner; Lesmeister; Marty; May; Mills; Milstead; Miskimins; Mortenson; Mulally; Odenbach; Olson; Otten, Ernie; Overweg; Perry; Peterson, Kent; Peterson, Sue; Pischke; Pourier; Randolph; Reed; Rehfeldt; Reimer; Schneider; Smith, Jamie; Soye; St. John; Stevens; Thomason; Tidemann; Vasgaard; Weis; Weisgram; Wiese; Willadsen; Wink; York.

A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of the Ninety-seventh Legislature of the State of South Dakota to Keely Bordeaux, Quinn Bormann, Grace DiGiovanni, Collin Dingsor, Elaina Haugaard, Harlee Heim, Rupert Leaverton, Isabelle Mairose, Julia Platt, Olivia Rink, Kinsey Schuchhardt, Jacob Weinheimer.

WHEREAS, the above named served loyally as pages for the House of Representatives of the Ninety-seventh Legislative Session; and

WHEREAS, the members of the Ninety-seventh House of Representatives express their most sincere appreciation to these young people for their service to the state; and

WHEREAS, the members extend to these young people their wishes for every success in life:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-seventh Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each page on this last day of service.

Rep. Kevin Jensen moved that House Page Resolution 3 be adopted.

Which motion prevailed and the resolution was adopted.

REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1080** was delivered to her Excellency, the Governor, for her approval at 11:20 a.m., February 17, 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 1185** and finds the same correctly enrolled.

Respectfully submitted,
Spencer R. Gosch, Chair

MR. SPEAKER:

The Committee on House Military and Veterans Affairs respectfully reports that it has had under consideration **HB 1254 and 1269** which were tabled.

1 Also MR. SPEAKER:

2 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
3 consideration **HB 1273** and returns the same with the recommendation that said bill be amended
4 as follows:

5 1273A

6 On page 1, line 2, of the Introduced bill, after "Chamberlain" insert " and to declare an
7 emergency"

8 On page 1, after line 10, of the Introduced bill, insert: "

9 **Section 2.** The total purchase price may not exceed \$105,000 with up to \$2,000 in closing
10 costs."

11 On page 1, after line 10, of the Introduced bill, insert: "

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

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

16 Also MR. SPEAKER:

17 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
18 consideration **HCR 6006** and returns the same with the recommendation that said resolution do
19 pass.

20 Respectfully submitted,
21 Tony Randolph, Chair

22 MR. SPEAKER:

23 The House Committee on Appropriations respectfully reports that it has had under
24 consideration **HB 1021, 1022, and 1023** and returns the same with the recommendation that said
25 bills do pass.

26 Also MR. SPEAKER:

27 The House Committee on Appropriations respectfully reports that it has had under
28 consideration **HB 1051** and returns the same with the recommendation that said bill be amended
29 as follows:

30 1051A

31 On page 1, line 10, of the Introduced bill, delete " Governor's Office" and insert " Board"

32 On page 1, line 17, of the Introduced bill, delete " Governor's Office" and insert " Board"

33 On page 2, after line 4, of the Introduced bill, insert: "

34 **Section 4. That § 1-53-18 be AMENDED:**

35 **1-53-18.** ~~The Governor's Office Board~~ of Economic Development may take title by foreclosure
36 or transfer in lieu of foreclosure to any property given as security if the acquisition is necessary to

1 protect or collect any small business credit initiative loan and may sell, transfer, or convey any such
2 property to any responsible buyer."

3 On page 2, after line 4, of the Introduced bill, insert: "

4 **Section 5. That § 1-53-19 be AMENDED:**

5 **1-53-19.** ~~The meetings and deliberations of the Governor's Office Board~~ of Economic
6 Development concerning small business credit initiative loans are confidential and are exempt from
7 public disclosure. Any documentary material or data made or received by the Board of Economic
8 Development or the Governor's Office of Economic Development for the purpose of acting upon an
9 application for a small business credit initiative loan or administering the loan, to the extent that
10 such material or data consists of trade secrets or commercial or financial information regarding the
11 operation of such business, are not considered public records, and are exempt from disclosure.
12 Nothing in this section prohibits the disclosure of confidential information to the extent necessary to
13 collect or recoup the loan or as may be required under applicable federal law."

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

15 Respectfully submitted,
16 Chris Karr, Chair

17 MR. SPEAKER:

18 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
19 under consideration **HB 1096** and returns the same with the recommendation that said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
22 under consideration **HB 1296** which was deferred to the 41st Legislative Day.

23 Also MR. SPEAKER:

24 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
25 under consideration **SB 184** and returns the same with the recommendation that said bill be
26 amended as follows:

27 184C

28 On page 1, line 1, of the Senate Engrossed bill, after "to" delete " resident"

29 On page 1, line 5, of the Senate Engrossed bill, after "of" delete " resident"

30 On page 1, line 8, of the Senate Engrossed bill, after "a" delete " resident"

31 On page 1, line 10, of the Senate Engrossed bill, after "the" delete " resident"

32 On page 1, line 11, of the Senate Engrossed bill, after "season." insert " For the purposes of
33 this section, the term, landowner-on-own-land, means any resident landowner; and any nonresident
34 who owns land prior to July 1, 2022. "

35 On page 1, line 13, of the Senate Engrossed bill, after "section." insert "

1 Any license issued pursuant to this section is not transferable."

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

3 Respectfully submitted,
4 Marty Overweg, Chair

5 MR. SPEAKER:

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

8 1257B

9 On page 3, line 5, of the Introduced bill, after "7-25-3," insert " law enforcement, the operation
10 of jails,"

11 On page 3, after line 8, of the Introduced bill, insert: "

12 **Section 4.** This Act is effective on July 1, 2023."

13 And that as so amended said bill be referred to the House Committee on Appropriations.

14 Respectfully submitted,
15 Drew Dennert, Chair

16 MR. SPEAKER:

17 The Committee on House Local Government respectfully reports that it has had under
18 consideration **SB 179** which was deferred to the 41st Legislative Day.

19 Also MR. SPEAKER:

20 The Committee on House Local Government respectfully reports that it has had under
21 consideration **SB 190** and returns the same with the recommendation that said bill do pass, and
22 having been certified as uncontested, be placed on the consent calendar.

23 Respectfully submitted,
24 Nancy York, Chair

25 MR. SPEAKER:

26 The Committee on House Health and Human Services respectfully reports that it has had under
27 consideration **HB 1133** and returns the same with the recommendation that said bill be amended
28 as follows:

29 1133A

30 On page 1, line 8, of the Introduced bill, remove the overstrikes from "Any person who
31 submitted home studies under this section or under § 26-4-15 prior to July 1, 1990, may continue
32 to submit home study reports without meeting the above requirements."

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

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1134** and returns the same with the recommendation that said bill be amended as follows:

1134A

On page 1, line 1, of the Introduced bill, delete "accommodate legislation related to medical cannabis" and insert " revise provisions related to medical cannabis for the protection of youth"

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

"

Section 1. That § 34-20G-18 be AMENDED:

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

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

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

(a) In or on any preschool property, public or nonpublic school property, or at any public or nonpublic school-sanctioned event or activity located off school grounds, unless authorized pursuant to sections 6 and 7 of this Act;

(b) At any outdoor facility, including any appurtenant parking lot, intended for recreation, open to the public, any portion of which contains apparatus intended for the recreation of children;

(c) At any recreational facility or gymnasium and any appurtenant parking lot, intended primarily for use by persons under eighteen years of age that regularly provides athletic, civic, or cultural activities; or

(d) On the grounds of any correctional facility;

(3) Smoking or vaping cannabis:

(a) On any form of public transportation; or

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

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

Section 2. That § 34-20G-19 be AMENDED:

~~**34-20G-19.** No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person~~ A cardholder may not be refused enrollment by a public school or a lease by a landlord, or otherwise be penalized by a public school or landlord solely for the person's status as a cardholder, unless failing to do so would violate federal law or regulations or cause the public school or landlord to lose a monetary or licensing-related benefit under federal law or regulation.

Section 3. That § 34-20G-55 be AMENDED:

34-20G-55. Not later than ninety days after receiving an application for a medical cannabis establishment, the department shall register the prospective medical cannabis establishment and issue a registration certificate and a random ten-digit alphanumeric identification number if all of the following conditions are satisfied:

(1) The prospective medical cannabis establishment has submitted all of the following:

(a) The application fee;

(b) An application, including:

(i) The legal name of the prospective medical cannabis establishment;

(ii) The physical address of the prospective medical cannabis establishment that is not within one thousand feet of a preschool, public or private nonpublic school, public or private postsecondary institution, or any land owned by a preschool, public or nonpublic school, or public or private postsecondary institution existing before the date of the medical cannabis establishment application;

(iii) The name and date of birth of each principal officer and board member of the proposed medical cannabis establishment; and

(iv) Any additional information requested by the department;

(c) Operating procedures consistent with rules for oversight of the proposed medical cannabis establishment, including procedures to ensure accurate record keeping and adequate security measures;

(d) If the city or county where the proposed medical cannabis establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed medical cannabis establishment does not violate the restrictions;

(e) If the city or county where the proposed medical cannabis establishment requires a local registration, license, or permit, a copy of the registration, license, or permit;

(2) None of the principal officers or board members has served as a principal officer or board member for a medical cannabis establishment that has had its registration certificate revoked;

(3) None of the principal officers or board members is under twenty-one years of age; and

(4) At least one principal officer is a resident of this state.

Section 4. That § 34-20G-72 be AMENDED:

~~**34-20G-72.** Not later than October 29, 2021, the~~ The department shall promulgate rules pursuant to chapter 1-26:

(1) Governing the manner in which the department shall consider petitions from the public to add a debilitating medical condition or treatment to the list of debilitating medical conditions as defined by this chapter, including public notice of and an opportunity to comment in public hearings on the petitions;

(2) Establishing the form and content of registration and renewal applications submitted under this chapter;

(3) Establishing a system to numerically score competing medical cannabis establishment applicants, in cases where more applicants apply than are allowed by the local government, that includes analysis of:

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- 1 (a) The preference of the local government;
- 2 (b) In the case of dispensaries, the suitability of the proposed location and its
3 accessibility for patients;
- 4 (c) The character, veracity, background, qualifications, and relevant experience of
5 principal officers and board members; and
- 6 (d) The business plan proposed by the applicant, that in the case of a cultivation facility
7 or dispensary shall include the ability to maintain an adequate supply of cannabis, plans to ensure
8 safety and security of patrons and the community, procedures to be used to prevent diversion, and
9 any plan for making cannabis available to low-income registered qualifying patients;
- 10 (4) Governing the manner in which the department shall consider applications for and
11 renewals of registry identification cards, that may include creating a standardized written
12 certification form;
- 13 (5) Governing medical cannabis establishments to ensure the health and safety of
14 qualifying patients and prevent diversion and theft without imposing an undue burden or
15 compromising the confidentiality of a cardholder, including:
- 16 (a) Oversight requirements;
- 17 (b) Record-keeping requirements;
- 18 (c) Security requirements, including lighting, physical security, and alarm
19 requirements;
- 20 (d) Health and safety regulations, including restrictions on the use of pesticides that are
21 injurious to human health;
- 22 (e) Standards for the manufacture of cannabis products and both the indoor and
23 outdoor cultivation of cannabis by a cultivation facility;
- 24 (f) Requirements for the transportation and storage of cannabis by a medical cannabis
25 establishment;
- 26 (g) Employment and training requirements, including requiring that each medical
27 cannabis establishment create an identification badge for each agent;
- 28 (h) Standards for the safe manufacture of cannabis products, including extracts and
29 concentrates;
- 30 (i) Restrictions on the advertising, signage, and display of medical cannabis, provided that the
31 restrictions may not prevent appropriate signs on the property of a dispensary, listings in business
32 directories including phone books, listings in marijuana-related or medical publications, or the
33 sponsorship of health or not-for-profit charity or advocacy events;
- 34 (j) Requirements and procedures for the safe and accurate packaging and labeling of medical
35 cannabis; ~~and~~
- 36 (k) Certification standards for testing facilities, including requirements for equipment
37 and qualifications for personnel; and
- 38 (l) Restrictions on the marketing of cannabis and cannabis products using names and images
39 that appeal to children;
- 40 (6) Establishing procedures for suspending or terminating the registration certificates
41 or registry identification cards of cardholders and medical cannabis establishments that commit
42 multiple or serious violations of this chapter;

(7) Establishing labeling requirements for cannabis and cannabis products, including requiring cannabis product labels to include the following:

(a) The length of time it typically takes for a product to take effect;

(b) Disclosing ingredients and possible allergens;

(c) A nutritional fact panel; and

(d) Requiring that edible cannabis products be clearly identifiable, when practicable, with a standard symbol indicating that it contains cannabis;

(8) Establishing procedures for the registration of nonresident cardholders and the cardholder's designation of no more than two dispensaries, which shall require the submission of:

(a) A practitioner's statement confirming that the patient has a debilitating medical condition; and

(b) Documentation demonstrating that the nonresident cardholder is allowed to possess cannabis or cannabis preparations in the jurisdiction where the nonresident cardholder resides;

(9) Establishing the amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder may possess; and

(10) Establishing reasonable application and renewal fees for registry identification cards and registration certificates, according to the following:

(a) Application fees for medical cannabis establishments may not exceed five thousand dollars, with this upper limit adjusted annually for inflation;

(b) The total fees collected shall generate revenues sufficient to offset all expenses of implementing and administering this chapter;

(c) A sliding scale of patient application and renewal fees based upon a qualifying patient's household income;

(d) The fees charged to qualifying patients, nonresident cardholders, and caregivers shall be no greater than the costs of processing the application and issuing a registry identification card or registration; and

(e) The department may accept donations from private sources to reduce application and renewal fees.

A violation of a required or prohibited action under any rule authorized by this section is a Class 2 misdemeanor.

Section 5. That § 34-20G-95 be REPEALED:

~~The Department of Education and the department shall establish policy to allow students who are medical cannabis cardholders to have their medicine administered in school in accordance with their physician's recommendation. This policy shall be implemented the first day of the new school year following passage of this chapter. The departments shall implement substantively identical provisions to Colorado Revised Statute 22-1-119.3 as of January 1, 2019.~~

Section 6. That chapter 34-20G be amended with a NEW SECTION:

A public school student who is a cardholder may not engage in the medical use of cannabis on school grounds, in a school vehicle, or during a school-related event or activity located off school grounds, unless the school district adopts a policy permitting the medical use of cannabis by students. Any adopted policy must require that cannabis or cannabis products used by a student:

(1) Is in a form that is not consumed by smoking or vaping;

(2) Is administered to the student by the parent or legal guardian who agrees to serve as the student's designated caregiver pursuant to § 34-20G-33;

(3) Is administered in a manner that is not disruptive to the educational environment and does not cause exposure to any other student; and

(4) Is removed from the school property or school-sanctioned event by the caregiver if any cannabis or cannabis product remains following administration.

If a school district adopts a policy pursuant to this section, it shall conspicuously post the policy on its website. If the school district does not have a website, it shall make the policy available.

Section 7. That chapter 34-20G be amended with a NEW SECTION:

A nonpublic school student who is a cardholder may not engage in the medical use of cannabis on school grounds, in a school vehicle, or during a school-related event or activity located off school grounds unless the school adopts a policy permitting the medical use of cannabis by students. If a nonpublic school adopts a policy permitting the medical use of cannabis by students, it is permitted discretion in adopting any reasonable policy. If a nonpublic school adopts a policy pursuant to this section, it shall conspicuously post the policy on its website. If a nonpublic school does not have a website, it shall make the policy available upon request.

Section 8. That chapter 34-20G be amended with a NEW SECTION:

If a school district or nonpublic school adopts a policy pursuant to section 6 or 7 of this Act, no school subject to the policy may discipline a student acting in accordance with the policy."

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1161** and returns the same with the recommendation that said bill be amended as follows:

1161F

On page 1, line 7, of the Introduced bill, after "disorders;" insert " and"

On page 1, line 8, of the Introduced bill, after "disorders;

(2)" delete "Independent living and life skills development are promoted; and"

On page 1, line 9, of the Introduced bill, after "and" delete "(3)"

On page 1, line 9, of the Introduced bill, delete "Medication administration is limited to prescribed medications that are taken, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of " and insert " Persons are provided with one or more methods of treatment for "

On page 1, line 11, of the Introduced bill, after "disorders" insert ", ranging from recovery housing to clinical treatment.

The term does not include an accredited prevention or treatment facility, as defined in § 34-20A-2"

On page 1, line 15, of the Introduced bill, after "is " insert "in compliance with local building codes and zoning requirements, and "

- 1 On page 1, line 16, of the Introduced bill, delete "who requires " and insert "residing in a sober
2 living home that provides "
- 3 On page 1, line 17, of the Introduced bill, after "treatment, " delete "while residing in the sober
4 living home, "
- 5 On page 1, line 19, of the Introduced bill, after "medications;
6 (2)" delete "That drug and alcohol abstinence is verified through consistent and fair practices;"
- 7 On page 1, line 20, of the Introduced bill, after "practices;" delete "(3) That the activities of
8 persons who reside in the sober living home promote the safety and well-being of the neighborhood
9 and the community at large;
- 10 (4) That discharge planning for persons residing in the sober living home does not negatively
11 impact the neighborhood or community at large;"
- 12 On page 1, line 24, of the Introduced bill, delete "(5) That any neighborhood concerns or
13 complaints are immediately and thoroughly addressed" and insert " That the sober living home
14 develops and enforces rules to maintain an alcohol and drug-free environment, with an exception
15 for prescribed or over-the-counter drugs that are taken as directed;
- 16 (3) That any complaints received by a municipality regarding the sober living home are
17 addressed in accordance with applicable ordinances"
- 18 On page 2, line 1, of the Introduced bill, delete "(6)" and insert "(4)"
- 19 On page 2, line 4, of the Introduced bill, after "home;
20 (b) A " insert "list of each person's medications; and
21 (c) In the case of a clinical treatment sober living home, a "
- 22 On page 2, line 4, of the Introduced bill, after "condition; " delete "and"
- 23 On page 2, line 5, of the Introduced bill, after "and" delete "(c) A list of each person's
24 medications;"
- 25 On page 2, line 6, of the Introduced bill, delete "(7)" and insert "(5)"
- 26 On page 2, line 9, of the Introduced bill, delete "(8) That standard accounting practices govern
27 the collection of rent payments and the payment of all shared costs and other expenses;
28 (9)" and insert "(6)"
- 29 On page 2, line 13, of the Introduced bill, delete "(10)" and insert "(7)"
- 30 On page 2, line 13, of the Introduced bill, delete "functioning " and insert "single or multi-
31 station "
- 32 On page 2, line 13, of the Introduced bill, delete " detectors" and insert " alarms"
- 33 On page 2, line 14, of the Introduced bill, delete "available" and insert " installed and
34 maintained"
- 35 On page 2, line 14, of the Introduced bill, after "with " delete "recommendations of the fire
36 department having jurisdiction over the home."

On page 2, line 16, of the Introduced bill, delete "Any person who owns a dwelling and allows that dwelling to be used as a sober living home, without meeting the registration requirements of this section, is guilty of a Class 1 misdemeanor and may be subject to a civil penalty, by the department, in the amount of one thousand dollars for each day the dwelling is not registered. The department shall forward any amount received as a civil penalty under this section to the state treasurer for deposit in the general fund" and insert " local ordinances"

On page 2, line 22, of the Introduced bill, after "fund." delete "Section 3. That a NEW SECTION be added to title 34:

"

On page 2, line 23, of the Introduced bill, after "34:" delete "The Department of Social Services shall charge a registration fee in the amount of one thousand dollars and an annual renewal fee in the amount of five hundred dollars. The department shall forward any fees collected under this section to the state treasurer for deposit in the general fund."

On page 2, line 32, of the Introduced bill, after "Act." insert "

No home may hold itself out to be a sober living home or accept residents for purposes of sober living unless that home is registered, as required by section 2 of this Act. "

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1223** and returns the same with the recommendation that said bill be amended as follows:

1223C

On page 1, line 7, of the Introduced bill, delete "a reasonable" and insert " an"

On page 1, line 9, of the Introduced bill, after "or " delete "unreasonably "

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1208 and 1293** and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1315** which was tabled.

Respectfully submitted,
Kevin D. Jensen, Chair

MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1166** and returns the same with the recommendation that said bill be referred to the House Committee on Appropriations.

1 Also MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under
3 consideration **HB 1175** which was tabled.

4 Respectfully submitted,
5 Caleb Finck, Chair

6 **MESSAGES FROM THE SENATE**

7 Mr. SPEAKER:

8 I have the honor to return herewith **HB 1185** which has passed the Senate without change.

9 Also Mr. SPEAKER:

10 I have the honor to inform your honorable body that **HB 1061** was lost on second reading and
11 final passage.

12 Also Mr. SPEAKER:

13 I have the honor to inform your honorable body that the Senate has concurred in House
14 amendments to **SB 40**.

15 Also Mr. SPEAKER:

16 I have the honor to transmit herewith **SCR 605** which has been adopted by the Senate and
17 your concurrence is respectfully requested.

18 Also Mr. SPEAKER:

19 I have the honor to transmit herewith **SB 148 and 188** which have passed the Senate and
20 your favorable consideration is respectfully requested.

21 Respectfully,
22 Kay Johnson, Secretary

23 **MOTIONS AND RESOLUTIONS**

24 Rep. Kent Peterson moved that **HB 1334** be deferred to Tuesday, February 22, 2022, the 26th
25 legislative day; also

26 Rep. Aylward moved that **HB 1052** be deferred to Tuesday, February 22, 2022, the 26th
27 legislative day.

28 Which motion prevailed.

SCR 605: A CONCURRENT RESOLUTION, Celebrating the South Dakota Division of the Izaak Walton League of America for its ideals and accomplishments during one hundred years of conservation leadership.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Kent Peterson moved that the reports of the Standing Committees on State Affairs on **HB 1258** as found on page 339 of the House Journal; also Judiciary on **HB 1289** as found on page 349 of the House Journal; also Education on **HB 1302** as found on page 334 of the House Journal; also Commerce and Energy on **HB 1322** as found on page 336 of the House Journal; also Judiciary on **HB 1328** as found on page 351 of the House Journal; and State Affairs on **HJR 5003** as found on page 340 of the House Journal be adopted. Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The Speaker declared that **HB 1251 and 1256** were withdrawn at the request of the prime sponsors pursuant to Joint Rule 6B-1.1.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 188: FOR AN ACT ENTITLED, An Act to allow for unlicensed businesses to store alcoholic beverages.

Was read the first time.

SB 148: FOR AN ACT ENTITLED, An Act to revise annuity sales standards.

Was read the first time and referred to the Committee on Commerce and Energy.

The following bill was read on February 16, 2022, and today the Speaker assigned this bill to committee:

SB 154 was referred to the Committee on Education.

SECOND READING OF CONSENT CALENDAR ITEMS

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

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

SB 160: FOR AN ACT ENTITLED, An Act to exempt motor vehicle service contracts from the insurance code.

SB 171: FOR AN ACT ENTITLED, An Act to prohibit insurance policies from restricting the method of payment for dental care.

Were read the second time.

The question being "Shall **HB 1283 and 1285, and SB 171** pass as amended, and **SB 160** pass?"

And the roll being called:

Yeas 64, Nays 1, Excused 5, Absent 0

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

Nays: Randolph

Excused: Beal, Ladner, May, Ernie Otten, and Pourier

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

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

MOTIONS AND RESOLUTIONS

Rep. Gosch moved that **HB 1045** be deferred to Tuesday, February 22, 2022, the 26th legislative day.

Which motion prevailed.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

Rep. Kent Peterson moved that **HB 1333** be laid on the table.

The question being on Rep. Kent Peterson's motion that **HB 1333** be laid on the table.

And the roll being called:

Yeas 58, Nays 9, Excused 3, Absent 0

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

Nays: Bordeaux, Lana Greenfield, Gross, Haugaard, Healy, Howard, May, Milstead, and Overweg

Excused: Beal, Ladner, and Ernie Otten

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HB 1333** was tabled.

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

Was read the second time.

The question being "Shall **HB 1155** pass?"

And the roll being called:

Yeas 62, Nays 5, Excused 3, Absent 0

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

Nays: Aylward, Finck, Howard, Marty, and Speaker Gosch

Excused: Beal, Ladner, and Ernie Otten

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

HB 1255: FOR AN ACT ENTITLED, An Act to clarify certain public meeting requirements.

Was read the second time.

Rep. Haugaard moved that **HB 1255** be amended as follows:

1255A

On page 1, line 11, of the Introduced bill, delete " any member of the public" and insert " a person"

On page 1, line 12, of the Introduced bill, after "representative" insert " of the organization"

On page 1, line 12, of the Introduced bill, delete " via" and insert " whether by"

On page 1, line 13, of the Introduced bill, delete the semicolon and insert " who is:

(a) A taxpayer in the political subdivision or is affected by any present or proposed action, either directly or indirectly, of the political subdivision; or

(b) A parent, guardian, caretaker of: a child; disabled person; incompetent person; or person in need of protection; or

(c) A resident of the political subdivision; and

(d) Presents relevant, pertinent, and germane information on an item on the agenda of the notice for the official meeting, or that is of particular concern as it affects or relates to them or the person that they represent.

Public comment may be limited by the public body by their established policy and procedure to a reasonable time for each person desiring to provide public comment, but not so limited as to provide minimal or no public comment. "

On page 2, line 11, of the Introduced bill, after "comment" delete ", limited at the public body's discretion, but not so limited as to provide for no public comment"

Which motion prevailed.

The question being "Shall **HB 1255** pass as amended?"

And the roll being called:

Yeas 38, Nays 29, Excused 3, Absent 0

Yeas: Aylward, Blare, Chaffee, Dennert, Derby, Deutsch, Finck, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Pourier, Randolph, Schneider, Soye, St. John, Vasgaard, Weis, Wiese, Wink, and Speaker Gosch

Nays: Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Drury, Duba, Fitzgerald, Goodwin, Healy, Keintz, Koth, Lesmeister, Miskimins, Mortenson, Olson, Kent Peterson, Reed, Rehfeldt, Reimer, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and York

Excused: Beal, Ladner, and Ernie Otten

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

HB 1113: FOR AN ACT ENTITLED, An Act to prohibit threats made with the intent to coerce an abortion and to provide a penalty therefor.

Was read the second time.

The question being "Shall **HB 1113** pass?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas: Anderson, Aylward, Bartels, Barthel, 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, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer,

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

3 Excused: Beal, Ladner, and Ernie Otten

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

6 **HB 1116:** FOR AN ACT ENTITLED, An Act to modify the date for the state's presidential primary
7 elections.

8 Was read the second time.

9 The question being "Shall **HB 1116** pass?"

10 And the roll being called:

11 Yeas 41, Nays 26, Excused 3, Absent 0

12 Yeas: Aylward, Bartels, Bordeaux, Chaffee, Cwach, Dennert, Derby, Deutsch, Finck, Fitzgerald,
13 Gross, Hansen, Haugaard, Howard, Jamison, Phil Jensen, Chris Johnson, Karr, Lesmeister, Marty,
14 May, Mills, Milstead, Mortenson, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Pourier,
15 Randolph, Reimer, Jamie Smith, Soye, St. John, Weis, Wiese, Wink, York, and Speaker Gosch

16 Nays: Anderson, Barthel, Blare, Chase, Davis, Drury, Duba, Goodwin, Lana Greenfield, Healy,
17 Hoffman, Kevin Jensen, Keintz, Koth, Miskimins, Olson, Kent Peterson, Reed, Rehfeldt, Schneider,
18 Stevens, Thomason, Tidemann, Vasgaard, Weisgram, and Willadsen

19 Excused: Beal, Ladner, and Ernie Otten

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

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

24 Was read the second time.

25 The question being "Shall **HB 1308** pass?"

26 And the roll being called:

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

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

35 Excused: Beal, Ladner, and Ernie Otten

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

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

2 Was read the second time.

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

4 And the roll being called:

5 Yeas 32, Nays 35, Excused 3, Absent 0

6 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chase, Cwach, Davis, Derby, Drury, Duba,
7 Fitzgerald, Goodwin, Healy, Jamison, Keintz, Koth, Lesmeister, Miskimins, Mortenson, Olson, Kent
8 Peterson, Pourier, Reed, Rehfeldt, Schneider, Jamie Smith, Stevens, Thomason, Tidemann,
9 Weisgram, and Willadsen

10 Nays: Aylward, Chaffee, Dennert, Deutsch, Finck, Lana Greenfield, Gross, Hansen, Haugaard,
11 Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Marty, May, Mills, Milstead,
12 Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Randolph, Reimer, Soye, St. John,
13 Vasgaard, Weis, Wiese, Wink, York, and Speaker Gosch

14 Excused: Beal, Ladner, and Ernie Otten

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

17 Rep. Stevens announced his intention to reconsider the vote by which **HB 1278** lost.

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

20 Was read the second time.

21 Rep. Rehfeldt moved that **HB 1292** be amended as follows:

22 1292B

23 On page 1, line 1, of the House Health and Human Services Engrossed bill, after
24 "tetrahydrocannabinol" insert the comma

25 On page 1, line 1, of the House Health and Human Services Engrossed bill, after "acetate"
26 insert ", and"

27 On page 1, line 7, of the House Health and Human Services Engrossed bill, after
28 "tetrahydrocannabinol" insert the comma

29 On page 1, line 7, of the House Health and Human Services Engrossed bill, after "acetate"
30 insert ", or"

31 On page 1, line 11, of the House Health and Human Services Engrossed bill, after
32 "tetrahydrocannabinol" insert the comma

33 On page 1, line 11, of the House Health and Human Services Engrossed bill, after "acetate"
34 insert ", or"

35 On page 1, line 14, of the House Health and Human Services Engrossed bill, after
36 "tetrahydrocannabinol" insert the comma

1 On page 1, line 14, of the House Health and Human Services Engrossed bill, after "acetate"
2 insert ", or"

3 On page 1, line 16, of the House Health and Human Services Engrossed bill, after
4 "tetrahydrocannabinol" insert the comma

5 On page 1, line 16, of the House Health and Human Services Engrossed bill, after "acetate"
6 insert the comma

7 On page 1, line 16, of the House Health and Human Services Engrossed bill, after "acetate "
8 insert "or "

9 On page 1, line 16, of the House Health and Human Services Engrossed bill, after
10 "hexahydrocannabinol" delete " consumption"

11 Which motion prevailed.

12 The question being "Shall **HB 1292** pass as amended?"

13 And the roll being called:

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

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

22 Nays: Aylward and Speaker Gosch

23 Excused: Beal, Ladner, and Ernie Otten

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

26 **HB 1325:** FOR AN ACT ENTITLED, An Act to revise the classification of agricultural land
27 according to soil type.

28 Was read the second time.

29 The question being "Shall **HB 1325** pass as amended?"

30 And the roll being called:

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

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

1 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Vasgaard, Weis, Weisgram, Wiese,
2 Wink, and Speaker Gosch

3 Nays: Tidemann, Willadsen, and York

4 Excused: Beal, Ladner, and Ernie Otten

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

7 **HB 1311:** FOR AN ACT ENTITLED, An Act to clarify the means of voluntarily terminating a
8 relationship between a birth mother and a child.

9 Was read the second time.

10 The question being "Shall **HB 1311** pass as amended?"

11 And the roll being called:

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

13 Yeas: Aylward, Dennert, Deutsch, Gross, Hansen, Haugaard, Howard, Kevin Jensen, Phil
14 Jensen, Chris Johnson, Karr, Koth, Marty, May, Mills, Milstead, Mulally, Overweg, Sue Peterson,
15 Pischke, Randolph, Reimer, Soye, Vasgaard, Weis, Weisgram, Wiese, Wink, and Speaker Gosch

16 Nays: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
17 Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison, Keintz,
18 Lesmeister, Miskimins, Mortenson, Odenbach, Olson, Perry, Kent Peterson, Pourier, Reed, Rehfeldt,
19 Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Willadsen, and York

20 Excused: Beal, Ladner, and Ernie Otten

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

23 **HB 1329:** FOR AN ACT ENTITLED, An Act to require a forensic audit of election results after
24 each presidential general election.

25 Was read the second time.

26 The question being "Shall **HB 1329** pass as amended?"

27 And the roll being called:

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

29 Yeas: Aylward, Blare, Chaffee, Dennert, Deutsch, Fitzgerald, Lana Greenfield, Gross, Hansen,
30 Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Marty, May, Mills,
31 Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Randolph, Rehfeldt, Reimer,
32 Soye, St. John, Vasgaard, Weis, Wiese, Wink, and Speaker Gosch

33 Nays: Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Derby, Drury, Duba, Finck,
34 Goodwin, Healy, Jamison, Keintz, Koth, Lesmeister, Miskimins, Mortenson, Olson, Kent Peterson,

1 Pourier, Reed, Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and
2 York

3 Excused: Beal, Ladner, and Ernie Otten

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

6 **HB 1124:** FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

7 Was read the second time.

8 The question being "Shall **HB 1124** pass?"

9 And the roll being called:

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

11 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Davis, Derby, Deutsch,
12 Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard,
13 Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Koth, Lesmeister, Marty, May, Mills, Milstead,
14 Miskimins, Mortenson, Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pourier,
15 Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason,
16 Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

17 Nays: Aylward, Cwach, Dennert, Duba, Healy, Keintz, Mulally, Pischke, and Weis

18 Excused: Beal, Karr, Ladner, and Ernie Otten

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

21 **HB 1125:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in
22 South Dakota.

23 Was read the second time.

24 The question being "Shall **HB 1125** pass?"

25 And the roll being called:

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

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

33 Nays: Aylward, Cwach, Dennert, Duba, Healy, Keintz, Mulally, Pischke, and Weis

34 Excused: Beal, Karr, Ladner, and Ernie Otten

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.

HB 1126: FOR AN ACT ENTITLED, An Act to accommodate legislation relating to the protection of public safety.

Was read the second time.

The question being "Shall **HB 1126** pass?"

And the roll being called:

Yeas 55, Nays 11, Excused 4, Absent 0

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

Nays: Aylward, Bordeaux, Cwach, Dennert, Duba, Healy, Phil Jensen, Keintz, Mulally, Pischke, and Weis

Excused: Beal, Karr, Ladner, and Ernie Otten

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

HB 1127: FOR AN ACT ENTITLED, An Act to enhance South Dakota.

Was read the second time.

The question being "Shall **HB 1127** pass?"

And the roll being called:

Yeas 56, Nays 10, Excused 4, Absent 0

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

Nays: Aylward, Bordeaux, Cwach, Duba, Healy, Phil Jensen, Keintz, Mulally, Pischke, and Weis

Excused: Beal, Karr, Ladner, and Ernie Otten

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

Speaker Pro tempore Hansen now presiding.

HB 1013: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related to Capitol Lake and to declare an emergency.

Was read the second time.

1 The question being "Shall **HB 1013** pass?"

2 And the roll being called:

3 Yeas 59, Nays 7, Excused 4, Absent 0

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

10 Nays: Aylward, Fitzgerald, Hansen, Howard, Phil Jensen, Mills, and Weis

11 Excused: Beal, Karr, Ladner, and 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 1018:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a
15 storage garage in Rapid City and to declare an emergency.

16 Was read the second time.

17 The question being "Shall **HB 1018** pass?"

18 And the roll being called:

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

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

27 Nays: Aylward, Pischke, and Speaker Gosch

28 Excused: Beal, Karr, Ladner, and 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 1019:** FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of
32 extraordinary litigation expenses and to declare an emergency.

33 Was read the second time.

34 The question being "Shall **HB 1019** pass?"

35 And the roll being called:

36 Yeas 56, Nays 10, Excused 4, Absent 0

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

7 Nays: Bordeaux, Cwach, Duba, Healy, Keintz, Lesmeister, Pischke, Pourier, Jamie Smith, and
8 Speaker Gosch

9 Excused: Beal, Karr, Ladner, and 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 1020:** FOR AN ACT ENTITLED, An Act to authorize the Bureau of Administration to
13 construct an addition to the Kinsman Building in Pierre, to make an appropriation therefor, and to
14 declare an emergency.

15 Was read the second time.

16 The question being "Shall **HB 1020** pass?"

17 And the roll being called:

18 Yeas 57, Nays 8, Excused 5, Absent 0

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

25 Nays: Aylward, Dennert, Howard, Phil Jensen, Odenbach, Overweg, Pischke, and Soye

26 Excused: Beal, Karr, Ladner, Ernie Otten, and Reimer

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

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

32 Was read the second time.

33 The question being "Shall **HB 1030** pass as amended?"

34 And the roll being called:

35 Yeas 62, Nays 4, Excused 4, Absent 0

36 Yeas: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,
37 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
38 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Keintz,
39 Koth, Lesmeister, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Perry, Kent
40 Peterson, Sue Peterson, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye,

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

3 Nays: Aylward, Marty, Overweg, and Pischke

4 Excused: Beal, Karr, Ladner, 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 1034:** FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
8 natural resources conservation fund to the State Conservation Commission and to declare an
9 emergency.

10 Was read the second time.

11 The question being "Shall **HB 1034** pass?"

12 And the roll being called:

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

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

21 Nays: Aylward

22 Excused: Beal, Karr, Ladner, 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 1287:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crime of
26 rape and provide a penalty therefor.

27 Was read the second time.

28 The question being "Shall **HB 1287** pass?"

29 And the roll being called:

30 Yeas 56, Nays 10, Excused 4, Absent 0

31 Yeas: Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chase, Cwach, Davis, Dennert,
32 Derby, Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Healy, Hoffman, Jamison,
33 Kevin Jensen, Phil Jensen, Chris Johnson, Keintz, Koth, Lesmeister, Marty, May, Miskimins,
34 Mortenson, Mulally, Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke,

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

3 Nays: Chaffee, Deutsch, Fitzgerald, Haugaard, Howard, Mills, Milstead, Randolph, Vasgaard,
4 and Wink

5 Excused: Beal, Karr, Ladner, and Ernie Otten

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

10 **REPORTS OF STANDING COMMITTEES**

11 MR. SPEAKER:

12 The Committee on House Judiciary respectfully reports that it has had under consideration
13 **HB 1230 and 1231** which were deferred to the 41st Legislative Day.

14 Also MR. SPEAKER:

15 The Committee on House Judiciary respectfully reports that it has had under consideration
16 **HB 1232** and returns the same with the recommendation that said bill be amended as follows:

17 1232A

18 On page 1, line 21, of the Introduced bill, after "32-23-1" delete " and it is within ten years of
19 a conviction for the person's first violation of § 32-23-1,"

20 On page 2, line 16, of the Introduced bill, after "32-23-1" delete " and it is within ten years of
21 a conviction for the person's first violation of § 32-23-1,"

22 On page 2, line 26, of the Introduced bill, after "32-23-1 " delete "and it is within twenty years
23 of a conviction for the person's first violation of § 32-23-1,"

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

25 Also MR. SPEAKER:

26 The Committee on House Judiciary respectfully reports that it has had under consideration
27 **HB 1233** and returns the same with the recommendation that said bill be amended as follows:

28 1233A

29 On page 1, line 1, of the Introduced bill, after "more" insert " prior"

30 On page 1, line 5, of the Introduced bill, after "prior " insert "felony "

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

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration
3 **HB 1314** which was tabled.

4 Respectfully submitted,
5 Jon Hansen, Chair

6 **COMMEMORATIONS**

7 **HC 8005:** A LEGISLATIVE COMMEMORATION, Commending and honoring Eric Stroeder, a
8 member of the Mobridge-Pollock School District Board of Education, on his selection as the
9 Associated School Boards of South Dakota Outstanding School Board Member of South Dakota for
10 2021.

11 Introduced by: **Representatives** Hoffman, Bartels, Barthel, Goodwin, Gosch, Lana Greenfield,
12 and Perry and **Senators** Breitling, Brock Greenfield, David Johnson, Schoenbeck, Schoenfish, V. J.
13 Smith, and Wiik.

14 **SIGNING OF BILLS**

15 The Speaker publicly read the title to

16 **HB 1185:** FOR AN ACT ENTITLED, An Act to permit the wearing of a beaded graduation cap
17 at a school honoring or graduation ceremony.

18 **SB 10:** FOR AN ACT ENTITLED, An Act to revise provisions related to verifications required
19 prior to receiving medical cannabis.

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

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

23 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 5:02 p.m.
24 the House adjourned.

25 Patricia Miller, Chief Clerk