

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

TWENTY-SECOND DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, February 13, 2023

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

The prayer was offered by the Chaplain, Russell Jones, followed by the Pledge of Allegiance led by House page Margaret Beaner.

Roll Call: All members present except Reps. Lesmeister, Pourier, and St. John 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 21st 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

SIGNING OF BILLS

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The Speaker publicly read the title to

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HB 1080: FOR AN ACT ENTITLED, An Act to prohibit certain medical and surgical interventions on minor patients.

5

And signed the same in the presence of the House.

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COMMUNICATIONS AND PETITIONS

7

February 9, 2023

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Mr. Speaker and Members of the House:

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I have the honor to inform you that on February 9, 2023, I approved House Bills 1002, 1003, 1004, 1005, 1010, 1012, 1013, 1014, 1015, 1018, 1019, 1025, 1026, 1027, 1028, 1033, 1034, 1036, 1062, 1063, and 1071, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,

Kristi Noem

Governor

16

REPORTS OF STANDING COMMITTEES

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Mr. Speaker:

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The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1047, 1048, 1080, and 1091** and finds the same correctly enrolled.

21

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Respectfully submitted,

Hugh M. Bartels, Chair

23

Mr. Speaker:

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The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1157, 1211, and 1218** which were deferred to the 41st Legislative Day.

26

Also Mr. Speaker:

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The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1239** and returns the same with the recommendation that said bill be amended as follows:

30

1239B

31

On page 1, line 4, of the Introduced bill, after "SECTION:

32

No " delete "federal or "

33

On page 1, line 8, of the Introduced bill, after "SECTION:

1 No " delete "federal or "

2 And that as so amended, **HB 1239** do pass.

3 Respectfully submitted,
4 Mike Weisgram, Chair

5 Mr. Speaker:

6 The Committee on House Education respectfully reports that it has had under consideration
7 **HB 1122 and 1221** which were deferred to the 41st Legislative Day.

8 Respectfully submitted,
9 Mike Stevens, Chair

10 Mr. Speaker:

11 The Committee on House State Affairs respectfully reports that it has had under consideration
12 **HB 1116** and returns the same with the recommendation that said bill be amended as follows:

13 1116B

14 On page 1, line 4, of the Introduced bill, delete "The Board of Regents, the Board of Technical
15 Education, or any institution under their control; a" and insert "No"

16 On page 1, line 5, of the Introduced bill, after "or " delete "any "

17 On page 1, line 5, of the Introduced bill, delete "; " and insert ", "

18 On page 1, line 5, of the Introduced bill, after "or " delete "a "

19 On page 1, line 6, of the Introduced bill, after "may " delete "not "

20 On page 1, line 10, of the Introduced bill, after "program, " insert "or "

21 On page 1, line 10, of the Introduced bill, after "event" delete ", or literature"

22 On page 1, line 11, of the Introduced bill, after "22-24-27(10)" delete ", or obscene material,
23 as defined by subdivision 22-24-27(11),"

24 On page 1, line 17, of the Introduced bill, after "persons" delete ", including singing, speaking,
25 dancing, acting, simulation, or pantomiming, where a performer exhibits a gender identity that is
26 different from the performer's biological sex through the use of clothing, makeup, or other physical
27 markers,"

28 On page 2, after line 8, of the Introduced bill, insert: "

29 **Section 3. That § 13-53-50 be AMENDED:**

30 **13-53-50.** The Board of Regents and the Board of Technical Education shall require each
31 institution under its control to maintain a commitment to the principles of free expression and
32 encourage the timely and rational discussion of topics in an environment that is intellectually and
33 ideologically diverse. Neither the Board of Regents nor any institution under its control may attempt
34 to shield individuals from constitutionally protected speech, including ideas and opinions they find
35 offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or
36 wrong-headed.

1 Nothing in this section prevents the Board of Regents or the Board of Technical Education or
2 any institution under their control from restricting or prohibiting the presence of minors at any
3 program or event."

4 And that as so amended, **HB 1116** do pass.

5 Also Mr. Speaker:

6 The Committee on House State Affairs respectfully reports that it has had under consideration
7 **HB 1125** which was tabled.

8 Also Mr. Speaker:

9 The Committee on House State Affairs respectfully reports that it has had under consideration
10 **HB 1092, 1205, 1206, and 1212** which were deferred to the 41st Legislative Day.

11 Respectfully submitted,
12 Will Mortenson, Chair

13 Mr. Speaker:

14 The Committee on House Judiciary respectfully reports that it has had under consideration
15 **HB 1182, 1213, and 1227** which were deferred to the 41st Legislative Day.

16 Also Mr. Speaker:

17 The Committee on House Judiciary respectfully reports that it has had under consideration
18 **HB 1219** which was tabled.

19 Respectfully submitted,
20 Jon Hansen, Chair

21 **MESSAGES FROM THE SENATE**

22 Mr. Speaker:

23 I have the honor to return herewith **HB 1047, 1048, and 1080** which have passed the Senate
24 without change.

25 Respectfully,
26 Kay Johnson, Secretary

27 **MOTIONS AND RESOLUTIONS**

28 Rep. Mortenson moved that **HB 1160** and **HB 1170** be referred to the Committee on Judiciary.

29 Which motion prevailed.

30 Rep. Mortenson moved that **HB 1200 and 1217** be referred from the Committee on State
31 Affairs to the Committee on Local Government.

32 Which motion prevailed.

1

CONSIDERATION OF REPORTS OF COMMITTEES

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Rep. Mortenson moved that the reports of the Standing Committees on

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Local Government on **HB 1123** as found on page 272 of the House Journal; also

4

Local Government on **SB 56** as found on page 273 of the House Journal; also

5

Retirement Laws on **HB 1007** as found on page 270 of the House Journal; also

6

State Affairs on **HB 1226** as found on page 269 of the House Journal; also

7

State Affairs on **HB 1209** as found on page 269 of the House Journal be adopted.

8

Which motion prevailed and the reports were adopted.

9

SECOND READING OF CONSENT CALENDAR ITEMS

10

Rep. Venhuizen requested that **SB 51** be removed from the Consent Calendar.

11

HB 1008: FOR AN ACT ENTITLED, An Act to revise provisions relating to actuarial terminology used by the South Dakota Retirement System.

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HB 1009: FOR AN ACT ENTITLED, An Act to update and clarify certain provisions relating to the South Dakota Retirement System.

14

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HB 1155: FOR AN ACT ENTITLED, An Act to add dental practices as eligible facilities to participate in the rural health care recruitment assistance program.

16

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SB 84: FOR AN ACT ENTITLED, An Act to authorize compensation for water project district directors.

18

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Were read the second time.

20

The question being "Shall **HB 1008, 1009, and 1155, and SB 84** pass?"

21

And the roll being called:

22

Yeas 59, Nays 8, Excused 3, Absent 0

23

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

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Nays: Aylward, Phil Jensen, Karr, Mills, Mulally, Randolph, Sjaarda, and Soye

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Excused: Lesmeister, Pourier, and St. John

31

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

32

1 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,
2 Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Heermann, Jamison, Kevin Jensen, Kassin, Koth,
3 Krull, Kull, Ladner, Massie, Mills, Moore, Mortenson, Mulder, Nelson, Olson, Ernie Otten, Perry, Drew
4 Peterson, Pinnow, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, Stevens, Teunissen,
5 Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

6 Nays: Auch, Aylward, Bahmuller, Gross, Hansen, Phil Jensen, Karr, Lems, May, Mulally,
7 Odenbach, Overweg, Sue Peterson, Randolph, Schaeftbauer, Sjaarda, and Soye

8 Excused: Krohmer, Lesmeister, Pourier, and St. John

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 **HB 1135:** FOR AN ACT ENTITLED, An Act to provide for transparency in the pricing of
12 prescription drugs.

13 Was read the second time.

14 The question being "Shall **HB 1135** pass as amended?"

15 And the roll being called:

16 Yeas 62, Nays 5, Excused 3, Absent 0

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

24 Nays: Aylward, Phil Jensen, Lems, Mulally, and Randolph

25 Excused: Lesmeister, Pourier, and St. John

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 1176:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding on-sale
29 alcoholic beverage licenses for use at municipality-owned facilities.

30 Was read the second time.

31 The question being "Shall **HB 1176** pass as amended?"

32 And the roll being called:

33 Yeas 56, Nays 11, Excused 3, Absent 0

34 Yeas: Arlint, Auch, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,
35 Donnell, Drury, Duba, Duffy, Emery, Gross, Hansen, Healy, Heermann, Jamison, Kevin Jensen,
36 Kassin, Koth, Krohmer, Krull, Kull, Ladner, Massie, Mills, Moore, Mortenson, Mulder, Nelson,
37 Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Pinnow, Rehfeldt, Reimer, Reisch,
38 Sauder, Schaeftbauer, Schneider, Shorma, Soye, Stevens, Teunissen, Tordsen, Venhuizen,
39 Wangsness, Weisgram, Wittman, and Speaker Bartels

1 Nays: Aylward, Bahmuller, Fitzgerald, Phil Jensen, Karr, Lems, May, Mulally, Sue Peterson,
2 Randolph, and Sjaarda

3 Excused: Lesmeister, Pourier, and St. John

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 1189:** FOR AN ACT ENTITLED, An Act to require certain entities owning agricultural land
7 to report foreign beneficial ownership interests.

8 Was read the second time.

9 The question being "Shall **HB 1189** pass?"

10 And the roll being called:

11 Yeas 67, Nays 0, Excused 3, Absent 0

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

19 Excused: Lesmeister, Pourier, and St. John

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

22 **HB 1154:** FOR AN ACT ENTITLED, An Act to modify acceptable conduct for practitioners related
23 to medical cannabis.

24 Was read the second time.

25 The question being "Shall **HB 1154** pass?"

26 And the roll being called:

27 Yeas 61, Nays 6, Excused 3, Absent 0

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

34 Nays: Aylward, Phil Jensen, Lems, Mulally, Randolph, and Sjaarda

35 Excused: Lesmeister, Pourier, and St. John

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

1 Rep. Mortenson moved that the balance of the calendar including **SB 31, 34, 44, 61, 77, 83,**
2 **92, 93, and 95** be deferred to Tuesday, February 14, 2023, the 23rd legislative day.

3 Which motion prevailed.

4 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing
5 Committees.

6 **REPORTS OF STANDING COMMITTEES**

7 Mr. Speaker:

8 The Committee on Legislative Procedure respectfully reports that **HB 1080** was delivered to
9 her Excellency, the Governor, for her approval at 2:25 p.m., February 13, 2023.

10 Respectfully submitted,
11 Hugh M. Bartels, Chair

12 **SIGNING OF BILLS**

13 The Speaker publicly read the title to

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

15 **HB 1048:** FOR AN ACT ENTITLED, An Act to repeal and make technical changes to provisions
16 regarding the Board of Military Affairs.

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

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

20 **COMMEMORATIONS**

21 **HC 8009:** A LEGISLATIVE COMMEMORATION, Honoring Jackie Kocak for receiving the Direct
22 Care Worker of the Year Award by the National Association of Special Education Centers.

23 Introduced by: **Representatives** Nelson, Bartels, Duba, Kull, Lesmeister, Olson, and Wittman.

24 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 2:58 p.m.
25 the House adjourned.

26 Patricia Miller, Chief Clerk

