

# *JOURNAL OF THE HOUSE*

## *NINETY-EIGHTH SESSION*

---

TWENTY-NINTH DAY

---

STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Friday, February 24, 2023

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rachel Byrum, followed by the Pledge of Allegiance led by House pages Kathryn Doom and Keeleigh Reis-Elwood.

Roll Call: All members present except Reps. Donnell, Kevin Jensen, Overweg, and Pourier 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 28th 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

---

**COMMUNICATIONS AND PETITIONS**

2

February 22, 2023

3

Mr. Speaker and Members of the House:

4

I have the honor to inform you that on February 22, 2023, I approved House Bills 1038, 1041, 1047, 1048, 1057, 1060, 1064, 1088, 1091, and 1101, and the same have been deposited in the office of the Secretary of State.

5

6

7

Respectfully submitted,  
Kristi Noem  
Governor

8

9

10

**REPORTS OF STANDING COMMITTEES**

11

Mr. Speaker:

12

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1029, 1042, 1109, 1112, 1121, 1132, 1147, 1150, 1158, and 1210** and finds the same correctly enrolled.

13

14

15

Respectfully submitted,  
Hugh M. Bartels, Chair

16

17

Mr. Speaker:

18

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1023 and 1024** and returns the same with the recommendation that said bills do pass.

19

20

Also Mr. Speaker:

21

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1078** and returns the same with the recommendation that said bill be amended as follows:

22

23

1078A

24

On page 1, line 5, of the Introduced bill, delete " \$5,000,000" and insert " \$2,000,000"

25

And that as so amended, **HB 1078** do pass.

26

Also Mr. Speaker:

27

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1079** and returns the same with the recommendation that said bill be amended as follows:

28

29

1079A

30

On page 1, line 5, of the Introduced bill, delete " \$4,000,000" and insert " \$2,000,000"

31

And that as so amended, **HB 1079** do pass.

32

Also Mr. Speaker:

33

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1044, 1187, 1190, and 1241** which were tabled.

34

1 Also Mr. Speaker:

2 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
3 **HB 1204** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 Jean Hunhoff, Co-Chair

Respectfully submitted,  
Mike Derby, Co-Chair

6 Mr. Speaker:

7 The Committee on House State Affairs respectfully reports that it has had under consideration  
8 **SB 132 and 139, and SJR 502** and returns the same with the recommendation that said bills and  
9 resolution do pass.

10 Also Mr. Speaker:

11 The Committee on House State Affairs respectfully reports that it has had under consideration  
12 **SJR 505** and returns the same with the recommendation that said resolution do pass, and having  
13 been certified as uncontested, be placed on the consent calendar.

14 Also Mr. Speaker:

15 The Committee on House State Affairs respectfully reports that it has had under consideration  
16 **SCR 602** and returns the same with the recommendation that said resolution be concurred in.

17 Respectfully submitted,  
18 Will Mortenson, Chair

19 Mr. Speaker:

20 The Committee on House Commerce and Energy respectfully reports that it has had under  
21 consideration **SB 120** and returns the same with the recommendation that said bill be amended as  
22 follows:

23 120B

24 On page 1, line 10, of the Senate Commerce and Energy Engrossed bill, delete "a for-profit"  
25 and insert "an"

26 On page 1, line 10, of the Senate Commerce and Energy Engrossed bill, after "entity" insert "  
27 not otherwise exempt from property taxes, pursuant to chapter 10-4,"

28 And that as so amended, **SB 120** do pass.

29 Respectfully submitted,  
30 Mike Weisgram, Chair

31 Mr. Speaker:

32 The Committee on House Education respectfully reports that it has had under consideration  
33 **SB 45** which was deferred to the 41st Legislative Day.

34 Also Mr. Speaker:

35 The Committee on House Education respectfully reports that it has had under consideration  
36 **SB 108 and 129** and returns the same with the recommendation that said bills do pass.

1 Also Mr. Speaker:

2 The Committee on House Education respectfully reports that it has had under consideration  
3 **SB 182** 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 Judiciary respectfully reports that it has had under consideration  
9 **SB 3** which was deferred to the 41st Legislative Day.

10 Also Mr. Speaker:

11 The Committee on House Judiciary respectfully reports that it has had under consideration  
12 **SB 4** and returns the same with the recommendation that said bill be amended as follows:

13 4E

14 On page 2, line 23, of the Senate Engrossed bill, delete "a separate " and insert "separate "

15 On page 2, line 24, of the Senate Engrossed bill, delete "act" and insert "acts"

16 On page 2, line 24, of the Senate Engrossed bill, after "of " delete "a "

17 On page 2, line 24, of the Senate Engrossed bill, delete " episode" and insert " episodes, three  
18 or more times"

19 And that as so amended, **SB 4** do pass.

20 Also Mr. Speaker:

21 The Committee on House Judiciary respectfully reports that it has had under consideration  
22 **SB 176** and returns the same with the recommendation that said bill do pass.

23 Also Mr. Speaker:

24 The Committee on House Judiciary respectfully reports that it has had under consideration  
25 **SB 5, 6, 72, and 81** and returns the same with the recommendation that said bills do pass, and  
26 having been certified as uncontested, be placed on the consent calendar.

27 Respectfully submitted,  
28 Jon Hansen, Chair

29 **MESSAGES FROM THE SENATE**

30 Mr. Speaker:

31 I have the honor to return herewith **HB 1029, 1042, 1109, 1112, 1121, 1132, 1147, 1150,**  
32 **1158, and 1210** which have passed the Senate without change.

1 Also Mr. Speaker:

2 I have the honor to transmit herewith **SB 18 and 33** which have passed the Senate and your  
3 favorable consideration is respectfully requested.

4 Respectfully,  
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Deutsch moved that the House do concur in Senate amendments to **HCR 6001**.

8 The question being on Rep. Deutsch's motion that the House do concur in Senate amendments  
9 to **HCR 6001**.

10 And the roll being called:

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

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

19 Nays: Mulally

20 Excused: Donnell, Kevin Jensen, Overweg, and Pourier

21 So the motion having received an affirmative vote of a majority of the members-elect, the  
22 Speaker declared the motion carried and the amendments were concurred in.

23 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

25 Joint Appropriations on **HB 1117** as found on page 358 of the House Journal; also

26 Joint Appropriations on **HB 1118** as found on page 358 of the House Journal and **HB 1143** as  
27 found on page 358 of the House Journal be adopted.

28 Which motion prevailed and the reports were adopted.

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

30 **SB 18: FOR AN ACT ENTITLED, An Act to revise the appropriation for a livestock and equestrian**  
31 **complex at the State Fair, and to declare an emergency.**

1 **SB 33:** FOR AN ACT ENTITLED, An Act to amend an appropriation for the revised construction  
2 costs of the Mineral Industries Building at the School of Mines and Technology, and to declare an  
3 emergency.

4 Were read the first time and the Speaker waived the committee referral pursuant to JR 6D-1.

## 5 **SECOND READING OF CONSENT CALENDAR ITEMS**

6 Rep. Mulally requested that **SB 140** be removed from the Consent Calendar.

7 **SB 204:** FOR AN ACT ENTITLED, An Act to expand critical incident stress management to  
8 health care facility personnel providing emergency services.

9 Was read the second time.

10 The question being "Shall **SB 204** pass?"

11 And the roll being called:

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

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

20 Excused: Donnell, Kevin Jensen, Overweg, and Pourier

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 Rep. Mortenson moved that the balance of the calendar including **HB 1016, 1017, 1021, and**  
24 **1022, and SB 50, 78, 86, 146, and 198** be deferred to Monday, February 27, 2023, the 30<sup>th</sup>  
25 legislative day.

26 Which motion prevailed.

## 27 **SIGNING OF BILLS**

28 The Speaker publicly read the title to

29 **HB 1029:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the county  
30 zoning and appeals process.

31 **HB 1042:** FOR AN ACT ENTITLED, An Act to update additional charges allowed for mailing  
32 decals and plates and to declare an emergency.

33 **HB 1109:** FOR AN ACT ENTITLED, An Act to modify the occupation tax for business  
34 improvement districts.

35 **HB 1112:** FOR AN ACT ENTITLED, An Act to modify provisions for a statewide runoff election.

1 **HB 1121:** FOR AN ACT ENTITLED, An Act to expand the definition of a pesticide dealer.

2 **HB 1132:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the duties of the  
3 medical marijuana oversight committee.

4 **HB 1147:** FOR AN ACT ENTITLED, An Act to provide for the organization of townships or  
5 fractions of townships.

6 **HB 1150:** FOR AN ACT ENTITLED, An Act to provide a medical cannabis patient a registry  
7 identification card fee waiver in certain circumstances.

8 **HB 1158:** FOR AN ACT ENTITLED, An Act to ban counterfeit airbags.

9 **HB 1210:** FOR AN ACT ENTITLED, An Act to modify the use of conservation district special  
10 revenue fund monies and to provide an appropriation therefor.

11 **SB 150:** FOR AN ACT ENTITLED, An Act to add provisions regarding construction and  
12 maintenance of livestock pipelines on highways.

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

14 Rep. Mortenson now presiding.

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

## 17 **REPORTS OF STANDING COMMITTEES**

18 Mr. Speaker:

19 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
20 **HB 1035** and returns the same with the recommendation that said bills do pass.

21 Respectfully submitted,  
22 Jean Hunhoff, Co-Chair

Respectfully submitted,  
Mike Derby, Co-Chair

23 Rep. Wangsness moved that the House do now adjourn, which motion prevailed and at  
24 2:31 p.m. the House adjourned.

25 Patricia Miller, Chief Clerk

