

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 16, 2023

The House convened at 1:00 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 Isabelle Mairose and Alaceyia Adams.

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 24th 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 3 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; Wangness; 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 Alaceyia Adams, Quinn Alt, Robert
11 Arnold, Margaret Beaner, Alexandria Cutler, Harlee Heim, Isabelle Mairose, Jesse Newton, Cohan
12 Pietz, Grace Sargent, Isaac Weinheimer, Paige Westergren, and Brone Zajicek.

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. Chaffee moved that House Page Resolution 3 be adopted.

22 Which motion prevailed and the resolution was adopted.

23 REPORTS OF STANDING COMMITTEES

24 Mr. Speaker:

25 The Committee on Legislative Procedure respectfully reports that **HB 1038, 1047, 1048,**
26 **1057, 1060, 1064, 1088, and 1091** were delivered to her Excellency, the Governor, for her
27 approval at 11:00 a.m., February 16, 2023.

28 Respectfully submitted,
29 Hugh M. Bartels, Chair

30 Also Mr. Speaker:

31 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
32 Enrolling has carefully compared **HB 1054** and finds the same correctly enrolled.

33 Respectfully submitted,
34 Hugh M. Bartels, Chair

1 Mr. Speaker:

2 The Committee on House Local Government respectfully reports that it has had under
3 consideration **HB 1217** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Becky J. Drury, Chair

6 Mr. Speaker:

7 The Committee on House Health and Human Services respectfully reports that it has had under
8 consideration **HB 1223** which was tabled.

9 Also Mr. Speaker:

10 The Committee on House Health and Human Services respectfully reports that it has had under
11 consideration **HB 1216 and 1225** which were deferred to the 41st Legislative Day.

12 Respectfully submitted,
13 Kevin D. Jensen, Chair

14 Mr. Speaker:

15 The Committee on House Transportation respectfully reports that it has had under
16 consideration **SCR 604** and returns the same with the recommendation that said resolution do pass,
17 and having been certified as uncontested, be placed on the consent calendar.

18 Respectfully submitted,
19 Rocky Blare, Chair

20 Mr. Speaker:

21 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
22 under consideration **HB 1201** and returns the same with the recommendation that said bill be
23 amended as follows:

24 1201B

25 On page 1, line 4, of the Introduced bill, after "members" insert " until December 31, 2023, at
26 which time the term of each such member expires.

27 Beginning January 1, 2024, the State Brand Board consists of seven members. Each member
28 shall, in accordance with this Act, be elected from and represent a district as follows:

29 (1) Harding, and Perkins counties;

30 (2) Butte, Lawrence, and Meade counties;

31 (3) Haakon county, except as otherwise provided for in subdivision (7), and Stanley county;

32 (4) Custer, Fall River, and Pennington counties;

33 (5) Gregory, Jones, Mellette, and Tripp counties, and those portions of Jackson and
34 Lyman counties that do not lie within the boundaries of an Indian reservation;

1 (6) All counties east of the Missouri River;

2 (7) Bennett, Corson, Dewey, Ogalala Lakota, Todd, and Ziebach counties, and those portions
3 of Haakon, Jackson, and Lyman counties that lie within the boundaries of an Indian Reservation"

4 On page 1, line 5, of the Introduced bill, after "members." delete "Any term expiring after
5 December 31, 2023, must be filled by means of an election, as provided for in sections 2 to 7,
6 inclusive, of this Act."

7 On page 1, line 17, of the Introduced bill, delete "livestock ownership inspection area, as
8 established in chapter 40-20" and insert " district that the person seeks to represent"

9 On page 2, line 12, of the Introduced bill, after "person" insert ", eighteen years of age or
10 older,"

11 On page 2, line 18, of the Introduced bill, after "tabulations." insert "

12 Any person who has multiple brands registered in the person's name is entitled to only one
13 ballot. "

14 On page 2, line 30, of the Introduced bill, delete "Monday in" and insert " day of"

15 On page 3, line 1, of the Introduced bill, after "made. " insert "The term of office for the initial
16 seven members must be staggered by lot so that no more than three expire in any one year.

17 "

18 And that as so amended, **HB 1201** do pass.

19 Also Mr. Speaker:

20 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
21 under consideration **HCR 6012** which was tabled.

22 Also Mr. Speaker:

23 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
24 under consideration **SB 150** and returns the same with the recommendation that said bill do pass.

25 Respectfully submitted,
26 Roger Chase, Chair

27 **MESSAGES FROM THE SENATE**

28 Mr. Speaker:

29 I have the honor to transmit herewith **SB 40, 129, and 181** which have passed the Senate
30 and your favorable consideration is respectfully requested.

31 Also Mr. Speaker:

32 I have the honor to return herewith **HB 1054** which has passed the Senate without change.

33 Respectfully,
34 Kay Johnson, Secretary

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

House Appropriations on **HB 1138** as found on page 302 of the House Journal; also

4

Judiciary on **HB 1220** as found on page 303 of the House Journal; also

5

Judiciary on **HB 1240** as found on page 303 of the House Journal be adopted.

6

Which motion prevailed and the reports were adopted.

7

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

8

The Speaker declared that **HB 1143** changed prime sponsor from Representative Mortenson to Representative Venhuizen at their request.

9

10

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

11

SB 129: FOR AN ACT ENTITLED, An Act to include school employees in certain assault provisions and provide a penalty therefor.

12

13

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

14

SB 181: FOR AN ACT ENTITLED, An Act to authorize the provision of medical records and the imposition of related fees.

15

16

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

17

SB 40: FOR AN ACT ENTITLED, An Act to revise the process for nominating candidates for statewide offices.

18

19

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

20

SECOND READING OF CONSENT CALENDAR ITEMS

21

HB 1153: FOR AN ACT ENTITLED, An Act to update travel expenses, moving expenses, and other reimbursements.

22

23

Was read the second time.

24

The question being "Shall **HB 1153** pass?"

25

And the roll being called:

26

Yeas 66, Nays 4, Excused 0, Absent 0

27

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, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,

28

29

1 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Ernie Otten,
2 Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder,
3 Schaeftbauer, Schneider, Shorma, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen,
4 Wangsness, Weisgram, Wittman, and Speaker Bartels

5 Nays: Aylward, Mulally, Randolph, and Sjaarda

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

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

9 **HB 1055:** FOR AN ACT ENTITLED, An Act to increase the dollar amount of South Dakota
10 opportunity scholarships.

11 Was read the second time.

12 The question being "Shall **HB 1055** pass?"

13 And the roll being called:

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

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

21 Nays: Aylward, Phil Jensen, Krohmer, Lems, Mulally, Overweg, Randolph, and Sjaarda

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 **HB 1093:** FOR AN ACT ENTITLED, An Act to make an appropriation to enhance the economic
25 health of South Dakota and to declare an emergency.

26 Was read the second time.

27 The question being "Shall **HB 1093** pass?"

28 And the roll being called:

29 Yeas 58, Nays 12, Excused 0, Absent 0

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

1 Nays: Aylward, Emery, Healy, Phil Jensen, Mulally, Nelson, Pourier, Randolph, Sjaarda, Soye,
2 Venhuizen, and Wittman

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

5 **HB 1094:** FOR AN ACT ENTITLED, An Act to make an appropriation to increase the success of
6 South Dakota and to declare an emergency.

7 Was read the second time.

8 The question being "Shall **HB 1094** pass?"

9 And the roll being called:

10 Yeas 57, Nays 13, Excused 0, Absent 0

11 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,
12 Deutsch, Donnell, Drury, Duba, Duffy, Fitzgerald, Gross, Hansen, Heermann, Jamison, Kevin Jensen,
13 Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lesmeister, Massie, May, Mills, Moore, Mortenson,
14 Mulder, Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow,
15 Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, St. John, Stevens, Teunissen,
16 Tordsen, Wangsness, Weisgram, and Speaker Bartels

17 Nays: Aylward, Emery, Healy, Phil Jensen, Lems, Mulally, Nelson, Pourier, Randolph, Sjaarda,
18 Soye, Venhuizen, and Wittman

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

21 **HB 1235:** FOR AN ACT ENTITLED, An Act to provide a conscience exemption from a COVID-
22 19 vaccination.

23 Was read the second time.

24 The question being "Shall **HB 1235** pass as amended?"

25 And the roll being called:

26 Yeas 30, Nays 39, Excused 1, Absent 0

27 Yeas: Auch, Aylward, Bahmuller, Deutsch, Donnell, Fitzgerald, Gross, Hansen, Jamison, Kevin
28 Jensen, Phil Jensen, Karr, Krohmer, Ladner, Lems, May, Mills, Moore, Mulally, Odenbach, Overweg,
29 Sue Peterson, Randolph, Reimer, Reisch, Schaeftbauer, Schneider, Shorma, Sjaarda, and Soye

30 Nays: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Drury, Duba, Duffy,
31 Emery, Healy, Heermann, Kassin, Koth, Krull, Kull, Massie, Mortenson, Mulder, Nelson, Olson, Ernie
32 Otten, Perry, Drew Peterson, Pinnow, Pourier, Rehfeldt, Sauder, St. John, Stevens, Teunissen,
33 Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

34 Excused: Lesmeister

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

1 **HB 1141:** FOR AN ACT ENTITLED, An Act to encourage the reduction of taxes in the State of
2 South Dakota.

3 Was read the second time.

4 The question being "Shall **HB 1141** pass?"

5 And the roll being called:

6 Yeas 59, Nays 10, Excused 1, Absent 0

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

13 Nays: Chase, Healy, Phil Jensen, Lems, Mulally, Nelson, Pourier, Randolph, Rehfeldt, and
14 Wittman

15 Excused: Lesmeister

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

18 **HB 1142:** FOR AN ACT ENTITLED, An Act to improve education outcomes and college
19 affordability.

20 Was read the second time.

21 The question being "Shall **HB 1142** pass?"

22 And the roll being called:

23 Yeas 57, Nays 12, Excused 1, Absent 0

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

30 Nays: Aylward, Chase, Healy, Phil Jensen, May, Mulally, Nelson, Pourier, Randolph, Sjaarda,
31 Soye, and Venhuizen

32 Excused: Lesmeister

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 **HB 1144:** FOR AN ACT ENTITLED, An Act to bolster the workforce of South Dakota.

2 Was read the second time.

3 The question being "Shall **HB 1144** pass?"

4 And the roll being called:

5 Yeas 53, Nays 16, Excused 1, Absent 0

6 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, DeGroot, Derby, Deutsch, Donnell,
7 Drury, Duba, Duffy, Fitzgerald, Gross, Hansen, Heermann, Jamison, Kevin Jensen, Karr, Kassin,
8 Koth, Krohmer, Krull, Kull, Ladner, Massie, Mills, Moore, Mortenson, Mulder, Odenbach, Olson, Ernie
9 Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Reimer, Reisch, Sauder, Schaeffbauer,
10 Schneider, Shorma, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and
11 Speaker Bartels

12 Nays: Auch, Aylward, Chase, Emery, Healy, Phil Jensen, Lems, May, Mulally, Nelson, Poirier,
13 Randolph, Rehfeldt, Sjaarda, Soye, and Wittman

14 Excused: Lesmeister

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

17 **HJR 5006:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
18 election an amendment to the Constitution of the State of South Dakota, providing for wagering on
19 sporting events via mobile or electronic platform.

20 Was read the second time.

21 Rep. Jamison moved that **HJR 5006** be amended as follows:

22 HJR5006A

23 On page 2, line 7, of the Introduced resolution, after "Further, " insert "it shall be lawful for "

24 On page 2, line 7, of the Introduced resolution, delete " shall" and insert " to"

25 Rep. Mulally requested a roll call vote.

26 Which was not supported.

27 Rep. Jamison's motion to amend **HJR 5006** prevailed.

28 The question being "Shall **HJR 5006** pass as amended?"

29 And the roll being called:

30 Yeas 28, Nays 41, Excused 1, Absent 0

31 Yeas: Arlint, Aylward, Bahmuller, Chase, Derby, Donnell, Drury, Duba, Duffy, Emery,
32 Fitzgerald, Healy, Jamison, Krull, Massie, Mortenson, Nelson, Olson, Drew Peterson, Pinnow,
33 Rehfeldt, Sauder, St. John, Teunissen, Tordsen, Venhuizen, Weisgram, and Wittman

34 Nays: Auch, Blare, Callies, Cammack, Chaffee, DeGroot, Deutsch, Gross, Hansen, Heermann,
35 Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Kull, Ladner, Lems, May, Mills, Moore,

1 Mulally, Mulder, Odenbach, Ernie Otten, Overweg, Perry, Sue Peterson, Pourier, Randolph, Reimer,
2 Reisch, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, Stevens, Wangsness, and Speaker Bartels

3 Excused: Lesmeister

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

6 **HB 1160:** FOR AN ACT ENTITLED, An Act to limit probation for offenders with four or more
7 felony convictions.

8 Was read the second time.

9 The question being "Shall **HB 1160** pass?"

10 And the roll being called:

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

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

19 Nays: Duba, Healy, Nelson, and Wittman

20 Excused: Lesmeister

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

23 **HB 1170:** FOR AN ACT ENTITLED, An Act to establish mandatory sentences for certain driving
24 while under the influence violations.

25 Was read the second time.

26 Rep. Karr moved that **HB 1170** be amended as follows:

27 1170B

28 On page 3, line 18, of the Introduced bill, delete " one year" and insert " two years"

29 On page 3, line 18, of the Introduced bill, after "facility" insert ", one of which must be served
30 on parole, unless refused pursuant to § 24-15A-15. Any term of parole must include at least one of
31 the following: enrollment in an alcohol or drug accountability program, an ignition interlock, a breath
32 alcohol interlock, an alcohol monitoring bracelet, or another enhanced monitoring tool"

33 On page 3, line 18, of the Introduced bill, delete "not " and insert "only "

34 On page 3, line 19, of the Introduced bill, after "sentence" insert " if the court orders the person
35 to participate in a problem-solving court or other treatment program as a condition of probation"

36 On page 4, line 4, of the Introduced bill, delete "three " and insert "four "

1 On page 4, line 4, of the Introduced bill, after "facility" insert ", one of which must be served
2 on parole, unless refused pursuant to § 24-15A-15. Any term of parole must include at least one of
3 the following: enrollment in an alcohol or drug accountability program, an ignition interlock, a breath
4 alcohol interlock, an alcohol monitoring bracelet, or another enhanced monitoring tool"

5 On page 4, line 14, of the Introduced bill, delete "five " and insert "six "

6 On page 4, line 14, of the Introduced bill, after "facility" insert ", one of which must be served
7 on parole, unless refused pursuant to § 24-15A-15"

8 On page 5, line 9, of the Introduced bill, after "respectively." delete "Section 5. That chapter
9 32-23 be amended with a NEW SECTION:

10 "

11 On page 5, line 10, of the Introduced bill, after "SECTION:" delete "Any person subject to a
12 mandatory sentence under §§ 32-23-4. 6, 32-23-4. 7, or 32-23-4. 9 is not eligible for parole
13 consideration."

14 Rep. Mortenson requested that JR 5-17 be invoked on **HB 1170**.

15 Which request was supported and **HB 1170** with Rep. Karr's pending motion to amend was
16 deferred until Tuesday, February 21, 2023, the 26th the legislative day.

17 **HB 1231**: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the sealing of
18 adoption records.

19 Was read the second time.

20 The question being "Shall **HB 1231** pass?"

21 And the roll being called:

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

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

30 Nays: Gross, Kevin Jensen, Odenbach, and Soye

31 Excused: Lesmeister

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

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

1

REPORTS OF STANDING COMMITTEES

2 Mr. Speaker:

3 The House Committee on Appropriations respectfully reports that it has had under
4 consideration **HB 1039** and returns the same with the recommendation that said bill do pass.

5 Also Mr. Speaker:

6 The House Committee on Appropriations respectfully reports that it has had under
7 consideration **HB 1045 and 1065** and returns the same with the recommendation that said bills
8 do pass, and having been certified as uncontested, be placed on the consent calendar.

9 Also Mr. Speaker:

10 The House Committee on Appropriations respectfully reports that it has had under
11 consideration **HB 1151** which was deferred to the 41st Legislative Day.

12 Also Mr. Speaker:

13 The House Committee on Appropriations respectfully reports that it has had under
14 consideration **HB 1070** and returns the same with the recommendation that said bill be amended
15 as follows:

16 1070A

17 On page 1, line 8, of the Introduced bill, delete " to develop" and insert " in conjunction with
18 classroom teachers who, by training and experience, are familiar with civics and social studies
19 curricular development, to create"

20 On page 1, line 8, of the Introduced bill, delete "K-12" and insert "kindergarten through grade
21 twelve"

22 On page 1, line 8, of the Introduced bill, after "curriculum" insert " that:

23 (a) Is"

24 On page 1, line 9, of the Introduced bill, delete "schools in" and insert " school districts;

25 (b) Pertains to "

26 On page 1, line 9, of the Introduced bill, delete ", explaining" and insert ";

27 (c) Explains"

28 On page 1, line 10, of the Introduced bill, delete ", and teaching" and insert " ; and

29 (d) Teaches"

30 On page 1, line 11, of the Introduced bill, delete ". The curriculum shall include" and insert " ;

31 and

32 (e) Includes "

33 On page 1, line 12, of the Introduced bill, delete "focusing " and insert "that focuses "

34 On page 1, line 13, of the Introduced bill, delete "South Dakota" and insert "this state"

- 1 On page 1, line 14, of the Introduced bill, after "content" insert the comma
- 2 On page 1, line 16, of the Introduced bill, delete "Working with K-12 teachers, including
3 providing" and insert " Developing and offering to elementary and high school teachers"
- 4 On page 1, line 17, of the Introduced bill, delete "workshops" and insert " opportunities"
- 5 On page 1, line 19, of the Introduced bill, delete "South Dakota" and insert "this state"
- 6 On page 1, line 25, of the Introduced bill, delete "Oversee the We the People: The Citizen and
7 the Constitution Program, as developed by the Center for Civic Education, and its promotion and
8 implementation throughout public schools" and insert " Promote existing programs and develop and
9 implement new programs to help students, throughout this state, become actively engaged citizens"
- 10 On page 2, line 4, of the Introduced bill, after "curriculum" insert ", that is"
- 11 On page 2, line 5, of the Introduced bill, after "courses" insert the comma
- 12 On page 2, line 5, of the Introduced bill, after "universities" insert ", and which consists of"
- 13 On page 2, line 6, of the Introduced bill, delete the slash and insert " and "
- 14 On page 2, line 11, of the Introduced bill, delete "A nonprofit board of directors" and insert "
15 An advisory board,"
- 16 On page 2, line 12, of the Introduced bill, after "University" insert the comma
- 17 On page 2, line 12, of the Introduced bill, delete "govern " and insert "provide
18 recommendations and direction to "
- 19 On page 2, line 15, of the Introduced bill, after "report" insert the comma
- 20 On page 2, line 16, of the Introduced bill, delete "with " and insert "having "
- 21 On page 2, line 16, of the Introduced bill, after "education" insert the comma
- 22 On page 2, line 20, of the Introduced bill, delete "established" and insert ", as set forth "
- 23 And that as so amended, **HB 1070** do pass.
- 24 Also Mr. Speaker:
- 25 The House Committee on Appropriations respectfully reports that it has had under
26 consideration **HB 1127** and returns the same with the recommendation that said bill be amended
27 as follows:
- 28 1127A
- 29 On page 1, line 3, of the Introduced bill, delete "\$1" and insert "\$5,000,000"
- 30 On page 1, line 7, of the Introduced bill, after "individual " insert "firefighter "
- 31 On page 1, line 8, of the Introduced bill, after "equipment" delete " and equipment required to
32 comply with state and federal regulations"
- 33 On page 1, after line 8, of the Introduced bill, insert: "
- 34 Section 3. For purposes of this Act, individual safety equipment is limited to any personal
35 protective equipment worn and used by firefighters in the performance of their duties, including

1 helmets, flash hoods, masks, coats, pants, gloves, boots, breathing apparatuses, spare tanks, and
2 other personal gear that may be required by individual volunteer fire departments."

3 On page 1, line 9, of the Introduced bill, after "vouchers " insert "submitted by the South
4 Dakota Firefighter Association, "

5 On page 1, after line 10, of the Introduced bill, insert: "

6 Section 5. For the purposes of this Act, volunteer fire department means any fire department
7 within this state whose membership is comprised of at least seventy percent unpaid and volunteer
8 firefighters."

9 On page 1, line 11, of the Introduced bill, after "obligated " insert "by January 30, 2025, "

10 On page 1, after line 12, of the Introduced bill, insert: "

11 Section 7. This grant will be administered by the South Dakota Firefighters Association under
12 the supervision of the Department of Public Safety."

13 1127B

14 On the previously adopted amendment (1127A), On page 1, line 22, delete "January " and
15 insert "June "

16 1127C

17 On the previously adopted amendment (1127B), On page 1, line 22, delete " 2025" and insert
18 " 2027"

19 And that as so amended, **HB 1127** do pass.

20 Also Mr. Speaker:

21 The House Committee on Appropriations respectfully reports that it has had under
22 consideration **HB 1166** and returns the same with the recommendation that said bill be amended
23 as follows:

24 1166D

25 On the previously adopted amendment (1166B), On page 1, line 1, delete "the expense
26 allowances of legislators" and insert "mileage reimbursement"

27 And that as so amended, **HB 1166** do pass.

28 Respectfully submitted,
29 Mike Derby, Chair

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

31 **SB 25:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse health care
32 professionals who have complied with the requirements for health care recruitment assistance
33 programs and to declare an emergency.

34 Was read the second time.

1 The question being "Shall **SB 25** pass as amended?"

2 And the roll being called:

3 Yeas 69, Nays 0, Excused 1, Absent 0

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

11 Excused: Lesmeister

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

14 **SB 19:** FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of
15 extraordinary litigation expenses and to declare an emergency.

16 Was read the second time.

17 The question being "Shall **SB 19** pass?"

18 And the roll being called:

19 Yeas 57, Nays 12, Excused 1, Absent 0

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

26 Nays: Aylward, Duba, Emery, Healy, Phil Jensen, Lems, Mulally, Nelson, Pourier, Randolph,
27 Sjaarda, and Wittman

28 Excused: Lesmeister

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

31 **SB 98:** FOR AN ACT ENTITLED, An Act to identify the means of conducting a criminal
32 background check for the renewal of a gold card or an enhanced permit to carry a concealed pistol.

33 Was read the second time.

34 The question being "Shall **SB 98** pass?"

35 And the roll being called:

36 Yeas 64, Nays 5, Excused 1, Absent 0

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

8 Nays: Duba, Healy, Nelson, Poirier, and Wittman

9 Excused: Lesmeister

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

12 SIGNING OF BILLS

13 The Speaker publicly read the title to

14 **HB 1054:** FOR AN ACT ENTITLED, An Act to provide a stipend for the erection of a private
15 headstone for a deceased veteran.

16 **SB 31:** FOR AN ACT ENTITLED, An Act to create an off-road vehicle decal for non-residents
17 visiting the state.

18 **SB 34:** FOR AN ACT ENTITLED, An Act to authorize the sale of real property in Lake County
19 by the Board of Regents, and to declare an emergency.

20 **SB 44:** FOR AN ACT ENTITLED, An Act to repeal provisions regarding the creation of river basin
21 natural resource districts.

22 **SB 61:** FOR AN ACT ENTITLED, An Act to revise driver's license suspensions for restricted
23 permit holders over the age of sixteen.

24 **SB 77:** FOR AN ACT ENTITLED, An Act to reinstate the restricted real estate broker's license
25 for auctioneers and revise real estate licensing.

26 **SB 83:** FOR AN ACT ENTITLED, An Act to revise provisions regarding water development
27 districts.

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

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

32 **SB 92:** FOR AN ACT ENTITLED, An Act to require that certain operations obtain their own
33 general or individual water pollution permits.

34 **SB 93:** FOR AN ACT ENTITLED, An Act to provide an increased appropriation for the
35 construction costs of an athletics events center at Dakota State University, and to declare an
36 emergency.

37 **SB 95:** FOR AN ACT ENTITLED, An Act to amend provisions regarding trusts.

38 **SB 162:** FOR AN ACT ENTITLED, An Act to revise public meeting requirements.

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

1 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:14 p.m.
2 the House adjourned.

3

Patricia Miller, Chief Clerk

