

JOURNAL OF THE HOUSE

NINETY-EIGHTH SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 22, 2023

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

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by House page Malachi Swift.

Roll Call: All members present except Rep. Wangsness who was 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 26th 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

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REPORTS OF STANDING COMMITTEES

Mr. Speaker:

The Committee on Legislative Procedure respectfully reports that **HB 1054** was delivered to her Excellency, the Governor, for her approval at 9:40 a.m., February 22, 2023.

Respectfully submitted,
Hugh M. Bartels, Chair

Mr. Speaker:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1020 and 1031** which were tabled.

Also Mr. Speaker:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1022** and returns the same with the recommendation that said bill be amended as follows:

1022A

On page 1, line 1, of the Introduced bill, after "for" delete " increased"

On page 1, line 1, of the Introduced bill, after "increased " insert "design "

On page 1, line 4, of the Introduced bill, delete " \$12,800,000" and insert " \$2,000,000"

On page 1, line 5, of the Introduced bill, after "for" delete " cost increases"

On page 1, line 5, of the Introduced bill, after "increases " insert "design, architectural and engineering services "

On page 1, line 5, of the Introduced bill, delete " project" and insert " new state public health laboratory"

On page 1, line 6, of the Introduced bill, after "§ 2" delete ", for the construction and equipping of the new state public health laboratory."

And that as so amended, **HB 1022** do pass.

Also Mr. Speaker:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1006, 1030, 1032, and 1196** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Jean Hunhoff, Co-Chair

Respectfully submitted,
Mike Derby, Co-Chair

1 Mr. Speaker:

2 The Committee on House Education respectfully reports that it has had under consideration
3 **SB 179** and returns the same with the recommendation that said bill do pass, and having been
4 certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Mike Stevens, Chair

7 Mr. Speaker:

8 The Committee on House State Affairs respectfully reports that it has had under consideration
9 **SB 20, 86, 102, and 147** and returns the same with the recommendation that said bills do pass,
10 and having been certified as uncontested, be placed on the consent calendar.

11 Also Mr. Speaker:

12 The Committee on House State Affairs respectfully reports that it has had under consideration
13 **SB 116** which was deferred to the 41st Legislative Day.

14 Also Mr. Speaker:

15 The Committee on House State Affairs respectfully reports that it has had under consideration
16 **SB 140** and returns the same with the recommendation that said bill be amended as follows:

17 140F

18 On page 2, line 19, of the Senate Engrossed bill, after "processed." delete " The county auditor
19 or an individual designated by the county auditor may contact the applicant by phone or electronic
20 communication to collect the required additional information."

21 And that as so amended, **SB 140** do pass, and having been certified as uncontested, be placed
22 on the consent calendar.

23 Respectfully submitted,
24 Will Mortenson, Chair

25 Mr. Speaker:

26 The Committee on House Commerce and Energy respectfully reports that it has had under
27 consideration **SB 62, 76, and 188** and returns the same with the recommendation that said bills
28 do pass.

29 Respectfully submitted,
30 Mike Weisgram, Chair

31 Mr. Speaker:

32 The Committee on House Judiciary respectfully reports that it has had under consideration
33 **SB 46** and returns the same with the recommendation that said bill do pass.

1 Also Mr. Speaker:

2 The Committee on House Judiciary respectfully reports that it has had under consideration
3 **SB 48, 50, and 52** and returns the same with the recommendation that said bills do pass, and
4 having been certified as uncontested, be placed on the consent calendar.

5 Also Mr. Speaker:

6 The Committee on House Judiciary respectfully reports that it has had under consideration
7 **SB 146** and returns the same with the recommendation that said bill be amended as follows:

8 146B

9 On page 2, line 1, of the Introduced bill, after "time" insert " and has the authority to revoke
10 the suspended portion of the sentence for failing to follow the conditions of release"

11 On page 2, line 25, of the Introduced bill, after "time" insert " and has the authority to revoke
12 the suspended portion of the sentence for failing to follow the conditions of release"

13 146C

14 On the previously adopted amendment (146B), On page 1, line 22, after "section, " insert "for
15 a crime committed "

16 On the previously adopted amendment (146B), On page 2, line 20, after "section, " insert "for
17 a crime committed "

18 And that as so amended, **SB 146** do pass.

19 Respectfully submitted,
20 Jon Hansen, Chair

21 MESSAGES FROM THE SENATE

22 Mr. Speaker:

23 I have the honor to return herewith **HB 1222** which has passed the Senate without change.

24 Also Mr. Speaker:

25 I have the honor to transmit herewith **SB 104, 105, 111, 112, 113, 115, 174, 189, and**
26 **206** which have passed the Senate and your favorable consideration is respectfully requested.

27 Respectfully,
28 Kay Johnson, Secretary

29 MOTIONS AND RESOLUTIONS

30 Yesterday, Rep. Odenbach announced his intention to reconsider the vote by which **HB 1217**
31 lost.

32 Rep. Odenbach moved that the House do now reconsider the vote by which **HB 1217** lost.

33 The question being on Rep. Odenbach's motion to reconsider the vote by which **HB 1217** lost.

1 And the roll being called:

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

3 Yeas: Auch, Aylward, Bahmuller, Callies, Cammack, Deutsch, Gross, Hansen, Kevin Jensen,
4 Phil Jensen, Karr, Krohmer, Krull, Ladner, Lems, Massie, May, Mills, Moore, Mulally, Odenbach,
5 Overweg, Perry, Sue Peterson, Pinnow, Randolph, Schaeffbauer, Shorma, Sjaarda, and Soye

6 Nays: Arlint, Blare, Chaffee, Chase, DeGroot, Derby, Donnell, Drury, Duba, Duffy, Emery,
7 Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Kull, Lesmeister, Mortenson, Mulder, Nelson,
8 Olson, Ernie Otten, Drew Peterson, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, St. John,
9 Stevens, Teunissen, Tordsen, Venhuizen, Weisgram, Wittman, and Speaker Bartels

10 Excused: Wangsness

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

13 **CONSIDERATION OF REPORTS OF COMMITTEES**

14 Rep. Mortenson moved that the reports of the Standing Committees on
15 Health and Human Services on **HB 1059** as found on page 332 of the House Journal; also
16 Health and Human Services on **SB 8** as found on page 333 of the House Journal; also
17 House Appropriations on **HB 1137** as found on page 331 of the House Journal; and
18 Local Government on **HB 1200** as found on page 330 of the House Journal be adopted.
19 Which motion prevailed and the reports were adopted.

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

21 **SB 174:** FOR AN ACT ENTITLED, An Act to prohibit the enactment or implementation of an
22 ordinance, resolution, or policy that prohibits the use of an energy utility service.

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

24 **SB 104:** FOR AN ACT ENTITLED, An Act to make an appropriation to enhance the economic
25 viability and sustainability of South Dakota and to declare an emergency.

26 **SB 105:** FOR AN ACT ENTITLED, An Act to make an appropriation for improving the social and
27 economic viability of South Dakota and to declare an emergency.

28 Were read the first time and referred to the House Committee on Appropriations.

1 **SB 115:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding consideration of
 2 out-of-state convictions for driving under the influence.

3 **SB 206:** FOR AN ACT ENTITLED, An Act to clarify good cause for the purpose of continuing an
 4 involuntary commitment hearing.

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

6 **SB 111:** FOR AN ACT ENTITLED, An Act to establish and modify provisions related to economic
 7 development.

8 **SB 112:** FOR AN ACT ENTITLED, An Act to establish and modify provisions related to taxation.

9 **SB 113:** FOR AN ACT ENTITLED, An Act to establish and modify provisions related to
 10 education.

11 **SB 189:** FOR AN ACT ENTITLED, An Act to prohibit purchasing agencies from contracting with
 12 companies owned or controlled by certain foreign entities or governments.

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

14 **SECOND READING OF CONSENT CALENDAR ITEMS**

15 **HB 1059:** FOR AN ACT ENTITLED, An Act to establish a community paramedic endorsement.

16 Was read the second time.

17 The question being "Shall **HB 1059** pass as amended?"

18 And the roll being called:

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

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

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

28 Excused: Wangsness

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

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

32 **HB 1065:** FOR AN ACT ENTITLED, An Act to increase the maximum amount of dollars payable
 33 by the state to erect the headstone of a deceased veteran.

34 Was read the second time.

1 The question being "Shall **HB 1065** pass?"

2 And the roll being called:

3 Yeas 67, Nays 2, 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,
7 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Ernie Otten,
8 Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder,
9 Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen,
10 Weisgram, Wittman, and Speaker Bartels

11 Nays: Mulally and Randolph

12 Excused: Wangsness

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 1070**: FOR AN ACT ENTITLED, An Act to create the Center for American Exceptionalism at
16 Black Hills State University, make an appropriation therefor, and declare an emergency.

17 Was read the second time.

18 The question being "Shall **HB 1070** pass as amended?"

19 And the roll being called:

20 Yeas 46, Nays 23, Excused 1, Absent 0

21 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Derby, Deutsch, Donnell,
22 Drury, Duffy, Gross, Hansen, Heermann, Jamison, Kevin Jensen, Karr, Kassin, Koth, Krohmer, Krull,
23 Kull, Ladner, Lems, Massie, May, Mills, Moore, Mortenson, Odenbach, Ernie Otten, Overweg, Perry,
24 Drew Peterson, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Soye, St. John, Tordsen,
25 Venhuizen, and Weisgram

26 Nays: Aylward, Chase, DeGroot, Duba, Emery, Fitzgerald, Healy, Phil Jensen, Lesmeister,
27 Mulally, Mulder, Nelson, Olson, Sue Peterson, Pinnow, Pourier, Randolph, Rehfeldt, Sjaarda,
28 Stevens, Teunissen, Wittman, and Speaker Bartels

29 Excused: Wangsness

30 So the bill not having received an affirmative vote of a two-thirds majority of the members-
31 elect, the Speaker declared the bill lost.

32 Rep. Odenbach announced his intention to reconsider the vote by which **HB 1070** lost.

33 Speaker Bartels ruled that **HB 1070** was up for immediate reconsideration.

34 Rep. Soye rose to a point of order that the bill goes to the end of the calendar.

35 Rep. Hansen rose to a point of order that the motion to reconsider should take place under
36 Order of Business #8 - Motions and Resolutions, so once the calendar has been debated, the House
37 can revert to Order of Business #8 - Motions and Resolutions and vote on the reconsideration.

38 Speaker Bartels ruled in agreement with Rep. Hansen's point of order.

1 **HB 1127:** FOR AN ACT ENTITLED, An Act to make an appropriation to support volunteer fire
2 departments.

3 Was read the second time.

4 The question being "Shall **HB 1127** pass as amended?"

5 And the roll being called:

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

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

14 Excused: Wangsness

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

17 **HB 1166:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to mileage
18 reimbursement.

19 Was read the second time.

20 The question being "Shall **HB 1166** pass as amended?"

21 And the roll being called:

22 Yeas 56, Nays 13, Excused 1, Absent 0

23 Yeas: Arlint, Auch, Bahmuller, Callies, Cammack, Chaffee, DeGroot, Derby, Deutsch, Drury,
24 Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Kevin Jensen, Karr,
25 Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lesmeister, Massie, May, Moore, Mulder, Nelson,
26 Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pourier, Rehfeldt,
27 Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Soye, St. John, Stevens, Teunissen, Tordsen,
28 Venhuizen, Weisgram, Wittman, and Speaker Bartels

29 Nays: Aylward, Blare, Chase, Donnell, Phil Jensen, Lems, Mills, Mortenson, Mulally, Pinnow,
30 Randolph, Shorma, and Sjaarda

31 Excused: Wangsness

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 **HB 1137:** FOR AN ACT ENTITLED, An Act to reduce certain gross receipts tax rates and a use
35 tax rate, and to repeal a conditional reduction of certain gross receipts tax rates.

36 Was read the second time.

1 The question being "Shall **HB 1137** pass as amended?"

2 And the roll being called:

3 Yeas 66, Nays 3, Excused 1, Absent 0

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

11 Nays: Duba, Stevens, and Speaker Bartels

12 Excused: Wangness

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 1201:** FOR AN ACT ENTITLED, An Act to provide for the election of State Brand Board
 16 members.

17 Was read the second time.

18 Rep. Shorma moved that **HB 1201** be amended as follows:

19 1201C

20 " On page 3, after line 17, of the House Agriculture and Natural Resources Engrossed bill, insert:
 21 "

22 **Section 9. That chapter 40-18 be amended with a NEW SECTION:**

23 The State Brand Board shall, for the period beginning January 1, 2024, and ending December
 24 31, 2025, appoint two persons to serve as nonvoting advisory members. Each person so appointed
 25 shall:

26 (1) Be a current resident of this state; and

27 (2) Be a former member of the board who served in that capacity for at least three years."

28 " On page 3, after line 17, of the House Agriculture and Natural Resources Engrossed bill, insert:
 29 "

30 **Section 10. That § 40-18-5 be AMENDED:**

31 **40-18-5.** ~~Three-Four~~ members of the board shall constitute a quorum for the transaction of
 32 business, ~~but the~~ An affirmative vote of ~~three-four~~ members of the board is required to adopt any
 33 substantive motion or resolution."

34 On page 4, line 19, of the House Agriculture and Natural Resources Engrossed bill, after "16.
 35 " delete "Sections 11"

36 On page 4, line 19, of the House Agriculture and Natural Resources Engrossed bill, after "11 "
 37 insert "Section 40-18-5 "

1 On page 4, line 19, of the House Agriculture and Natural Resources Engrossed bill, after "and
2 " insert "§§ "

3 On page 4, line 19, of the House Agriculture and Natural Resources Engrossed bill, after "13 "
4 insert "and 15 "

5 Which motion prevailed.

6 Pursuant to HR 2-1, the Speaker announced that Rep. Cammack could not speak to **HB 1201**
7 more than twice without the consent of a majority of the members present.

8 The question being "Pursuant to HR 2-1, shall consent be given?"

9 And the roll being called:

10 Yeas 43, Nays 26, Excused 1, Absent 0

11 Yeas: Arlint, Bahmuller, Blare, Cammack, Chaffee, Chase, DeGroot, Derby, Donnell, Drury,
12 Duffy, Emery, Heermann, Jamison, Karr, Kassin, Koth, Krull, Kull, Massie, May, Moore, Mortenson,
13 Mulder, Odenbach, Olson, Ernie Otten, Drew Peterson, Sue Peterson, Pourier, Rehfeldt, Reimer,
14 Reisch, Sauder, Schaeftbauer, Shorma, St. John, Stevens, Tordsen, Venhuizen, Weisgram, Wittman,
15 and Speaker Bartels

16 Nays: Auch, Aylward, Callies, Deutsch, Duba, Fitzgerald, Gross, Hansen, Healy, Kevin Jensen,
17 Phil Jensen, Krohmer, Ladner, Lems, Lesmeister, Mills, Mulally, Nelson, Overweg, Perry, Pinnow,
18 Randolph, Schneider, Sjaarda, Soye, and Teunissen

19 Excused: Wangsness

20 So the question having received an affirmative vote of a majority of the members-present, the
21 Speaker declared the question prevailed and Rep. Cammack could speak again on **HB 1201** for up
22 to ten minutes.

23 The question being "Shall **HB 1201** pass as amended?"

24 And the roll being called:

25 Yeas 36, Nays 33, Excused 1, Absent 0

26 Yeas: Auch, Aylward, Blare, Deutsch, Donnell, Duba, Duffy, Emery, Fitzgerald, Hansen, Healy,
27 Kevin Jensen, Phil Jensen, Karr, Krohmer, Krull, Ladner, Lems, Lesmeister, Massie, May, Mills,
28 Mulally, Mulder, Nelson, Odenbach, Overweg, Pinnow, Pourier, Randolph, Schaeftbauer, Shorma,
29 Sjaarda, Soye, St. John, and Tordsen

30 Nays: Arlint, Bahmuller, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Drury, Gross,
31 Heermann, Jamison, Kassin, Koth, Kull, Moore, Mortenson, Olson, Ernie Otten, Perry, Drew
32 Peterson, Sue Peterson, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Stevens, Teunissen,
33 Venhuizen, Weisgram, Wittman, and Speaker Bartels

34 Excused: Wangsness

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

37 **HB 1200**: FOR AN ACT ENTITLED, An Act to require a percentage of signatures on a petition
38 to initiate a constitutional amendment to be obtained from each legislative district.

39 Was read the second time.

1 The question being "Shall **HB 1200** pass as amended?"

2 And the roll being called:

3 Yeas 47, Nays 22, Excused 1, Absent 0

4 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Cammack, Chaffee, Derby, Deutsch, Donnell,
5 Duffy, Fitzgerald, Gross, Hansen, Jamison, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer,
6 Kull, Ladner, Lems, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Odenbach, Overweg,
7 Perry, Drew Peterson, Sue Peterson, Pinnow, Randolph, Reimer, Reisch, Schaeffbauer, Schneider,
8 Shorma, Sjaarda, Soye, Venhuizen, and Weisgram

9 Nays: Callies, Chase, DeGroot, Drury, Duba, Emery, Healy, Heermann, Krull, Lesmeister,
10 Nelson, Olson, Ernie Otten, Pourier, Rehfeldt, Sauder, St. John, Stevens, Teunissen, Tordsen,
11 Wittman, and Speaker Bartels

12 Excused: Wangsness

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 1167**: FOR AN ACT ENTITLED, An Act to annually adjust the rate for community-based
16 providers to one hundred percent of methodology.

17 Was read the second time.

18 The question being "Shall **HB 1167** pass?"

19 And the roll being called:

20 Yeas 44, Nays 25, Excused 1, Absent 0

21 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Chaffee, DeGroot, Deutsch, Duba, Emery, Healy,
22 Heermann, Jamison, Kevin Jensen, Karr, Kassin, Krohmer, Krull, Kull, Ladner, Lesmeister, May,
23 Mills, Moore, Mulder, Nelson, Olson, Ernie Otten, Overweg, Perry, Sue Peterson, Pinnow, Pourier,
24 Rehfeldt, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Soye, St. John, Teunissen, Tordsen,
25 and Wittman

26 Nays: Aylward, Cammack, Chase, Derby, Donnell, Drury, Duffy, Fitzgerald, Gross, Hansen, Phil
27 Jensen, Koth, Lems, Massie, Mortenson, Mulally, Odenbach, Drew Peterson, Randolph, Reimer,
28 Sjaarda, Stevens, Venhuizen, Weisgram, and Speaker Bartels

29 Excused: Wangsness

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 There being no objection, the House reverted to Order of Business No. 8 - Motions and
33 Resolutions.

34 **MOTIONS AND RESOLUTIONS**

35 Earlier, Rep. Odenbach announced his intention to reconsider the vote by which **HB 1070** lost.

36 Rep. Odenbach moved that the House do now reconsider the vote by which **HB 1070** lost.

1 The question being on Rep. Odenbach's motion to reconsider the vote by which **HB 1070** lost.

2 And the roll being called:

3 Yeas 43, Nays 26, Excused 1, Absent 0

4 Yeas: Arlint, Auch, Bahmuller, Blare, Cammack, Chaffee, Derby, Deutsch, Donnell, Duffy,
5 Gross, Hansen, Heermann, Kevin Jensen, Karr, Kassin, Koth, Krohmer, Ladner, Lems, Massie, May,
6 Mills, Moore, Mortenson, Mulder, Odenbach, Overweg, Perry, Drew Peterson, Rehfeldt, Reimer,
7 Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Tordsen, Venhuizen, and
8 Weisgram

9 Nays: Aylward, Callies, Chase, DeGroot, Drury, Duba, Emery, Fitzgerald, Healy, Jamison, Phil
10 Jensen, Krull, Kull, Lesmeister, Mulally, Nelson, Olson, Ernie Otten, Sue Peterson, Pinnow, Pourier,
11 Randolph, Stevens, Teunissen, Wittman, and Speaker Bartels

12 Excused: Wangsness

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and **HB 1070** was up for reconsideration and final passage.

15 **HB 1070**: FOR AN ACT ENTITLED, An Act to create the Center for American Exceptionalism at
16 Black Hills State University, make an appropriation therefor, and declare an emergency.

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

18 Rep. Stevens rose to a point of order that Rep. Sue Peterson was not speaking to the current
19 bill but what she would like to see in the Education bill.

20 The question being "Shall **HB 1070** pass as amended?"

21 And the roll being called:

22 Yeas 46, Nays 23, Excused 1, Absent 0

23 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Derby, Deutsch, Donnell,
24 Drury, Duffy, Gross, Hansen, Heermann, Jamison, Kevin Jensen, Karr, Kassin, Koth, Krohmer,
25 Ladner, Lems, Massie, May, Mills, Moore, Mortenson, Mulder, Odenbach, Ernie Otten, Overweg,
26 Perry, Drew Peterson, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Soye,
27 St. John, Tordsen, Venhuizen, and Weisgram

28 Nays: Aylward, Chase, DeGroot, Duba, Emery, Fitzgerald, Healy, Phil Jensen, Krull, Kull,
29 Lesmeister, Mulally, Nelson, Olson, Sue Peterson, Pinnow, Pourier, Randolph, Sjaarda, Stevens,
30 Teunissen, Wittman, and Speaker Bartels

31 Excused: Wangsness

32 So the bill not having received an affirmative vote of a two-thirds majority of the members-
33 elect, the Speaker declared the bill lost.

34 Rep. Mortenson moved that the balance of the calendar including **SB 143 and 200** be deferred
35 to Thursday, February 23, 2023, the 28th legislative day.

36 Which motion prevailed.

1 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 5:30 p.m.
2 the House adjourned.

3

Patricia Miller, Chief Clerk

