

# *JOURNAL OF THE HOUSE*

## *NINETY-NINTH SESSION*

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SIXTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, January 17, 2024

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

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

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 5th 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 readministered to Representative Becky Drury by Speaker Bartels.

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

3 The Speaker announced Rep. Drury was reassigned to the House Committee on Military and  
 4 Veterans Affairs, the House Committee on State Affairs, and as Chair of the House Committee on  
 5 Local Government.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
 9 Enrolling has carefully compared **HCR 6001** and finds the same correctly enrolled.

10 Respectfully submitted,  
 11 Hugh M. Bartels, Chair

12 MR. SPEAKER:

13 The Committee on House Education respectfully reports that it has had under consideration  
 14 **HB 1021, 1066, and 1072** which were deferred to the 41st Legislative Day.

15 Also MR. SPEAKER:

16 The Committee on House Education respectfully reports that it has had under consideration  
 17 **HB 1022** with the recommendation that said bill be amended as follows:

18 1022A

19 On page 1, line 7, of the Introduced bill, after "education" insert " based on the science of  
 20 reading"

21 And that as so amended said bill be referred to the Joint Committee on Appropriations with a  
 22 Do Pass recommendation.

23 Respectfully submitted,  
 24 Mike Stevens, Chair

25 MR. SPEAKER:

26 The Committee on House State Affairs respectfully reports that it has had under consideration  
 27 **HB 1009 and 1053, and HJR 5001** which were deferred to the 41st Legislative Day.

28 Also MR. SPEAKER:

29 The Committee on House State Affairs respectfully reports that it has had under consideration  
 30 **HB 1071** and returns the same with the recommendation that said bill do pass.

31 Respectfully submitted,  
 32 Will Mortenson, Chair

1 MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under  
3 consideration **HB 1054** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 Mike Weisgram, Chair

6 MR. SPEAKER:

7 The Committee on House Judiciary respectfully reports that it has had under consideration  
8 **HB 1038** and returns the same with the recommendation that said bill be amended as follows:

9 1038A

10 On page 1, line 9, of the Introduced bill, after "24-2-14(1)," delete " 32-23-4, 32-23-4. 6,"

11 On page 1, line 11, of the Introduced bill, after "probation" insert ", and any mandatory  
12 minimum sentence under chapter 32-23, as applicable"

13 And that as so amended, **HB 1038** do pass.

14 Also MR. SPEAKER:

15 The Committee on House Judiciary respectfully reports that it has had under consideration  
16 **HB 1046** and returns the same with the recommendation that said bill do pass.

17 Also MR. SPEAKER:

18 The Committee on House Judiciary respectfully reports that it has had under consideration  
19 **HB 1047** and returns the same with the recommendation that said bill do pass, and having been  
20 certified as uncontested, be placed on the consent calendar.

21 Respectfully submitted,  
22 Jon Hansen, Chair

23 **MESSAGES FROM THE SENATE**

24 MR. SPEAKER:

25 I have the honor to transmit herewith **SCR 601** which has been adopted by the Senate and  
26 your concurrence is respectfully requested.

27 Also MR. SPEAKER:

28 I have the honor to transmit herewith **SB 3, 4, 19, 21, 33, 37, 65, and 72** which have passed  
29 the Senate and your favorable consideration is respectfully requested.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has adopted the report of the  
3 Joint Committee on Legislative Procedures relative to the joint rules for the two houses for the  
4 Ninety-ninth Legislative Session.

5 Respectfully,  
6 Peggy Laurenz, Secretary

7 **MOTIONS AND RESOLUTIONS**

8 The Speaker declared that **HCR 6005** was withdrawn at the request of the prime sponsor  
9 pursuant to JR 6B-1.1.

10 **SCR 601:** A CONCURRENT RESOLUTION, Celebrating the sister-state relationship with Taiwan.

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

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

15 Was read the second time.

16 Rep. Mills moved that **HCR 6006** as found on page 57 of the House Journal be adopted.

17 The question being on Rep. Mills' motion that **HCR 6006** be adopted.

18 And the roll being called:

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

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

27 Nays: Emery, Mulally, and Randolph

28 So the motion having received an affirmative vote of a majority of the members-elect, the  
29 Speaker declared the motion carried and **HCR 6006** was adopted.

30 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

32 Health and Human Services on **HB 1012** as found on page 56 of the House Journal be adopted.

33 Which motion prevailed and the report was adopted.

1

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

2

3

The Speaker declared that **HB 1078** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

4

5

**HB 1095:** FOR AN ACT ENTITLED, An Act to establish provisions for the operation of automated motor vehicles.

6

Introduced by: **Representative** Chase

7

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

8

9

**HB 1097:** FOR AN ACT ENTITLED, An Act to authorize transportation activities by air ambulance services.

10

Introduced by: **Representative** Otten (Ernie)

11

12

**HB 1098:** FOR AN ACT ENTITLED, An Act to provide free birth certificates to persons experiencing homelessness.

13

Introduced by: **Representative** Tordsen

14

15

**HB 1099:** FOR AN ACT ENTITLED, An Act to establish educational standards for the expanded practice of optometry.

16

Introduced by: **Representative** Mulder

17

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

18

19

**HB 1096:** FOR AN ACT ENTITLED, An Act to provide that a temporary restraining order may extend beyond thirty days in certain circumstances involving stalking.

20

Introduced by: **Representative** St. John

21

Was read the first time and referred to the Committee on Judiciary.

22

**HB 1094:** FOR AN ACT ENTITLED, An Act to prohibit a ban of combustion engines.

23

Introduced by: **Representative** Jensen (Kevin)

24

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

25

26

**HB 1093:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide a grant for the construction of a facility to provide certain health facilities and services.

27

Introduced by: **Representative** Overweg

28

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

1 **HB 1100:** FOR AN ACT ENTITLED, An Act to modify certain requirements for eligibility to  
2 receive a gift of a museum collection from a county or municipality.

3 Introduced by: **Representative** Jamison

4 Was read the first time.

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

6 **SB 33:** FOR AN ACT ENTITLED, An Act to repeal the Petroleum Release Compensation Board.

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

8 **SB 72:** FOR AN ACT ENTITLED, An Act to increase the annual limit of tax credits that an  
9 insurance company may claim through the partners in education tax credit program.

10 Was read the first time and referred to the Committee on Education.

11 **SB 4:** FOR AN ACT ENTITLED, An Act to revise provisions regarding township contracts for  
12 snow removal.

13 **SB 37:** FOR AN ACT ENTITLED, An Act to revise provisions regarding repair and maintenance  
14 of mail routes.

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

16 **SB 3:** FOR AN ACT ENTITLED, An Act to extend the length of time allowed for a tax agreement  
17 with an Indian tribe.

18 **SB 19:** FOR AN ACT ENTITLED, An Act to rescind rulemaking authority pertaining to the  
19 process for publishing required voter registration numbers.

20 **SB 21:** FOR AN ACT ENTITLED, An Act to rescind rule-making authority for the annual report  
21 of the number of voters removed from a county's voter registration list.

22 Were read the first time and referred to the Committee on State Affairs.

23 **SB 65:** FOR AN ACT ENTITLED, An Act to modify time limits for collection efforts for debts  
24 owed to the state.

25 Was read the first time and referred to the Committee on Taxation.

26 **SECOND READING OF CONSENT CALENDAR ITEMS**

27 **HB 1063:** FOR AN ACT ENTITLED, An Act to amend the valuation service used to value  
28 vehicles.

29 **HB 1074:** FOR AN ACT ENTITLED, An Act to expand eligibility to practice as a dental hygienist  
30 under the collaborative supervision of a dentist.

31 Were read the second time.

1 The question being "Shall **HB 1063 and 1074** pass?"

2 And the roll being called:

3 Yeas 69, Nays 0, 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), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,  
 7 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie),  
 8 Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer,  
 9 Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen,  
 10 Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

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

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

14 **HB 1027:** FOR AN ACT ENTITLED, An Act to modify substances listed on the controlled  
 15 substances schedule and to declare an emergency.

16 Was read the second time.

17 The question being "Shall **HB 1027** pass as amended?"

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 two-thirds majority of the members-elect,  
 28 the Speaker declared the bill passed and the title was agreed to.

29 **HB 1011:** FOR AN ACT ENTITLED, An Act to revise the membership of the South Dakota  
 30 Capitol Complex Restoration and Beautification Commission.

31 Was read the second time.

32 The question being "Shall **HB 1011** pass?"

33 And the roll being called:

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

35 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,  
 36 Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Jensen  
 37 (Kevin), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lesmeister, Massie, May, Mills, Moore,  
 38 Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson  
 39 (Sue), Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma,

1 Sjaarda, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and  
2 Speaker Bartels

3 Nays: Auch, Aylward, Jensen (Phil), Lems, Mulally, Randolph, and Soye

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

6 Speaker Pro Tempore Stevens now presiding.

7 **HB 1003:** FOR AN ACT ENTITLED, An Act to update a reference to the Internal Revenue Code  
8 for purposes of higher education savings plans.

9 Was read the second time.

10 The question being "Shall **HB 1003** pass?"

11 And the roll being called:

12 Yeas 69, Nays 0, Excused 0, Absent 0

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

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

22 Speaker Bartels now presiding.

23 **HB 1025:** FOR AN ACT ENTITLED, An Act to establish the crime of exposure of a law  
24 enforcement officer to a controlled drug or substance and to provide a penalty therefor.

25 Was read the second time.

26 The question being "Shall **HB 1025** pass as amended?"

27 And the roll being called:

28 Yeas 40, Nays 29, Excused 0, Absent 0

29 Yeas: Arlint, Auch, Bahmuller, Blare, Cammack, Chaffee, DeGroot, Derby, Deutsch, Duffy,  
30 Fitzgerald, Hansen, Jamison, Jensen (Kevin), Jensen (Phil), Karr, Kassin, Krohmer, Ladner, Massie,  
31 May, Moore, Mulder, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue),  
32 Pinnow, Randolph, Reisch, Sauder, Schaeftbauer, Shorma, Soye, Teunissen, Venhuizen, Wangsness,  
33 and Weisgram

34 Nays: Aylward, Callies, Chase, Donnell, Drury, Duba, Emery, Gross, Healy, Heermann, Koth,  
35 Krull, Kull, Lems, Lesmeister, Mills, Mortenson, Mulally, Nelson, Pourier, Rehfeldt, Reimer,  
36 Schneider, Sjaarda, St. John, Stevens, Tordsen, Wittman, and Speaker Bartels



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

3 **HB 1013:** FOR AN ACT ENTITLED, An Act to adopt the advanced practice registered nurse  
 4 compact.

5 Was read the second time.

6 Rep. Jensen (Kevin) moved that **HB 1013** be amended as follows:

7 1013C

8 On page 20, after line 13, of the Introduced bill, insert: "

9 **Section 2. That a NEW SECTION be added to title 36:**

10 Nothing in the Advanced Practice Registered Nurse Compact, as set forth in section 1 of this  
 11 Act, supersedes any law of this state related to:

12 (1) An individual's scope of practice; or

13 (2) Supervision and collaborative requirements. "

14 Rep. Soye requested a roll call vote.

15 Which request was supported.

16 And the roll being called:

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

18 Yeas: Auch, Aylward, Bahmuller, Deutsch, Donnell, Gross, Hansen, Jensen (Kevin), Jensen  
 19 (Phil), Karr, Krohmer, Lems, May, Mills, Mulally, Odenbach, Otten (Ernie), Overweg, Perry, Peterson  
 20 (Sue), Pinnow, Randolph, Reimer, Schaeftbauer, Schneider, Sjaarda, and Soye

21 Nays: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Drury, Duba, Duffy,  
 22 Emery, Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Ladner, Lesmeister, Massie,  
 23 Moore, Mortenson, Mulder, Nelson, Peterson (Drew), Pourier, Rehfeldt, Reisch, Sauder, Shorma, St.  
 24 John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and  
 25 Speaker Bartels

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

28 The question being "Shall **HB 1013** pass?"

29 And the roll being called:

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

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

1 Nays: Auch, Aylward, Bahmuller, Deutsch, Donnell, Gross, Hansen, Jensen (Kevin), Jensen  
 2 (Phil), Karr, Krohmer, Lems, May, Mills, Mulally, Overweg, Peterson (Sue), Randolph, Reimer,  
 3 Schaeffbauer, Sjaarda, and Soye

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

6 **HB 1028:** FOR AN ACT ENTITLED, An Act to classify xylazine as a Schedule III controlled  
 7 substance, establish permissible uses, and to declare an emergency.

8 Was read the second time.

9 The question being "Shall **HB 1028** pass?"

10 And the roll being called:

11 Yeas 69, Nays 0, Excused 0, Absent 0

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

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 1068:** FOR AN ACT ENTITLED, An Act to allow disabled veterans to obtain a standard issue  
 22 county motor vehicle or motorcycle license plate.

23 Was read the second time.

24 The question being "Shall **HB 1068** pass?"

25 And the roll being called:

26 Yeas 69, Nays 0, Excused 0, Absent 0

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

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

36 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:53 p.m.  
 37 the House adjourned.

38 Patricia Miller, Chief Clerk