

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, January 13, 2023

The House convened at 12:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Russell Jones, followed by the Pledge of Allegiance led by House page Sami Hegge.

Roll Call: All members present except Reps. Lesmeister, May, Mills, and Sjaarda who were 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 3rd day.

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

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Hugh M. Bartels, Chair

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REPORTS OF STANDING COMMITTEES

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The Committee on Legislative Procedure respectfully reports that it has had under consideration the House rules and recommends that the House rules of the Ninety-seventh Legislative Session be adopted as the House rules of the Ninety-eighth Legislative Session with the following changes:

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Amend Chapter 1 of House rules as follows:

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H1-1.1 Organization of the House. After the election of officers, the speaker may direct the electronic voting system will be used for questions pertaining to the organization of the House of Representatives.

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Amend Chapter 5 of the House rules as follows:

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5-12. Remote voting. ~~The speaker may temporarily suspend the provisions of this chapter requiring use of the electronic voting system if over a half of the members are participating remotely because of an outbreak of the COVID-19 virus.~~

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Respectfully submitted,
Hugh M. Bartels, Chair

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Mr. Speaker:

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The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1001** which was deferred to the 41st Legislative Day.

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Also Mr. Speaker:

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The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1004** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

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Respectfully submitted,
Will Mortenson, Chair

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Mr. Speaker:

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The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1011** and returns the same with the recommendation that said bill be amended as follows:

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1011A

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On page 5, line 26, of the Introduced bill, after "Rates " delete "AHCM 0. 75 and less than 0. 60"

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On page 5, line 26, of the Introduced bill, after "0.60 " delete "0. 1 %"

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On page 5, line 27, of the Introduced bill, after "% " delete " AHCM 0. 60 and less than 0. 50"

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On page 5, line 27, of the Introduced bill, after "0.50 " delete "0. 2 %"

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On page 5, line 28, of the Introduced bill, after "% " delete " AHCM 0. 50 and less than 0. 40"

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On page 5, line 28, of the Introduced bill, after "0.40 " delete "0. 3 %"

1 On page 5, line 29, of the Introduced bill, after "% " delete " AHCM 0. 40 and less than 0.
2 30"

3 On page 5, line 29, of the Introduced bill, after "0.30 " delete "0. 4 %"

4 On page 5, line 30, of the Introduced bill, after "% " delete " AHCM 0. 30 and less than 0.
5 20"

6 On page 5, line 30, of the Introduced bill, after "0.20 " delete "0. 5 %"

7 On page 5, line 31, of the Introduced bill, after "% " delete " AHCM 0. 20 and less than 0. 00"

8 On page 5, line 31, of the Introduced bill, after "0.00 " delete "1. 0 %"

9 On page 6, line 1, of the Introduced bill, delete " AHCM less than 0. 00" and insert "

10 AHCM between 0.60 and 0.75

11 AHCM between 0.50 and 0.59

12 AHCM between 0.40 and 0.49

13 AHCM between 0.30 and 0.39

14 AHCM between 0.20 and 0.29

15 AHCM between 0.00 and 0.19

16 AHCM less than 0.00"

17 On page 6, line 1, of the Introduced bill, delete "1. 5 %" and insert "

18 0.1%

19 0.2%

20 0.3%

21 0.4%

22 0.5%

23 1.0%

24 1.5%"

25 And that as so amended, **HB 1011** do pass.

26 Also Mr. Speaker:

27 The Committee on House Commerce and Energy respectfully reports that it has had under
28 consideration **HB 1012** and returns the same with the recommendation that said bill do pass.

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Respectfully submitted,
Mike Weisgram, Chair

MESSAGES FROM THE SENATE

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2 Mr. Speaker:

3 I have the honor to inform your honorable body that the Senate has adopted the report of
4 the Joint-Select Committee relative to making arrangements for a memorial recognition of deceased
5 former members of the Senate and House.

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Respectfully,
Kay Johnson, Secretary

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FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

9 **HB 1061:** FOR AN ACT ENTITLED, An Act to repeal provisions regarding criminal jury trials
10 effective upon the adoption of Supreme Court rules.

11 Introduced by: The Committee on Judiciary at the request of the Chief Justice

12 **HB 1062:** FOR AN ACT ENTITLED, An Act to clarify the convening of recount boards for primary
13 elections.

14 Introduced by: The Committee on Judiciary at the request of the Chief Justice

15 **HB 1063:** FOR AN ACT ENTITLED, An Act to require the Unified Judicial System to assemble
16 a task force to address barriers to services for emerging adults involved in the justice system in
17 South Dakota.

18 Introduced by: The Committee on Judiciary at the request of the Chief Justice

19 **HB 1064:** FOR AN ACT ENTITLED, An Act to require the Unified Judicial System to assemble
20 a task force to address the provision of legal services to indigent parties within the South Dakota
21 court system.

22 Introduced by: The Committee on Judiciary at the request of the Chief Justice

23 Were read the first time and referred to the Committee on Judiciary.

24 **HB 1060:** FOR AN ACT ENTITLED, An Act to modify provisions related to procurement for the
25 state and other purchasing agencies.

26 Introduced by: **Representative** Callies

27 Was read the first time and referred to the Committee on Local Government.

28 **HJR 5001:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
29 election an amendment to the Constitution of the State of South Dakota, requiring an intervening
30 general election occur before an initiated constitutional amendment that is substantially similar to
31 an initiated amendment that was previously voted on and rejected may be submitted to a vote of
32 the electors.

33 Introduced by: **Representative** Deutsch

34 Was read the first time and referred to the Committee on State Affairs.

1 Amend Chapter 6C of the joint rules as follows:

2 **6C-1. Bills and resolutions that require fiscal notes.** A bill, amendment, or resolution
3 that has an effect on the revenues, expenditures, or fiscal liability of the state or any political
4 subdivision of the state may include a fiscal note incorporating an estimate of the effect. This rule
5 does not apply to the cost of legislative processing, or any appropriation bill with specific dollar
6 amounts. A fiscal note is an estimate of the fiscal implications relating to revenues, expenditures or
7 debt, and the probable cost of the bill, amendment, or resolution. In preparing the fiscal note, the
8 Director of the Legislative Research Council may use information or data supplied by any person,
9 agency, organization, or governmental unit that the director deems reliable. The director shall state
10 the sources of the information or data used and may state the extent to which the director relied on
11 the information or data in preparing the fiscal note. If the director is unable to acquire or develop
12 sufficient information or data to prepare a fiscal note, the director may prepare the fiscal note stating
13 that fact, and the fiscal note shall be deemed to comply with this rule. If the director determines
14 that the fiscal impact of a bill, amendment, or resolution cannot be determined, the director may
15 prepare the fiscal note stating that fact, and the fiscal note shall be deemed to comply with this rule.

16 This rule does not apply to prison or jail population cost estimates required by §§ 2-9-33 and 2-
17 9-34. However, if the Legislature enacts legislation that would repeal the provisions of §§ 2-9-33 and
18 2-9-34 during the Ninety-eighth Session, then starting on the effective date of that legislation, this
19 rule applies to fiscal notes pertaining to prison or jail cost estimates.

20 **6C-1.3. Prison or jail population cost estimates.** A prison or jail population cost estimate may
21 be requested pursuant to Joint Rule 6C-1.1 for any bill or amendment with a Class 1 misdemeanor
22 penalty that may impact the state prison or county jail population. The cost estimate shall be prepared
23 pursuant to §§ 2-9-33 and 2-9-34. However, if the Legislature enacts legislation that would repeal the
24 provisions of §§ 2-9-33 and 2-9-34 during the Ninety-eighth Session, then starting on the effective
25 date of that legislation, the cost estimate shall be prepared pursuant Joint Rule 6C-1.

26 Amend Chapter 6D of the joint rules as follows:

27 **6D-1. Referral of bills and resolutions to standing committees.** Unless otherwise ordered, each
28 bill or joint resolution shall be referred to a standing committee after its first reading.

29 If any member introduces an appropriation bill, the bill shall be referred directly to a standing
30 committee. If any Committee on Appropriations introduces an appropriation bill, the ~~presiding officer~~
31 ~~of the house of origin~~ president pro tempore of the Senate or the speaker of the House may waive
32 referral to a standing committee. If a bill has received final disposition from the Joint Committee on
33 Appropriations, the president pro tempore of the Senate or the speaker of the House may waive the
34 referral of the bill to a standing committee.

35 For the purposes of the Joint Rules, an appropriation bill is any bill that appropriates money from
36 public funds and that appropriation is expressed in the title of the bill.

37 The ~~presiding officer~~ president pro tempore of the Senate or the speaker of the House may waive
38 the referral of Senate resolutions, House resolutions, or concurrent resolutions to a standing
39 committee. A copy of any concurrent resolution, Senate resolution, or House resolution shall be
40 posted to the Legislative Research Council internet site before the resolution is acted upon.

41 Amend Chapter 6F of the joint rules as follows:

42 **6F-6. Placement of bills and resolutions not receiving a "Do Pass" recommendation**
43 **on the calendar.** Any bill or resolution reported "Do Not Pass" or "without recommendation" shall
44 fail if no motion is made for its disposition under the order of business of Consideration of Committee
45 Reports on the next legislative day after delivery to the house. ~~On the final day to use Joint Rule 7-~~

~~7, a motion must be made before adjournment on that day.~~ A motion to place a bill or resolution on the calendar where a committee reports a bill or resolution "Do Not Pass" or "without recommendation" shall require the vote of a majority of the members-elect to carry. A bill or resolution failing to be placed on the calendar is lost after time for reconsideration has passed.

Amend Chapter 6H of the joint rules as follows:

6H-4. Approval of commemorations in the house of origin. Any member of the body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the other house. If there is objection, the legislative commemoration shall be deemed disapproved. The objection is not debatable.

6H-6. Approval of commemorations in the second house. Any member of the receiving body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the house of origin. If there is objection, the legislative commemoration shall be deemed disapproved. The objection is not debatable.

Amend Chapter 7 of the joint rules as follows:

7-1.4. Posting of agendas. Agendas of the bills, resolutions, and other proposals to be considered at any meeting of a standing committee or subcommittee, excepting committee bill introductions, shall be posted on the bulletin board of the respective house. At least one legislative day shall intervene between the date of posting and the date of consideration. An agenda must be posted by 5 p.m. in order to allow for an intervening legislative day. However, if a day of legislative recess intervenes between the date of posting and the date of consideration, the requirement of posting is fulfilled if posting is made by 5 p.m. on the day before the legislative recess.

This rule does not apply to:

(1) Consideration of a bill or resolution for which action is required pursuant to Joint Rule 7-7; or

(2) Any bills or resolutions for consideration in an afternoon committee meeting that were on the committee's agenda for its morning meeting on the same day.

The term, consideration, means any taking of testimony by the committee, questioning by the committee, holding of committee discussion, or committee final action on a bill, resolution, or other proposal.

7-6. Contents of committee minutes. Minutes of standing committees filed pursuant to Joint Rule 7-5 shall contain the number of each proposal considered; the title or a brief summary of each proposal's major provisions; the committee's action, if any, on each proposal, including a brief minority report if requested by any committee member; a record of how each committee member voted when action was taken, including votes on motions to postpone consideration of proposals; and a list of all persons testifying before the committee on each proposal and the interest they represent. ~~Minutes shall reflect if any member is participating and voting remotely as permitted under Joint Rule 2-5.~~ Minutes of budget hearings conducted by an appropriations committee may contain a synopsis of testimony received. Minutes shall be open to the public for inspection.

7-8. Placement of "smoked-out" bill or resolution on calendar. ~~If a Joint Rule 7-7 is invoked for a bill or resolution on the last day for passage out of the applicable house, the bill or resolution is must be delivered to the House of Representatives or Senate pursuant to Joint Rules 7-7 on the last day for passage and it was not reported "Do Pass," and 7-7.1, as applicable, on the same legislative day. If reported out of committee pursuant to Joint Rule 7-7.1 with a "Do Pass" recommendation, the bill or resolution is placed on that day's calendar, Chapter 6F notwithstanding.~~

1 If reported out under Joint Rule 7-7 or out of committee pursuant to Joint Rule 7-7.1 with a "Do Not
2 Pass" recommendation or "without recommendation," the bill or resolution is to be addressed under
3 motions and resolutions and may, by motion approved by a majority of the members-elect of the
4 House of Representatives or Senate, be placed on that day's calendar, Chapter 6F notwithstanding.

5 **7-12.1. Joint committee on appropriations action.** All Joint Committee on Appropriations
6 action shall be approved by a majority vote of the Joint Committee unless a member calls for a
7 separate vote of the House Committee on Appropriations and the Senate Committee on
8 Appropriations in which case a majority vote of each committee is required to adopt the action. This
9 rule only applied to action taken by the Joint Committee on Appropriations as a whole.

10 **7-29. Voting procedures of remote attendance permitted.** ~~If any member of a committee~~
11 ~~is participating remotely pursuant to Joint Rule 2-5, the committee shall, for any motion that does~~
12 ~~not otherwise require a vote by roll call under this chapter, take a vote by roll call or by unanimous~~
13 ~~consent.~~

14 Amend Chapter 8 of the joint rules as follows:

15 **8-2. Conference committee meetings, committee reports, and reports must be**
16 **germane.** Conference committees shall meet in open session, and minutes shall be taken and
17 prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the house of
18 origin shall announce to that body the time and location of each conference committee meeting.
19 The co-chairs of each conference committee shall report the results of each meeting to the body in
20 a conference committee report electronically approved by both. The conference committee report
21 must be germane to the title of the bill as submitted to the conference committee. The adoption of
22 any conference committee report ~~constituting final disposition~~ must be approved by the recorded
23 affirmative vote of at least two members from each house.

24 Amend Chapter 10 of the joint rules as follows:

25 **10-4. Journal to reflect remote participation.** ~~Each daily journal shall reflect if any member~~
26 ~~is participating and voting remotely as permitted under Joint Rule 2-5.~~

27 Amend Chapter 12 of the joint rules as follows:

28 **12-2. Voting restrictions.** No member may vote on any question unless within the chamber
29 and voting before the result of the vote is announced. ~~However, a member may vote from a remote~~
30 ~~site if excused from personal attendance under Joint Rule 2-5.~~

31 Amend Chapter 13 of the joint rules as follows:

32 **13-2. Consent calendar placement, objections.** If any bill or resolution receives no
33 opposition testimony in its final form and an affirmative "Do Pass" vote of all members present of
34 the committee reporting the bill or resolution to its respective house, the committee chair may
35 certify the bill or resolution as uncontested. Any bill or resolution so certified shall be placed on the
36 consent calendar by the secretary of the Senate or the chief clerk of the House of Representatives.
37 If any member objects to the placement or retention of any bill or resolution on the consent calendar,
38 the bill or resolution shall be removed from the consent calendar and placed on the house calendar
39 for second reading on the following legislative day. The objection is not debatable. No consent
40 calendar bill or resolution may be considered for adoption until the legislative day following the day
41 of its placement on the consent calendar.

42 Amend Chapter 17 of the joint rules as follows:

LEGISLATIVE DEADLINES

Legislative Deadlines	
Legislative Action	40 Day Session
A. Last day for unlimited introduction of individual bills and joint resolutions, <u>concurrent resolutions, and resolutions of the house of origin</u> ¹	12 th Day
B. Last day for introduction of individual bills, and joint resolutions, <u>concurrent resolutions, and resolutions of the house of origin</u> ¹	15 th Day
C. Last day for introduction of committee bills and joint resolutions ¹	16 th Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26th Day
ED. Last day to move required delivery of bills, or joint resolutions, concurrent resolutions, or resolutions of the house of origin by a committee to the house of origin; and last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	27th Day
FE. Last day to pass bills or joint resolutions by the house of origin and to introduce House, Senate, or concurrent resolutions; and to invoke Joint Rule 7-7 in the house of origin	28th Day
GF. Last day for introduction of commemorations	33rd Day
HG. During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34th Day
IH. Last day to move required delivery of bills, or joint resolutions, or concurrent resolutions by a committee to the second house	35th Day

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<p>¶. Last day for a bill, or joint resolution, <u>or concurrent resolution to pass both houses; and to invoke Joint Rule 7-7 in the second house</u></p>	<p>36th Day</p>
<p>¶. The last day of a legislative session is reserved for the consideration of vetoes</p>	<p>40th Day</p>
<p>¹ Bills, concurrent resolutions, Senate resolutions, House resolutions, and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline, <u>in advance of the deadline</u> pursuant to Joint Rule 6A-5.</p>	

17-1. Exceptions to deadlines for appropriation bills. Any general appropriation bill, any bill that amends a prior year's general appropriations bill, or any bill that adjusts school district property tax levies pursuant to an appropriations bill is not subject to the legislative deadlines of C, ~~E, F, I, D, E, H,~~ and ~~¶~~, in this chapter, except that the general appropriation bill requested by the Governor shall be subject to legislative deadline C.

Any appropriation bill that is not a general appropriation bill, which is referred to or reported to the floor by the Joint Committee on Appropriations, is subject to the following legislative deadlines, in lieu of the legislative deadlines of ~~E, D~~ and ~~F, E~~, in this chapter:

- (1) Last day to move required delivery of bills by a committee to the house of origin: 30th day;
- (2) Last day to pass bills by the house of origin: 31st Day.

Respectfully submitted,
Hugh M. Bartels, Chair

MESSAGES FROM THE SENATE

Mr. Speaker:

I have the honor to transmit herewith **SB 41** which has passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 41: FOR AN ACT ENTITLED, An Act to establish a program for housing infrastructure loans and grants, make an appropriation therefor, and to declare an emergency.

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

Rep. Chaffee moved that the House do now adjourn, which motion prevailed and at 1:11 p.m. the House adjourned.

Patricia Miller, Chief Clerk