

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

EIGHTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, January 20, 2023

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by House page Katelyn Spracklin.

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 7th 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

1 HOUSE PAGE RESOLUTION 1 Introduced by: Representatives Arlint; Auch; Aylward;
 2 Bahmuller; Bartels; Blare; Callies; Cammack; Chaffee; Chase; DeGroot; Derby; Deutsch; Donnell;
 3 Drury; Duba; Duffy; Emery; Fitzgerald; Gross; Hansen; Healy; Heermann; Jamison; Jensen, Kevin;
 4 Jensen, Phil; Karr; Kassin; Koth; Krohmer; Krull; Kull; Ladner; Lems; Lesmeister; Massie; May;
 5 Mills; Moore; Mortenson; Mulally; Mulder; Nelson; Odenbach; Olson; Otten, Ernie; Overweg; Perry;
 6 Peterson, Drew; Peterson, Sue; Pinnow; Pourier; Randolph; Rehfeldt; Reimer; Reisch; Sauder;
 7 Schaeftbauer; Schneider; Shorma; Sjaarda; Soye; St. John; Stevens; Teunissen; Tordsen;
 8 Venhuizen; Wangsness; Weisgram; Wittman.

9 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of
 10 the Ninety-eighth Legislature of the State of South Dakota to Keegan Baker, Rebecca Feldhaus,
 11 Tesfanesh Feldkamp, Samantha Hegge, Cheyenne Hunnewell, Kaylee Morehead, Harlee Nielson,
 12 Katelyn Spracklin.

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

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

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

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

21 Rep. Blare moved that House Page Resolution 1 be adopted.

22 Which motion prevailed and the resolution was adopted.

23 REPORTS OF STANDING COMMITTEES

24 MR. SPEAKER:

25 The Committee on House State Affairs respectfully reports that it has had under consideration
 26 **HJR 5001** which was deferred to the 41st Legislative Day.

27 Also MR. SPEAKER:

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

31 Respectfully submitted,
 32 Will Mortenson, Chair

33 MR. SPEAKER:

34 The Committee on House Commerce and Energy respectfully reports that it has had under
 35 consideration **HB 1085** which was deferred to the 41st Legislative Day.

36 Respectfully submitted,
 37 Mike Weisgram, Chair

1 MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration
3 **HB 1002 and 1071** and returns the same with the recommendation that said bills do pass, and
4 having been certified as uncontested, be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on House Judiciary respectfully reports that it has had under consideration
7 **HB 1073 and 1074** which were deferred to the 41st Legislative Day.

8 Respectfully submitted,
9 Jon Hansen, Chair

10 **MESSAGES FROM THE SENATE**

11 Mr. SPEAKER:

12 I have the honor to transmit herewith **SB 1, 26, 27, and 29** which have passed the Senate
13 and your favorable consideration is respectfully requested.

14 Respectfully,
15 Kay Johnson, Secretary

16 **MOTIONS AND RESOLUTIONS**

17 **HCR 6005:** A CONCURRENT RESOLUTION, Recognizing the right to contraception and
18 supporting access to contraception for all adults.

19 Introduced by: **Representative** Healy

20 **HCR 6008:** A CONCURRENT RESOLUTION, Affirming, supporting, and defending certain
21 principles, values, and goals.

22 Introduced by: **Representative** Phil Jensen

23 Were read the first time.

24 **HCR 6006:** A CONCURRENT RESOLUTION, Encouraging the humane and fair treatment of the
25 January 6 defendants.

26 Introduced by: **Representative** Phil Jensen

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

28 **HCR 6007:** A CONCURRENT RESOLUTION, Affirming the importance of the constitutionally
29 required legislative oath of office.

30 Introduced by: **Representative** Phil Jensen

31 Was read the first time and the Speaker waived the committee referral pursuant to
32 JR 6D-1.

1 Rep. Stevens moved that **HB 1061** be deferred to Monday, January 23, 2023, the 9th
2 legislative day.

3 Which motion prevailed.

4 Rep. Mortenson moved that **HB 1086** be referred from the Committee on Commerce and
5 Energy to the Committee on Health and Human Services.

6 Which motion prevailed.

7 Rep. Chase moved that **HB 1029** be deferred to Monday, January 23, 2023, the 9th legislative
8 day.

9 Which motion prevailed.

10 **CONSIDERATION OF REPORTS OF COMMITTEES**

11 Rep. Mortenson moved that the report of the Standing Committee on
12 State Affairs on **HB 1001** as found on page 58 of the House Journal be adopted.

13 Which motion prevailed and the report was adopted.

14 Rep. Karr moved that **HB 1001** be placed on the calendar of Monday, January 23, 2023, the
15 9th legislative day, pursuant to JR 6F-6.

16 Rep. May rose to a point of order that the Speaker said HB 101 and it should be **HB 1001**.

17 The question being on Rep. Karr's motion that **HB 1001** be placed on the calendar of Monday,
18 January 23, 2023, the 9th legislative day, pursuant to JR 6F-6.

19 And the roll being called:

20 Yeas 37, Nays 32, Excused 1, Absent 0

21 Yeas: Auch, Aylward, Bahmuller, Deutsch, Donnell, Emery, Gross, Hansen, Healy, Jamison,
22 Kevin Jensen, Phil Jensen, Karr, Krohmer, Krull, Ladner, Lems, Lesmeister, May, Mills, Mulally,
23 Mulder, Nelson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Sue Peterson, Pourier, Randolph,
24 Schaeftbauer, Sjaarda, Soye, St. John, Tordsen, and Wittman

25 Nays: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Drury, Duffy,
26 Fitzgerald, Heermann, Kassin, Koth, Kull, Massie, Moore, Mortenson, Drew Peterson, Pinnow,
27 Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, Stevens, Teunissen, Venhuizen, Wangsness,
28 Weisgram, and Speaker Bartels

29 Excused: Duba

30 So the motion having received an affirmative vote of a majority of the members-elect, the
31 Speaker declared the motion prevailed and **HB 1001** was so placed.

1

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

3

The Speaker declared that **HB 1066 and 1068** were withdrawn at the request of the prime sponsors pursuant to JR 6B-1.1.

4

HB 1100: FOR AN ACT ENTITLED, An Act to authorize landowner-on-own-land elk licenses.

5

Introduced by: **Representative** Blare

6

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

7

8

HB 1101: FOR AN ACT ENTITLED, An Act to ensure the proper labeling of American Indian arts and crafts.

9

Introduced by: **Representative** Tordsen

10

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

11

HB 1098: FOR AN ACT ENTITLED, An Act to revise provisions related to juror compensation.

12

Introduced by: **Representative** Reisch

13

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

14

15

HB 1099: FOR AN ACT ENTITLED, An Act to permit the display of campaign signage in municipalities prior to the beginning of absentee voting.

16

Introduced by: **Representative** Weisgram

17

18

19

HJR 5003: A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election a new section to Article VI of the Constitution of the State of South Dakota, relating to the right of a person to reject certain medical procedures.

20

Introduced by: **Representative** Phil Jensen

21

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

22

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

23

24

SB 1: FOR AN ACT ENTITLED, An Act to modify debilitating medical conditions for medical cannabis use.

25

26

SB 27: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances schedule and to declare an emergency.

27

Were read the first time and referred to the Committee on Health and Human Services.

1 **SB 26:** FOR AN ACT ENTITLED, An Act to transfer a property tax relief program, to change
2 income requirements for certain property tax relief programs, and to index certain income schedules
3 to inflation.

4 **SB 29:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue
5 Code.

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

7 **SECOND READING OF CONSENT CALENDAR ITEMS**

8 **HB 1028:** FOR AN ACT ENTITLED, An Act to modify expiration dates and enforcement actions
9 pertaining to pesticide applicator licenses.

10 Was read the second time.

11 The question being "Shall **HB 1028** pass?"

12 And the roll being called:

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

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

21 Excused: Donnell and Duba

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

24 There being no objection, the House proceeded to Order of Business No. 14 - Second Reading
25 of Senate Bills and Joint Resolutions.

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

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

29 Was read the second time.

30 Rep. Mills moved that **SB 41** be amended as follows:

31 41A

32 On page 1, line 2, of the Introduced bill, after "to " delete "establish a program for housing
33 infrastructure loans and grants, make an appropriation therefor, and to declare an emergency."

34 On page 1, line 3, after "emergency." insert "establish a fund for the support of county projects
35 and residents, make an appropriation therefor, and to declare an emergency."

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

2 "

3 **An Act to establish a program for housing infrastructure loans and grants, make an**
4 **appropriation therefor, and to declare an emergency.**

5 **Section 1. That chapter 10-1 be amended with a NEW SECTION:**

6 There is established in the state treasury a special county fund for each county in the state.
7 Money in each special county fund is continuously appropriated for the purposes provided in this
8 section. A county, through the county's board of county commissioners, may disburse some or all
9 of the monies:

10 (1) Directly to county residents on an equalized, per-capita basis;

11 (2) For capital projects including infrastructure, housing infrastructure, incarceration,
12 rehabilitation, or other facilities the board determines are vital to county residents; or

13 (3) Any combination of subsections (1) and (2).

14 The secretary of the Department of Revenue shall release moneys from a county's special fund
15 after receiving a formal request from the board of county commissioners to release a specified sum
16 of money.

17 **Section 2. Upon the effective date of this Act, the state treasurer shall transfer \$150,000,000**
18 **from the South Dakota housing opportunity fund to the Department of Revenue. Upon receipt of the**
19 **transferred monies, the secretary of the Department of Revenue shall allocate the monies into each**
20 **county's special county fund created in section 1 of this Act as follows:**

21 (1) Each fund receives a \$1,000,000 base allocation; and

22 (2) The remaining moneys are distributed to the counties in a pro-rata fashion based on
23 population figures provided by the 2020 United States census.

24 **Section 3. The secretary of revenue shall approve vouchers and the state auditor shall draw**
25 **warrants to pay expenditures authorized by this Act.**

26 **Section 4. Whereas, this Act is necessary for the support of the state government and its**
27 **existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full**
28 **force and effect from and after its passage and approval."**

29 A roll call vote was requested and was supported

30 And the roll being called:

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

32 Yeas: Auch, Aylward, Deutsch, Gross, Hansen, Phil Jensen, Karr, Krohmer, Lems, May, Mills,
33 Mulally, Odenbach, Overweg, Randolph, Schaefbauer, Sjaarda, and Soye

34 Nays: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Donnell,
35 Drury, Duffy, Emery, Fitzgerald, Healy, Heermann, Jamison, Kevin Jensen, Kassin, Koth, Krull, Kull,
36 Ladner, Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Olson, Ernie Otten, Perry, Drew
37 Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, St.

1 John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and
2 Speaker Bartels

3 Excused: Duba

4 So the motion not having received an affirmative vote of a majority of the members-elect, the
5 Speaker declared the motion lost.

6 Rep. May moved that **SB 41** be amended as follows:

7 41B

8 On page 1, line 2, of the Introduced bill, delete ", " and insert " and "

9 On page 1, line 3, of the Introduced bill, after "therefor" delete ", and to declare an emergency"

10 On page 4, line 10, of the Introduced bill, after "committee." delete "Section 15. Whereas, this
11 Act is necessary for the support of the state government and its existing public institutions, an
12 emergency is hereby declared to exist, and this Act shall be in full force and effect from and after
13 its passage and approval."

14 Rep. Mulally requested that JR 5-17 be invoked on **SB 41**.

15 Which request was supported and **SB 41** with Rep. May's pending motion to amend was
16 deferred until Monday, January 23, the 9th legislative day.

17 There being no objection, the House reverted to Order of Business No. 13 - Second Reading of
18 House Bills and Joint Resolutions.

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

20 **HB 1025**: FOR AN ACT ENTITLED, An Act to revise the fees for registration of an apiary.

21 Was read the second time.

22 The question being "Shall **HB 1025** pass?"

23 And the roll being called:

24 Yeas 50, Nays 19, Excused 1, Absent 0

25 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,
26 Drury, Duffy, Emery, Fitzgerald, Gross, Healy, Heermann, Kassin, Koth, Krull, Kull, Ladner,
27 Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Ernie Otten, Overweg,
28 Perry, Drew Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, St. John,
29 Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

30 Nays: Auch, Aylward, Bahmuller, Hansen, Jamison, Kevin Jensen, Phil Jensen, Karr, Krohmer,
31 Lems, May, Mills, Mulally, Sue Peterson, Randolph, Schaeftbauer, Shorma, Sjaarda, and Soye

32 Excused: Duba

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

1 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 2:11 p.m.
2 the House adjourned.

3

Patricia Miller, Chief Clerk

