

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, January 18, 2023

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

The prayer was offered by the Chaplain, Dow Warner, followed by the Pledge of Allegiance led by House page Kaylee Morehead.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

Mr. Speaker:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 5th 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

Mr. Speaker:

The Committee on House State Affairs respectfully reports that it has had under consideration **HCR 6003** and returns the same with the recommendation that said resolution be adopted.

Also Mr. Speaker:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1003, and SB 41** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Will Mortenson, Chair

Mr. Speaker:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1061** and returns the same with the recommendation that said bill do pass.

Also Mr. Speaker:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1062, 1063, and 1064** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Jon Hansen, Chair

Mr. Speaker:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1005 and 1033** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Mike Weisgram, Chair

Mr. Speaker:

The Committee on House Education respectfully reports that it has had under consideration **HB 1032** with the recommendation that said bill be amended as follows:

1032A

On page 2, after line 10, of the Introduced bill, insert: "

Section 5. That a NEW SECTION be added:

The administration of the design and construction of the projects listed in section 2 of this Act are under the general charge and supervision of the Bureau of Administration, as provided for in chapter 5-14."

1 And that as so amended said bill be referred to the House Committee on Appropriations with
2 a Do Pass recommendation.

3 Also Mr. Speaker:

4 The Committee on House Education respectfully reports that it has had under consideration
5 **HB 1055** with the recommendation that said bill be referred to the House Committee on
6 Appropriations with a Do Pass recommendation.

7 Also Mr. Speaker:

8 The Committee on House Education respectfully reports that it has had under consideration
9 **HB 1056, and HCR 6001** and returns the same with the recommendation that said bill and
10 resolution do pass, and having been certified as uncontested, be placed on the consent calendar.

11 Respectfully submitted,
12 Mike Stevens, Chair

13 MOTIONS AND RESOLUTIONS

14 Rep. Schaeffbauer moved that **HB 1057** be deferred to Thursday, January 19, 2023, the 7th
15 legislative day.

16 Which motion prevailed.

17 Rep. Mortenson moved that **HB 1032** be referred from the House Committee on
18 Appropriations to the Joint Committee on Appropriations.

19 Which motion prevailed.

20 Rep. Karr moved that the Committee on State Affairs be instructed to deliver **HB 1001** to the
21 floor of the House, pursuant to JR 7-7.

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

23 CONSIDERATION OF REPORTS OF COMMITTEES

24 Rep. Mortenson moved that the report of the Standing Committee on

25 Transportation on **HB 1036** as found on page 42 of the House Journal be adopted.

26 Which motion prevailed and the report was adopted.

27 Rep. Mortenson moved that the report of the Standing Committee on Joint Legislative
28 Procedure as found on page 35 of the House Journal be adopted.

29 The question being on Rep. Mortenson's motion that the report of the Standing Committee on
30 Joint Legislative Procedure as found on page 35 of the House Journal be adopted.

31 And the roll being called:

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

1 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Donnell,
2 Drury, Duffy, Fitzgerald, Hansen, Heermann, Jamison, Kassin, Koth, Krull, Kull, Ladner, Lems,
3 Massie, Moore, Mortenson, Mulder, Odenbach, Olson, Ernie Otten, Perry, Drew Peterson, Pinnow,
4 Rehfeldt, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, St. John, Stevens, Teunissen,
5 Tordsen, Venhuizen, Wangsness, Weisgram, and Speaker Bartels

6 Nays: Auch, Aylward, Deutsch, Duba, Emery, Gross, Healy, Kevin Jensen, Phil Jensen, Karr,
7 Krohmer, Lesmeister, May, Mills, Mulally, Nelson, Overweg, Sue Peterson, Pourier, Randolph,
8 Reimer, Soye, and Wittman

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

11 Rep. Mortenson moved that the report of the Standing Committee on House Legislative
12 Procedure as shown on page 32 of the House Journal be adopted.

13 The question being on Rep. Mortenson's motion that the report of the Standing Committee
14 on House Legislative Procedure as shown on page 32 of the House Journal be adopted.

15 And the roll being called:

16 Yeas 68, Nays 2, Excused 0, Absent 0

17 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot,
18 Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
19 Jamison, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
20 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie
21 Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch,
22 Sauder, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen,
23 Wangsness, Weisgram, Wittman, and Speaker Bartels

24 Nays: Randolph and Schaeffbauer

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

27 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

28 **HB 1075:** FOR AN ACT ENTITLED, An Act to lower the state sales tax rate and the state use
29 tax rate on food to zero percent.

30 Introduced by: **Representative** Fitzgerald

31 Was read the first time and referred to the Committee on Taxation.

32 **HB 1085:** FOR AN ACT ENTITLED, An Act to require a case management service provider to
33 disclose communications to an employee.

34 Introduced by: **Representative** Bartels

1 **HB 1086:** FOR AN ACT ENTITLED, An Act to create provisions for the Psychiatric Collaborative
 2 Care Model to be reimbursable for insurance.

3 Introduced by: **Representative** Weisgram

4 **HB 1087:** FOR AN ACT ENTITLED, An Act to prohibit restrictive employment contracts
 5 involving mental health professionals and counselors.

6 Introduced by: **Representative** Deutsch

7 **HB 1088:** FOR AN ACT ENTITLED, An Act to update requirements for an insurance company
 8 seeking to do business in this state.

9 Introduced by: **Representative** Arlint

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

11 **HB 1081:** FOR AN ACT ENTITLED, An Act to limit the manner in which legislation may be
 12 introduced.

13 Introduced by: **Representative** Randolph

14 **HB 1082:** FOR AN ACT ENTITLED, An Act to establish a standing committee on federal review,
 15 and to declare an emergency.

16 Introduced by: **Representative** Randolph

17 **HB 1084:** FOR AN ACT ENTITLED, An Act to grant a common carrier the right of eminent
 18 domain for public use.

19 Introduced by: **Representative** Lems

20 **HJR 5002:** A JOINT RESOLUTION, Applying to the United States Congress under Article V of
 21 the United States Constitution to call for a convention for proposing an amendment establishing
 22 congressional term limits.

23 Introduced by: **Representative** Jamison

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

25 **HB 1083:** FOR AN ACT ENTITLED, An Act to modify the amounts required for proof of financial
 26 responsibility for the future for motor vehicles.

27 Introduced by: **Representative** Perry

28 Was read the first time and referred to the Committee on Transportation.

29 **SECOND READING OF CONSENT CALENDAR ITEMS**

30 **HB 1010:** FOR AN ACT ENTITLED, An Act to repeal the sunset date for provisions related to
 31 the licensure of behavior analysts.

32 **HB 1013:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier
 33 regulations.

1 **HB 1018:** FOR AN ACT ENTITLED, An Act to repeal the authorized forfeiture of property used
2 in the illegal capture of fish.

3 **HB 1019:** FOR AN ACT ENTITLED, An Act to repeal certain requirements for Game, Fish and
4 Parks licensing agents.

5 Were read the second time.

6 The question being "Shall **HB 1010, 1013, 1018, and 1019** pass?"

7 And the roll being called:

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

9 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot,
10 Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
11 Jamison, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lesmeister,
12 Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie Otten,
13 Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch,
14 Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen,
15 Venhuizen, Wangness, Weisgram, Wittman, and Speaker Bartels

16 Nays: Lems

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

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

20 **HB 1011:** FOR AN ACT ENTITLED, An Act to revise employer contribution rates.

21 Was read the second time.

22 The question being "Shall **HB 1011** pass as amended?"

23 And the roll being called:

24 Yeas 70, Nays 0, Excused 0, Absent 0

25 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot,
26 Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
27 Jamison, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
28 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie
29 Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Randolph, Rehfeldt, Reimer,
30 Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen,
31 Tordsen, Venhuizen, Wangness, Weisgram, Wittman, and Speaker Bartels

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

34 **HB 1014:** FOR AN ACT ENTITLED, An Act to update provisions related to the licensure of
35 speech-language pathologists and speech-language pathology assistants.

36 Was read the second time.

1 The question being "Shall **HB 1014** pass?"

2 And the roll being called:

3 Yeas 66, Nays 4, Excused 0, Absent 0

4 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,
 5 Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
 6 Jamison, Kevin Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lesmeister, Massie, May,
 7 Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie Otten, Overweg, Perry,
 8 Drew Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer,
 9 Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness,
 10 Weisgram, Wittman, and Speaker Bartels

11 Nays: Aylward, Phil Jensen, Lems, and Randolph

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

14 **HB 1015:** FOR AN ACT ENTITLED, An Act to update provisions related to the licensure of
 15 funeral directors and the provision of funeral services.

16 Was read the second time.

17 The question being "Shall **HB 1015** pass?"

18 And the roll being called:

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

20 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,
 21 Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
 22 Jamison, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
 23 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Ernie Otten,
 24 Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder,
 25 Schaeffbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen,
 26 Wangsness, Weisgram, Wittman, and Speaker Bartels

27 Nays: Aylward, Mulally, and Randolph

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

30 **COMMEMORATIONS**

31 **HC 8001:** A LEGISLATIVE COMMEMORATION, Honoring E. Royce Williams for his life,
 32 achievement, and heroism as he is awarded the Navy Cross.

33 Introduced by: **Representative** Tordsen.

34 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 2:55 p.m.
 35 the House adjourned.

36 Patricia Miller, Chief Clerk

