

# *JOURNAL OF THE HOUSE*

## *NINETY-EIGHTH SESSION*

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SEVENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, January 19, 2023

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House page Harlee Nielson.

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

### **APPROVAL OF THE JOURNAL**

Mr. Speaker:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 6th 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 **HB 1001** and returns the same without recommendation.

Respectfully submitted,  
Will Mortenson, Chair

Mr. Speaker:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1050 and 1052** which were deferred to the 41st Legislative Day.

Respectfully submitted,  
Kirk Chaffee, Chair

Mr. Speaker:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1025 and 1029** and returns the same with the recommendation that said bills do pass.

Also Mr. Speaker:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1028** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,  
Roger Chase, Chair

**MESSAGES FROM THE SENATE**

Mr. Speaker:

I have the honor to inform your honorable body that the Senate has adopted the report of the Joint Committee on Legislative Procedure relative to the permanent joint rules for the Ninety-eighth Legislative Session.

Also Mr. Speaker:

I have the honor to transmit herewith **SB 22, 43, 52, and 53** which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,  
Kay Johnson, Secretary

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**MOTIONS AND RESOLUTIONS**

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**HCR 6004:** A CONCURRENT RESOLUTION, Encouraging the Executive Board of the Legislature to authorize an interim study of the licensure and nomenclature of emergency medical and advanced life support personnel.

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Introduced by: **Representative** Emery

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

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Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, January 20, 2023, the 8<sup>th</sup> legislative day.

7

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Which motion prevailed.

9

**HCR 6003:** A CONCURRENT RESOLUTION, Encouraging the Executive Board of the Legislature to authorize the interim legislative study of long-term care services for veterans regardless of disability ratings and to develop long-term care plans for VA-operated purchased and subsidized long-term care services.

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Was read the second time.

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Rep. Teunissen moved that **HCR 6003** as found on page 22 of the House Journal be adopted.

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And the roll being called:

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Yeas 67, Nays 2, Excused 1, Absent 0

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

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Nays: Mulally and Randolph

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Excused: Duba

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So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HCR 6003** was adopted.

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

30

The Speaker declared that **HB 1069** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

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**HB 1089:** FOR AN ACT ENTITLED, An Act to require notice and compensation prior to entry upon private land for the purpose of causing an examination and survey.

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Introduced by: **Representative** Wangsness

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1       **HB 1092:** FOR AN ACT ENTITLED, An Act to revise the definition of marriage.

2       Introduced by: **Representative** Duba

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

4       **HB 1090:** FOR AN ACT ENTITLED, An Act to modify protections for agricultural operations  
5 from nuisance claims.

6       Introduced by: **Representative** Wangsness

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

8       **HB 1091:** FOR AN ACT ENTITLED, An Act to amend provisions of the insurance statutes  
9 regarding producer recommendations and responsibilities.

10      Introduced by: **Representative** Blare

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

12      **HB 1093:** FOR AN ACT ENTITLED, An Act to make an appropriation to enhance the economic  
13 health of South Dakota and to declare an emergency.

14      Introduced by: **Representative** Derby

15      **HB 1094:** FOR AN ACT ENTITLED, An Act to make an appropriation to increase the success of  
16 South Dakota and to declare an emergency.

17      Introduced by: **Representative** Derby

18      Were read the first time and referred to the House Committee on Appropriations.

19      **HB 1095:** FOR AN ACT ENTITLED, An Act to lower the state sales tax rate and the state use  
20 tax rate on food to two and one-half percent.

21      Introduced by: **Representative** Lesmeister

22      **HB 1096:** FOR AN ACT ENTITLED, An Act to lower the state sales tax rate and the state use  
23 tax rate on food to three and one-half percent.

24      Introduced by: **Representative** Lesmeister

25      Were read the first time and referred to the Committee on Taxation.

26      **HB 1097:** FOR AN ACT ENTITLED, An Act to revise the definition of an abused or neglected  
27 child.

28      Introduced by: **Representative** Deutsch

29      Was read the first time and referred to the Committee on Judiciary.

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

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**SB 22:** FOR AN ACT ENTITLED, An Act to streamline examination reports.

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**SB 43:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding money transmission.

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

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**SB 52:** FOR AN ACT ENTITLED, An Act to update certain provisions regarding the Department of Corrections and the authority of the Secretary of Corrections.

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**SB 53:** FOR AN ACT ENTITLED, An Act to exempt records regarding jail inmate disciplinary matters from public inspection and copying.

10

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

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**SECOND READING OF CONSENT CALENDAR ITEMS**

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Speaker Pro tempore Stevens now presiding.

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**HB 1005:** FOR AN ACT ENTITLED, An Act to update certain citations to federal regulations regarding pipeline safety inspections.

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**HB 1033:** FOR AN ACT ENTITLED, An Act to provide for the uniform administration of tobacco products taxes.

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**HB 1056:** FOR AN ACT ENTITLED, An Act to modify the limit of consecutive terms for members of the Board of Technical Education.

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

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

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

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**HCR 6001:** A CONCURRENT RESOLUTION, To study a potential optional educational path.

28

Were read the second time.

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The question being "Shall **HB 1005, 1033, 1056, 1062, 1063, and 1064** pass, and **HCR 6001** be adopted?"

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And the roll being called:

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Yeas 67, Nays 2, Excused 1, Absent 0

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Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell, Drury, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,

1 Jamison, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,  
 2 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Ernie Otten,  
 3 Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder,  
 4 Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen,  
 5 Wangsness, Weisgram, Wittman, and Speaker Bartels

6 Nays: Mulally and Randolph

7 Excused: Duba

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

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

11 **HB 1057:** FOR AN ACT ENTITLED, An Act to allow for the appointment of county coroner by  
 12 all counties.

13 Was read the second time.

14 Rep. Mulally moved that **HB 1057** be amended as follows:

15 1057B

16 On page 1, line 4, of the Introduced bill, delete " all" and insert " a"

17 On page 1, line 4, of the Introduced bill, delete " officers" and insert " officer"

18 On page 1, line 6, of the Introduced bill, delete " their" and insert " the"

19 On page 1, line 7, of the Introduced bill, delete " his" and insert " the"

20 On page 1, line 8, of the Introduced bill, delete " his" and insert " the"

21 On page 1, line 8, of the Introduced bill, after "election" delete the comma

22 On page 1, line 8, of the Introduced bill, delete " such" and insert " the"

23 On page 1, line 9, of the Introduced bill, delete " he" and insert " the officer"

24 On page 1, line 9, of the Introduced bill, delete " he" and insert " the officer"

25 On page 1, line 10, of the Introduced bill, after "office." Insert "

26 The board of county commissioners shall make an appointment to fill a vacancy in a county  
 27 office for the remainder of the term by majority vote, pursuant to §§ 3-4-3 to 3-4-7, inclusive."

28 On page 1, line 14, of the Introduced bill, delete " appoint" and insert " submit the question of  
 29 the appointment of"

30 On page 1, line 14, of the Introduced bill, after "coroner" insert " by the county commission to  
 31 the voters in the same manner as prescribed in chapter 7-6"

32 On page 1, line 14, of the Introduced bill, after "coroner" delete " who shall serve at the  
 33 pleasure of such board"

1 On page 1, line 14, of the Introduced bill, delete " However, no" and insert " If the question to  
2 approve the county commission to appoint the coroner in place of an election is approved by the  
3 voters, the"

4 On page 1, line 15, of the Introduced bill, after "may" delete " exercise the authority granted  
5 pursuant to this section unless:"

6 On page 1, line 17, of the Introduced bill, delete "(1) Not later than the April first preceding  
7 the election for coroner, the board, by resolution, adopts the appointment option; and

8 (2) The appointment of any appointed coroner may not take effect " and insert " not appoint  
9 a coroner "

10 Which motion lost.

11 The question being "Shall **HB 1057** pass?"

12 And the roll being called:

13 Yeas 64, Nays 5, Excused 1, Absent 0

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

21 Nays: Aylward, Phil Jensen, Mulally, Ernie Otten, and Randolph

22 Excused: Duba

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

25 **HB 1036:** FOR AN ACT ENTITLED, An Act to increase civil penalties for commercial driver's  
26 license holders and motor carriers.

27 Was read the second time.

28 The question being "Shall **HB 1036** pass as amended?"

29 And the roll being called:

30 Yeas 58, Nays 11, Excused 1, Absent 0

31 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,  
32 Donnell, Drury, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Kevin Jensen,  
33 Karr, Kassin, Koth, Krull, Kull, Lesmeister, Massie, Mills, Moore, Mortenson, Mulder, Nelson,  
34 Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Pinnow, Pourier, Rehfeldt, Reimer,  
35 Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, St. John, Stevens, Teunissen, Tordsen,  
36 Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

1 Nays: Auch, Aylward, Phil Jensen, Krohmer, Ladner, Lems, May, Mulally, Sue Peterson,  
2 Randolph, and Soye

3 Excused: Duba

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 1003**: FOR AN ACT ENTITLED, An Act to repeal provisions requiring prison or jail cost  
7 estimates and to declare an emergency.

8 Was read the second time.

9 The question being "Shall **HB 1003** pass?"

10 And the roll being called:

11 Yeas 59, Nays 10, Excused 1, Absent 0

12 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,  
13 Deutsch, Donnell, Drury, Duffy, Emery, Fitzgerald, Gross, Hansen, Heermann, Jamison, Kevin  
14 Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Lesmeister, Massie, Mills, Moore,  
15 Mortenson, Mulder, Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Pinnow, Pourier,  
16 Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, Soye, St. John,  
17 Stevens, Teunissen, Tordsen, Wangsness, Weisgram, and Speaker Bartels

18 Nays: Aylward, Healy, Phil Jensen, May, Mulally, Nelson, Sue Peterson, Randolph, Venhuizen,  
19 and Wittman

20 Excused: Duba

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

23 Rep. Mortenson moved that the balance of the calendar including **HB 1061 and SB 41** be  
24 deferred to Friday, January 20, 2023, the 8<sup>th</sup> legislative day.

25 Which motion prevailed.

26 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 2:53 p.m.  
27 the House adjourned.

28 Patricia Miller, Chief Clerk



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**JOINT SESSION**

2 Pursuant to the report of the Joint-Select Committee, as found on page 28 of the House  
3 Journal, the Senate and the House of Representatives met in informal joint session in the House  
4 Chamber for the purpose of having a memorial service for deceased former members and reading  
5 of the following Joint Memorial Resolution:

6 **WHEREAS**, the Great Ruler of the Universe has ordered a final adjournment in the lives of  
7 eleven former members of the South Dakota Legislature, namely: the *Honorable Carrol "Red" Allen*;  
8 the *Honorable Debra Anderson*; the *Honorable O.L. "Larry" Anderson*; the *Honorable Henry Carlson*,  
9 *Jr.*; the *Honorable Sheldon Cotton*; the *Honorable Gary Jerke*; the *Honorable Marguerite Kleven*;  
10 the *Honorable Gordon J. Mydland*; the *Honorable James "Jim" Peterson*; the *Honorable John "Joe"*  
11 *Reedy*; and the *Honorable Harvey Wollman*.

12 **WHEREAS**, in the lives of all of these eminent public servants there was noted a profound  
13 urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but with  
14 a consciousness that here in a land of freedom the dignity of the individual is supreme, that justice  
15 must be dispensed, and that only by eternal vigilance and unrelenting effort can self-government of  
16 a people be preserved; and

17 **WHEREAS**, it is fitting that we humbly honor the memory of those who have thus contributed  
18 to the orderly process of government under the Constitution:

19 **NOW, THEREFORE, BE IT RESOLVED**, by the Senate and the House of Representatives of  
20 the Ninety-eighth Session of the Legislature of the State of South Dakota duly convened in recess  
21 session in recognition of the useful lives and unflinching devotion to the interests of the State of South  
22 Dakota, as well as the rectitude of thought and action and fidelity to the highest principles of  
23 American citizenship by these honorable people, that the Senate and the House of Representatives  
24 do now pause in their labors out of respect for the memory of their late fellow associates in the  
25 functions of government, and note that in their passing, the state they have served so well has  
26 suffered a distinct loss, and though their labors have ceased and they have been laid to rest, the  
27 people of this great state have benefited greatly from the services rendered by them and they have  
28 left upon the sands of time an inspiring record of devotion to their fellow citizens under the guiding  
29 hand of Almighty God; and

30 **BE IT FURTHER RESOLVED**, that this Resolution be printed in the journals of the Senate  
31 and the House of Representatives of the Ninety-eighth Session of the Legislature of the State of  
32 South Dakota, now assembled this 19th day of January, 2023, at Pierre, South Dakota.

