

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

NINTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, January 23, 2023

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

The prayer was offered by the Chaplain, David Hussey, followed by the Pledge of Allegiance led by House page Ashley Bondesen.

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 8th 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 The oath of office was administered by Speaker Bartels to the following named pages:

2 Ashley Bondesen, Ainsley Brink, Savannah Hendricks, Gavin Jacobson, Skye Kotalik,
3 Drew Reetz, Taylor Reisch, Jada Sandvall, Karlie Ten Eyck, William Thuringer, Alexander Vonderau.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **REPORTS OF STANDING COMMITTEES**

6 Mr. Speaker:

7 The Committee on House Commerce and Energy respectfully reports that it has had under
8 consideration **HB 1087** and returns the same with the recommendation that said bill be amended
9 as follows:

10 1087A

11 On page 1, line 1, of the Introduced bill, after "prohibit " insert "certain "

12 On page 1, line 1, of the Introduced bill, after "contracts " delete "involving mental health
13 professionals and counselors"

14 On page 2, line 16, of the Introduced bill, after "36-4A;

15 (3)" insert "A respiratory care practitioner licensed in accordance with chapter 36-4C;

16 (4) "

17 On page 2, line 17, of the Introduced bill, delete "(4)" and insert "(5)"

18 On page 2, line 18, of the Introduced bill, delete "(5)" and insert "(6)"

19 On page 2, line 20, of the Introduced bill, delete "(6)" and insert "(7)"

20 On page 2, line 21, of the Introduced bill, delete "(7)" and insert "(8)"

21 On page 2, line 22, of the Introduced bill, delete "(8)" and insert "(9)"

22 On page 2, line 22, of the Introduced bill, after "-9-4;

23 (8)" insert "A physical therapist licensed in accordance with chapter 36-10;

24 (10) "

25 On page 2, line 23, of the Introduced bill, delete "(9)" and insert "(11)An athletic trainer
26 licensed in accordance with chapter 36-29;

27 (12) An occupational therapist licensed in accordance with chapter 36-31;

28 (13) "

29 On page 2, line 24, of the Introduced bill, delete "(10)" and insert "(14)"

30 On page 2, line 25, of the Introduced bill, delete "(11)" and insert "(15)"

31 On page 2, line 25, of the Introduced bill, after "36-33; " delete "and"

1 On page 2, line 26, of the Introduced bill, delete "(12)" and insert "(16)"

2 On page 2, line 27, of the Introduced bill, after "36-34" insert "; and

3 (17) A speech language pathologist licensed in accordance with chapter 36-37"

4 And that as so amended, **HB 1087** do pass.

5 Also Mr. Speaker:

6 The Committee on House Commerce and Energy respectfully reports that it has had under
7 consideration **HB 1088** and returns the same with the recommendation that said bill be amended
8 as follows:

9 1088A

10 On page 1, line 6, of the Introduced bill, remove the overstrikes from " has fully complied with
11 the following requirements, in addition to such other requirements as may be specifically provided"

12 On page 1, line 8, of the Introduced bill, remove the overstrikes from "Such company shall
13 have had"

14 On page 1, line 8, of the Introduced bill, after "had" delete "Has"

15 On page 1, line 9, of the Introduced bill, remove the overstrikes from "and"

16 On page 1, line 10, of the Introduced bill, remove the overstrikes from "Shall have been"

17 On page 1, line 10, of the Introduced bill, after "been" delete "Is"

18 On page 1, line 12, of the Introduced bill, remove the overstrikes from "Shall fully satisfy"

19 On page 1, line 12, of the Introduced bill, after "satisfy" delete "Fully satisfies"

20 And that as so amended, **HB 1088** do pass, and having been certified as uncontested, be
21 placed on the consent calendar.

22 Also Mr. Speaker:

23 The Committee on House Commerce and Energy respectfully reports that it has had under
24 consideration **SB 22 and 43** and returns the same with the recommendation that said bills do pass.

25 Respectfully submitted,
26 Mike Weisgram, Chair

27 Mr. Speaker:

28 The Committee on House Education respectfully reports that it has had under consideration
29 **HB 1070** with the recommendation that said bill be referred to the House Committee on
30 Appropriations with a Do Pass recommendation.

31 Respectfully submitted,
32 Mike Stevens, Chair

1 Mr. Speaker:

2 The Committee on House State Affairs respectfully reports that it has had under consideration
3 **HB 1081 and 1082** which were tabled.

4 Respectfully submitted,
5 Will Mortenson, Chair

6 **MESSAGES FROM THE SENATE**

7 Mr. Speaker:

8 I have the honor to transmit herewith **SB 30 and 42** which have passed the Senate and your
9 favorable consideration is respectfully requested.

10 Respectfully,
11 Kay Johnson, Secretary

12 **MOTIONS AND RESOLUTIONS**

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

15 Was read the second time.

16 Rep. Phil Jensen moved that **HCR 6007** as found on page 69 of the House Journal be adopted.

17 The question being on Rep. Phil Jensen's motion that **HCR 6007** be adopted.

18 And the roll being called:

19 Yeas 62, Nays 8, Excused 0, Absent 0

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

27 Nays: Callies, Duba, Duffy, Heermann, Ladner, Overweg, Shorma, and Teunissen

28 So the motion having received an affirmative vote of a majority of the members-elect, the
29 Speaker declared the motion carried and **HCR 6007** was adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

1

2 **HB 1102:** FOR AN ACT ENTITLED, An Act to clarify and modify requirements related to the
3 medical cannabis program.

4 Introduced by: **Representative** Deutsch

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

6 **HB 1110:** FOR AN ACT ENTITLED, An Act to revise the provisions on procuring a tax deed
7 when the property owner has died.

8 Introduced by: **Representative** Pinnow

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

10 **HB 1106:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding voter
11 registration records.

12 Introduced by: **Representative** Mulally

13 **HB 1108:** FOR AN ACT ENTITLED, An Act to revise provisions related to abandoned mobile or
14 manufactured homes.

15 Introduced by: **Representative** Weisgram

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

17 **HB 1104:** FOR AN ACT ENTITLED, An Act to require written consent for a third party to
18 transmit a completed voter registration form.

19 Introduced by: **Representative** Mulally

20 **HB 1105:** FOR AN ACT ENTITLED, An Act to establish the legal standing of the Legislature to
21 bring suit and be a necessary party in actions involving election law violations by public officials.

22 Introduced by: **Representative** Mulally

23 **HB 1111:** FOR AN ACT ENTITLED, An Act to increase campaign contribution limits.

24 Introduced by: **Representative** Chase

25 **HB 1112:** FOR AN ACT ENTITLED, An Act to modify provisions for a statewide runoff election.

26 Introduced by: **Representative** Venhuizen

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

29 Introduced by: **Representative** Healy

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

32 Introduced by: **Representative** Phil Jensen

1 **HJR 5004:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
2 election, an amendment to the Constitution of the State of South Dakota, authorizing the state to
3 impose work requirements on certain individuals who are eligible for expanded Medicaid.

4 Introduced by: **Representative** Venhuizen

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

6 **HB 1109:** FOR AN ACT ENTITLED, An Act to modify the occupation tax for business
7 improvement districts.

8 Introduced by: **Representative** Drury

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

10 **HB 1103:** FOR AN ACT ENTITLED, An Act to waive the fee for nondriver identification cards
11 for individuals at or below the federal poverty level.

12 Introduced by: **Representative** Wittman

13 **HB 1107:** FOR AN ACT ENTITLED, An Act to allow townships to assess up to four dollars per
14 front foot for a township paved road in a paved development and assess properties within three
15 hundred feet of the paved road.

16 Introduced by: **Representative** Kull

17 Were read the first time and referred to the Committee on Transportation.

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

19 **SB 42:** FOR AN ACT ENTITLED, An Act to modify power of attorney requirements for certain
20 vehicle transfer authorizations.

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

22 **SB 30:** FOR AN ACT ENTITLED, An Act to revise the criteria for remote sellers who must remit
23 sales tax.

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

25 **SECOND READING OF CONSENT CALENDAR ITEMS**

26 **HB 1002:** FOR AN ACT ENTITLED, An Act to update the official code of laws.

27 **HB 1071:** FOR AN ACT ENTITLED, An Act to establish use of force course standards.

28 **SB 2:** FOR AN ACT ENTITLED, An Act to revise Department of Corrections reporting
29 requirements concerning abuse and neglect of individuals in private contracted facilities.

30 Were read the second time.

31 The question being "Shall **HB 1002 and 1071, and SB 2** pass?"

1 And the roll being called:

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

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

10 Nays: Aylward, Phil Jensen, Mulally, and Randolph

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

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

14 **HB 1029:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the county
15 zoning and appeals process.

16 Was read the second time.

17 The question being "Shall **HB 1029** pass?"

18 And the roll being called:

19 Yeas 40, Nays 30, Excused 0, Absent 0

20 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,
21 Drury, Duffy, Fitzgerald, Gross, Heermann, Jamison, Kevin Jensen, Kassin, Koth, Kull, Massie,
22 Mortenson, Mulder, Olson, Perry, Drew Peterson, Pinnow, Rehfeldt, Reimer, Reisch, Sauder,
23 Schneider, Shorma, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and
24 Speaker Bartels

25 Nays: Auch, Aylward, Donnell, Duba, Emery, Hansen, Healy, Phil Jensen, Karr, Krohmer, Krull,
26 Ladner, Lems, Lesmeister, May, Mills, Moore, Mulally, Nelson, Odenbach, Ernie Otten, Overweg, Sue
27 Peterson, Pourier, Randolph, Schaeftbauer, Sjaarda, Soye, St. John, and Wittman

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

32 Was read the second time.

33 The question being "Shall **HB 1061** pass?"

34 And the roll being called:

35 Yeas 7, Nays 63, Excused 0, Absent 0

1 Yeas: Cammack, Koth, Kull, Reisch, Stevens, Wangsness, and Weisgram

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

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

11 **HB 1001**: FOR AN ACT ENTITLED, An Act to allow the Government Operations and Audit
12 Committee to issue subpoenas without Executive Board approval.

13 Was read the second time.

14 The question being "Shall **HB 1001** pass?"

15 And the roll being called:

16 Yeas 39, Nays 31, Excused 0, Absent 0

17 Yeas: Auch, Aylward, Bahmuller, Chaffee, Deutsch, Duba, Emery, Gross, Hansen, Healy,
18 Jamison, Kevin Jensen, Phil Jensen, Karr, Krohmer, Krull, Ladner, Lems, Lesmeister, May, Mills,
19 Moore, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Sue Peterson,
20 Pourier, Randolph, Reimer, Schaeftbauer, Sjaarda, Soye, Teunissen, and Wittman

21 Nays: Arlint, Blare, Callies, Cammack, Chase, DeGroot, Derby, Donnell, Drury, Duffy,
22 Fitzgerald, Heermann, Kassin, Koth, Kull, Massie, Mortenson, Drew Peterson, Pinnow, Rehfeldt,
23 Reisch, Sauder, Schneider, Shorma, St. John, Stevens, Tordsen, Venhuizen, Wangsness, Weisgram,
24 and Speaker Bartels

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

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

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

30 Having had its second reading was up for consideration and final passage.

31 The question now being on Rep. May's pending motion to amend **SB 41** as found on page 74
32 of the House Journal.

33 Rep. Soye requested a roll call vote.

34 Which request was supported.

35 And the roll being called:

36 Yeas 19, Nays 51, Excused 0, Absent 0

1 Yeas: Auch, Aylward, Gross, Hansen, Kevin Jensen, Phil Jensen, Karr, Krohmer, Ladner, Lems,
2 May, Mills, Mulally, Overweg, Randolph, Schaeftbauer, Sjaarda, Soye, and Teunissen

3 Nays: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,
4 Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull,
5 Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Ernie Otten, Perry, Drew
6 Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, St.
7 John, Stevens, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

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

10 Rep. Mulally moved that **SB 41** be amended as follows:

11 41C

12 On page 4, after line 9, of the Introduced bill, insert: "

13 **Section 15. That a NEW SECTION be added to title 11:**

14 No person or entity receiving monies pursuant to this Act may also receive monies pursuant
15 to chapter 11-9. "

16 Which motion lost.

17 Rep. Jamison moved that **SB 41** be amended as follows:

18 41D

19 On page 1, line 2, of the Introduced bill, after "for" insert " workforce"

20 On page 1, line 6, of the Introduced bill, after "Dakota" insert " workforce"

21 On page 1, line 10, of the Introduced bill, after "of" insert " workforce"

22 On page 1, line 12, of the Introduced bill, after "of" insert " workforce"

23 On page 1, line 14, of the Introduced bill, after "Dakota" insert " workforce"

24 On page 1, line 19, of the Introduced bill, after "Dakota" insert " workforce"

25 On page 1, line 20, of the Introduced bill, after "of" insert " workforce"

26 On page 2, line 1, of the Introduced bill, after "of" insert " workforce"

27 On page 2, line 5, of the Introduced bill, after "Dakota" insert " workforce"

28 On page 2, line 5, of the Introduced bill, after "same" insert " workforce"

29 On page 2, line 11, of the Introduced bill, after "use " insert " workforce "

30 On page 2, line 13, of the Introduced bill, after "use " insert " workforce "

31 On page 2, line 23, of the Introduced bill, delete "Housing" and insert " Workforce housing"

32 On page 2, line 24, of the Introduced bill, delete " a" and insert " an affordable"

33 On page 2, line 25, of the Introduced bill, after "project" insert " for households with earned
34 income that is insufficient to secure quality housing in reasonable proximity to the workplace"

- 1 On page 3, line 1, of the Introduced bill, after "Dakota" insert " workforce"
- 2 On page 3, line 2, of the Introduced bill, after "for " insert "workforce "
- 3 On page 3, line 11, of the Introduced bill, after "Dakota " insert "workforce "
- 4 On page 3, line 13, of the Introduced bill, after "for" insert " workforce"
- 5 On page 3, line 15, of the Introduced bill, after "for" insert " workforce"
- 6 On page 3, line 17, of the Introduced bill, after "Dakota " insert "workforce "
- 7 On page 3, line 17, of the Introduced bill, after "same" insert " workforce"
- 8 On page 3, line 20, of the Introduced bill, after "Dakota " insert "workforce "
- 9 On page 3, line 21, of the Introduced bill, after "for" insert " workforce"
- 10 On page 3, line 22, of the Introduced bill, after "the " insert "workforce "
- 11 On page 3, line 26, of the Introduced bill, after "Dakota " insert "workforce "
- 12 On page 3, line 27, of the Introduced bill, after "for" insert " workforce"
- 13 On page 3, line 28, of the Introduced bill, after "the " insert "workforce "
- 14 On page 4, line 7, of the Introduced bill, after "Dakota " insert "workforce "
- 15 Rep. Soye requested a roll call vote.
- 16 Which request was supported.
- 17 And the roll being called:
- 18 Yeas 20, Nays 50, Excused 0, Absent 0
- 19 Yeas: Auch, Aylward, Bahmuller, Gross, Hansen, Jamison, Kevin Jensen, Karr, Krohmer,
20 Ladner, Lems, May, Mills, Mulder, Olson, Overweg, Sue Peterson, Randolph, Sjaarda, and Soye
- 21 Nays: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,
22 Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Heermann, Phil Jensen, Kassin, Koth, Krull, Kull,
23 Lesmeister, Massie, Moore, Mortenson, Mulally, Nelson, Odenbach, Ernie Otten, Perry, Drew
24 Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schaefbauer, Schneider, Shorma, St.
25 John, Stevens, Teunissen, Tordsen, Venhuizen, Wangness, Weisgram, Wittman, and
26 Speaker Bartels
- 27 So the motion not having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the motion lost.
- 29 Rep. Randolph moved that **SB 41** be amended as follows:
- 30 41G
- 31 On page 1, after line 1, of the Introduced bill, insert: "
- 32 **Section 1. That a NEW SECTION be added:**
- 33 "On page 4, after line 9, of the Introduced bill, insert: "

