

# *JOURNAL OF THE HOUSE*

## *NINETY-EIGHTH SESSION*

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THIRTY-SECOND DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, March 01, 2023

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House page Nicolette Hoffman.

Roll Call: All members present except Reps. St. John and Tordsen 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 31st 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 1029, 1109, 1112, 1121, 1132, 1147, 1150, 1158, and 1210** were delivered to her Excellency, the Governor, for her approval at 2:55 p.m., February 28, 2023.

Respectfully submitted,  
Hugh M. Bartels, Chair

Also Mr. Speaker:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1008, 1030, 1090, 1135, 1148, 1175, and 1209** and finds the same correctly enrolled.

Respectfully submitted,  
Hugh M. Bartels, Chair

Mr. Speaker:

The Committee on House Education respectfully reports that it has had under consideration **SB 118 and 168** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,  
Mike Stevens, Chair

Mr. Speaker:

The House Committee on Appropriations respectfully reports that it has had under consideration **SB 51, 89, and 104** and returns the same with the recommendation that said bills do pass.

Also Mr. Speaker:

The House Committee on Appropriations respectfully reports that it has had under consideration **SB 105** and returns the same with the recommendation that said bill be amended as follows:

105A

On page 1, line 1, of the Introduced bill, delete "make an appropriation for improving the social and economic viability of South Dakota and to declare an emergency" and insert "require updated cost report information for certain community-based health and human services providers"

On the Introduced bill, delete everything after the enacting clause and insert:

"

**Section 1. That § 28-22-1 be AMENDED:**

**28-22-1.** The Department of Social Services and the Department of Human Services shall jointly establish a rate-setting methodology for services delivered by community-based health and human services providers. Each category of service shall undergo a comprehensive rate modeling

1 analysis at least every five years. Any rate models determined by the comprehensive rate model  
 2 analysis must be reviewed and reported annually to include cost report information, rate model  
 3 components utilizing the most relevant inflation factor respective of the analysis, and other market  
 4 factors as warranted pursuant to §§ 28-22-2 and 28-22-3. The departments ~~may elect to conduct~~  
 5 ~~the analysis earlier or on a more frequent basis if warranted by cost report information or other~~  
 6 ~~market conditions.~~ may elect to conduct the analysis earlier or on a more frequent basis if warranted  
 7 by cost report information or other market conditions. Any new service model shall undergo  
 8 comprehensive rate modeling analysis prior to implementation."

9 And that as so amended, **SB 105** do pass.

10 Also Mr. Speaker:

11 The House Committee on Appropriations respectfully reports that it has had under  
 12 consideration **SB 149** and returns the same with the recommendation that said bill be amended as  
 13 follows:

14 149A

15 On page 1, line 5, of the Introduced bill, delete "\$53,694,084 " and insert "\$1 "

16 And that as so amended, **SB 149** do pass.

17 Respectfully submitted,  
 18 Mike Derby, Chair

19 Mr. Speaker:

20 The Committee on House State Affairs respectfully reports that it has had under consideration  
 21 **SB 111** which was tabled.

22 Also Mr. Speaker:

23 The Committee on House State Affairs respectfully reports that it has had under consideration  
 24 **SB 113** and returns the same with the recommendation that said bill be amended as follows:

25 113A

26 On page 1, line 1, of the Introduced bill, delete " education" and insert " initiated petitions"

27 On the Introduced bill, delete everything after the enacting clause and insert:

28 "

29 **Section 1. That § 2-1-1.1 be AMENDED:**

30 **2-1-1.1.** ~~The A~~ petition as it is to be circulated for an initiated amendment to the Constitution  
 31 ~~shall must~~ be filed with the secretary of state, including an electronic copy of the petition ~~as it is to~~  
 32 ~~be circulated,~~ prior to circulation for signatures and ~~shall at least one year before the next general~~  
 33 election at which the initiated amendment is proposed to be submitted to the voters. The petition  
 34 filing must:

- 35 (1) Contain the full text of the initiated amendment in fourteen-point font;
- 36 (2) Contain the date of the general election at which the initiated amendment is to be  
 37 submitted;
- 38 (3) Contain the title and explanation as prepared by the attorney general;

1 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition  
2 sponsor that includes the name and address of each petition sponsor; and

3 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

4 Each petition circulator shall provide to each person who signs the petition a form containing  
5 the title and explanation of the initiated amendment to the Constitution as prepared by the attorney  
6 general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address  
7 of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid  
8 petition circulator and, if a paid circulator, the amount the circulator is being paid. The form ~~shall~~  
9 must be approved by the secretary of state prior to circulation. The petition form, as prescribed by  
10 the State Board of Elections, ~~shall~~ must include the paid circulator identification number within the  
11 verification of any paid circulator.

12 For any initiated amendment petition, no signature may be obtained more than twenty-four  
13 months preceding the general election that was designated at the time of filing of the full text. ~~The~~  
14 ~~initiated amendment petition shall be filed with the secretary of state at least one year before the~~  
15 ~~next general election.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating  
16 that the documents filed constitute the entire petition and to the best of the knowledge of the  
17 sponsors contains a sufficient number of signatures shall also be filed with the secretary of state.  
18 The initiated amendment petition signatures must be filed with the secretary of state by the first  
19 Tuesday in May of a general election year for the initiated amendment to qualify for submission to  
20 the voters at the next general election. The form of the petition otherwise, including petition size  
21 and petition font size for ballot measure language not prescribed in this section, and the affidavit  
22 ~~shall~~ must be prescribed by the State Board of Elections.

23 **Section 2. That § 2-1-1.2 be AMENDED:**

24 **2-1-1.2.** ~~The~~ A petition as it is to be circulated for an initiated measure ~~shall~~ must be filed with  
25 the secretary of state, including an electronic copy of the petition ~~as it is to be circulated,~~ prior to  
26 circulation for signatures and ~~shall~~ at least one year before the next general election at which the  
27 initiated measure is proposed to be submitted to the voters. The petition filing must:

28 (1) Contain the full text of the initiated measure in fourteen-point font;

29 (2) Contain the date of the general election at which the initiated measure is to be  
30 submitted;

31 (3) Contain the title and explanation as prepared by the attorney general;

32 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition  
33 sponsor that includes the name and address of each petition sponsor; and

34 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

35 Each petition circulator shall provide to each person who signs the petition a form containing  
36 the title and explanation of the initiated measure as prepared by the attorney general; any fiscal  
37 note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition  
38 sponsor; a statement whether the petition circulator is a volunteer or paid petition circulator and, if  
39 a paid circulator, the amount the circulator is being paid. The form ~~shall~~ must be approved by the  
40 secretary of state prior to circulation. The petition form, as prescribed by the State Board of  
41 Elections, ~~shall~~ must include the paid circulator identification number within the verification of any  
42 paid circulator.

43 For any initiated measure petition, no signature may be obtained more than twenty-four  
44 months preceding the general election that was designated at the time of filing of the full text. ~~The~~  
45 ~~initiated measure petition shall be filed with the secretary of state at least one year before the next~~  
46 ~~general election.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors stating that  
47 the documents filed constitute the entire petition and to the best of the knowledge of the sponsors  
48 contains a sufficient number of signatures ~~shall~~ must also be filed with the secretary of state. The

1 initiated measure petition signatures must be filed with the secretary of state by the first Tuesday  
 2 in May of a general election year for the initiated measure to qualify for submission to the voters at  
 3 the next general election. The form of the petition otherwise, including petition size and petition font  
 4 size for ballot measure language not prescribed in this section, and the affidavit ~~shall~~ must be  
 5 prescribed by the State Board of Elections.

6 **Section 3. That § 2-1-15 be AMENDED:**

7 **2-1-15.** Upon the receiving of any initiative petition, referred law petition, or initiated  
 8 constitutional amendment petition, the secretary of state shall examine the petition and petition  
 9 signatures and make them available to the public upon request and payment of reasonable fees in  
 10 accordance with § 1-8-10. No signature of a person ~~shall~~ may be counted by the secretary of state  
 11 unless the person is a registered voter in the county indicated on the signature line. No signature of  
 12 a person ~~shall~~ may be counted if the information required on the petition form is not accurate or  
 13 complete. The secretary of state shall generate the random sample under § 2-1-16 and make  
 14 available to the public ~~the petitions and the~~ random sample validation sheets within thirty days of a  
 15 request and payment of reasonable fees in accordance with § 1-8-10.

16 "

17 113D

18 On page 1, line 1, of the Introduced bill, delete " education" and insert " initiated petitions"

19 On the Introduced bill, delete everything after the enacting clause and insert:

20 "

21 **Section 1.** The Legislature finds that the Secretary of State has various administrative functions  
 22 that are necessary to ensure a fair and orderly petition and election process. These functions include  
 23 but are not limited to sampling signatures to ensure their validity; certifying measures for the ballot;  
 24 and preparing, printing, and distributing ballots.

25 The Legislature finds that in addition to these administrative functions, it is also essential to  
 26 provide sufficient time for the resolution of any legal challenges related to the petition circulation  
 27 process. Such challenges may involve allegations of fraud, forgery, filing of false instruments, or  
 28 other illegalities, and may be subject to review by both the Circuit Court and the Supreme Court.

29 The Legislature finds that such litigation can be time-consuming and complex, and therefore,  
 30 it is necessary to allow adequate time for it to be conducted in a thorough and fair manner.

31 Accordingly, the Legislature finds that it is important to establish a clear timeline for the  
 32 election process and deadline for petition submission that allows for both the Secretary of State's  
 33 administrative functions and the resolution of any legal challenges.

34 To this end, the Legislature determines that the following time windows are necessary:

35 The Legislature finds that general election day in South Dakota is the Tuesday after the first  
 36 Monday in November. Therefore, general election day occurs within November 2 to November 8.

37 The Legislature finds that the absentee voting period begins 46 days prior to the general  
 38 election. Therefore, absentee voting begins within September 17 to September 23.

39 The Legislature finds that the South Dakota Secretary of State requires approximately one  
 40 month to prepare and print all ballots to be used on general election day. Therefore, the time period  
 41 for preparing and printing ballots must begin within August 18 to August 24.

The Legislature finds that 60 days time is minimally sufficient to accommodate an appeal in the Supreme Court. Therefore, the time window for an appeal in the Supreme Court must begin within June 19 to June 25.

The Legislature finds that 60 days time is minimally sufficient to accommodate an action in circuit court to challenge the validity of petition signatures. Therefore, the time window for a circuit court challenge must begin within April 20 to April 26.

The Legislature finds that the South Dakota Secretary of State requires approximately 45 days to review petition signatures for validity and certify a measure for the ballot. Therefore, the time window for a circuit court challenge must begin within March 6 to March 12.

Therefore, the Legislature finds that the petition submission deadline shall be the second Tuesday in March.

**Section 2. That § 2-1-1.1 be AMENDED:**

**2-1-1.1.** ~~The~~ A petition as it is to be circulated for an initiated amendment to the Constitution shall ~~must~~ be filed with the secretary of state, including an electronic copy of the petition ~~as it is to be circulated~~, prior to circulation for signatures and ~~shall at least one year before the next general election at which the initiated amendment is proposed to be submitted to the voters. The petition filing must:~~

- (1) Contain the full text of the initiated amendment in fourteen-point font;
- (2) Contain the date of the general election at which the initiated amendment is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated amendment to the Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. ~~The form shall~~ must be approved by the secretary of state prior to circulation. The petition form, as prescribed by the State Board of Elections, ~~shall must~~ include the paid circulator identification number within the verification of any paid circulator.

For any initiated amendment petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. ~~The initiated amendment petition shall be filed with the secretary of state at least one year before the next general election.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the second Tuesday in March of a general election year for the initiated amendment to qualify for submission to the voters at the next general election. The form of the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section, and the affidavit ~~shall must~~ be prescribed by the State Board of Elections.

1 **Section 3. That § 2-1-1.2 be AMENDED:**

2 **2-1-1.2.** ~~The~~ A petition as it is to be circulated for an initiated measure ~~shall~~ must be filed with  
 3 the secretary of state, including an electronic copy of the petition ~~as it is to be circulated,~~ prior to  
 4 circulation for signatures and ~~shall~~ at least one year before the next general election at which the  
 5 initiated measure is proposed to be submitted to the voters. The petition filing must:

- 6 (1) Contain the full text of the initiated measure in fourteen-point font;
- 7 (2) Contain the date of the general election at which the initiated measure is to be  
 8 submitted;
- 9 (3) Contain the title and explanation as prepared by the attorney general;
- 10 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition  
 11 sponsor that includes the name and address of each petition sponsor; and
- 12 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

13 Each petition circulator shall provide to each person who signs the petition a form containing  
 14 the title and explanation of the initiated measure as prepared by the attorney general; any fiscal  
 15 note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition  
 16 sponsor; a statement whether the petition circulator is a volunteer or paid petition circulator and, if  
 17 a paid circulator, the amount the circulator is being paid. The form ~~shall~~ must be approved by the  
 18 secretary of state prior to circulation. The petition form, as prescribed by the State Board of  
 19 Elections, ~~shall~~ must include the paid circulator identification number within the verification of any  
 20 paid circulator.

21 For any initiated measure petition, no signature may be obtained more than twenty-four  
 22 months preceding the general election that was designated at the time of filing of the full text. ~~The~~  
 23 ~~initiated measure petition shall be filed with the secretary of state at least one year before the next~~  
 24 ~~general election.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors stating that  
 25 the documents filed constitute the entire petition and to the best of the knowledge of the sponsors  
 26 contains a sufficient number of signatures ~~shall~~ must also be filed with the secretary of state. The  
 27 initiated measure petition signatures must be filed with the secretary of state by the second Tuesday  
 28 in March of a general election year for the initiated measure to qualify for submission to the voters  
 29 at the next general election. The form of the petition otherwise, including petition size and petition  
 30 font size for ballot measure language not prescribed in this section, and the affidavit ~~shall~~ must be  
 31 prescribed by the State Board of Elections.

32 **Section 4. That § 2-1-15 be AMENDED:**

33 **2-1-15.** Upon the receiving of any initiative petition, referred law petition, or initiated  
 34 constitutional amendment petition, the secretary of state shall examine the petition and petition  
 35 signatures and make them available to the public upon request and payment of reasonable fees in  
 36 accordance with § 1-8-10. No signature of a person ~~shall~~ may be counted by the secretary of state  
 37 unless the person is a registered voter in the county indicated on the signature line. No signature of  
 38 a person ~~shall~~ may be counted if the information required on the petition form is not accurate or  
 39 complete. The secretary of state shall generate the random sample under § 2-1-16 and make  
 40 available to the public ~~the petitions and the~~ random sample validation sheets within thirty days of a  
 41 request and payment of reasonable fees in accordance with § 1-8-10."

42 And that as so amended, **SB 113** do pass, and having been certified as uncontested, be placed  
 43 on the consent calendar.

1 Also Mr. Speaker:

2 The Committee on House State Affairs respectfully reports that it has had under consideration  
3 **SB 40, 197, and 207** and returns the same with the recommendation that said bills do pass.

4 Also Mr. Speaker:

5 The Committee on House State Affairs respectfully reports that it has had under consideration  
6 **SB 189** and returns the same with the recommendation that said bill do pass, and having been  
7 certified as uncontested, be placed on the consent calendar.

8 Respectfully submitted,  
9 Will Mortenson, Chair

10 Mr. Speaker:

11 The Committee on House Commerce and Energy respectfully reports that it has had under  
12 consideration **SB 174** and returns the same with the recommendation that said bill be amended as  
13 follows:

14 174C

15 On page 1, line 4, of the Senate Local Government Engrossed bill, after "Dakota:" delete  
16 "Section 1. That chapter 9-35 be amended with a NEW SECTION:

17 "

18 On page 1, line 5, of the Senate Local Government Engrossed bill, after "SECTION:" delete "No  
19 municipality may enact or implement any ordinance, resolution, or policy that prohibits or has the  
20 effect of prohibiting the use of electric, natural gas, propane, or any other energy utility service as  
21 a type or class of energy service. This section does not apply to a generally applicable zoning  
22 ordinance, building regulation, or fire code if the ordinance, regulation, or code is not used to affect  
23 a prohibition on the use of electric, natural gas, propane, or any other energy utility service as a  
24 type or class."

25 On page 1, line 11, of the Senate Local Government Engrossed bill, after "class." delete  
26 "Section 2. That chapter 7-18 be amended with a NEW SECTION:

27 "

28 On page 1, line 12, of the Senate Local Government Engrossed bill, after "SECTION:" delete  
29 "No county may enact or implement any ordinance, resolution, or policy that prohibits or has the  
30 effect of prohibiting the use of electric, natural gas, propane, or any other energy utility service as  
31 a type or class of energy service. This section does not apply to a generally applicable zoning  
32 ordinance, building regulation, or fire code if the ordinance, regulation, or code is not used to affect  
33 a prohibition on the use of electric, natural gas, propane, or any other energy utility service as a  
34 type or class."

35 On page 1, after line 17, of the Senate Local Government Engrossed bill, insert: "

36 **Section 1. That chapter 6-1 be amended with a NEW SECTION:**

37 No local governmental unit, as defined in § 6-1-12, may enact or implement any ordinance,  
38 resolution, or policy that prohibits or has the effect of prohibiting the use, production, or  
39 transportation of natural gas, propane, or any other fuel gas service as a type or class of service.  
40 This section does not apply to a generally applicable zoning ordinance, building regulation, or fire  
41 code if the ordinance, regulation, or code is not used to affect a prohibition on the use, production,



1 or transportation of natural gas, propane, or any other fuel gas service as a type or class of service.  
2 "

3 And that as so amended, **SB 174** do pass.

4 Respectfully submitted,  
5 Mike Weisgram, Chair

6 Mr. Speaker:

7 The Committee on House Judiciary respectfully reports that it has had under consideration  
8 **SB 70, 91, and 206** and returns the same with the recommendation that said bills do pass.

9 Also Mr. Speaker:

10 The Committee on House Judiciary respectfully reports that it has had under consideration  
11 **SB 53, 64, and 90** and returns the same with the recommendation that said bills do pass, and  
12 having been certified as uncontested, be placed on the consent calendar.

13 Respectfully submitted,  
14 Jon Hansen, Chair

15 **MESSAGES FROM THE SENATE**

16 Mr. Speaker:

17 I have the honor to return herewith **HB 1008, 1030, 1140, 1153, 1155, and 1231** which  
18 have passed the Senate without change.

19 Also Mr. Speaker:

20 I have the honor to return herewith **HB 1127** which has been amended by the Senate and  
21 your concurrence in the amendments is respectfully requested.

22 Also Mr. Speaker:

23 I have the honor to inform your honorable body that **HB 1138** was lost on second reading and  
24 final passage.

25 Also Mr. Speaker:

26 I have the honor to inform your honorable body that the Senate has concurred in House  
27 amendments to **SB 8**.

28 Respectfully,  
29 Kay Johnson, Secretary

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**MOTIONS AND RESOLUTIONS**

2

Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Thursday, March 2, 2023, the 33<sup>rd</sup> legislative day.

3

Which motion prevailed.

4

Rep. Weisgram moved that the House do concur in Senate amendments to **HB 1108**.

5

The question being on Rep. Weisgram's motion that the House do concur in Senate amendments to **HB 1108**.

6

And the roll being called:

7

Yeas 68, Nays 0, Excused 2, Absent 0

8

Yeas: Arlint, Auch, Aylward, 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, Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, Stevens, Teunissen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

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Excused: St. John and Tordsen

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

19

20

Rep. Heermann moved that the House do concur in Senate amendments to **HB 1124**.

21

The question being on Rep. Heermann's motion that the House do concur in Senate amendments to **HB 1124**.

22

23

And the roll being called:

24

Yeas 68, Nays 0, Excused 2, Absent 0

25

Yeas: Arlint, Auch, Aylward, 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, Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, Stevens, Teunissen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

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Excused: St. John and Tordsen

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

34

35

Rep. Chaffee moved that the House do concur in Senate amendments to **HB 1165**.

36

The question being on Rep. Chaffee's motion that the House do concur in Senate amendments to **HB 1165**.

37

1 And the roll being called:

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

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

9 Nays: Aylward, Duba, Emery, Healy, Phil Jensen, Lesmeister, Mulally, Nelson, Pourier,  
10 Randolph, and Wittman

11 Excused: St. John and Tordsen

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

14 Rep. Deutsch moved that the House do not concur in Senate amendments to **HB 1185** and  
15 that a committee of three on the part of the House be appointed to meet with a like committee on  
16 the part of the Senate to adjust the differences between the two houses.

17 Which motion prevailed and the Speaker appointed as such committee  
18 Representatives Deutsch (Chair), Drew Peterson, and Duffy.

#### 19 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

21 Health and Human Services on **SB 1** as found on page 398 of the House Journal be adopted.

22 Which motion prevailed and the report was adopted.

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

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

26 Was read the second time.

27 The question being "Shall **SB 181** pass?"

28 And the roll being called:

29 Yeas 60, Nays 8, Excused 2, Absent 0

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

1 Nays: Aylward, Bahmuller, Phil Jensen, May, Mulally, Pinnow, Randolph, and Sjaarda

2 Excused: St. John and Tordsen

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

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

6 **SB 160:** FOR AN ACT ENTITLED, An Act to establish post-election audits.

7 Was read the second time.

8 The question being "Shall **SB 160** pass as amended?"

9 And the roll being called:

10 Yeas 68, Nays 0, Excused 2, Absent 0

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

18 Excused: St. John and Tordsen

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

21 **SB 120:** FOR AN ACT ENTITLED, An Act to increase an amount of property value owned by a  
22 local industrial development corporation that is exempt from taxation.

23 Was read the second time.

24 Rep. Chase moved that **SB 120** be amended as follows:

25 120E

26 On page 1, line 5, of the House Commerce and Energy Engrossed bill, delete "Five" and insert  
27 "Two"

28 On page 1, line 5, of the House Commerce and Energy Engrossed bill, after "million" insert "  
29 five hundred thousand"

30 On page 1, line 9, of the House Commerce and Energy Engrossed bill, delete "five" and insert  
31 "two"

32 On page 1, line 9, of the House Commerce and Energy Engrossed bill, after "million" insert "  
33 five hundred thousand"

34 Which motion prevailed.

1 The question being "Shall **SB 120** pass as amended?"

2 And the roll being called:

3 Yeas 43, Nays 25, Excused 2, Absent 0

4 Yeas: Arlint, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell, Drury, Duba,  
5 Duffy, Emery, Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Lesmeister, Massie,  
6 Moore, Mulder, Nelson, Olson, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Rehfeldt,  
7 Reisch, Sauder, Schneider, Shorma, Stevens, Teunissen, Venhuizen, Wangness, Weisgram,  
8 Wittman, and Speaker Bartels

9 Nays: Auch, Aylward, Bahmuller, Blare, Callies, Gross, Hansen, Kevin Jensen, Phil Jensen,  
10 Karr, Krohmer, Ladner, Lems, May, Mills, Mortenson, Mulally, Odenbach, Ernie Otten, Overweg,  
11 Randolph, Reimer, Schaeftbauer, Sjaarda, and Soye

12 Excused: St. John and Tordsen

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 **SB 159**: FOR AN ACT ENTITLED, An Act to revise provisions regarding vehicle warranty claims.

16 Was read the second time.

17 Rep. Drew Peterson moved that **SB 159** be amended as follows:

18 159C

19 On page 1, line 25, of the Senate Commerce and Energy Engrossed bill, after "dealership;"  
20 insert "

21 (7) "Component manufacturer," a person that manufacturers or assembles parts, components,  
22 complete assemblies, or sub-assemblies for vehicles, which are separately warranted from the  
23 vehicles, and does not otherwise manufacture or assemble vehicles;"

24 On page 2, line 1, of the Senate Commerce and Energy Engrossed bill, delete "(7)" and insert  
25 "(8)"

26 On page 2, line 5, of the Senate Commerce and Energy Engrossed bill, delete "(8)" and insert  
27 "(9)"

28 On page 2, line 11, of the Senate Commerce and Energy Engrossed bill, delete "(9)" and insert  
29 "(10)"

30 On page 2, line 12, of the Senate Commerce and Energy Engrossed bill, delete "(10)" and  
31 insert "(11)"

32 On page 2, line 18, of the Senate Commerce and Energy Engrossed bill, delete "(11)" and  
33 insert "(12)"

34 On page 2, line 21, of the Senate Commerce and Energy Engrossed bill, delete "(12)" and  
35 insert "(13)"

36 On page 2, line 25, of the Senate Commerce and Energy Engrossed bill, delete "(13)" and  
37 insert "(14)"

38 On page 2, line 28, of the Senate Commerce and Energy Engrossed bill, delete "(14)" and  
39 insert "(15)"

- 1 On page 2, line 30, of the Senate Commerce and Energy Engrossed bill, delete "(15)" and  
2 insert "(16)"
- 3 On page 2, line 32, of the Senate Commerce and Energy Engrossed bill, delete "(16)" and  
4 insert "(17)"
- 5 On page 2, line 34, of the Senate Commerce and Energy Engrossed bill, delete "(17)" and  
6 insert "(18)"
- 7 On page 3, line 4, of the Senate Commerce and Energy Engrossed bill, delete "(18)" and insert  
8 "(19)"
- 9 On page 3, line 5, of the Senate Commerce and Energy Engrossed bill, after "homes, " delete  
10 "or any parts, components, complete assemblies, or sub-assemblies of vehicles"
- 11 On page 3, line 6, of the Senate Commerce and Energy Engrossed bill, remove the overstrikes  
12 from "and who issues the original or first manufacturer's statement of origin"
- 13 On page 3, line 9, of the Senate Commerce and Energy Engrossed bill, delete "(19)" and insert  
14 "(20)"
- 15 On page 3, line 13, of the Senate Commerce and Energy Engrossed bill, delete "(20)" and  
16 insert "(21)"
- 17 On page 3, line 16, of the Senate Commerce and Energy Engrossed bill, delete "(21)" and  
18 insert "(22)"
- 19 On page 3, line 18, of the Senate Commerce and Energy Engrossed bill, delete "(22)" and  
20 insert "(23)"
- 21 On page 3, line 22, of the Senate Commerce and Energy Engrossed bill, delete "(23)" and  
22 insert "(24)"
- 23 On page 3, line 24, of the Senate Commerce and Energy Engrossed bill, delete "(24)" and  
24 insert "(25)"
- 25 On page 3, line 27, of the Senate Commerce and Energy Engrossed bill, delete "(25)" and  
26 insert "(26)"
- 27 On page 3, line 32, of the Senate Commerce and Energy Engrossed bill, delete "(26)" and  
28 insert "(27)"
- 29 On page 4, line 1, of the Senate Commerce and Energy Engrossed bill, delete "(27)" and insert  
30 "(28)"
- 31 On page 4, line 5, of the Senate Commerce and Energy Engrossed bill, delete "(28)" and insert  
32 "(29)"
- 33 On page 4, line 10, of the Senate Commerce and Energy Engrossed bill, delete "(29)" and  
34 insert "(30)"
- 35 On page 4, line 15, of the Senate Commerce and Energy Engrossed bill, after "amanufacturer  
36 " insert "or component manufacturer "
- 37 On page 4, line 16, of the Senate Commerce and Energy Engrossed bill, after "a " insert "vehicle  
38 "
- 39 On page 4, line 16, of the Senate Commerce and Energy Engrossed bill, delete "if" and insert  
40 " for any vehicle or any part, component, complete assembly, or subassembly for a vehicle if"

1 On page 4, line 17, of the Senate Commerce and Energy Engrossed bill, after "manufacturer's"  
 2 insert " or component manufacturer's"

3 On page 4, line 18, of the Senate Commerce and Energy Engrossed bill, after "repaired; "  
 4 delete "and"

5 On page 4, line 19, of the Senate Commerce and Energy Engrossed bill, after "and

6 (3) The " insert "vehicle "

7 On page 4, line 20, of the Senate Commerce and Energy Engrossed bill, after "repairs" insert  
 8 "; and

9 (4) The vehicle dealer performed the repair in accordance with reasonable written requirements  
 10 of the manufacturer or component manufacturer, if the vehicle dealer was notified of the  
 11 requirements before the claim arose and if the requirements were in effect when the claim arose"

12 On page 4, line 22, of the Senate Commerce and Energy Engrossed bill, after "manufacturer"  
 13 insert " or component manufacturer"

14 On page 4, after line 25, of the Senate Commerce and Energy Engrossed bill, insert: "

15 **Section 4. That § 32-6B-58 be AMENDED:**

16 **32-6B-58.** Every franchisor, component manufacturer, or manufacturer shall properly fulfill  
 17 any warranty agreement and compensate, as set forth in § 32-6B-61, each of its vehicle dealers for  
 18 labor and parts. The franchisor, component manufacturer, or manufacturer shall pay all claims made  
 19 by a vehicle dealer for the labor and parts within thirty days following their approval. The franchisor,  
 20 component manufacturer, or manufacturer shall either approve or disapprove the claim within thirty  
 21 days after its receipt. If a claim is disapproved, the vehicle dealer who submitted the claim shall be  
 22 notified in writing of the claim's disapproval within the thirty-day period. Any claim rejected for  
 23 technical reasons may be put into proper form by the vehicle dealer. Any claim resubmitted by the  
 24 vehicle dealer within thirty days after the receipt of the claim shall be considered to be approved  
 25 and payment shall be made within thirty days. The franchisor, component manufacturer, or  
 26 manufacturer has the right to audit any vehicle dealer claim for a period of one year after the claim  
 27 is paid to the dealer and to charge back to the new vehicle dealer the amount of any unsubstantiated  
 28 claim. If there is evidence of fraud by the vehicle dealer, the audit period is two years from the  
 29 actual or constructive notice of facts constituting the alleged fraud."

30 On page 4, after line 25, of the Senate Commerce and Energy Engrossed bill, insert: "

31 **Section 5. That § 32-6B-58.1 be AMENDED:**

32 **32-6B-58.1.** A franchisor, component manufacturer, or manufacturer that provides a separate  
 33 warranty for an engine, transmission, or rear axle installed in a commercial medium- and heavy-  
 34 duty on-highway vehicle, as defined in 49 U.S.C. § 32901(a)(7) as of January 1, 2021, shall  
 35 compensate any authorized repair facility that performs warranty work to repair or replace the  
 36 engine, transmission or rear axle upon the same terms and conditions as provided in § 32-6B-61  
 37 for compensation of warranty work performed by a vehicle dealer. The franchisor, component  
 38 manufacturer, or manufacturer shall pay all claims made by the facility for the labor and parts within  
 39 thirty days following approval. The franchisor, component manufacturer, or manufacturer shall  
 40 either approve or disapprove the claim within thirty days after receiving the claim. If a claim is  
 41 disapproved, the facility that submitted the claim shall be notified in writing of the claim's  
 42 disapproval within the thirty-day period. Any claim rejected for technical reasons may be put into  
 43 proper form by the facility. Any claim resubmitted by the facility within thirty days after the receipt  
 44 of the claim shall be considered to be approved and payment shall be made within thirty days. The  
 45 franchisor, component manufacturer, or manufacturer has the right to audit any facility's claim for  
 46 a period of one year after the claim is paid to the facility and to charge back to the facility the  
 47 amount of any unsubstantiated claim. If there is evidence of fraud by the facility, the audit period  
 48 is two years from the actual or constructive notice of facts constituting the alleged fraud."

1 On page 4, after line 25, of the Senate Commerce and Energy Engrossed bill, insert: "

2 **Section 6. That § 32-6B-61 be AMENDED:**

3 **32-6B-61.** The schedule of compensation for warranty work shall include reasonable  
 4 compensation for diagnostic work, as well as repair service, parts, and labor. Time allowances for  
 5 diagnosis and performance of warranty work and service shall be adequate for the work to be  
 6 performed. The hourly labor rate paid to the dealer for warranty services may not be less than the  
 7 rate charged by the dealer for like service to nonwarranty customers for nonwarranty service.  
 8 Reimbursement for parts used in the performance of warranty repair may not be less than the  
 9 current retail rate customarily charged by the vehicle dealer for such parts. Each manufacturer\_or  
 10 component manufacturer, in establishing a schedule of compensation for warranty work, shall rely  
 11 on the vehicle dealer's written schedule of hourly labor rates and parts and may not obligate any  
 12 vehicle dealer to engage in unduly burdensome documentation thereof, including, without limitation,  
 13 obligating vehicle dealers to engage in transaction by transaction calculations."

14 Which motion prevailed.

15 The question being "Shall **SB 159** pass as amended?"

16 And the roll being called:

17 Yeas 67, Nays 1, Excused 2, Absent 0

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

25 Nays: Randolph

26 Excused: St. John and Tordsen

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

29 **SB 67:** FOR AN ACT ENTITLED, An Act to revise provisions related to emergency and  
 30 involuntary commitment for alcohol and drug abuse.

31 Was read the second time.

32 Rep. Hansen moved that **SB 67** be amended as follows:

67G

34 On page 2, line 15, of the Senate Engrossed bill, after "drugs" delete ", or is receiving treatment  
 35 for withdrawal management"

36 On page 2, after line 31, of the Senate Engrossed bill, insert: "

37 **Section 3. That § 34-20A-63 be AMENDED:**

38 **34-20A-63.** An intoxicated person, or a person receiving treatment for withdrawal  
 39 management, may be detained in an approved treatment facility for emergency treatment if the  
 40 person:



- 1 (1) Has threatened, attempted, or inflicted physical harm on oneself or on another or is likely  
2 to inflict physical harm on another unless detained;
- 3 (2) Is incapacitated by the effects of alcohol or drugs; or
- 4 (3) Is pregnant and abusing alcohol or drugs.
- 5 A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need  
6 for treatment."
- 7 Which motion prevailed.
- 8 The question being "Shall **SB 67** pass as amended?"
- 9 And the roll being called:
- 10 Yeas 60, Nays 8, Excused 2, Absent 0
- 11 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,  
12 Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,  
13 Jamison, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lesmeister, Massie, Mills, Moore,  
14 Mortenson, Mulder, Nelson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Sue  
15 Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma,  
16 Soye, Stevens, Teunissen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels
- 17 Nays: Aylward, Kevin Jensen, Phil Jensen, Lems, May, Mulally, Randolph, and Sjaarda
- 18 Excused: St. John and Tordsen
- 19 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
20 declared the bill passed and the title was agreed to.
- 21 **SB 180**: FOR AN ACT ENTITLED, An Act to address requirements for the execution of a living  
22 will.
- 23 Was read the second time.
- 24 The question being "Shall **SB 180** pass?"
- 25 And the roll being called:
- 26 Yeas 43, Nays 25, Excused 2, Absent 0
- 27 Yeas: Arlint, Cammack, Chaffee, Chase, DeGroot, Derby, Donnell, Drury, Duba, Duffy, Emery,  
28 Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Ladner, Lems, Lesmeister, Massie,  
29 Moore, Mortenson, Mulally, Mulder, Nelson, Olson, Ernie Otten, Drew Peterson, Pourier, Rehfeldt,  
30 Reimer, Reisch, Sauder, Stevens, Teunissen, Venhuizen, Wangsness, Weisgram, Wittman, and  
31 Speaker Bartels
- 32 Nays: Auch, Aylward, Bahmuller, Blare, Callies, Deutsch, Gross, Hansen, Kevin Jensen, Phil  
33 Jensen, Karr, Krohmer, May, Mills, Odenbach, Overweg, Perry, Sue Peterson, Pinnow, Randolph,  
34 Schaeffbauer, Schneider, Shorma, Sjaarda, and Soye
- 35 Excused: St. John and Tordsen
- 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 **SB 191**: FOR AN ACT ENTITLED, An Act to establish the task force to address the welfare of  
2 Indian children in South Dakota.

3 Was read the second time.

4 Rep. Pourier moved that **SB 191** be amended as follows:

5 191D

6 On page 1, line 22, of the Senate Engrossed bill, delete " The task force shall be co-chaired by  
7 one representative from the Department of Social Services, chosen by the secretary of the  
8 Department of Social Services, and the task force shall be co-chaired by one of the representatives  
9 of an Indian tribe in South Dakota, chosen by a plurality vote of the Indian tribe representatives  
10 provided in section 3 of this Act. Members of the committee shall be compensated for their  
11 attendance at meetings and for time spent in conduct of committee business at rates established  
12 by the Executive Board of the Legislative Research Council. The director of the Legislative Research  
13 Council, or one or more persons from the director's office, shall act as secretary to the committee,  
14 or the committee may employ a secretary." and insert " The task force shall be under the supervision  
15 of the Executive Board of the Legislative Research Council and staffed and funded as an interim  
16 legislative committee."

17 On page 2, line 14, of the Senate Engrossed bill, delete "(3) Create a plan to prioritize the  
18 placement of Indian children with their relatives and with members of their tribe;

19 (4)" and insert "(3)"

20 On page 2, line 18, of the Senate Engrossed bill, after "possible;" insert " and"

21 On page 2, line 19, of the Senate Engrossed bill, delete "(5)" and insert "(4)"

22 On page 2, line 19, of the Senate Engrossed bill, after "as" insert " housing,"

23 On page 2, line 19, of the Senate Engrossed bill, after "living" insert ", substance abuse and  
24 addiction disorders,"

25 On page 2, line 20, of the Senate Engrossed bill, delete "; and" and insert a period

26 On page 2, line 21, of the Senate Engrossed bill, delete "(6) Evaluate strategies to make  
27 effective use of qualified expert witnesses in child placement proceedings involving Indian children."  
28 and insert "

29 In pursuit of these objectives, the task force shall consider input from subject matter experts  
30 including the Center for the Prevention of Childhood Maltreatment."

31 Which motion prevailed.

32 The question being "Shall **SB 191** pass as amended?"

33 And the roll being called:

34 Yeas 26, Nays 42, Excused 2, Absent 0

35 Yeas: Blare, DeGroot, Donnell, Drury, Duba, Emery, Healy, Jamison, Krull, Kull, Lesmeister,  
36 May, Moore, Nelson, Odenbach, Olson, Sue Peterson, Pourier, Reimer, Reisch, Schneider, Soye,  
37 Stevens, Teunissen, Wangsness, and Wittman

38 Nays: Arlint, Auch, Aylward, Bahmuller, Callies, Cammack, Chaffee, Chase, Derby, Deutsch,  
39 Duffy, Fitzgerald, Gross, Hansen, Heermann, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth,  
40 Krohmer, Ladner, Lems, Massie, Mills, Mortenson, Mulally, Mulder, Ernie Otten, Overweg, Perry,

1 Drew Peterson, Pinnow, Randolph, Rehfeldt, Sauder, Schaeftbauer, Shorma, Sjaarda, Venhuizen,  
2 Weisgram, and Speaker Bartels

3 Excused: St. John and Tordsen

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

6 **SB 55**: FOR AN ACT ENTITLED, An Act to prohibit ranked-choice voting.

7 Was read the second time.

8 The question being "Shall **SB 55** pass?"

9 And the roll being called:

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

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

18 Nays: Duba, Healy, Nelson, Pourier, and Wittman

19 Excused: St. John and Tordsen

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 Speaker Pro Tempore Stevens now presiding.

23 **SB 17**: FOR AN ACT ENTITLED, An Act to make appropriations for water and environmental  
24 purposes and to declare an emergency.

25 Was read the second time.

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

27 And the roll being called:

28 Yeas 68, Nays 0, Excused 2, Absent 0

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

1 Excused: St. John and Tordsen

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

4 **SB 21**: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to the Black  
5 Hills National Forest Land and Resource Management Plan revision process and to declare an  
6 emergency.

7 Was read the second time.

8 The question being "Shall **SB 21** pass?"

9 And the roll being called:

10 Yeas 56, Nays 11, Excused 3, 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, Massie, May, Mills, Moore, Mortenson, Mulder,  
14 Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Rehfeldt,  
15 Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Soye, Stevens, Teunissen, Venhuizen,  
16 Wangsness, Weisgram, and Speaker Bartels

17 Nays: Aylward, Emery, Healy, Phil Jensen, Lems, Lesmeister, Nelson, Poirier, Randolph,  
18 Sjaarda, and Wittman

19 Excused: Mulally, St. John, and Tordsen

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

22 **SB 23**: FOR AN ACT ENTITLED, An Act to make an appropriation for the modernization of the  
23 state's enterprise resource planning systems and to declare an emergency.

24 Was read the second time.

25 The question being "Shall **SB 23** pass?"

26 And the roll being called:

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

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

35 Nays: Teunissen

36 Excused: Mulally, St. John, and Tordsen

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

1 **SB 79:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game,  
2 Fish and Parks to improve and repair infrastructure around Hiddenwood Lake and to declare an  
3 emergency.

4 Was read the second time.

5 Rep. Moore moved that **SB 79** be amended as follows:

6 79B

7 On page 1, line 5, of the Joint Appropriations Engrossed bill, after "of" delete " \$1"

8 On page 1, line 5, of the Joint Appropriations Engrossed bill, after "\$1 " insert "\$3,500,000 "

9 Which motion prevailed.

10 The question being "Shall **SB 79** pass as amended?"

11 And the roll being called:

12 Yeas 22, Nays 45, Excused 3, Absent 0

13 Yeas: DeGroot, Drury, Duba, Emery, Healy, Kevin Jensen, Kull, Lesmeister, Moore, Nelson,  
14 Odenbach, Olson, Perry, Sue Peterson, Pourier, Reisch, Sauder, Schaeftbauer, Shorma, Stevens,  
15 Wangsness, and Wittman

16 Nays: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Derby,  
17 Deutsch, Donnell, Duffy, Fitzgerald, Gross, Hansen, Heermann, Jamison, Phil Jensen, Karr, Kassin,  
18 Koth, Krohmer, Krull, Ladner, Lems, Massie, May, Mills, Mortenson, Mulder, Ernie Otten, Overweg,  
19 Drew Peterson, Pinnow, Randolph, Rehfeldt, Reimer, Schneider, Sjaarda, Soye, Teunissen,  
20 Venhuizen, Weisgram, and Speaker Bartels

21 Excused: Mulally, St. John, and Tordsen

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

24 **SB 155:** FOR AN ACT ENTITLED, An Act to create the jail improvement and construction fund  
25 for the improvement and construction of jails, to make an appropriation therefor, and to declare an  
26 emergency.

27 Was read the second time.

28 The question being "Shall **SB 155** pass as amended?"

29 And the roll being called:

30 Yeas 14, Nays 54, Excused 2, Absent 0

31 Yeas: Chaffee, Donnell, Drury, Duba, Fitzgerald, Lesmeister, Moore, Perry, Sue Peterson,  
32 Pourier, Schaeftbauer, Schneider, Wangsness, and Wittman

33 Nays: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chase, DeGroot, Derby,  
34 Deutsch, Duffy, Emery, Gross, Hansen, Healy, Heermann, Jamison, Kevin Jensen, Phil Jensen, Karr,  
35 Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Massie, May, Mills, Mortenson, Mulally, Mulder,  
36 Nelson, Odenbach, Olson, Ernie Otten, Overweg, Drew Peterson, Pinnow, Randolph, Rehfeldt,  
37 Reimer, Reisch, Sauder, Shorma, Sjaarda, Soye, Stevens, Teunissen, Venhuizen, Weisgram, and  
38 Speaker Bartels

1 Excused: St. John and Tordsen

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

4 **SB 69:** FOR AN ACT ENTITLED, An Act to modify the composition of the State-Tribal Relations  
5 Committee.

6 Was read the second time.

7 Rep. Pourier moved that **SB 69** be amended as follows:

8 69C

9 On page 1, line 4, of the Introduced bill, delete " five" and insert " six"

10 On page 1, line 6, of the Introduced bill, delete " five" and insert " six"

11 On page 1, line 10, of the Introduced bill, after "party" delete "The appointing authority shall  
12 appoint members to the committee proportional to a party's representation in the authority's  
13 legislative body."

14 On page 1, line 13, of the Introduced bill, after "member." insert " The appointing authorities  
15 shall act jointly to ensure that membership of the State-Tribal Relations Committee includes  
16 members from each legislative district containing a federally recognized Tribe. "

17 Which motion lost.

18 The question being "Shall **SB 69** pass?"

19 And the roll being called:

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

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

27 Nays: Duba, Emery, Healy, Ladner, Lesmeister, May, Mulally, Nelson, Olson, Pourier, and  
28 Wittman

29 Excused: St. John and Tordsen

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

34 Was read the second time.

1 Rep. Venhuizen moved that **SB 74** be amended as follows:

2 74D

3 On page 6, line 6, of the Senate Engrossed bill, after "Act.

4 The " insert "initial imposition of the "

5 On page 6, line 7, of the Senate Engrossed bill, after "§ 10-13-35" insert ", but such limitation  
6 shall apply thereafter"

7 Which motion prevailed.

8 The question being "Shall **SB 74** pass as amended?"

9 And the roll being called:

10 Yeas 45, Nays 23, Excused 2, Absent 0

11 Yeas: Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,  
12 Drury, Duba, Duffy, Fitzgerald, Gross, Healy, Jamison, Koth, Krull, Kull, Ladner, Lesmeister, Massie,  
13 May, Moore, Mortenson, Mulder, Nelson, Olson, Perry, Sue Peterson, Pinnow, Pourier, Reimer,  
14 Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Stevens, Teunissen, Wangsness, Weisgram,  
15 Wittman, and Speaker Bartels

16 Nays: Arlint, Auch, Aylward, Emery, Hansen, Heermann, Kevin Jensen, Phil Jensen, Karr,  
17 Kassin, Krohmer, Lems, Mills, Mulally, Odenbach, Ernie Otten, Overweg, Drew Peterson, Randolph,  
18 Rehfeldt, Sjaarda, Soye, and Venhuizen

19 Excused: St. John and Tordsen

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

22 Rep. Derby announced his intention to reconsider the vote by which **SB 74** lost.

23 Speaker Bartels now presiding.

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

26 Was read the second time.

27 The question being "Shall **SB 145** pass?"

28 And the roll being called:

29 Yeas 68, Nays 0, Excused 2, Absent 0

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

1 Excused: St. John and Tordsen

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

4 Rep. Mortenson moved that **SB 3** be deferred to Thursday, March 2, 2023, the 33<sup>rd</sup> legislative  
5 day.

6 Which motion prevailed.

7 **SB 35:** FOR AN ACT ENTITLED, An Act to make an appropriation to expand laboratory space  
8 at the Sanford Underground Research Facility and to declare an emergency.

9 Was read the second time.

10 The question being "Shall **SB 35** pass?"

11 And the roll being called:

12 Yeas 55, Nays 13, Excused 2, Absent 0

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

19 Nays: Aylward, Phil Jensen, Karr, Krohmer, Lems, May, Mills, Mulally, Overweg, Pourier,  
20 Randolph, Sjaarda, and Soye

21 Excused: St. John and Tordsen

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

24 **SB 158:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide funding for major  
25 infrastructure projects to support South Dakota airports.

26 Was read the second time.

27 Rep. Duffy moved that **SB 158** be amended as follows:

28 158C

29 On page 1, line 4, of the Joint Appropriations Engrossed bill, delete " \$1" and insert "  
30 \$20,000,000"

31 On page 1, line 18, of the Joint Appropriations Engrossed bill, after "4-8." delete "Section 5.  
32 This Act is effective June 26, 2023."

33 Rep. Duba requested a roll call vote.

34 Which request was supported.



- 1 And the roll being called:
- 2 Yeas 17, Nays 51, Excused 2, Absent 0
- 3 Yeas: Bahmuller, Callies, Derby, Drury, Duffy, Jamison, Kevin Jensen, Kull, Moore, Odenbach,  
4 Olson, Perry, Sue Peterson, Reisch, Sauder, Schneider, and Shorma
- 5 Nays: Arlint, Auch, Aylward, Blare, Cammack, Chaffee, Chase, DeGroot, Deutsch, Donnell,  
6 Duba, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann, Phil Jensen, Karr, Kassin, Koth,  
7 Krohmer, Krull, Ladner, Lems, Lesmeister, Massie, May, Mills, Mortenson, Mulally, Mulder, Nelson,  
8 Ernie Otten, Overweg, Drew Peterson, Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Schaeftbauer,  
9 Sjaarda, Soye, Stevens, Teunissen, Venhuizen, Wangsness, Weisgram, Wittman, and  
10 Speaker Bartels
- 11 Excused: St. John and Tordsen
- 12 So the motion not having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the motion lost.
- 14 The question being "Shall **SB 158** pass as amended?"
- 15 And the roll being called:
- 16 Yeas 18, Nays 50, Excused 2, Absent 0
- 17 Yeas: Bahmuller, Drury, Duba, Duffy, Emery, Healy, Phil Jensen, Kull, Lesmeister, Nelson,  
18 Odenbach, Olson, Pourier, Reisch, Schaeftbauer, Shorma, Teunissen, and Wittman
- 19 Nays: Arlint, Auch, Aylward, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,  
20 Deutsch, Donnell, Fitzgerald, Gross, Hansen, Heermann, Jamison, Kevin Jensen, Karr, Kassin, Koth,  
21 Krohmer, Krull, Ladner, Lems, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Ernie Otten,  
22 Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Randolph, Rehfeldt, Reimer, Sauder,  
23 Schneider, Sjaarda, Soye, Stevens, Venhuizen, Wangsness, Weisgram, and Speaker Bartels
- 24 Excused: St. John and Tordsen
- 25 So the bill not having received an affirmative vote of a two-thirds majority of the members-  
26 elect, the Speaker declared the bill lost.
- 27 **SB 161**: FOR AN ACT ENTITLED, An Act to make an appropriation to the Office of the Secretary  
28 of State for voter roll maintenance, ballot machines, and election security.
- 29 Was read the second time.
- 30 The question being "Shall **SB 161** pass as amended?"
- 31 And the roll being called:
- 32 Yeas 68, Nays 0, Excused 2, Absent 0
- 33 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot,  
34 Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,  
35 Jamison, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,  
36 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Olson, Ernie  
37 Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Randolph, Rehfeldt, Reimer,  
38 Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, Stevens, Teunissen, Venhuizen,  
39 Wangsness, Weisgram, Wittman, and Speaker Bartels

1 Excused: St. John and Tordsen

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

4 **SB 172:** FOR AN ACT ENTITLED, An Act to make an appropriation for design costs related to  
5 the health services center at Black Hills State University–Rapid City, and to declare an emergency.

6 Was read the second time.

7 The question being "Shall **SB 172** pass as amended?"

8 And the roll being called:

9 Yeas 56, Nays 12, Excused 2, Absent 0

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

16 Nays: Auch, Aylward, Phil Jensen, Karr, Krohmer, Lems, May, Mulally, Overweg, Randolph,  
17 Sjaarda, and Soye

18 Excused: St. John and Tordsen

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 **SB 173:** FOR AN ACT ENTITLED, An Act to make an appropriation for design costs related to  
22 the new Lincoln Hall at Northern State University, and to declare an emergency.

23 Was read the second time.

24 The question being "Shall **SB 173** pass as amended?"

25 And the roll being called:

26 Yeas 47, Nays 21, Excused 2, Absent 0

27 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chase, DeGroot, Derby, Deutsch, Donnell,  
28 Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Heermann, Kassin, Koth, Krull, Kull, Ladner,  
29 Lesmeister, Massie, Moore, Mortenson, Nelson, Olson, Ernie Otten, Perry, Drew Peterson, Sue  
30 Peterson, Pinnow, Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Stevens,  
31 Teunissen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

32 Nays: Auch, Aylward, Chaffee, Gross, Hansen, Jamison, Kevin Jensen, Phil Jensen, Karr,  
33 Krohmer, Lems, May, Mills, Mulally, Mulder, Odenbach, Overweg, Pourier, Randolph, Sjaarda, and  
34 Soye

35 Excused: St. John and Tordsen

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

1 There being no objection, the House reverted to Order of Business No. 7 - Messages from the  
2 Senate.

3 **MESSAGES FROM THE SENATE**

4 Mr. Speaker:

5 I have the honor to inform your honorable body that the Senate has appointed  
6 Senators Tobin (Chair), Duhamel, and Nesiba as a committee of three on the part of the Senate to  
7 meet with a like committee on the part of the House to adjust the differences between the two  
8 houses on **HB 1185**.

9 Respectfully,  
10 Kay Johnson, Secretary

11 **MOTIONS AND RESOLUTIONS**

12 Earlier, Rep. Perry announced his intention to reconsider the vote by which **SB 74** lost.

13 Rep. Perry moved that the House do now reconsider the vote by which **SB 74** lost.

14 The question being on Rep. Perry's motion to reconsider the vote by which **SB 74** lost.

15 And the roll being called:

16 Yeas 45, Nays 23, Excused 2, Absent 0

17 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,  
18 Drury, Duba, Duffy, Fitzgerald, Healy, Heermann, Jamison, Karr, Koth, Krull, Kull, Ladner,  
19 Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Perry, Sue Peterson, Pinnow, Pourier,  
20 Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Stevens, Teunissen,  
21 Wangsness, Weisgram, Wittman, and Speaker Bartels

22 Nays: Auch, Aylward, Bahmuller, Emery, Gross, Hansen, Kevin Jensen, Phil Jensen, Kassin,  
23 Krohmer, Lems, May, Mills, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Drew Peterson,  
24 Randolph, Sjaarda, Soye, and Venhuizen

25 Excused: St. John and Tordsen

26 So the motion having received an affirmative vote of a majority of the members-elect, the  
27 Speaker declared the motion carried and **SB 74** was up for reconsideration and final passage.

28 Rep. Mortenson moved that **SB 74** be deferred to Thursday, March 2, 2023, the 33<sup>rd</sup> legislative  
29 day.

30 The Speaker requested a roll call vote.

31 And the roll being called:

32 Yeas 41, Nays 27, Excused 2, Absent 0

33 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Donnell, Drury, Duffy,  
34 Fitzgerald, Heermann, Jamison, Kassin, Koth, Krull, Kull, Ladner, Lesmeister, Massie, Moore,  
35 Mortenson, Mulder, Olson, Perry, Sue Peterson, Pinnow, Rehfeldt, Reimer, Reisch, Schaeffbauer,

1 Schneider, Shorma, Stevens, Teunissen, Venhuizen, Wangsness, Weisgram, Wittman, and  
2 Speaker Bartels

3 Nays: Auch, Aylward, Bahmuller, Deutsch, Duba, Emery, Gross, Hansen, Healy, Kevin Jensen,  
4 Phil Jensen, Karr, Krohmer, Lems, May, Mills, Mulally, Nelson, Odenbach, Ernie Otten, Overweg,  
5 Drew Peterson, Poirier, Randolph, Sauder, Sjaarda, and Soye

6 Excused: St. John and Tordsen

7 So the motion having received an affirmative vote of a majority of the members-elect, the  
8 Speaker declared the motion prevailed.

9 Rep. Mortenson moved that the balance of the calendar including **SB 16, 59, and 156** be  
10 deferred to Thursday, March 2, 2023, the 33<sup>rd</sup> legislative day.

11 Which motion prevailed.

## 12 **SIGNING OF BILLS**

13 The Speaker publicly read the title to

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

16 **HB 1030:** FOR AN ACT ENTITLED, An Act to make an appropriation for the revised construction  
17 costs of the bioproducts facility in Brookings, and to declare an emergency.

18 **HB 1090:** FOR AN ACT ENTITLED, An Act to modify protections for agricultural operations  
19 from nuisance claims.

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

22 **HB 1148:** FOR AN ACT ENTITLED, An Act to clarify registration and residence requirements  
23 for voting at a township meeting.

24 **HB 1175:** FOR AN ACT ENTITLED, An Act to update references to the Governor, lieutenant  
25 governor, and other persons.

26 **HB 1209:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp.

27 **SB 5:** FOR AN ACT ENTITLED, An Act to extend the termination date of the Juvenile Justice  
28 Oversight Council and modify its membership requirements.

29 **SB 6:** FOR AN ACT ENTITLED, An Act to authorize community response teams to recommend  
30 alternative community-based resources for children alleged to be delinquent and children alleged to  
31 be in need of supervision prior to adjudication.

32 **SB 50:** FOR AN ACT ENTITLED, An Act to revise the crime of witness tampering.

33 **SB 72:** FOR AN ACT ENTITLED, An Act to revise provisions related to the discharge of a  
34 defendant restored to competency.

35 **SB 78:** FOR AN ACT ENTITLED, An Act to create the South Dakota Board of Physical Therapy  
36 and make an appropriation therefor.

1 **SB 81:** FOR AN ACT ENTITLED, An Act to repeal outdated sections regarding enhanced  
2 concealed carry permit requirements.

3 **SB 86:** FOR AN ACT ENTITLED, An Act to require candidates for party precinct committeeman  
4 or committeewoman to include an email address and phone number in the written statement  
5 submitted to the county auditor.

6 **SB 132:** FOR AN ACT ENTITLED, An Act to revise the appointment of legislators to the  
7 Agricultural Land Assessment Implementation and Oversight Advisory Task Force.

8 **SB 182:** FOR AN ACT ENTITLED, An Act to establish a uniform method for calculating high  
9 school credit received from completing postsecondary courses.

10 **SB 198:** FOR AN ACT ENTITLED, An Act to allow medical cannabis establishments to maintain  
11 certain cardholder data and to declare an emergency.

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

13 **COMMEMORATIONS**

14 **HC 8012:** A LEGISLATIVE COMMEMORATION, Honoring the families who hosted the 2023  
15 Legislative pages in their homes during the legislative session.

16 Introduced by: **Representatives** Bartels, Chaffee, Chase, Donnell, Duba, Duffy, Emery,  
17 Fitzgerald, Healy, Heermann, Phil Jensen, Krohmer, Kull, Ladner, Lesmeister, Massie, Mulder,  
18 Nelson, Overweg, Perry, Sue Peterson, Pinnow, Pourier, Reisch, Sauder, Schaeffbauer, Shorma,  
19 Stevens, Venhuizen, Weisgram, and Wittman and **Senators** Schoenbeck, Deibert, Duhamel, Steve  
20 Kolbeck, Larson, Reed, Wiik, and Zikmund.

21 Rep. Venhuizen moved that the House do now adjourn, which motion prevailed and at  
22 5:47 p.m. the House adjourned.

23 Patricia Miller, Chief Clerk

