

# *JOURNAL OF THE HOUSE*

## *NINETY-NINTH SESSION*

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FIFTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Tuesday, January 16, 2024

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by House pages Gracie Moore and Avery VanOverbeke.

Roll Call: All members present.

### **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 4th day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Hugh M. Bartels, Chair

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**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1012** and returns the same with the recommendation that said bill be amended as follows:

1012B

On page 1, line 15, of the Introduced bill, after "program " insert "on or "

On page 2, line 20, of the Introduced bill, delete " 5" and insert " 7"

On page 3, line 1, of the Introduced bill, after "program" insert " on or"

On page 4, line 26, of the Introduced bill, delete " 5" and insert " 7"

On page 4, after line 26, of the Introduced bill, insert: "

**Section 5. That a NEW SECTION be added to chapter 36-32:**

The board shall implement procedures for the completion of a state and federal fingerprint-based criminal background check for a licensee seeking to participate in the counseling licensure compact adopted by section 7 of this Act. The licensee must pay any fee for the cost of fingerprinting or conducting the background check.

On page 4, after line 26, of the Introduced bill, insert: "

**Section 6. That a NEW SECTION be added to title 36:**

An individual licensed as a professional counselor, in accordance with § 36-32-64, or a professional counselor--mental health, in accordance with § 36-32-65, before July 1, 2024, or an individual practicing under a board-approved plan of supervision in accordance with chapter 36-32 before July 1, 2024, is eligible to participate in the counseling licensure compact adopted by section 7 of this Act."

And that as so amended, **HB 1012** do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1013 and 1028** and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1074** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,  
Kevin D. Jensen, Chair

1 MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under  
3 consideration **HB 1068** and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on House Transportation respectfully reports that it has had under  
6 consideration **HB 1063** and returns the same with the recommendation that said bill do pass, and  
7 having been certified as uncontested, be placed on the consent calendar.

8 Respectfully submitted,  
9 Rocky Blare, Chair

10 **MESSAGES FROM THE SENATE**

11 MR. SPEAKER:

12 I have the honor to return herewith **HCR 6001** in which the Senate has concurred.

13 Also MR. SPEAKER:

14 I have the honor to transmit herewith **SB 7, 22, 23, 24, 38, 41, and 47** which have passed  
15 the Senate and your favorable consideration is respectfully requested.

16 Respectfully,  
17 Peggy Laurenz, Secretary

18 **MOTIONS AND RESOLUTIONS**

19 **HCR 6005:** A CONCURRENT RESOLUTION, Recognizing the Mitchell Friends of NRA as the  
20 largest Friends of NRA chapter in the state and celebrating the chapter's significant support of gun  
21 safety classes, hunter education courses, and youth shooting sports.

22 Introduced by: **Representative** Krohmer

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

24 **HCR 6006:** A CONCURRENT RESOLUTION, Urging the members of South Dakota's  
25 congressional delegation to sponsor and support an amendment to the Payment in Lieu of Taxes  
26 (PILT) Act.

27 Introduced by: **Representative** Mills

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

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

31 Was read the second time.

1 Rep. Deutsch moved that **HCR 6004** as found on page 50 of the House Journal be adopted.

2 The question being on Rep. Deutsch's motion that **HCR 6004** be adopted.

3 And the roll being called:

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

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

12 Nays: Duba, Healy, Nelson, and Wittman

13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the motion carried and **HCR 6004** was adopted.

### 15 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

17 Judiciary on **HB 1025** as found on page 53 of the House Journal be adopted.

18 Which motion prevailed and the report was adopted.

19 Rep. Mortenson moved that the report of the Standing Committee on House Legislative  
20 Procedure as shown on page 40 of the House Journal be adopted.

21 The question being on Rep. Mortenson's motion that the report of the Standing Committee on  
22 House Legislative Procedure as shown on page 40 of the House Journal be adopted.

23 And the roll being called:

24 Yeas 62, Nays 7, Excused 0, Absent 0

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

32 Nays: Auch, Aylward, Hansen, Jensen (Phil), Mulally, Randolph, and Soye

33 So the motion having received an affirmative vote of a majority of the members-elect, the  
34 Speaker declared the motion carried.

35 Rep. Mortenson moved that the report of the Standing Committee on Joint Legislative  
36 Procedure as found on page 41 of the House Journal be adopted.

37 The question being on Rep. Mortenson 's motion that the report of the Standing Committee on  
38 Joint Legislative Procedure as shown on page 41 of the House Journal be adopted.

1 And the roll being called:

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

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

10 Nays: Mulally

11 So the motion having received an affirmative vote of a majority of the members-elect, the  
12 Speaker declared the motion carried.

13 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

14 **HB 1091:** FOR AN ACT ENTITLED, An Act to enact the Interstate Insurance Product Regulation  
15 Compact.

16 Introduced by: **Representative** Arlint

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

18 **HB 1084:** FOR AN ACT ENTITLED, An Act to repeal a provision related to habeas corpus  
19 proceedings.

20 Introduced by: The Committee on Judiciary at the request of the Chief Justice

21 **HB 1085:** FOR AN ACT ENTITLED, An Act to specify the venue of appeal to circuit court for  
22 persons committed to a mental health facility.

23 Introduced by: The Committee on Judiciary at the request of the Chief Justice

24 **HB 1086:** FOR AN ACT ENTITLED, An Act to establish an enhanced penalty for probationers  
25 intentionally causing contact with bodily fluids or human waste with a Unified Judicial System  
26 employee.

27 Introduced by: The Committee on Judiciary at the request of the Chief Justice

28 **HB 1087:** FOR AN ACT ENTITLED, An Act to modify the definitions of a child in need of  
29 supervision and a delinquent child.

30 Introduced by: The Committee on Judiciary at the request of the Chief Justice

31 **HB 1088:** FOR AN ACT ENTITLED, An Act to remove the option for a court services officer to  
32 prepare documentation in an adoption proceeding.

33 Introduced by: The Committee on Judiciary at the request of the Chief Justice

34 **HB 1089:** FOR AN ACT ENTITLED, An Act to exclude certain crimes from presumptive  
35 probation.

36 Introduced by: **Representative** Fitzgerald

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

2 **HB 1090:** FOR AN ACT ENTITLED, An Act to revise provisions related to tax deeds and to  
3 declare an emergency.

4 Introduced by: **Representative** Chaffee

5 **HB 1092:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the 911 emergency  
6 surcharge.

7 Introduced by: **Representative** Bartels

8 Were read the first time and referred to the Committee on Taxation.

9 **HB 1083:** FOR AN ACT ENTITLED, An Act to permit a person convicted of certain driving under  
10 the influence offenses to drive for certain purposes.

11 Introduced by: The Committee on Judiciary at the request of the Chief Justice

12 Was read the first time and referred to the Committee on Transportation.

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

14 **SB 22:** FOR AN ACT ENTITLED, An Act to amend language regarding the licensing period for a  
15 grain buyer.

16 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

17 **SB 7:** FOR AN ACT ENTITLED, An Act to revise the water resources projects list.

18 **SB 23:** FOR AN ACT ENTITLED, An Act to exempt an electric vehicle charging station from  
19 being subject to a civil fine for overcharging.

20 **SB 38:** FOR AN ACT ENTITLED, An Act to amend the amount a merchant or place of business  
21 may assess against returned checks.

22 **SB 41:** FOR AN ACT ENTITLED, An Act to modify an administrative procedure for revoking a  
23 nonresponsive insurance producer's license.

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

25 **SB 24:** FOR AN ACT ENTITLED, An Act to increase the maximum user fee for a participant  
26 submitting to wear a drug patch under the 24/7 sobriety program.

27 **SB 47:** FOR AN ACT ENTITLED, An Act to revise the incentive program for juvenile diversion  
28 opportunities.

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

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**SECOND READING OF CONSENT CALENDAR ITEMS**

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Rep. Mulally requested that **HB 1011** be removed from the Consent Calendar.

3

Rep. Randolph requested that **HB 1003** be removed from the Consent Calendar.

4

Pursuant to House Rule 7-1, the Speaker removed **HB 1027** from the Consent Calendar.

5

**HB 1004:** FOR AN ACT ENTITLED, An Act to update the official code of laws.

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**HB 1005:** FOR AN ACT ENTITLED, An Act to revise the manner of citing the Administrative Rules of South Dakota.

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**HB 1006:** FOR AN ACT ENTITLED, An Act to increase the amount of time permitted the Interim Rules Review Committee to review final permanent rulemaking materials.

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**HB 1020:** FOR AN ACT ENTITLED, An Act to revise the method by which completion of a required suicide awareness and prevention training is verified.

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**HB 1026:** FOR AN ACT ENTITLED, An Act to clarify the requirement for the construction or expansion of a municipal campground or tourist accommodation facility.

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**HB 1058:** FOR AN ACT ENTITLED, An Act to modify agency reporting requirements on licensure, certification, job placements, and the labor market.

16

Were read the second time.

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The question being "Shall **HB 1026** pass as amended, and **HB 1004, 1005, 1006, 1020, and 1058** pass?"

19

And the roll being called:

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Yeas 69, Nays 0, Excused 0, Absent 0

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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, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

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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.

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

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**HB 1033:** FOR AN ACT ENTITLED, An Act to address the administration of State Conservation Commission functions by the Department of Agriculture and Natural Resources.

33

Was read the second time.

1 The question being "Shall **HB 1033** pass?"

2 And the roll being called:

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

4 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Drury, Duba,  
5 Duffy, Emery, Fitzgerald, Gross, Healy, Heermann, Jamison, Kassin, Koth, Kull, Lesmeister, Massie,  
6 Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Perry, Peterson (Drew), Pinnow,  
7 Rehfeldt, Reimer, Reisch, Sauder, Schneider, St. John, Stevens, Teunissen, Tordsen, Venhuizen,  
8 Wangsness, Weisgram, Wittman, and Speaker Bartels

9 Nays: Auch, Aylward, Bahmuller, Donnell, Hansen, Jensen (Kevin), Jensen (Phil), Karr,  
10 Krohmer, Krull, Ladner, Lems, May, Mulally, Overweg, Peterson (Sue), Pourier, Randolph,  
11 Schaeftbauer, Shorma, Sjaarda, and Soye

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 **HB 1031:** FOR AN ACT ENTITLED, An Act to update the development and implementation of  
15 conservation district standards.

16 Was read the second time.

17 The question being "Shall **HB 1031** pass?"

18 And the roll being called:

19 Yeas 65, Nays 4, Excused 0, Absent 0

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

27 Nays: Aylward, Jensen (Phil), Mulally, and Randolph

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

30 **HB 1018:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue  
31 Code.

32 Was read the second time.

33 The question being "Shall **HB 1018** pass?"

34 And the roll being called:

35 Yeas 67, Nays 2, Excused 0, Absent 0



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

8 Nays: Aylward and Randolph

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 **HB 1019:** FOR AN ACT ENTITLED, An Act to clarify language regarding sales and use tax in  
12 certain statutes.

13 Was read the second time.

14 The question being "Shall **HB 1019** pass?"

15 And the roll being called:

16 Yeas 69, Nays 0, Excused 0, Absent 0

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

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

26 **HB 1015:** FOR AN ACT ENTITLED, An Act to adopt the social work licensure compact.

27 Was read the second time.

28 The question being "Shall **HB 1015** pass?"

29 And the roll being called:

30 Yeas 51, Nays 18, Excused 0, Absent 0

31 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,  
32 Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull,  
33 Ladner, Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg,  
34 Peterson (Drew), Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, St. John,  
35 Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

36 Nays: Auch, Aylward, Donnell, Hansen, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Lems,  
37 May, Mills, Mulally, Perry, Peterson (Sue), Randolph, Schaeftbauer, Sjaarda, and Soye

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

1 **HB 1050:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier  
2 regulations.

3 Was read the second time.

4 The question being "Shall **HB 1050** pass?"

5 And the roll being called:

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

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

14 Nays: Aylward, Mulally, and Randolph

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

17 **HB 1035:** FOR AN ACT ENTITLED, An Act to extend the period of renewal for an enhanced  
18 permit to carry a concealed pistol.

19 Was read the second time.

20 The question being "Shall **HB 1035** pass?"

21 And the roll being called:

22 Yeas 69, Nays 0, Excused 0, Absent 0

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

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

32 **HB 1041:** FOR AN ACT ENTITLED, An Act to modify the definition of public infrastructure to  
33 allow a federally recognized Indian tribe to be eligible for housing infrastructure grants and loans  
34 and to declare an emergency.

35 Was read the second time.

36 Rep. Hansen moved that **HB 1041** be amended as follows:

37 1041A

38 On page 1, after line 16, of the Introduced bill, insert: "

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1           **Section 2. That a NEW SECTION be added to chapter 11-15:**

2           Any applicant that may fall within the scope of sovereign immunity that may be asserted by a  
3 federally recognized Indian tribe or other sovereign entity must waive any sovereign immunity  
4 defense that the applicant may have, may be asserted on the applicant's behalf, or may otherwise  
5 be asserted in any enforcement action regarding repayment of loans granted pursuant to this  
6 chapter."

7           Which motion lost.

8           The question being "Shall **HB 1041** pass?"

9           And the roll being called:

10          Yeas 52, Nays 17, Excused 0, Absent 0

11          Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,  
12 Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Ladner,  
13 Lesmeister, Massie, May, Moore, Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Perry,  
14 Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider,  
15 Shorma, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and  
16 Speaker Bartels

17          Nays: Auch, Aylward, Bahmuller, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr, Krohmer,  
18 Lems, Mills, Mulally, Overweg, Randolph, Schaeftbauer, Sjaarda, and Soye

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

21          **HB 1055:** FOR AN ACT ENTITLED, An Act to raise the appraisal value of surplus property that  
22 may be sold by a political subdivision without notice.

23          Was read the second time.

24          The question being "Shall **HB 1055** pass?"

25          And the roll being called:

26          Yeas 58, Nays 11, Excused 0, Absent 0

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

33          Nays: Aylward, Chaffee, Hansen, Jensen (Phil), Lems, Mills, Mulally, Pourier, Randolph,  
34 Sjaarda, and Soye

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

37          **HB 1034:** FOR AN ACT ENTITLED, An Act to require hydrogen pipelines to be permitted by the  
38 Public Utilities Commission.

39          Was read the second time.

1 The question being "Shall **HB 1034** pass?"

2 And the roll being called:

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

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

11 Nays: Jensen (Phil), Mills, and Mulally

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 **HB 1059:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding insurance  
15 holding companies.

16 Was read the second time.

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

18 And the roll being called:

19 Yeas 69, Nays 0, Excused 0, Absent 0

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

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

29 **HB 1024:** FOR AN ACT ENTITLED, An Act to require that an application for a medical marijuana  
30 registry identification card include a notice and acknowledgement of federal law regarding firearms  
31 and the unlawful use of a controlled substance.

32 Was read the second time.

33 The question being "Shall **HB 1024** pass?"

34 And the roll being called:

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

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

8 Nays: Aylward

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 Rep. Mortenson moved that the balance of the calendar including **HB 1036** be deferred to  
12 Wednesday, January 17, 2024, the 6<sup>th</sup> legislative day.

13 Which motion lost.

14 **HB 1036**: FOR AN ACT ENTITLED, An Act to require that a dispensary post notice of the federal  
15 law regarding possession of a firearm and the use of marijuana and to provide a civil penalty.

16 Was read the second time.

17 The question being "Shall **HB 1036** pass?"

18 And the roll being called:

19 Yeas 42, Nays 27, Excused 0, Absent 0

20 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Derby, Deutsch, Drury, Duba, Duffy, Emery,  
21 Fitzgerald, Hansen, Jensen (Kevin), Kassin, Koth, Krohmer, Kull, Ladner, Massie, Mills, Moore,  
22 Mortenson, Mulder, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Randolph, Reimer, Reisch,  
23 Sauder, Schaeffbauer, Schneider, Shorma, Soye, Stevens, Teunissen, Venhuizen, Wangsness,  
24 Weisgram, and Speaker Bartels

25 Nays: Auch, Aylward, Bahmuller, Chase, DeGroot, Donnell, Gross, Healy, Heermann, Jamison,  
26 Jensen (Phil), Karr, Krull, Lems, Lesmeister, May, Mulally, Nelson, Odenbach, Otten (Ernie),  
27 Overweg, Pourier, Rehfeldt, Sjaarda, St. John, Tordsen, and Wittman

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

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

32 Patricia Miller, Chief Clerk

