

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, January 12, 2024

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

The prayer was offered by the Chaplain, Noah Von Seggern, followed by the Pledge of Allegiance led by House page Elie Land.

Roll Call: All members present except Reps. Otten (Ernie), Peterson (Sue), and Pourier who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 3rd 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

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MR. SPEAKER:

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The House Committee on Legislative Procedure respectfully reports that it has had under consideration the House rules and recommends that the House rules of the Ninety-eighth Legislative Session be adopted as the House rules of the Ninety-ninth Legislative Session with the following changes:

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HOUSE RULES: PROPOSED AMENDMENT (A)

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Section 1. That H6-1 be AMENDED:

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6-1. Select Committee on Discipline and Expulsion. Any ~~two~~ five Representatives may by written motion first delivered to the speaker move for the establishment of a Select Committee on Discipline and Expulsion to investigate the conduct of any other Representative. Upon being seconded, the motion is debatable, and passage of the motion requires a majority vote of the members-elect. The Select Committee on Discipline and Expulsion shall be composed of nine members of the House of Representatives. The chair and vice chair of the select committee shall be chosen by the speaker of the House and may not both be members of the same political party. The other seven members of the select committee shall be chosen by the speaker of the House in consultation with the majority leader and the minority leader. ~~No more than five members may be of the same political party. The party makeup of the select committee must be proportional to the party makeup of the House of Representatives.~~

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HOUSE RULES: AMENDMENT (B)

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Section 1. That H5-8 be AMENDED:

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H5-8. Members to vote electronically from their desks, exceptions. A member may vote on the electronic voting system only when at the member's desk. However, the presiding officer may authorize the chief clerk to call the names of members who are on the floor but not at their desks at the time of a vote ~~or who are participating remotely as permitted under Joint Rule 2-5 at the time of the vote~~ and to record the votes of such members on the electronic voting system. If a member other than the speaker of the House is presiding, the chief clerk shall switch the voting system to allow the designated member presiding to vote in the presiding officer's station.

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HOUSE RULES: AMENDMENT (C)

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Section 1. That H1-1 be AMENDED:

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H1-1. Elective officers, employees. The officers of the House of Representatives are a speaker, and a speaker pro tempore, who shall be members of the body, and a chief clerk and such other officers necessary to conduct the business of the House, who shall be formally elected by a majority vote of the members-elect of the House. If there are two or more candidates for an elective office, the roll shall be called, and members shall state their candidate of choice. If there are three or more candidates and no candidate initially receives a majority vote of the members-elect of the House, the candidate receiving the fewest votes may not be considered in subsequent elections. Employees necessary to conduct the business of the House shall be appointed and announced by the speaker.

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1 HOUSE RULES: AMENDMENT (D)**2 Section 1. That a NEW SECTION be added to chapter 1 of the House rules:**

3 H1-1.2. Honorary Officer. Any member of the House of Representatives who previously
4 served as speaker shall hold the honorary title of Speaker Emeritus or Speaker Emerita.

5 Respectfully submitted,
6 Hugh M. Bartels, Chair

7 MR. SPEAKER:

8 The Joint Committee on Legislative Procedure respectfully reports that it has had under
9 consideration the joint rules and recommends that the joint rules of the Ninety-eighth Legislative
10 Session be adopted as the joint rules of the Ninety-ninth Legislative Session with the following
11 changes:

12 JOINT RULES: AMENDMENT (A)**13 Section 1. That JR 1-1 be AMENDED:**

14 1-1. Presiding officers. The presiding officer of the Senate is the president pro tempore and
15 the presiding officer of the House of Representatives is the speaker. For purposes of the Senate
16 floor sessions, the president of the Senate is the presiding officer of the floor session and shall
17 preside. For purposes of the House floor sessions, the speaker is the presiding officer of the floor
18 session and shall preside. The presiding officer of each house For each chamber's floor session, the
19 presiding officer of the floor session shall take the chair on every legislative day at the hour to which
20 that-house chamber adjourned at the last sitting.

21 Section 2. That JR 1-3 be AMENDED:

22 1-3. Questions of order. The presiding officer of each ~~house~~ chamber's floor session shall
23 decide all questions of order, subject to a motion of appeal, by a majority of the members present.
24 No member may speak more than once on an appeal without the consent of a majority of the
25 members present.

26 Section 3. That JR 1-4 be AMENDED:

27 1-4. Recognition of members for remarks. When a member desires to speak, that member
28 shall respectfully address the presiding officer of the floor session. When the presiding officer
29 recognizes the member, that member is entitled to the floor. The member first to address the
30 presiding officer shall speak first. If two or more members address the presiding officer at the same
31 time, the presiding officer shall name the member who is to speak first.

32 Section 4. That JR 1-6 be AMENDED:

33 1-6. Questions on the floor. If a member wishes to ask a question of another member, that
34 member shall courteously do so through the presiding officer of the floor session and with the
35 consent of the member to whom the question is addressed. Any question addressed to a member
36 shall relate to a question before the body and shall be concisely asked for the sole purpose of
37 obtaining information. No question may reflect upon the character or conduct of any official, contain
38 argument or debate, or inquire about the course a member proposes to follow.

1 **Section 5. That JR 1-7 be AMENDED:**

2 **1-7. Call to order.** If a member is called to order, that member shall remain silent until the
3 presiding officer of the floor session determines whether the member is in order. The decision of the
4 presiding officer is subject to a motion of appeal.

5 **Section 6. That JR 1-8 be AMENDED:**

6 **1-8. Signing of legislative documents ~~by presiding officer~~.** The ~~presiding officer~~ of each
7 ~~house~~ president pro tempore and the speaker shall sign all concurrent resolutions and
8 commemorations that are approved by the Legislature. The president pro tempore and the speaker
9 shall sign all writs, warrants, and subpoenas issued by the house over which the officer presides.

10 **Section 7. That JR 1-9 be AMENDED:**

11 **1-9. Those permitted to speak to the body.** No person other than a member of a house
12 may speak upon any subject before the house unless a member makes a motion to allow another
13 person to speak and the members present unanimously consent. However, the speaker of the House
14 and the president pro tempore of the Senate may allow any person other than a member of the
15 body to speak subject to advance notice to the majority and minority leaders. A motion objecting to
16 the decision of the ~~presiding officer~~ shall require speaker or the president pro tempore requires
17 a majority vote of the members-elect.

18 **Section 8. That JR 1A-1 be AMENDED:**

19 **1A-1. Preservation of decorum.** The presiding officer of each ~~house~~ chamber's floor session
20 shall preserve order and decorum and, in the case of disturbance or disorderly conduct, may order
21 the galleries or lobbies to be cleared.

22 **Section 9. That JR 1A-10 be AMENDED:**

23 **1A-10. ~~Presiding Officer's power~~ Power to maintain order.** The presiding officer of a floor
24 session may have any member temporarily removed in order to preserve order and decorum.

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

26 **2-1. Those permitted on the floor during session.** In addition to current legislators, only
27 the following persons are entitled to the floor of the House of Representatives or Senate during
28 sessions: justices of the Supreme Court or persons who are or have been Governor, Lieutenant
29 Governor, or members of the Congress of the United States from South Dakota; current legislative
30 employees; news reporters; and former members of the South Dakota Legislature, except those
31 who are registered lobbyists or those currently serving in any elective state or local office other than
32 Governor or Lieutenant Governor. However, these persons may not be on the floor if acting in a
33 manner to influence legislation. No other person may be admitted to the Senate floor without
34 consent of the ~~presiding officer~~ president pro tempore. No other person may be admitted to the
35 House floor without the consent of the speaker.

36 **Section 11. That JR 2-3 be AMENDED:**

37 **2-3. Procedure after a call of the house.** When a call of the house is ordered, the doors
38 shall must be closed and the absentees noted. No member may leave the room until permission is
39 given by the presiding officer of the floor session, the sergeant at arms' report is received and acted
40 upon, or the house is adjourned. Until the sergeant at arms' report is received, proceedings under
41 the call may not be suspended except by two-thirds of the members present.

1 **Section 12. That JR 3-2 be AMENDED:**

2 **3-2. Duties of the secretary of the Senate and chief clerk of the House.** The secretary
3 of the Senate and chief clerk of the House of Representatives are responsible to the president pro
4 tempore of the Senate or the speaker of the House, respectively. Their duties are:

5 (1) To supervise the keeping of a daily journal, the engrossing and enrolling, and the handling of
6 bills and resolutions;

7 (2) To assist the calendar committee in the preparation of a daily calendar listing motions and
8 resolutions, committee reports to be introduced, and bills and joint resolutions ready for second
9 reading, and to assist the calendar committee in preparation of a daily consent calendar;

10 (3) To sign the certificate of origin of all bills passed by the Legislature;

11 (4) To attest ~~to the signature signing~~ of the ~~presiding officer~~ to all bills, memorials, resolutions,
12 commemorations, writs, warrants, and subpoenas issued by the house;

13 (5) To deliver to the secretary of state at the close of each session the journals and all books, bills,
14 documents, resolutions, and papers in possession of the Legislature; to preserve one true copy of
15 each printed bill, joint resolution, and concurrent resolution of each legislative session; to attach the
16 copy together with a signed certificate that it is a true and complete copy of each printed bill, joint
17 resolution, and concurrent resolution of the legislative session; and to file such certified copies with
18 the secretary of state within ten days after adjournment of the Legislature; and

19 (6) To perform all other acts appertaining to the office as may be required by the house or its
20 presiding officer.

21 **Section 13. That JR 5-1 be AMENDED:**

22 **5-1. Entertainment of motions.** No motion may be entertained and debated until it is
23 seconded. Following the second of a debatable motion, the presiding officer of a floor session shall
24 first recognize the member making the motion.

25 **Section 14. That JR 5-2 be AMENDED:**

26 **5-2. Restatement and reading of motions.** When a motion is made and seconded, ~~it shall~~
27 ~~be restated by the presiding officer~~ of the floor session shall restate the motion, and, if requested
28 by the presiding officer or a member, ~~shall be~~ the motion must be displayed electronically or reduced
29 to writing and read aloud.

30 **Section 15. That JR 5-2.2 be AMENDED:**

31 **5-2.2. Withdrawal of motions.** After a motion is stated by the presiding officer of the floor
32 session, it may not be withdrawn without unanimous consent of the members present.

33 **Section 16. That JR 5-9 be AMENDED:**

34 **5-9. Division of the question.** Any member may call for a division of the question. The
35 presiding officer of the floor session shall divide the question if it contains questions so distinct that,
36 one being taken away, the rest may stand as a separate proposition. A member may not call for the
37 division of a bill.

38 **Section 17. That JR 5-12 be AMENDED:**

39 **5-12. Failure to make timely motion for reconsideration.** If any member has given notice
40 of intent to move for reconsideration and does not move for reconsideration before the stated
41 deadline, the presiding officer of the floor session shall immediately state that any member may
42 move for reconsideration.

1 **Section 18. That JR 6B-1.1 be AMENDED:**

2 **6B-1.1. Withdrawal of bills and resolutions.** The provisions of 6B-1 and 6D-1
3 notwithstanding, prior to the first committee hearing in the house of origin, the prime sponsor of
4 any bill or resolution may withdraw any bill or resolution in the house of origin with the approval of
5 the ~~presiding officer~~ president pro tempore for a Senate bill or Senate resolution and the speaker
6 for a House bill or House resolution. The presiding officer of the floor session shall then declare the
7 bill or resolution formally withdrawn and ~~shall~~ order that an entry be made in the bill status-~~se~~
8 system stating the bill or resolution has been withdrawn.

9 **Section 19. That JR 6C1.1 be AMENDED:**

10 **6C-1.1. Request for fiscal note or prison or jail population cost estimate by any**
11 **member.** A fiscal note ~~or prison or jail population cost estimate~~ may be requested by:

- 12 (1) The ~~presiding officer~~ president pro tempore or the speaker when a bill, amendment, or resolution
13 is introduced;
- 14 (2) The chair of the standing committee possessing the bill, amendment, or resolution;
- 15 (3) A majority vote of the standing committee possessing the bill, amendment, or resolution; or
- 16 (4) A legislator, if the legislator is supported by a vote of one-fifth of the body before the second
17 reading of the bill or resolution.

18 **Section 20. That JR 6C-2 be AMENDED:**

19 **6C-2. Deferral of bills without fiscal note.** The bill or resolution for which a fiscal note has
20 been requested ~~shall~~ must include a notation of the requirement on the Legislative Research Council
21 ~~internet site~~ website for the bill or resolution. The completed fiscal note ~~shall be displayed~~ must be
22 published on the Legislative Research Council ~~internet site~~ website before the bill or resolution may
23 be placed on the second reading calendar. However, the presiding officer of a floor session may
24 place the bill or resolution on the second reading calendar if the presiding officer determines a fiscal
25 note is no longer required.

26 **Section 21. That JR 6C-4 be AMENDED:**

27 **6C-4. Retirement system actuarial statement.** Each bill introduced affecting the benefits
28 payable by the state or a local government retirement system ~~shall~~ must have an actuarial statement
29 displayed on the Legislative Research Council ~~internet site~~ website for the bill. The actuarial
30 statement ~~shall~~ must be requested from the governing board of the retirement system affected and
31 the statement ~~shall~~ must identify the costs of the proposed change in the law as stated by the
32 actuary for the affected retirement plan. If there is a doubt as to the need for an actuarial statement,
33 the ~~presiding officer~~ president pro tempore shall make the final decision for a Senate bill and the
34 speaker shall make the final decision for a House bill. After the bill is introduced, the actuarial
35 statement ~~shall be displayed~~ must be published on the Legislative Research Council ~~internet site~~
36 website for the bill.

37 **Section 22. That JR 6G-8 be AMENDED:**

38 **6G-8. Review and signing of bills and joint resolutions.** The committee on legislative
39 procedure and the chief of engrossing and enrolling shall compare enrolled with engrossed bills and
40 joint resolutions as passed by both houses and make a report thereon to the house of origin. If a
41 bill or joint resolution is reported by the committee as correctly enrolled, ~~it shall~~ the bill or joint
42 resolution must be presented to the presiding officers of the floor sessions for both houses for their
43 signatures.

1 **Section 23. That JR 6H-3 be AMENDED:**

2 **6H-3. Calendaring of commemorations.** Upon introduction, the presiding officer of a floor
3 session shall place each pending legislative commemoration on the calendar of the next legislative
4 day.

5 **Section 24. That JR 6H-4 be AMENDED:**

6 **6H-4. Approval of commemorations in the house of origin.** Any member of the body may
7 object to the approval of any legislative commemoration by so stating on the floor of the body at
8 any time before adjournment on the legislative day upon which the legislative commemoration is
9 calendared. If no such objection is made, the legislative commemoration shall be deemed approved
10 and the presiding officer of the floor session shall deliver it to the other house. If there is objection,
11 the legislative commemoration shall be deemed disapproved. The objection is not debatable.

12 **Section 25. That JR 6H-5 be AMENDED:**

13 **6H-5. Calendaring of commemorations in the second house.** Upon receipt of a legislative
14 commemoration from the other house, the presiding officer of the floor session shall place it on the
15 next day's legislative calendar.

16 **Section 26. That JR 6H-6 be AMENDED:**

17 **6H-6. Approval of commemorations in the second house.** Any member of the receiving
18 body may object to the approval of any legislative commemoration by so stating on the floor of the
19 body at any time before adjournment on the legislative day upon which the legislative
20 commemoration is calendared. If no such objection is made, the legislative commemoration shall be
21 deemed approved and the presiding officer of the floor session shall deliver it to the house of origin.
22 If there is objection, the legislative commemoration shall be deemed disapproved. The objection is
23 not debatable.

24 **Section 27. That JR 6I-2 be AMENDED:**

25 **6I-2. Waiving electronic requirement.** ~~The presiding officer~~ president pro tempore for a
26 Senate bill and the speaker for a House bill may waive the requirement that any filing, submission,
27 or approval be done electronically, if the electronic system is not available and functional.

28 **Section 28. That JR 7-4 be AMENDED:**

29 **7-4. Dissenting reports.** If the members of a committee cannot agree on its report, the
30 majority and minority may each make a report. Any member dissenting in whole or in part from the
31 reasoning and conclusions of both majority and minority may also present a statement of the
32 member's reasoning and conclusions. All reports ~~shall~~ must be entered in the journal if found by the
33 presiding officer of the floor session to be decorous in language and respectful to the house.

34 **Section 29. That JR 8-2 be AMENDED:**

35 **8-2. Conference committee meetings, committee reports, and reports must be**
36 **germane.** Conference committees shall meet in open session, and minutes shall be taken and
37 prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the floor session
38 of the house of origin shall announce to that body the time and location of each conference
39 committee meeting. The co-chairs of each conference committee shall report the results of each
40 meeting to the body in a conference committee report electronically approved by both. The
41 conference committee report must be germane to the title of the bill as submitted to the conference
42 committee. The adoption of any conference committee report must be approved by the recorded
43 affirmative vote of at least two members from each house.

1 **Section 30. That JR 9-1 be AMENDED:**

2 **9-1. Designation of committee of the whole chair.** If either house sits as a committee of
3 the whole, ~~the presiding officer~~ the president pro tempore in the Senate and the speaker in the
4 House of Representatives shall name ~~one of the members~~ a member as chair of the house concerned,
5 who shall be vested with all the authority of ~~the that house's~~ presiding officer of the house concerned
6 while the committee of the whole is in session.

7 **Section 31. That JR 12-3 be AMENDED:**

8 **12-3. Voting procedures.** Questions shall be put in this form: "As many as favor the question,
9 as stated, say 'Yea'; as many as are opposed to the question, as stated, 'Nay'." If the presiding
10 officer of a floor session doubts the result of a vote or if a division is called for, the members shall
11 divide. Those in the affirmative shall rise from their seats and remain standing until counted. A vote
12 of "aye" or "yes" shall be recorded as "yea" and a vote of "no" shall be recorded as "nay."

13 **Section 32. That JR 13-4 be AMENDED:**

14 **13-4. Consent calendar items--Questions, voting.** Bills and resolutions on the consent
15 calendar are not debatable. ~~The president of the Senate or the speaker of the House of~~
16 Representatives presiding officer of the floor session shall allow a reasonable time for questions from
17 the floor and shall permit the proponents of the bills or resolutions to answer the questions.
18 Immediately before voting on the first bill or resolution on the consent calendar, ~~the president of~~
19 the Senate or the speaker of the House of Representatives presiding officer of the floor session shall
20 call to the attention of the members the fact that the next roll call will be the roll call on the bill or
21 resolution on the consent calendar.

22 **Section 33. That JR 16-5 be AMENDED:**

23 **16-5. Suspension of floor privileges.** During a joint session, former Governors, Lieutenant
24 Governors, members of the Congress of the United States from South Dakota and former members
25 of the South Dakota Legislature ~~will~~ may not be admitted to the chamber. The presiding officer ~~will~~
26 of the joint session shall instruct the sergeant at arms to provide a reserve seating section in the
27 chamber gallery for these former officials who wish to witness the joint session.

28 **JOINT RULES: AMENDMENT (B)**

29 **Section 1. That JR 13-1 be AMENDED:**

30 **13-1. Consent calendar recommendations by standing committees.** Each standing
31 committee may report an uncontested bill or resolution out of committee with the recommendation
32 that it be placed on the consent calendar. As used in this rule, an "uncontested bill or resolution" is
33 any bill or resolution, except a revenue measure, which receives a do-pass or do-pass-as-amended
34 recommendation from the committee to which it is referred, by unanimous vote of the members
35 present ~~and has no opposition expressed by any person present at the committee meeting with~~
36 respect to the final version of the bill or resolution as approved by the committee.

37 **Section 2. That JR 13-2 be AMENDED:**

38 **13-2. Consent calendar placement, objections.** If any bill or resolution receives ~~no~~
39 opposition testimony in its final form and an affirmative "Do Pass" vote of all members present of
40 the committee reporting the bill or resolution to its respective house, the committee chair may
41 certify the bill or resolution as uncontested for placement on the consent calendar. If any committee
42 member objects to the committee chair's certification, the bill or resolution may not be certified for
43 placement on the consent calendar. Any bill or resolution ~~so certified shall~~ by a committee chair
44 must be placed on the consent calendar by the secretary of the Senate or the chief clerk of the
45 House of Representatives. If any member objects to the placement or retention of any bill or

1 resolution on the consent calendar during a floor session, the bill or resolution ~~shall~~ must be removed
2 from the consent calendar and placed on the house calendar for second reading on the following
3 legislative day. The objection is not debatable. No consent calendar bill or resolution may be
4 considered for adoption until the legislative day following the day of its placement on the consent
5 calendar.

6 **JOINT RULES: AMENDMENT (C)**

7 **Section 1. That a NEW SECTION be added to Joint Rule chapter 12:**

8 **12-8. Vote required for certain fees.** If a bill proposes to increase a fee, impose a new fee,
9 or authorize a state agency to impose or increase a fee and the new fee or increased fee amount is
10 deposited in the general fund or in a continuously appropriated fund, the bill requires an affirmative
11 vote of two-thirds of the members-elect for passage. For purposes of this joint rule, the term, fee,
12 means a financial payment or charge imposed by the state and does not include a financial payment
13 or charge imposed by a political subdivision.

14 **JOINT RULES: AMENDMENT (D)**

15 **Section 1. That a NEW SECTION be added to chapter 6A of the Joint Rules:**

16 **JR 6A-9. Amendment of administrative rule through legislation.** A bill may include:

17 (1) A repeal of an existing administrative rule section; or

18 (2) A requirement that an executive branch entity promulgate, pursuant to chapter 1-26, specific
19 changes to the existing text of an administrative rule section. The bill language may include the rule
20 section language and the legislatively required text changes.

21 **JOINT RULES: AMENDMENT (E)**

22 **Section 1. That JR 8-3 be AMENDED:**

23 **8-3. Final disposition of report and distribution of reports.** Adoption of a conference
24 committee report recommending passage of a bill or adoption of a resolution constitutes final
25 disposition. The vote required to concur in the amendments of the other House or to adopt a
26 conference committee report ~~shall be~~ is the same as that required for final passage of the bill or
27 resolution taking such bill or resolution as a whole. Before the final vote on the adoption of a
28 conference committee report may be taken, any member of the body may require that the report
29 be made available in electronic form or be distributed in written form to the members of the body,
30 if not available in electronic form.

31 **JOINT RULES: AMENDMENT (F)**

32 **Section 1. That JR 5-1.1 be REPEALED:**

33 ~~**5-1.1. Amendments proposing penalties.** Any attempt to offer an amendment, whether in~~
34 ~~committee or on the floor, that requires a prison or jail population cost estimate shall be ruled out~~
35 ~~of order unless offered with a preexisting prison or jail population cost estimate.~~

1 **Section 2. That JR 6C-1 be AMENDED:**

2 **6C-1. Bills and resolutions that require fiscal notes.** A bill, amendment, or resolution that
 3 has an effect on the revenues, expenditures, or fiscal liability of the state or any political subdivision
 4 of the state may include a fiscal note incorporating an estimate of the effect. This rule does not
 5 apply to the cost of legislative processing, or any appropriation bill with specific dollar amounts. A
 6 fiscal note is an estimate of the fiscal implications relating to revenues, expenditures or debt, and
 7 the probable cost of the bill, amendment, or resolution. In preparing the fiscal note, the Director of
 8 the Legislative Research Council may use information or data supplied by any person, agency,
 9 organization, or governmental unit that the director deems reliable. The director shall state the
 10 sources of the information or data used and may state the extent to which the director relied on the
 11 information or data in preparing the fiscal note. If the director is unable to acquire or develop
 12 sufficient information or data to prepare a fiscal note, the director may prepare the fiscal note stating
 13 that fact, and the fiscal note shall be deemed to comply with this rule. If the director determines
 14 that the fiscal impact of a bill, amendment, or resolution cannot be determined, the director may
 15 prepare the fiscal note stating that fact, and the fiscal note shall be deemed to comply with this rule.

16 ~~This rule does not apply to prison or jail population cost estimates required by §§ 2-9-33 and~~
 17 ~~2-9-34. However, if the Legislature enacts legislation that would repeal the provisions of §§ 2-9-33~~
 18 ~~and 2-9-34 during the Ninety-eighth Session, then starting on the effective date of that legislation,~~
 19 ~~this rule applies to fiscal notes pertaining to prison or jail cost estimates.~~

20 **Section 3. That JR 6C-1.1 be AMENDED:**

21 **6C-1.1. Request for fiscal note ~~or prison or jail population cost estimate by any~~**
 22 **member.** A fiscal note ~~or prison or jail population cost estimate~~ may be requested by:

23 (1) The presiding officer when a bill, amendment, or resolution is introduced;

24 (2) The chair of the standing committee possessing the bill, amendment, or resolution;

25 (3) A majority vote of the standing committee possessing the bill, amendment, or resolution;
 26 or

27 (4) A legislator, if the legislator is supported by a vote of one-fifth of the body before the second
 28 reading of the bill or resolution.

29 **Section 4. That JR 6C-1.3 be REPEALED:**

30 ~~**6C-1.3. Prison or jail population cost estimates.** A prison or jail population cost estimate~~
 31 ~~may be requested pursuant to Joint Rule 6C-1.1 for any bill or amendment with a Class 1~~
 32 ~~misdemeanor penalty that may impact the state prison or county jail population. The cost estimate~~
 33 ~~shall be prepared pursuant to §§ 2-9-33 and 2-9-34. However, if the Legislature enacts legislation~~
 34 ~~that would repeal the provisions of §§ 2-9-33 and 2-9-34 during the Ninety-eighth Session, then~~
 35 ~~starting on the effective date of that legislation, the cost estimate shall be prepared pursuant to~~
 36 ~~Joint Rule 6C-1.~~

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Respectfully submitted,
 Lee Schoenbeck, Chair

1 MR. SPEAKER:

2 The Committee on House Education respectfully reports that it has had under consideration
3 **HB 1002** which was tabled.

4 Also MR. SPEAKER:

5 The Committee on House Education respectfully reports that it has had under consideration
6 **HB 1020** 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 Mike Stevens, Chair

10 MR. SPEAKER:

11 The Committee on House State Affairs respectfully reports that it has had under consideration
12 **HB 1035, 1041, and 1055** and returns the same with the recommendation that said bills do pass.

13 Also MR. SPEAKER:

14 The Committee on House State Affairs respectfully reports that it has had under consideration
15 **HB 1003 and 1011** and returns the same with the recommendation that said bills do pass, and
16 having been certified as uncontested, be placed on the consent calendar.

17 Also MR. SPEAKER:

18 The Committee on House State Affairs respectfully reports that it has had under consideration
19 **HB 1039** with the recommendation that said bill be referred to the House Committee on
20 Appropriations with a Do Pass recommendation.

21 Also MR. SPEAKER:

22 The Committee on House State Affairs respectfully reports that it has had under consideration
23 **HB 1052** which was deferred to the 41st Legislative Day.

24 Respectfully submitted,
25 Will Mortenson, Chair

26 MR. SPEAKER:

27 The Committee on House Commerce and Energy respectfully reports that it has had under
28 consideration **HB 1034 and 1059** and returns the same with the recommendation that said bills
29 do pass.

30 Also MR. SPEAKER:

31 The Committee on House Commerce and Energy respectfully reports that it has had under
32 consideration **HB 1058** and returns the same with the recommendation that said bill do pass, and
33 having been certified as uncontested, be placed on the consent calendar.

34 Respectfully submitted,
35 Mike Weisgram, Chair

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MESSAGES FROM THE SENATE

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MR. SPEAKER:

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5

I have the honor to inform your honorable body that the Senate has adopted the report of the Joint-Select Committee relative to making arrangements for a memorial recognition of deceased former members of the Senate and House.

6

7

Respectfully,
Peggy Laurenz, Secretary

8

MOTIONS AND RESOLUTIONS

9

10

HCR 6004: A CONCURRENT RESOLUTION, Affirming the Legislature's support and commitment of the State of Israel.

11

Introduced by: **Representative** Deutsch

12

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

13

14

Rep. Mortenson that **HB 1073** be referred from the Committee on State Affairs to the House Committee on Appropriations.

15

Which motion prevailed.

16

CONSIDERATION OF REPORTS OF COMMITTEES

17

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

18

Local Government on **HB 1026** as found on page 36 of the House Journal; and

19

Health and Human Services on **HB 1027** as found on page 35 of the House Journal be adopted.

20

Which motion prevailed and the reports were adopted.

21

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

22

23

The Speaker declared that **HCR 6004** changed prime sponsor from Sen. Hoffman to Sen. Tobin at their request.

24

25

The Speaker declared that **HB 1056** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

26

27

HB 1079: FOR AN ACT ENTITLED, An Act to require property owner permission or a siting permit prior to entry for an examination and survey.

28

Introduced by: **Representative** Moore

29

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

1 **HB 1081:** FOR AN ACT ENTITLED, An Act to establish provisions related to the reimbursement
2 of doula services through the state Medicaid program.

3 Introduced by: **Representative** Heermann

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

5 **HB 1076:** FOR AN ACT ENTITLED, An Act to clarify antisemitism as an unfair or discriminatory
6 practice.

7 Introduced by: **Representative** Deutsch

8 **HB 1078:** FOR AN ACT ENTITLED, An Act to allow compliance with seat belt laws to be
9 considered in determining damages for injuries.

10 Introduced by: **Representative** Blare

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

12 **HB 1077:** FOR AN ACT ENTITLED, An Act to provide for the disbursement of catastrophic
13 county poor relief fund to the participating counties in the event of the discontinuance of the fund.

14 Introduced by: **Representative** Blare

15 Was read the first time and referred to the Committee on Local Government.

16 **HB 1082:** FOR AN ACT ENTITLED, An Act to change the eligibility requirements, and the
17 exempt value, of a property tax relief program for disabled veterans and surviving spouses.

18 Introduced by: **Representative** Pinnow

19 Was read the first time and referred to the Committee on Military and Veterans Affairs.

20 **HJR 5001:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
21 election an amendment to the Constitution of the State of South Dakota, requiring all non-judicial
22 offices elected by a statewide vote to be nominated at a primary election.

23 Introduced by: **Representative** Tordsen

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

25 **HB 1080:** FOR AN ACT ENTITLED, An Act to make an appropriation to improve visitation to
26 and awareness of the South Dakota Hall of Fame.

27 Introduced by: **Representative** Reimer

28 Was read the first time and referred to the Joint Committee on Appropriations.

29 The following bill was read on January 11, 2024, and today the Speaker assigned this bill to
30 committee:

31 **HB 1075** was referred to the Committee on Local Government.

1

SECOND READING OF CONSENT CALENDAR ITEMS

2

Rep. Auch requested that **HB 1033** be removed from the Consent Calendar.

3

Rep. Mulally requested that **HB 1031** be removed from the Consent Calendar.

4

5

HB 1030: FOR AN ACT ENTITLED, An Act to update statutory and regulatory references pertaining to water pollution.

6

7

HB 1051: FOR AN ACT ENTITLED, An Act to make technical changes to provisions regarding the compensation of agents.

8

Were read the second time.

9

The question being "Shall **HB 1030 and 1051** pass?"

10

And the roll being called:

11

Yeas 66, Nays 0, Excused 3, Absent 0

12

13

14

15

16

17

18

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

19

Excused: Otten (Ernie), Peterson (Sue), and Pourier

20

21

So the bills having received an affirmative vote of a majority of the members-elect, the Speaker declared the bills passed and the titles were agreed to.

22

23

Rep. Mortenson rose to a point of order that the Legislative Research Council website was down, but printed copies of bills were available in the back of the House chamber.

24

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

25

26

HB 1001: FOR AN ACT ENTITLED, An Act to repeal the expiration of a reduction in certain gross receipts and use tax rates.

27

Was read the second time.

28

The question being "Shall **HB 1001** pass?"

29

And the roll being called:

30

Yeas 54, Nays 12, Excused 3, Absent 0

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

7 Nays: Callies, Chase, DeGroot, Duba, Healy, Kull, Lesmeister, Nelson, Schneider, Stevens,
8 Wittman, and Speaker Bartels

9 Excused: Otten (Ernie), Peterson (Sue), and Poirier

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

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

14 **REPORTS OF STANDING COMMITTEES**

15 MR. SPEAKER:

16 The Committee on House Judiciary respectfully reports that it has had under consideration
17 **HB 1024 and 1036** and returns the same with the recommendation that said bills do pass.

18 Also MR. SPEAKER:

19 The Committee on House Judiciary respectfully reports that it has had under consideration
20 **HB 1004, 1005, and 1006** and returns the same with the recommendation that said bills do pass,
21 and having been certified as uncontested, be placed on the consent calendar.

22 Also MR. SPEAKER:

23 The Committee on House Judiciary respectfully reports that it has had under consideration
24 **HB 1025** and returns the same with the recommendation that said bill be amended as follows:

25 1025A

26 On page 1, line 10, of the Introduced bill, delete " Class 2" and insert " Class 3"

27 And that as so amended, **HB 1025** do pass.

28 Respectfully submitted,
29 Jon Hansen, Chair

30 Rep. Mortenson moved that the balance of the calendar including **HB 1015, 1018, 1019, and**
31 **1050** be deferred to Tuesday, January 16, 2024, the 5th legislative day.

32 Which motion prevailed.

1

COMMEMORATIONS

2

Rep. Krohmer objected to the approval of **HC 8002** pursuant to JR 6H-4.

3

The Speaker announced that **HC 8002** was disapproved.

4

5

Rep. Drury moved that the House do now adjourn, which motion prevailed and at 1:52 p.m. the House adjourned.

6

Patricia Miller, Chief Clerk