

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 07, 2023

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

The prayer was offered by the Chaplain, Jarvis Wipf, followed by the Pledge of Allegiance led by House page Quinn Alt.

Roll Call: All members present except Reps. Perry and Randolph 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 18th 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 1013, 1026, 1027,**
4 **1034, 1036, 1063, and 1071** were delivered to her Excellency, the Governor, for her approval at
5 1:40 p.m., February 7, 2023.

6
7Respectfully submitted,
Hugh M. Bartels, Chair

8 Also Mr. Speaker:

9 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
10 Enrolling has carefully compared **HB 1038, 1057, and 1088** and finds the same correctly enrolled.

11
12Respectfully submitted,
Hugh M. Bartels, Chair

13 Mr. Speaker:

14 The Committee on House Local Government respectfully reports that it has had under
15 consideration **HB 1099, and SB 82** which were deferred to the 41st Legislative Day.

16 Also Mr. Speaker:

17 The Committee on House Local Government respectfully reports that it has had under
18 consideration **HB 1148** and returns the same with the recommendation that said bill do pass.

19 Also Mr. Speaker:

20 The Committee on House Local Government respectfully reports that it has had under
21 consideration **HB 1147** and returns the same with the recommendation that said bill do pass, and
22 having been certified as uncontested, be placed on the consent calendar.

23
24Respectfully submitted,
Becky J. Drury, Chair

25 Mr. Speaker:

26 The Committee on House Transportation respectfully reports that it has had under
27 consideration **HB 1158** and returns the same with the recommendation that said bill be amended
28 as follows:

29

1158A

30 On page 2, line 11, of the Introduced bill, after "motor" insert " vehicle"

31 And that as so amended, **HB 1158** do pass.

32 Also Mr. Speaker:

33 The Committee on House Transportation respectfully reports that it has had under
34 consideration **HB 1198** which was tabled.

1 Also Mr. Speaker:

2 The Committee on House Transportation respectfully reports that it has had under
3 consideration **HB 1215** and returns the same with the recommendation that said bill do pass.

4 Also Mr. Speaker:

5 The Committee on House Transportation respectfully reports that it has had under
6 consideration **HB 1241** with the recommendation that said bill be referred to the Joint Committee
7 on Appropriations with a without recommendation recommendation.

8 Respectfully submitted,
9 Rocky Blare, Chair

10 Mr. Speaker:

11 The Committee on House Health and Human Services respectfully reports that it has had under
12 consideration **HB 1129** and returns the same with the recommendation that said bill do pass.

13 Also Mr. Speaker:

14 The Committee on House Health and Human Services respectfully reports that it has had under
15 consideration **HB 1162** and returns the same with the recommendation that said bill do pass, and
16 having been certified as uncontested, be placed on the consent calendar.

17 Also Mr. Speaker:

18 The Committee on House Health and Human Services respectfully reports that it has had under
19 consideration **HB 1169** which was tabled.

20 Also Mr. Speaker:

21 The Committee on House Health and Human Services respectfully reports that it has had under
22 consideration **HB 1172** and returns the same with the recommendation that said bill be amended
23 as follows:

24 1172B

25 On page 1, line 1, of the Introduced bill, delete " a licensed health care facility" and insert "
26 certain facilities"

27 On page 5, line 14, of the Introduced bill, after "the" delete " name and"

28 On page 5, line 14, of the Introduced bill, after "the" delete " health care"

29 On page 5, line 14, of the Introduced bill, after "facility" delete " licensed under chapter 34-
30 12"

31 On page 5, line 26, of the Introduced bill, after "a" delete " health care"

32 On page 5, line 27, of the Introduced bill, delete " licensed under chapter 34-12" and insert "
33 as required by section 3 of this Act"

34 On page 5, line 31, of the Introduced bill, after "a" delete " health care"

35 On page 5, line 31, of the Introduced bill, after "facility " insert "used in the usual and regular
36 course of business by"

- 1 On page 5, line 31, of the Introduced bill, delete "licensed under chapter 34-12" and insert ":
- 2 (1) a physician licensed under chapter 36-4;
- 3 (2) a physician assistant licensed under chapter 36-4A;
- 4 (3) an advanced life support personnel licensed under chapter 36-4B;
- 5 (4) a respiratory care practitioner licensed under chapter 36-4C;
- 6 (5) a chiropractor licensed under chapter 36-5;
- 7 (6) a dentist, dental hygienist, or dental auxiliary licensed under chapter 36-6A;
- 8 (7) an optometrist licensed under chapter 36-7;
- 9 (8) a podiatrist licensed under chapter 36-8;
- 10 (9) a registered or practical nurse licensed under chapter 36-9;
- 11 (10) a certified nurse practitioner or certified nurse midwife licensed under chapter 36-9A;
- 12 (11) a certified professional midwife licensed under chapter 36-9C;
- 13 (12) a physical therapist licensed under chapter 36-10; or
- 14 (13) a dietician or nutritionist licensed under chapter 36-10B"
- 15 And that as so amended, **HB 1172** do pass.

16 Respectfully submitted,
17 Kevin D. Jensen, Chair

18 Mr. Speaker:

19 The Committee on House State Affairs respectfully reports that it has had under consideration
20 **HB 1133** and returns the same with the recommendation that said bill be amended as follows:

21 1133A

22 On page 1, line 8, of the Introduced bill, delete "Notwithstanding the provisions of this section,
23 a company transporting carbon dioxide, by pipeline, is not a common carrier." and insert "

24 For purposes of this section, the term, commodity, means a product that is intended for
25 commerce and is being transported to a point of distribution, consumption, or processing, within or
26 outside of this state. The term does not include a product that is disposed of in geological storage
27 or used in a manner that allows its owner, shipper, or the shipper's customer to qualify for a tax
28 credit or a direct payment, pursuant to 26 U.S.C. § 45Q."

29 And that as so amended, **HB 1133** do pass.

30 Also Mr. Speaker:

31 The Committee on House State Affairs respectfully reports that it has had under consideration
32 **HB 1089, 1178, 1188, and 1224** which were deferred to the 41st Legislative Day.

1 Also Mr. Speaker:

2 The Committee on House State Affairs respectfully reports that it has had under consideration
3 **HB 1230** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Will Mortenson, Chair

6 Mr. Speaker:

7 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
8 under consideration **HB 1186** and returns the same with the recommendation that said bill be
9 amended as follows:

10 1186A

11 On page 1, line 7, of the Introduced bill, after "conviction" insert " of unknowing trespass"

12 On page 1, line 8, of the Introduced bill, delete "two " and insert "one "

13 And that as so amended, **HB 1186** do pass.

14 Also Mr. Speaker:

15 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
16 under consideration **HB 1210** and returns the same with the recommendation that said bill do pass.

17 Respectfully submitted,
18 Roger Chase, Chair

19 Mr. Speaker:

20 The Committee on House Taxation respectfully reports that it has had under consideration
21 **HB 1197** with the recommendation that said bill be referred to the House Committee on
22 Appropriations with a Do Pass recommendation.

23 Also Mr. Speaker:

24 The Committee on House Taxation respectfully reports that it has had under consideration
25 **SB 71** and returns the same with the recommendation that said bill do pass.

26 Also Mr. Speaker:

27 The Committee on House Taxation respectfully reports that it has had under consideration
28 **SB 73** and returns the same with the recommendation that said bill do pass, and having been
29 certified as uncontested, be placed on the consent calendar.

30 Respectfully submitted,
31 Kirk Chaffee, Chair

1

MESSAGES FROM THE SENATE

2 Mr. Speaker:

3 I have the honor to return herewith **HB 1064** which has been amended by the Senate and
4 your concurrence in the amendments is respectfully requested.

5 Also Mr. Speaker:

6 I have the honor to return herewith **HB 1057** which has passed the Senate without change.

7 Also Mr. Speaker:

8 I have the honor to return herewith **HCR 6007** in which the Senate has concurred.

9 Also Mr. Speaker:

10 I have the honor to transmit herewith **SB 4, 74, 88, 116, 145, and 147, and SJR 505** which
11 have passed the Senate and your favorable consideration is respectfully requested.

12

13

Respectfully,
Kay Johnson, Secretary

14

MOTIONS AND RESOLUTIONS15 Yesterday, Rep. Reisch announced his intention to reconsider the vote by which **HB 1098** lost.16 Rep. Reisch moved that the House do now reconsider the vote by which **HB 1098** lost.17 The question being on Rep. Reisch's motion to reconsider the vote by which **HB 1098** lost.

18 And the roll being called:

19 Yeas 46, Nays 22, Excused 2, Absent 0

20 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Donnell,
21 Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Kull, Ladner,
22 Lesmeister, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Drew Peterson, Sue Peterson,
23 Pinnow, Pourier, Rehfeldt, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, St. John,
24 Teunissen, Tordsen, Venhuizen, Wangsness, and Wittman25 Nays: Auch, Aylward, Deutsch, Gross, Hansen, Kevin Jensen, Phil Jensen, Karr, Krohmer, Krull,
26 Lems, Massie, May, Mills, Mulally, Ernie Otten, Overweg, Reimer, Soye, Stevens, Weisgram, and
27 Speaker Bartels

28 Excused: Perry and Randolph

29 So the motion having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the motion carried.31 Rep. Reisch moved that **HB 1098** be placed on today's calendar.32 Which motion prevailed and **HB 1098** was so placed.

1 Yesterday, Rep. Pourier announced her intention to reconsider the vote by which **HB 1168**
2 lost.

3 Rep. Pourier moved that the House do now reconsider the vote by which **HB 1168** lost.

4 The question being on Rep. Pourier's motion to reconsider the vote by which **HB 1168** lost.

5 And the roll being called:

6 Yeas 33, Nays 35, Excused 2, Absent 0

7 Yeas: Arlint, Bahmuller, Blare, Chaffee, Derby, Donnell, Drury, Duba, Emery, Healy,
8 Heermann, Jamison, Kasson, Koth, Krull, Lesmeister, May, Moore, Mulder, Nelson, Olson, Sue
9 Peterson, Pourier, Reisch, Sauder, Schaeffbauer, Schneider, St. John, Stevens, Tordsen, Venhuizen,
10 Wangsness, and Wittman

11 Nays: Auch, Aylward, Callies, Cammack, Chase, DeGroot, Deutsch, Duffy, Fitzgerald, Gross,
12 Hansen, Kevin Jensen, Phil Jensen, Karr, Krohmer, Kull, Ladner, Lems, Massie, Mills, Mortenson,
13 Mulally, Odenbach, Ernie Otten, Overweg, Drew Peterson, Pinnow, Rehfeldt, Reimer, Shorma,
14 Sjaarda, Soye, Teunissen, Weisgram, and Speaker Bartels

15 Excused: Perry and Randolph

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

18 **SCR 601**: A CONCURRENT RESOLUTION, Encouraging the Executive Board of the Legislature
19 to authorize and form an interim legislative committee on nuclear power in South Dakota.

20 was read the second time.

21 Rep. Aylward moved that **SCR 601** as found on page 179 of the House Journal be concurred
22 in.

23 The question being on Rep. Aylward's motion that **SCR 601** be concurred in.

24 And the roll being called:

25 Yeas 63, Nays 5, Excused 2, Absent 0

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

33 Nays: Gross, Mills, Odenbach, Overweg, and Reimer

34 Excused: Perry and Randolph

35 So the motion having received an affirmative vote of a majority of the members-elect, the
36 Speaker declared the motion carried and **SCR 601** was concurred in.

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

Judiciary on **HB 1222** as found on page 230 of the House Journal be adopted.

4

Which motion prevailed and the report was adopted.

5

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

6

SB 4: FOR AN ACT ENTITLED, An Act to modify a court's authority to commit a habitual juvenile offender to the Department of Corrections.

7

8

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

9

SB 88: FOR AN ACT ENTITLED, An Act to amend a provision allowing municipalities to jointly license and regulate intercity services.

10

11

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

12

SB 74: FOR AN ACT ENTITLED, An Act to provide for the establishment of regional jail authorities.

13

14

SB 116: FOR AN ACT ENTITLED, An Act to authorize legislative intervention into certain cases pertaining to election law.

15

16

SB 147: FOR AN ACT ENTITLED, An Act to change provisions regarding the appointment of legislators to represent South Dakota in the Streamlined Sales and Use Tax Agreement.

17

18

SJR 505: A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, updating references to certain officeholders and persons.

19

20

21

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

22

SB 145: FOR AN ACT ENTITLED, An Act to revise provisions pertaining to township eligibility for the rural access infrastructure fund.

23

24

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

25

The following bills were read on February 6, 2023, and today the Speaker assigned these bills to committees:

26

27

SB 150 was referred to the Committee on Agriculture and Natural Resources.

28

SB 98 and 176 were referred to the Committee on Judiciary.

29

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

30

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

1 Having had its second reading was up for reconsideration and final passage.

2 The question being "Shall **HB 1098** pass?"

3 And the roll being called:

4 Yeas 40, Nays 28, Excused 2, Absent 0

5 Yeas: Arlint, Bahmuller, Callies, Cammack, Chaffee, Chase, DeGroot, Drury, Duba, Duffy,
6 Emery, Fitzgerald, Healy, Jamison, Kassin, Koth, Kull, Ladner, Lesmeister, Moore, Nelson,
7 Odenbach, Olson, Drew Peterson, Sue Peterson, Pinnow, Poirier, Rehfeldt, Reisch, Sauder,
8 Schneider, Shorma, Sjaarda, St. John, Teunissen, Tordsen, Venhuizen, Wangsness, Wittman, and
9 Speaker Bartels

10 Nays: Auch, Aylward, Blare, Derby, Deutsch, Donnell, Gross, Hansen, Heermann, Kevin
11 Jensen, Phil Jensen, Karr, Krohmer, Krull, Lems, Massie, May, Mills, Mortenson, Mulally, Mulder,
12 Ernie Otten, Overweg, Reimer, Schaeftbauer, Soye, Stevens, and Weisgram

13 Excused: Perry and Randolph

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

16 **HB 1165:** FOR AN ACT ENTITLED, An Act to modify certain provisions pertaining to absentee
17 voting.

18 Was read the second time.

19 The question being "Shall **HB 1165** pass as amended?"

20 And the roll being called:

21 Yeas 57, Nays 11, Excused 2, Absent 0

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

28 Nays: Aylward, Duba, Emery, Healy, Phil Jensen, Lems, Lesmeister, Mulally, Nelson, Poirier,
29 and Wittman

30 Excused: Perry and Randolph

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

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

35 Was read the second time.

1 The question being "Shall **HB 1185** pass as amended?"

2 And the roll being called:

3 Yeas 63, Nays 5, Excused 2, Absent 0

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

11 Nays: Derby, Donnell, Duffy, St. John, and Tordsen

12 Excused: Perry and Randolph

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

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

17 Was read the second time.

18 The question being "Shall **HB 1184** pass?"

19 And the roll being called:

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

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

28 Nays: Duba, Healy, Lesmeister, and Nelson

29 Excused: Perry and Randolph

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

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

33 **SB 85:** FOR AN ACT ENTITLED, An Act to revise rebating provisions in the insurance code.

34 Was read the second time.

1 The question being "Shall **SB 85** pass?"

2 And the roll being called:

3 Yeas 52, Nays 16, Excused 2, Absent 0

4 Yeas: Arlint, Auch, Aylward, Bahmuller, Callies, Cammack, Chase, DeGroot, Deutsch, Donnell,
5 Duffy, Fitzgerald, Hansen, Healy, Heermann, Jamison, Kevin Jensen, Phil Jensen, Kassin, Krohmer,
6 Krull, Ladner, Lems, Lesmeister, Moore, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie Otten,
7 Drew Peterson, Sue Peterson, Pinnow, Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer, Schneider,
8 Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram,
9 Wittman, and Speaker Bartels

10 Nays: Blare, Chaffee, Derby, Drury, Duba, Emery, Gross, Karr, Koth, Kull, Massie, May, Mills,
11 Mortenson, Overweg, and Pourier

12 Excused: Perry and Randolph

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

15 **COMMEMORATIONS**

16 **HC 8008:** A LEGISLATIVE COMMEMORATION, Honoring Cynthia Mickelson, a member of the
17 Sioux Falls School District Board of Education, on her selection as the Associated School Boards of
18 South Dakota Outstanding School Board Member of South Dakota for 2022.

19 Introduced by: **Representatives** Venhuizen, Arlint, Bartels, Callies, Deutsch, Emery, Kassin,
20 Krull, Mortenson, Perry, Drew Peterson, Rehfeldt, Stevens, Tordsen, and Wittman and
21 **Senators** Jack Kolbeck, Crabtree, Davis, Duhamel, Steve Kolbeck, Nesiba, Herman Otten, Reed,
22 and Wiik.

23 Speaker Bartels now presiding.

24 **SIGNING OF BILLS**

25 The Speaker publicly read the title to

26 **HB 1038:** FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
27 Department of Veterans Affairs and residency in the State Veterans Home.

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

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

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

33 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:32 p.m.
34 the House adjourned.

35 Patricia Miller, Chief Clerk

