

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

THIRTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, January 30, 2023

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

The prayer was offered by the Chaplain, John Fette, followed by the Pledge of Allegiance led by House pages Drew Reetz and Jada Sandvall.

Roll Call: All members present except Reps. Callies, Kull, Ladner, and Reisch 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 12th 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

REPORTS OF STANDING COMMITTEES

2 Mr. Speaker:

3 The Committee on Legislative Procedure respectfully reports that **HB 1011** was delivered to
4 her Excellency, the Governor, for her approval at 3:40 p.m. on January 26, 2023.

5 Respectfully submitted,
6 Hugh M. Bartels, Chair

7 Mr. Speaker:

8 The Joint Committee on Appropriations respectfully reports that it has had under consideration
9 **HB 1026, 1027, and 1034**, and returns the same with the recommendation that said bills do pass.

10 Respectfully submitted, Respectfully submitted,
11 Jean Hunhoff, Co-Chair Mike Derby, Co-Chair

12 Mr. Speaker:

13 The Committee on House State Affairs respectfully reports that it has had under consideration
14 **HB 1112** and returns the same with the recommendation that said bill be amended as follows:

15 1112A

16 On page 1, line 13, of the Introduced bill, remove the overstrikes from "However, if the runoff
17 election does not have a federal race, the electronic ballot marking system is not required, and
18 hand-counted ballots may be used. "

19 1112D

20 On page 1, line 6, of the Introduced bill, delete " six" and insert " eight"

21 And that as so amended, **HB 1112** do pass.

22 Also Mr. Speaker:

23 The Committee on House State Affairs respectfully reports that it has had under consideration
24 **HB 1111 and 1114, and HJR 5004, and SB 68** and returns the same with the recommendation
25 that said bills and resolution do pass.

26 Respectfully submitted,
27 Will Mortenson, Chair

28 Mr. Speaker:

29 The Committee on House Commerce and Energy respectfully reports that it has had under
30 consideration **SB 11** and returns the same with the recommendation that said bill do pass.

31 Respectfully submitted,
32 Mike Weisgram, Chair

MESSAGES FROM THE SENATE

1

2 Mr. Speaker:

3 I have the honor to transmit herewith **SCR 602** which has been adopted by the Senate and
4 your concurrence is respectfully requested.

5

6

Respectfully,
Kay Johnson, Secretary

7

MOTIONS AND RESOLUTIONS

8 Rep. Mortenson moved that **HB 1087** be deferred to Friday, February 3, 2023, the 17th
9 legislative day.

10 Which motion prevailed.

11 **SCR 602:** A CONCURRENT RESOLUTION, Affirming the Legislature's support of the United
12 States Supreme Court decision of Dobbs v. Jackson Women's Health Organization.

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

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

17 Was read the second time.

18 Rep. Emery moved that **HCR 6004** as found on page 59 of the House Journal be adopted as
19 amended on page 100 of the House Journal.

20 And the roll being called:

21 Yeas 65, Nays 1, Excused 4, Absent 0

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

29 Nays: Randolph

30 Excused: Callies, Kull, Ladner, and Reisch

31 So the motion having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the motion carried and **HCR 6004** was adopted as amended.

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

4

Military and Veterans Affairs on **HB 1039** as found on page 156 of the House Journal be adopted.

5

Which motion prevailed and the report was adopted.

6

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

7

8

The Speaker declared that **HB 1183** changed prime sponsor from Representative Rehfeldt to Representative Duba at their request.

9

10

HB 1186: FOR AN ACT ENTITLED, An Act to require restitution for landowners following an unauthorized entry to hunt, fish, or trap.

11

Introduced by: **Representative** Pinnow

12

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

13

14

HB 1176: FOR AN ACT ENTITLED, An Act to provide for a unified liquor license for municipal facilities.

15

Introduced by: **Representative** Jamison

16

17

HB 1180: FOR AN ACT ENTITLED, An Act to modify hours of employment for children under fourteen years of age.

18

Introduced by: **Representative** Perry

19

HB 1181: FOR AN ACT ENTITLED, An Act to modify the annual minimum wage adjustment.

20

Introduced by: **Representative** Perry

21

22

HB 1184: FOR AN ACT ENTITLED, An Act to revise provisions related to the One-Call Notification Board.

23

Introduced by: **Representative** Krohmer

24

25

HB 1185: FOR AN ACT ENTITLED, An Act to prohibit certain restrictions in employment contracts.

26

Introduced by: **Representative** Deutsch

27

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

28

29

HB 1183: FOR AN ACT ENTITLED, An Act to authorize the state's participation in the interstate compact on occupational therapy licensure.

30

Introduced by: **Representative** Duba

31

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

1 **HB 1174:** FOR AN ACT ENTITLED, An Act to revise civil commitment procedures for offenders
2 with developmental disabilities.

3 Introduced by: **Representative** Mulder

4 **HB 1182:** FOR AN ACT ENTITLED, An Act to allow the parole of inmates sentenced to life
5 imprisonment without parole for crimes committed under age twenty-one.

6 Introduced by: **Representative** Wittman

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

8 **HB 1177:** FOR AN ACT ENTITLED, An Act to revise the retirement benefits of certain rehired
9 teachers at qualifying public school districts.

10 Introduced by: **Representative** Reisch

11 Was read the first time and referred to the Committee on Retirement Laws.

12 **HB 1175:** FOR AN ACT ENTITLED, An Act to update references to the Governor, lieutenant
13 governor, and other persons.

14 Introduced by: **Representative** Olson

15 **HB 1178:** FOR AN ACT ENTITLED, An Act to establish a timeline and conditions for
16 consideration of an application to construct a carbon dioxide transmission facility.

17 Introduced by: **Representative** Sjaarda

18 **HB 1179:** FOR AN ACT ENTITLED, An Act to require members of the Legislature to attend a
19 course on the federal and state constitutions.

20 Introduced by: **Representative** Perry

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

22 **SECOND READING OF CONSENT CALENDAR ITEMS**

23 Rep. Randolph requested that **HB 1091** be removed from the Consent Calendar.

24 Which request was granted.

25 **HB 1047:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding military affairs.

26 Was read the second time.

27 The question being "Shall **HB 1047** pass?"

28 And the roll being called:

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

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

8 Excused: Callies, Kull, Ladner, and Reisch

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

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

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

14 Was read the second time.

15 The question being "Shall **HB 1101** pass?"

16 And the roll being called:

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

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

25 Excused: Callies, Kull, Ladner, and Reisch

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

28 **HB 1041:** FOR AN ACT ENTITLED, An Act to provide an exception to the definition of drug
29 paraphernalia.

30 Was read the second time.

31 The question being "Shall **HB 1041** pass?"

32 And the roll being called:

33 Yeas 64, Nays 2, Excused 4, Absent 0

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

1 Nays: Krohmer and Overweg

2 Excused: Callies, Kull, Ladner, and Reisch

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

5 Rep. May rose to a point of order that the Speaker said HB 1046 and it should be HB 1041.

6 **HB 1046:** FOR AN ACT ENTITLED, An Act to to provide free tuition at Board of Technical
7 Education institutions for children or spouses of members of the South Dakota National Guard
8 disabled or deceased in the line of duty.

9 Was read the second time.

10 The question being "Shall **HB 1046** pass?"

11 And the roll being called:

12 Yeas 64, Nays 2, Excused 4, Absent 0

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

20 Nays: Lems and Mulally

21 Excused: Callies, Kull, Ladner, and Reisch

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

25 Rep. Mortenson moved that **SB 30** be deferred to Tuesday, January 31, 2023, the 14th
26 legislative day.

27 Which motion prevailed.

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

30 Was read the second time.

31 The question being "Shall **SB 27** pass?"

32 And the roll being called:

33 Yeas 64, Nays 2, Excused 4, Absent 0

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

8 Nays: Aylward and Randolph

9 Excused: Callies, Kull, Ladner, and Reisch

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

12

SIGNING OF BILLS

13 The Speaker publicly read the title to

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

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

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

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

22 And signed the same in the presence of the House.

23 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 2:57 p.m.
24 the House adjourned.

25

Patricia Miller, Chief Clerk