

# *JOURNAL OF THE HOUSE*

## *NINETY-EIGHTH SESSION*

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THIRTY-FOURTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, March 06, 2023

The House convened at 9:00 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, David Hussey, followed by the Pledge of Allegiance led by House pages Imogen Bengs, Breanna Wollman, and Reese Schmidt.

Roll Call: All members present except Rep. Fitzgerald 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 33rd 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 The oath of office was administered by Speaker Bartels to the following named pages:

2 Imogen Bengs, Abiah George, Madelyn Hinkelman, Maxwell Kelsey, Addison Keucker, Nicholas  
3 Maas, Charlie Prien, Reese Schmidt, Breanna Wollman

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **REPORTS OF STANDING COMMITTEES**

6 Mr. Speaker:

7 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
8 Enrolling has carefully compared **HB 1021, 1039, 1045, 1053, 1055, 1059, 1078, 1079, 1108,**  
9 **1123, 1124, 1127, 1140, 1153, 1155, 1165, 1183, 1193, and 1231** and finds the same  
10 correctly enrolled.

11 Respectfully submitted,  
12 Hugh M. Bartels, Chair

13 Mr. Speaker:

14 The Joint Committee on Legislative Procedure respectfully reports that it has under  
15 consideration the proposed calendars for the Ninety-ninth Legislative Session and respectfully  
16 recommends to the Legislature in 2024 the days of the Ninety-ninth Legislative Session be adopted  
17 as shown below:

18 **99<sup>th</sup> SOUTH DAKOTA LEGISLATIVE SESSION CALENDAR**

19 2024  38 Legislative Days – APPLE plus version

20 Please refer to the Joint Rules, Chapter 17 for complete information.

21

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
		Session Opens 12 Noon(CST) (Constitution, Art. III, Sec. 7)  <i>State of the State</i>  LD 1	<i>State of the Judiciary</i> (11:00am) <i>State of the Tribes</i> (1:00pm)  LD 2			LD 4
14	15	16	17	18	19	20
	<i>Martin Luther King Jr.</i> <i>Day</i>	Executive orders filed (Constitution, Art. IV, Sec. 8)  LD 5		<i>Jt. Memorial Service</i> <i>3:00pm</i>  LD 7		LD 8
21	22	23	24	25	26	27
		Bill and resolution draft requests due to LRC by 5:00pm (for unlimited introduction)  LD 9		Last day for unlimited bill and resolution introduction (JR 6B-3) (TWO HOURS prior to session)  LD 12		
28	29	30	31	1	2	3
	All bill and resolution draft requests due to LRC by 5:00pm  LD 13	Committee bill and resolution draft requests due to LRC by 5:00pm  LD 14	Last day for introduction of individual bills and resolutions (TWO HOURS prior to session)  LD 15	Last day for introduction of committee bills and resolutions (TWO HOURS prior to session)  LD 16		LD 17

February 2024	4	5	6	7	8	9	10
			LD 18	LD 19	LD 20	LD 21	
	11	12	13	14	15	16	17
			LD 22	LD 23	LD 24	LD 25	
	18	19	20	21	22	23	24
	<i>Presidents' Day</i>	Last day to use JR 5-17, AND Last day to move required delivery of bills or resolutions by a committee to the house of origin	Last day to invoke JR 7-7 in the house of origin, AND Last day to pass bills or joint resolutions by the house of origin (Crossover Day),		Last day for JCA to move required delivery of special appropriation bills to house of origin (JR 17-1)		
		LD 26	LD 27	LD 28	LD 29		
25	26	27	28	29	1	2	
	Commemoration requests due to LRC by 5:00pm, AND Last day for house of origin to pass special appropriation bills referred from JCA (JR 17-1)		JR 5-13 in effect, AND Last day for introduction of commemorations (TWO HOURS prior to session)	Last day to move required delivery of bills or joint resolutions by a committee to the second house			
		LD 30	LD 31	LD 32	LD 33		
March 2024	3	4	5	6	7	8	9
		Last day for a bill or joint resolution to pass both houses, and Last day to invoke JR 7-7 in the second house					
			LD 34	LD 35	LD 36	LD 37	
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
24	25	26	27	28	29	30	
	Reserved for consideration of gubernatorial vetoes						
		LD 38					

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2

Respectfully submitted,  
Hugh M. Bartels, Chair

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**MESSAGES FROM THE SENATE**

4 Mr. Speaker:

5 I have the honor to return herewith **HB 1053 and 1059** which have passed the Senate without  
6 change.

7 Also Mr. Speaker:

8 I have the honor to inform your honorable body that **HB 1116** was lost for failure to be placed  
9 on the Senate calendar.

1 Also Mr. Speaker:

2 I have the honor to return herewith **HB 1141** which has been amended by the Senate and  
3 your concurrence in the amendments is respectfully requested.

4 Also Mr. Speaker:

5 I have the honor to inform your honorable body that the Senate has concurred in House  
6 amendments to **SB 139 and 146**.

7 Respectfully,  
8 Kay Johnson, Secretary

9 **MOTIONS AND RESOLUTIONS**

10 Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 9:00 a.m. on  
11 Tuesday, March 7, 2023, the 35<sup>th</sup> legislative day.

12 Which motion prevailed.

13 Rep. Mortenson moved that **SB 104** be placed to follow **SB 113** on today's calendar.

14 Which motion prevailed.

15 Rep. Derby moved that the House do not concur in Senate amendments to **HB 1022** and that  
16 a committee of three on the part of the House be appointed to meet with a like committee on the  
17 part of the Senate to adjust the differences between the two houses.

18 Which motion prevailed and the Speaker appointed as such committee  
19 Representatives Derby (Chair), Krull, and Karr.

20 Rep. Jamison moved that the House do concur in Senate amendments to **HB 1154**.

21 The question being on Rep. Jamison's motion that the House do concur in Senate amendments  
22 to **HB 1154**.

23 And the roll being called:

24 Yeas 65, Nays 3, Excused 2, Absent 0

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

32 Nays: Aylward, Phil Jensen, and Mulally

1 Excused: Fitzgerald and Pourier

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

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Rep. Mortenson moved that the reports of the Standing Committees on  
6 Local Government on **SB 82** as found on page 453 of the House Journal; and  
7 Health and Human Services on **SB 134** as found on page 451 of the House Journal be adopted.  
8 Which motion prevailed and the reports were adopted.

9 **SECOND READING OF CONSENT CALENDAR ITEMS**

10 Rep. Nelson requested that **SB 113** be removed from the Consent Calendar.

11 **SB 141**: FOR AN ACT ENTITLED, An Act to clarify and modernize cremation requirements and  
12 procedures.

13 Was read the second time.

14 The question being "Shall **SB 141** pass as amended?"

15 And the roll being called:

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

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

24 Excused: Fitzgerald and Pourier

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

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

28 **SB 82**: FOR AN ACT ENTITLED, An Act to establish the stronger families scholarship program  
29 for children in foster care, to make an appropriation therefor, and to declare an emergency.

30 Was read the second time.

1 Rep. Mortenson moved that **SB 82** be laid on the table.

2 The question being on Rep. Mortenson's motion that **SB 82** be laid on the table.

3 And the roll being called:

4 Yeas 49, Nays 19, Excused 2, Absent 0

5 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Drury,  
6 Duba, Duffy, Emery, Healy, Heermann, Kevin Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull,  
7 Ladner, Lesmeister, Massie, May, Moore, Mortenson, Mulder, Nelson, Ernie Otten, Overweg, Drew  
8 Peterson, Pinnow, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, St. John, Stevens,  
9 Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

10 Nays: Auch, Aylward, Deutsch, Donnell, Gross, Hansen, Jamison, Phil Jensen, Lems, Mills,  
11 Mulally, Odenbach, Olson, Perry, Sue Peterson, Randolph, Schaeftbauer, Sjaarda, and Soye

12 Excused: Fitzgerald and Pourier

13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the motion carried and **SB 82** was tabled.

15 **SB 53: FOR AN ACT ENTITLED, An Act to exempt records regarding jail inmate disciplinary**  
16 **matters from public inspection and copying.**

17 Was read the second time.

18 The question being "Shall **SB 53** pass?"

19 And the roll being called:

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

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

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

28 Excused: Fitzgerald and Pourier

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 **SB 1: FOR AN ACT ENTITLED, An Act to modify debilitating medical conditions for medical**  
32 **cannabis use.**

33 Was read the second time.

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

2 And the roll being called:

3 Yeas 36, Nays 32, Excused 2, Absent 0

4 Yeas: Arlint, Aylward, Cammack, Chase, DeGroot, Derby, Drury, Duba, Duffy, Emery, Healy,  
5 Heermann, Jamison, Kassin, Koth, Krohmer, Kull, Lesmeister, Mortenson, Mulder, Nelson, Olson,  
6 Ernie Otten, Drew Peterson, Rehfeldt, Reisch, Sauder, Schneider, St. John, Stevens, Teunissen,  
7 Tordsen, Wangsness, Weisgram, Wittman, and Speaker Bartels

8 Nays: Auch, Bahmuller, Blare, Callies, Chaffee, Deutsch, Donnell, Gross, Hansen, Kevin Jensen,  
9 Phil Jensen, Karr, Krull, Ladner, Lems, Massie, May, Mills, Moore, Mulally, Odenbach, Overweg,  
10 Perry, Sue Peterson, Pinnow, Randolph, Reimer, Schaeftbauer, Shorma, Sjaarda, Soye, and  
11 Venhuizen

12 Excused: Fitzgerald and Pourier

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 Rep. Mortenson moved that **SB 118** be placed to follow **SB 51** on today's calendar.

16 Which motion prevailed.

17 **SB 168:** FOR AN ACT ENTITLED, An Act to authorize a board of a school district to adopt  
18 policies regarding students who are registered sex offenders, and to declare an emergency.

19 Was read the second time.

20 The question being "Shall **SB 168** pass as amended?"

21 And the roll being called:

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

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

30 Nays: Randolph

31 Excused: Fitzgerald and Pourier

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

34 **SB 51:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
35 reimbursement of county expenses in detaining parole violators.

36 Was read the second time.

1 The question being "Shall **SB 51** pass?"

2 And the roll being called:

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

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

11 Excused: Fitzgerald and Pourier

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

14 **SB 118:** FOR AN ACT ENTITLED, An Act to expand eligibility for certain teachers who receive  
15 reduced tuition at Board of Regents institutions.

16 Was read the second time.

17 Rep. Venhuizen moved that **SB 118** be amended as follows:

18 118F

19 On page 2, line 2, of the Senate Engrossed bill, after "registered" delete ", and the limit set  
20 forth in section 6 of this Act"

21 On page 2, line 20, of the Senate Engrossed bill, after "law." delete "Section 6. That chapter  
22 13-55 be amended with a NEW SECTION:

23 "

24 On page 2, line 21, of the Senate Engrossed bill, after "SECTION:" delete "The total amount of  
25 the reduced tuition benefit, provided under §§ 13-55-24 to 13-55-27, inclusive, for all teachers who  
26 are not employed as elementary or secondary teachers or vocational instructors, may not exceed  
27 twenty-five thousand dollars per year. The total amount of the reduced tuition benefit prescribed by  
28 this section must be appropriated in the General Appropriations Act."

29 Which motion prevailed.

30 The question being "Shall **SB 118** pass as amended?"

31 And the roll being called:

32 Yeas 46, Nays 21, Excused 3, Absent 0

33 Yeas: Arlint, Bahmuller, Blare, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,  
34 Drury, Duba, Duffy, Emery, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Lesmeister, Massie,  
35 Moore, Mortenson, Mulder, Nelson, Olson, Perry, Drew Peterson, Sue Peterson, Rehfeldt, Reimer,  
36 Reisch, Sauder, Schneider, Shorma, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness,  
37 Weisgram, Wittman, and Speaker Bartels



1 Nays: Auch, Callies, Gross, Hansen, Kevin Jensen, Phil Jensen, Karr, Krohmer, Ladner, Lems,  
2 May, Mills, Mulally, Odenbach, Ernie Otten, Overweg, Pinnow, Randolph, Schaeftbauer, Sjaarda, and  
3 Soye

4 Excused: Aylward, Fitzgerald, and Pourier

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

7 **SB 89**: FOR AN ACT ENTITLED, An Act to increase the daily maximum award for the alternative  
8 care program administered by the Unified Judicial System.

9 Was read the second time.

10 The question being "Shall **SB 89** pass?"

11 And the roll being called:

12 Yeas 66, Nays 2, Excused 2, Absent 0

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

20 Nays: May and Overweg

21 Excused: Fitzgerald and Pourier

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

24 **SB 197**: FOR AN ACT ENTITLED, An Act to prohibit the spouse of a member of the Legislature  
25 from being employed as a private lobbyist.

26 Was read the second time.

27 Rep. May moved that **SB 197** be amended as follows:

28 197B

29 On page 1, line 1, of the Introduced bill, delete "the spouse of a member of the Legislature  
30 from being employed as a private" and insert "certain spouses from registering as a"

31 On page 1, line 5, of the Introduced bill, delete "be employed" and insert " register"

32 On page 1, line 5, of the Introduced bill, after "a " delete "registered private "

33 On page 1, line 6, of the Introduced bill, delete "a " and insert ":

34 (1) A "

35 On page 1, line 6, of the Introduced bill, delete ". This section does not apply to an executive  
36 or judicial agency representative as provided in § 2-12-7. 1" and insert "; or

1 (2) A full-time employee of this state"

2 Rep. Soye requested a roll call vote.

3 Which request was supported.

4 And the roll being called:

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

6 Yeas: Auch, Aylward, Gross, Phil Jensen, Krohmer, May, Mills, Moore, Mulally, Sue Peterson,  
7 Randolph, Schaeftbauer, and Soye

8 Nays: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,  
9 Donnell, Drury, Duba, Duffy, Emery, Hansen, Healy, Heermann, Jamison, Kevin Jensen, Karr,  
10 Kassin, Koth, Krull, Kull, Ladner, Lems, Lesmeister, Massie, Mortenson, Mulder, Nelson, Odenbach,  
11 Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Pinnow, Rehfeldt, Reimer, Reisch, Sauder,  
12 Schneider, Shorma, Sjaarda, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness,  
13 Weisgram, Wittman, and Speaker Bartels

14 Excused: Fitzgerald and Pourier

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

17 The question being "Shall **SB 197** pass?"

18 And the roll being called:

19 Yeas 24, Nays 44, Excused 2, Absent 0

20 Yeas: Arlint, Cammack, Chase, DeGroot, Derby, Drury, Duba, Emery, Healy, Heermann,  
21 Jamison, Lesmeister, Mortenson, Nelson, Drew Peterson, Rehfeldt, Reisch, Sauder, Schneider, St.  
22 John, Tordsen, Venhuizen, Wangsness, and Wittman

23 Nays: Auch, Aylward, Bahmuller, Blare, Callies, Chaffee, Deutsch, Donnell, Duffy, Gross,  
24 Hansen, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Massie,  
25 May, Mills, Moore, Mulally, Mulder, Odenbach, Olson, Ernie Otten, Overweg, Perry, Sue Peterson,  
26 Pinnow, Randolph, Reimer, Schaeftbauer, Shorma, Sjaarda, Soye, Stevens, Teunissen, Weisgram,  
27 and Speaker Bartels

28 Excused: Fitzgerald and Pourier

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

31 **SB 207**: FOR AN ACT ENTITLED, An Act to provide a penalty for the expenditure of public  
32 funds to influence the outcome of an election.

33 Was read the second time.

34 The question being "Shall **SB 207** pass as amended?"

35 And the roll being called:

36 Yeas 62, Nays 6, Excused 2, Absent 0

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

7 Nays: Cammack, Drury, Moore, Mortenson, Rehfeldt, and Wangsness

8 Excused: Fitzgerald and Pourier

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

11 **SB 70:** FOR AN ACT ENTITLED, An Act to revise provisions related to courtroom modifications  
12 for child witnesses.

13 Was read the second time.

14 The question being "Shall **SB 70** pass as amended?"

15 And the roll being called:

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

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

23 Nays: Aylward, Gross, Kevin Jensen, Phil Jensen, Karr, Lems, Mulally, Olson, Overweg,  
24 Randolph, Reimer, Schaeffbauer, Sjaarda, and Stevens

25 Excused: Fitzgerald and Pourier

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

28 **SB 91:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crime of rape  
29 and provide a penalty therefor.

30 Was read the second time.

31 Rep. Drury moved that **SB 91** be amended as follows:

32 91C

33 On page 1, line 17, of the Senate Judiciary Engrossed bill, delete "Without the victim's consent  
34 and the perpetrator knows or reasonably should know the victim is not consenting; or" and insert  
35 "If the victim is thirteen years of age, but less than sixteen years of age, and the perpetrator is at  
36 least three years older than the victim; or"

37 On page 1, line 19, of the Senate Judiciary Engrossed bill, delete "If the victim is thirteen years  
38 of age, but less than sixteen years of age, and the perpetrator is at least three years older than the  
39 victim" and insert "Without the victim's consent and the perpetrator knows or reasonably should  
40 know the victim is not consenting"

1 Which motion prevailed.

2 The question being "Shall **SB 91** pass as amended?"

3 And the roll being called:

4 Yeas 66, Nays 2, Excused 2, Absent 0

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

12 Nays: Olson and Schaeftbauer

13 Excused: Fitzgerald and Pourier

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

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

18 Was read the second time.

19 Rep. Kevin Jensen moved that **SB 206** be laid on the table.

20 The question being on Rep. Kevin Jensen's motion that **SB 206** be laid on the table.

21 And the roll being called:

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

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

30 Excused: Fitzgerald and Pourier

31 So the motion having received an affirmative vote of a majority of the members-elect, the  
32 Speaker declared the motion carried and **SB 206** was tabled.

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

1

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**MOTIONS AND RESOLUTIONS**

2

Rep. Mortenson moved that the House do not concur in Senate amendments to **HB 1141** and that a committee of three on the part of the House be appointed to meet with a like committee on the part of the Senate to adjust the differences between the two houses.

3

4

5

Which motion prevailed and the Speaker appointed as such committee Representatives Mortenson (Chair), Rehfeldt, and Chaffee.

6

7

Rep. Mortenson moved that the House do now recess until 2:30 p.m.

8

Which motion prevailed and at 11:50 a.m., the House recessed.

9

**RECESS**

10

The House reconvened at 2:34 p.m., the Speaker presiding.

11

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

12

13

**MESSAGES FROM THE SENATE**

14

Mr. Speaker:

15

I have the honor to inform your honorable body that the Senate has appointed Senators Hunhoff (Chair), Wiik, and Hoffman as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on **HB 1022**.

16

17

18

19

Also Mr. Speaker:

20

I have the honor to inform your honorable body that the Senate has concurred in House amendments to **SB 4, 120, and 160**.

21

22

23

Respectfully,  
Kay Johnson, Secretary

24

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

25

**SB 156:** FOR AN ACT ENTITLED, An Act to make an appropriation of American Rescue Plan Act monies for eligible water projects and to declare an emergency.

26

27

Was read the second time.

28

Rep. Venhuizen moved that **SB 156** be amended as follows:

1 156B

2 On page 1, line 4, of the Senate Agriculture and Natural Resources Engrossed bill, delete "  
3 \$100,000,000" and insert "\$1,944"

4 Which motion prevailed.

5 The question being "Shall **SB 156** pass as amended?"

6 And the roll being called:

7 Yeas 60, Nays 9, Excused 1, Absent 0

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

14 Nays: Auch, Phil Jensen, Lesmeister, May, Mills, Mulally, Overweg, Randolph, and Soye

15 Excused: Fitzgerald

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

18 **SB 16:** FOR AN ACT ENTITLED, An Act to make an appropriation to rehabilitate the rail line  
19 from the city of Milbank to the city of Sisseton and to declare an emergency.

20 Was read the second time.

21 Rep. Venhuizen moved that **SB 16** be amended as follows:

22 16E

23 On page 1, line 4, of the Senate Engrossed bill, after "of" delete "\$6,250,000"

24 On page 1, line 4, of the Senate Engrossed bill, after "\$6,250,000 " insert "\$1,869 "

25 Which motion prevailed.

26 The question being "Shall **SB 16** pass as amended?"

27 And the roll being called:

28 Yeas 51, Nays 18, Excused 1, Absent 0

29 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,  
30 Drury, Duba, Duffy, Emery, Healy, Heermann, Jamison, Kevin Jensen, Kassin, Koth, Kull, Ladner,  
31 Lesmeister, Massie, Mills, Moore, Mortenson, Mulder, Nelson, Ernie Otten, Perry, Drew Peterson,  
32 Sue Peterson, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma,  
33 St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and  
34 Speaker Bartels

35 Nays: Auch, Aylward, Bahmuller, Gross, Hansen, Phil Jensen, Karr, Krohmer, Krull, Lems, May,  
36 Mulally, Odenbach, Olson, Overweg, Randolph, Sjaarda, and Soye

1 Excused: Fitzgerald

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 105:** FOR AN ACT ENTITLED, An Act to require updated cost report information for certain  
5 community-based health and human services providers.

6 Was read the second time.

7 The question being "Shall **SB 105** pass as amended?"

8 And the roll being called:

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

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

17 Nays: Aylward, Phil Jensen, Mulally, and Randolph

18 Excused: Fitzgerald

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 149:** FOR AN ACT ENTITLED, An Act to create the Medicaid expansion fund and to transfer  
22 monies received as a result of expanding Medicaid eligibility.

23 Was read the second time.

24 The question being "Shall **SB 149** pass as amended?"

25 And the roll being called:

26 Yeas 62, Nays 7, Excused 1, Absent 0

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

33 Nays: Aylward, Phil Jensen, Kassin, Lems, Mulally, Randolph, and Sjaarda

34 Excused: Fitzgerald

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.

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

3 Was read the second time.

4 The question being "Shall **SB 174** pass as amended?"

5 And the roll being called:

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

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

14 Nays: Duba, Healy, Mortenson, Nelson, and Wittman

15 Excused: Fitzgerald

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

18 **SB 134:** FOR AN ACT ENTITLED, An Act to revise membership of the Medical Marijuana  
19 Oversight Committee.

20 Was read the second time.

21 The question being "Shall **SB 134** pass as amended?"

22 And the roll being called:

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

24 Yeas: Auch, Bahmuller, Blare, Callies, Chaffee, Chase, DeGroot, Deutsch, Donnell, Duffy,  
25 Gross, Hansen, Kevin Jensen, Phil Jensen, Karr, Krohmer, Krull, Kull, Ladner, Lems, Massie, May,  
26 Mills, Moore, Mortenson, Mulder, Odenbach, Overweg, Perry, Sue Peterson, Pinnow, Randolph,  
27 Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, Soye, Stevens, Teunissen,  
28 Venhuizen, Wangsness, Weisgram, and Speaker Bartels

29 Nays: Arlint, Aylward, Cammack, Derby, Drury, Duba, Emery, Healy, Heermann, Jamison,  
30 Kassin, Koth, Lesmeister, Mulally, Nelson, Olson, Ernie Otten, Drew Peterson, Pourier, Rehfeldt, St.  
31 John, Tordsen, and Wittman

32 Excused: Fitzgerald

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

35 **SB 113:** FOR AN ACT ENTITLED, An Act to establish and modify provisions related to initiated  
36 petitions.

37 Was read the second time.



1 The question being "Shall **SB 113** pass as amended?"

2 And the roll being called:

3 Yeas 60, Nays 9, Excused 1, Absent 0

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

10 Nays: Duba, Emery, Healy, Lesmeister, Nelson, Olson, Pourier, Stevens, and Wittman

11 Excused: Fitzgerald

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

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

16 Was read the second time.

17 Rep. Mortenson moved that **SB 104** be amended as follows:

18 104A

19 On page 1, line 1, of the Introduced bill, delete "make an appropriation to enhance the  
20 economic viability and sustainability of South Dakota and to declare an emergency" and insert  
21 "reduce certain gross receipts tax rates and a use tax rate, and to repeal a conditional reduction of  
22 certain gross receipts tax rates"

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

24 "

25 **Section 1. That § 10-45-2 be AMENDED:**

26 **10-45-2.** There is hereby imposed a tax upon the privilege of engaging in business as a  
27 retailer, a tax of four and ~~one-half~~ two-tenths percent upon the gross receipts of all sales of tangible  
28 personal property consisting of goods, wares, or merchandise, except as otherwise provided in this  
29 chapter, sold at retail in the ~~State of South Dakota~~ state to consumers or users.

30 **Section 2. That § 10-45-5 be AMENDED:**

31 **10-45-5.** There is imposed a tax at the rate of four and ~~one-half~~ two-tenths percent upon the  
32 gross receipts of any person from engaging or continuing in any of the following businesses or  
33 services in this state: abstracters; accountants; ancillary services; architects; barbers; beauty  
34 shops; bill collection services; blacksmith shops; car washing; dry cleaning; dyeing; exterminators;  
35 garage and service stations; garment alteration; cleaning and pressing; janitorial services and  
36 supplies; specialty cleaners; laundry; linen and towel supply; membership or entrance fees for the  
37 use of a facility or for the right to purchase tangible personal property, any product transferred  
38 electronically, or services; photography; photo developing and enlarging; tire recapping; welding  
39 and all repair services, except repair services for farm machinery, attachment units, and irrigation  
40 equipment used exclusively for agricultural purposes; cable television; and rentals of tangible  
41 personal property except leases of tangible personal property between one telephone company and  
42 another telephone company, motor vehicles as defined pursuant to § 32-5-1 leased under a single

1 contract for more than twenty-eight days and mobile homes. However, the specific enumeration of  
2 businesses and professions made in this section does not, in any way, limit the scope and effect of  
3 the provisions of § 10-45-4.

4 **Section 3. That § 10-45-5.3 be AMENDED:**

5 **10-45-5.3.** There is imposed, at the rate of four and ~~one-half~~ two-tenths percent, an excise  
6 tax on the gross receipts of any person engaging in oil and gas field services (group no. 138) as  
7 enumerated in the Standard Industrial Classification Manual, 1987, as prepared by the Statistical  
8 Policy Division of the Office of Management and Budget, Office of the President.

9 **Section 4. That § 10-45-6 be AMENDED:**

10 **10-45-6.** There is hereby imposed a tax of four and ~~one-half~~ two-tenths percent upon the  
11 gross receipts from sales, furnishing, or service of gas, electricity, and water, including the gross  
12 receipts from such sales by any municipal corporation furnishing gas, and electricity, to the public  
13 in its proprietary capacity, except as otherwise provided in this chapter, when sold at retail in the  
14 State of South Dakota to consumers or users.

15 **Section 5. That § 10-45-6.1 be AMENDED:**

16 **10-45-6.1.** Except as provided in § 10-45-6.2, there is hereby imposed a tax of four and ~~one-~~  
17 ~~half~~ two-tenths percent upon the gross receipts from providing any intrastate, interstate, or  
18 international telecommunications service that originates or terminates in this state and that is billed  
19 or charged to a service address in this state, or that both originates and terminates in this state.  
20 However, the tax imposed by this section does not apply to:

21 (1) Any eight hundred or eight hundred type service unless the service both originates  
22 and terminates in this state;

23 (2) Any sale of a telecommunication service to a provider of telecommunication  
24 services, including access service, for use in providing any telecommunication service; or

25 (3) Any sale of interstate telecommunication service provided to a call center that has  
26 been certified by the secretary of revenue to meet the criterion established in § 10-45-6.3 and the  
27 call center has provided to the telecommunications service provider an exemption certificate issued  
28 by the secretary indicating that it meets the criterion.

29 If a call center uses an exemption certificate to purchase services not meeting the criterion  
30 established in § 10-45-6.3, the call center is liable for the applicable tax, penalty, and interest.

31 **Section 6. That § 10-45-6.2 be AMENDED:**

32 **10-45-6.2.** There is hereby imposed a tax of four and ~~one-half~~ two-tenths percent upon the  
33 gross receipts of mobile telecommunications services, as defined in 4 U.S.C. § 124(7) as of January  
34 1, 2002, that originate and terminate in the same state and are billed to a customer with a place of  
35 primary use in this state or are deemed to have originated or been received in this state and to be  
36 billed or charged to a service address in this state if the customer's place of primary use is located  
37 in this state regardless of where the service actually originates or terminates. Notwithstanding any  
38 other provision of this chapter and for purposes of the tax imposed by this section, the tax imposed  
39 upon mobile telecommunication services ~~shall~~ must be administered in accordance with 4 U.S.C.  
40 §§ 116-126 as in effect on July 28, 2000.

41 **Section 7. That § 10-45-8 be AMENDED:**

42 **10-45-8.** There is imposed a tax of four and ~~one-half~~ two-tenths percent upon the gross  
43 receipts from all sales of tickets or admissions to places of amusement and athletic contests or  
44 events, except as otherwise provided in this chapter.

1           **Section 8. That § 10-45-71 be AMENDED:**

2           **10-45-71.** There is imposed a tax of four and ~~one-half~~ two-tenths percent on the gross receipts  
3 from the transportation of passengers. The tax imposed by this section shall apply to any  
4 transportation of passengers if the passenger boards and exits the mode of transportation within  
5 this state.

6           **Section 9. That § 10-46-2.1 be AMENDED:**

7           **10-46-2.1.** For the privilege of using services in South Dakota, except those types of services  
8 exempted by § 10-46-17.3, there is imposed on the person using the service an excise tax equal to  
9 four and ~~one-half~~ two-tenths percent of the value of the services at the time they are rendered.  
10 However, this tax may not be imposed on any service rendered by a related corporation as defined  
11 in subdivision 10-43-1(11) for use by a financial institution as defined in subdivision 10-43-1(4) or  
12 on any service rendered by a financial institution as defined in subdivision 10-43-1(4) for use by a  
13 related corporation as defined in subdivision 10-43-1(11). For the purposes of this section, the term  
14 related corporation includes a corporation which together with the financial institution is part of a  
15 controlled group of corporations as defined in 26 U.S.C. § 1563 as in effect on January 1, 1989,  
16 except that the eighty percent ownership requirements set forth in 26 U.S.C. § 563(a)(2)(A) for a  
17 brother-sister controlled group are reduced to fifty-one percent. For the purpose of this chapter,  
18 services rendered by an employee for the use of ~~his~~ the employer are not taxable.

19           **Section 10. That § 10-46-2.2 be AMENDED:**

20           **10-46-2.2.** An excise tax is imposed upon the privilege of the use of rented tangible personal  
21 property and any product transferred electronically in this state at the rate of four and ~~one-half~~ two-  
22 tenths percent of the rental payments upon the property.

23           **Section 11. That § 10-46-58 be AMENDED:**

24           **10-46-58.** There is imposed a tax of four and ~~one-half~~ two-tenths percent on the privilege of  
25 the use of any transportation of passengers. The tax imposed by this section ~~shall apply~~ applies to  
26 any transportation of passengers if the passenger boards and exits the mode of transportation within  
27 this state.

28           **Section 12. That § 10-46-69 be AMENDED:**

29           **10-46-69.** There is hereby imposed a tax of four and ~~one-half~~ two-tenths percent upon the  
30 privilege of the use of mobile telecommunications services, as defined in 4 U.S.C. § 124(7) as of  
31 January 1, 2002, that originate and terminate in the same state and are billed to a customer with a  
32 place of primary use in this state. Notwithstanding any other provision of this chapter and for  
33 purposes of the tax imposed by this section, the tax imposed upon mobile telecommunication  
34 services ~~shall must~~ be administered in accordance with 4 U.S.C. §§ 116-126 as in effect on July 28,  
35 2000.

36           **Section 13. That § 10-46-69.1 be AMENDED:**

37           **10-46-69.1.** Except as provided in § 10-46-69, there is hereby imposed a tax of four and ~~one-~~  
38 ~~half~~ two-tenths percent upon the privilege of the use of any intrastate, interstate, or international  
39 telecommunications service that originates or terminates in this state and that is billed or charged  
40 to a service address in this state, or that both originates and terminates in this state. However, the  
41 tax imposed by this section does not apply to:

42           (1) Any eight hundred or eight hundred type service unless the service both originates  
43 and terminates in this state;

44           (2) Any sale of a telecommunication service to a provider of telecommunication  
45 services, including access service, for use in providing any telecommunication service; or

1 (3) Any sale of interstate telecommunication service provided to a call center that has  
2 been certified by the secretary of revenue to meet the criterion established in § 10-45-6.3 and the  
3 call center has provided to the telecommunications service provider an exemption certificate issued  
4 by the secretary indicating that it meets the criterion.

5 If a call center uses an exemption certificate to purchase services not meeting the criterion  
6 established in § 10-45-6.3, the call center is liable for the applicable tax, penalty, and interest.

7 **Section 14. That § 10-46-69.2 be AMENDED:**

8 **10-46-69.2.** There is hereby imposed a tax of four and ~~one-half~~ two-tenths percent upon the  
9 privilege of the use of any ancillary services.

10 **Section 15. That § 10-46E-1 be AMENDED:**

11 **10-46E-1.** There is hereby imposed an excise tax of four and ~~one-half~~ two-tenths percent on  
12 the gross receipts from the sale, resale, or lease of farm machinery, attachment units, and irrigation  
13 equipment used exclusively for agricultural purposes. However, if any trade-in or exchange of used  
14 farm machinery, attachment units, and irrigation equipment is involved in the transaction, the excise  
15 tax is only due and may only be collected on the cash difference.

16 **Section 16. That § 10-58-1 be AMENDED:**

17 **10-58-1.** There is imposed upon owners and operators a special amusement excise tax of four  
18 and ~~one-half~~ two-tenths percent of the gross receipts from the operation of any mechanical or  
19 electronic amusement device. The tax imposed by this section is in lieu of the tax imposed pursuant  
20 to chapter 10-45.

21 **Section 17. That § 10-64-9 be REPEALED:**

22 ~~If the state is able to enforce the obligation to collect and remit sales tax on remote sellers  
23 who deliver tangible personal property, products transferred electronically, or services directly to  
24 the citizens of South Dakota, the additional net revenue from such obligation shall be used to reduce  
25 the rate of certain taxes. The rate of tax imposed by §§ 10-45-2, 10-45-5, 10-45-5.3, 10-45-6, 10-  
26 45-6.1, 10-45-6.2, 10-45-8, 10-45-71, 10-46-2.1, 10-46-2.2, 10-46-58, 10-46-69, 10-46-69.1,  
27 10-46-69.2, 10-46E-1, and 10-58-1 shall be reduced by one-tenth percent on July first following  
28 the calendar year for which each additional twenty million dollar increment of net revenue is  
29 collected and remitted by such remote sellers. However, the rate of tax imposed by §§ 10-45-2, 10-  
30 45-5, 10-45-5.3, 10-45-6, 10-45-6.1, 10-45-6.2, 10-45-8, 10-45-71, 10-46-2.1, 10-46-2.2, 10-  
31 46-58, 10-46-69, 10-46-69.1, 10-46-69.2, 10-46E-1, and 10-58-1 may not be reduced below four  
32 percent pursuant to the provisions of this section."~~

33 Which motion prevailed.

34 The question being "Shall **SB 104** pass as amended?"

35 And the roll being called:

36 Yeas 68, Nays 1, Excused 1, Absent 0

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

1 Nays: Duba

2 Excused: Fitzgerald

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

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

7 **MESSAGES FROM THE SENATE**

8 Mr. Speaker:

9 I have the honor to inform your honorable body that **HB 1167 and 1226** were tabled.

10 Also Mr. Speaker:

11 I have the honor to inform your honorable body that the Senate has appointed  
12 Senators Crabtree (Chair), Schoenbeck, and Nesiba as a committee of three on the part of the  
13 Senate to meet with a like committee on the part of the House to adjust the differences between  
14 the two houses on **HB 1141**.

15 Respectfully,  
16 Kay Johnson, Secretary

17 **SIGNING OF BILLS**

18 The Speaker publicly read the title to

19 **HB 1021:** FOR AN ACT ENTITLED, An Act to make an appropriation to the State Conservation  
20 Commission and to declare an emergency.

21 **HB 1039:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the payment  
22 of tuition for members of the South Dakota National Guard.

23 **HB 1045:** FOR AN ACT ENTITLED, An Act to increase the basic salary schedule for county  
24 veterans' service officers.

25 **HB 1053:** FOR AN ACT ENTITLED, An Act to prohibit the issuance of a written certification to  
26 a pregnant woman or breastfeeding mother for purposes of medical cannabis use.

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

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

30 **HB 1078:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of  
31 Human Services for the development and expansion of adult day services programs and to declare  
32 an emergency.

1 **HB 1079:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of  
2 Health to provide grants to support mental health and suicide prevention programs, and to declare  
3 an emergency.

4 **HB 1108:** FOR AN ACT ENTITLED, An Act to revise provisions related to abandoned mobile or  
5 manufactured homes.

6 **HB 1123:** FOR AN ACT ENTITLED, An Act to authorize school boards to modify the length of  
7 terms for members to allow for holding joint elections.

8 **HB 1124:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the testing of  
9 automatic tabulating equipment.

10 **HB 1127:** FOR AN ACT ENTITLED, An Act to make an appropriation to support volunteer fire  
11 departments and to declare an emergency.

12 **HB 1140:** FOR AN ACT ENTITLED, An Act to require the secretary of state to determine if a  
13 legislatively proposed constitutional amendment complies with the single subject requirement and  
14 is not a constitutional revision.

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

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

19 **HB 1165:** FOR AN ACT ENTITLED, An Act to modify certain provisions pertaining to absentee  
20 voting.

21 **HB 1183:** FOR AN ACT ENTITLED, An Act to authorize the state's participation in the interstate  
22 compact on occupational therapy licensure.

23 **HB 1193:** FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial  
24 Code.

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

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

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

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

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

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

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

39 **SB 140:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to voter  
40 registration.

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

3           **SB 180:** FOR AN ACT ENTITLED, An Act to address requirements for the execution of a living  
4 will.

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

7           **SJR 505:** A JOINT RESOLUTION, Proposing and submitting to the electors at the next general  
8 election an amendment to the Constitution of the State of South Dakota, updating references to  
9 certain officeholders and persons.

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

11           Rep. Drury moved that the House do now adjourn, which motion prevailed and at 4:23 p.m.  
12 the House adjourned.

13           Patricia Miller, Chief Clerk

