

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 18, 2024

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by House page Taylyn Rausch.

Roll Call: All members present except Rep. Schneider who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 6th 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

REPORTS OF STANDING COMMITTEES

2 MR. SPEAKER:

3 The House Committee on Appropriations respectfully reports that it has had under
4 consideration **HB 1049** and returns the same with the recommendation that said bill do pass.

5 Also MR. SPEAKER:

6 The House Committee on Appropriations respectfully reports that it has had under
7 consideration **HB 1073** and returns the same with the recommendation that said bill do pass, and
8 having been certified as uncontested, be placed on the consent calendar.

9
10

Respectfully submitted,
Mike Derby, Chair

11 MR. SPEAKER:

12 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
13 under consideration **HB 1043** and returns the same with the recommendation that said bill be
14 amended as follows:

15

1043A

16 On page 1, line 1, of the Introduced bill, delete "classify" and insert " include"

17 On page 1, line 1, of the Introduced bill, delete " as a" and insert " in the definition of"

18 On page 1, line 1, of the Introduced bill, delete " the purpose of taxation and to authorize a
19 new tax" and insert " purposes of the minerals severance tax"

20 And that as so amended, **HB 1043** do pass.

21
22

Respectfully submitted,
Roger Chase, Chair

23 MR. SPEAKER:

24 The Committee on House Health and Human Services respectfully reports that it has had under
25 consideration **HB 1014** with the recommendation that said bill be referred to the House Committee
26 on Appropriations with a Do Pass recommendation.

27 Also MR. SPEAKER:

28 The Committee on House Health and Human Services respectfully reports that it has had under
29 consideration **HB 1016** with the recommendation that said bill be amended as follows:

30

1016B

31 On page 1, line 4, of the Introduced bill, delete " \$65,000" and insert " \$150,000"

32 On page 1, line 7, of the Introduced bill, after "contract " delete "for a study "

33 On page 1, line 8, of the Introduced bill, delete "to conduct" and insert " for"

1 On page 1, line 8, of the Introduced bill, delete "on implementing" and insert " regarding the
2 implementation of"

3 On page 1, line 8, of the Introduced bill, delete "South Dakota" and insert " this state"

4 On page 1, line 9, of the Introduced bill, after "Dakota." insert "

5 The study must include:

6 (1) A PACE market assessment, consisting of:

7 (a) A market analysis of the PACE eligible population, by county and zip code, using state-
8 specific clinical and financial eligibility standards;

9 (b) Potential market definitions, including considerations for rurality;

10 (c) A provider availability assessment;

11 (d) A workforce availability assessment; and

12 (e) Other alternatives to the program;

13 (2) Financial estimates of the impact on net state revenue and costs; and

14 (3) An operational assessment of state capabilities, capacity, and experience necessary to
15 operate the program."

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

18 Also MR. SPEAKER:

19 The Committee on House Health and Human Services respectfully reports that it has had under
20 consideration **HB 1017** and returns the same with the recommendation that said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on House Health and Human Services respectfully reports that it has had under
23 consideration **HB 1029** and returns the same with the recommendation that said bill be amended
24 as follows:

25 1029B

26 On page 14, line 24, of the Introduced bill, delete " licensed hearing aid dispenser" and insert
27 " licensee"

28 On page 15, line 6, of the Introduced bill, after "licensee" delete " licensed hearing aid"

29 On page 15, line 6, of the Introduced bill, after "aid " insert "licensee "

30 And that as so amended, **HB 1029** do pass, and having been certified as uncontested, be
31 placed on the consent calendar.

32
33

Respectfully submitted,
Kevin D. Jensen, Chair

1 MR. SPEAKER:

2 The Committee on House Local Government respectfully reports that it has had under
3 consideration **HB 1077** and returns the same with the recommendation that said bill do pass, and
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Becky J. Drury, Chair

7 **MESSAGES FROM THE SENATE**

8 MR. SPEAKER:

9 I have the honor to transmit herewith **SB 1, 2, 39, 42, and 54** which have passed the Senate
10 and your favorable consideration is respectfully requested.

11 Respectfully,
12 Peggy Laurenz, Secretary

13 **MOTIONS AND RESOLUTIONS**

14 **HCR 6007:** A CONCURRENT RESOLUTION, Encouraging the United States Congress to allow
15 veterans to receive long-term care services at facilities that do not otherwise meet the requirements
16 set by the United States Department of Veterans Affairs.

17 Introduced by: **Representative** Teunissen

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

19 Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
20 Friday, January 19, 2024, the 8th legislative day.

21 Which motion prevailed.

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

23 Was read the second time.

24 Rep. Bartels moved that **SCR 601** as found on page 72 of the House Journal be concurred in.

25 The question being on Rep. Bartels' motion that **SCR 601** be concurred in.

26 And the roll being called:

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

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

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 **HB 1102:** FOR AN ACT ENTITLED, An Act to provide an appropriation to construct a community
5 center in the community of Whitewood.

6 Introduced by: **Representative** Fitzgerald

7 **HB 1103:** FOR AN ACT ENTITLED, An Act to provide an appropriation to construct a community
8 center in the community of Lead.

9 Introduced by: **Representative** Fitzgerald

10 **HB 1105:** FOR AN ACT ENTITLED, An Act to revise the compensation for an improvement
11 district board member.

12 Introduced by: **Representative** Kassin

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

14 **HB 1111:** FOR AN ACT ENTITLED, An Act to require members of the Legislature to attend a
15 course on the federal and state constitutions.

16 Introduced by: **Representative** Perry

17 **HB 1113:** FOR AN ACT ENTITLED, An Act to prohibit the use of state resources for the provision
18 of lewd or lascivious content.

19 Introduced by: **Representative** Perry

20 **HB 1114:** FOR AN ACT ENTITLED, An Act to prohibit the use of paid petition circulators to
21 collect signatures for a statewide ballot measure.

22 Introduced by: **Representative** Perry

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

24 **HB 1106:** FOR AN ACT ENTITLED, An Act to exempt baby food, infant formula, and children's
25 diapers from the state sales tax and state use tax.

26 Introduced by: **Representative** Shorma

27 **HB 1109:** FOR AN ACT ENTITLED, An Act to eliminate the cap on assessment amounts for
28 road improvements and to allow townships to plan and pay for the paving and maintenance of non-
29 section line roads.

30 Introduced by: **Representative** Kull

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

32 **HB 1101:** FOR AN ACT ENTITLED, An Act to provide a special motor vehicle license plate for
33 recipients of the Legion of Merit award.

34 Introduced by: **Representative** Shorma

1 **HB 1107:** FOR AN ACT ENTITLED, An Act to prohibit the use of certain mobile electronic
2 devices while driving, and to provide a penalty therefor.

3 Introduced by: **Representative** Shorma

4 Were read the first time and referred to the Committee on Transportation.

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

6 **SB 54:** FOR AN ACT ENTITLED, An Act to update hunting and fishing residency requirements.

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

8 **SB 39:** FOR AN ACT ENTITLED, An Act to prohibit a homeowners' association from placing
9 restrictions on firearms or firearm ammunition.

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

11 **SB 1:** FOR AN ACT ENTITLED, An Act to expand eligibility for the reduced tuition benefit for
12 certain school district and Head Start employees at Board of Regents institutions to school
13 counselors.

14 **SB 2:** FOR AN ACT ENTITLED, An Act to remove provisions for establishing a uniform method
15 for calculating high school credit received from completing a postsecondary course.

16 Were read the first time and referred to the Committee on Education.

17 **SB 42:** FOR AN ACT ENTITLED, An Act to modify provisions related to medical cannabis.

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

19 **SECOND READING OF CONSENT CALENDAR ITEMS**

20 Rep. May requested that **HB 1047** be removed from the Consent Calendar.

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

22 **HB 1012:** FOR AN ACT ENTITLED, An Act to adopt the interstate counseling licensure compact
23 and revise educational requirements to comply with the compact.

24 Was read the second time.

25 The question being "Shall **HB 1012** pass as amended?"

26 And the roll being called:

27 Yeas 52, Nays 16, Excused 1, Absent 0

1 Yeas: Arlint, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,
2 Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Hansen, Healy, Heermann, Jamison,
3 Kassin, Koth, Krull, Kull, Ladner, Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Odenbach,
4 Otten (Ernie), Perry, Peterson (Drew), Pinnow, Poirier, Rehfeldt, Reimer, Reisch, Sauder, Shorma,
5 St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and
6 Speaker Bartels

7 Nays: Auch, Gross, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Lems, May, Mills, Mulally,
8 Overweg, Peterson (Sue), Randolph, Schaeftbauer, Sjaarda, and Soye

9 Excused: Schneider

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 **HB 1071**: FOR AN ACT ENTITLED, An Act to revise a provision providing authority to the
13 Governor to enter into agreements with the Nuclear Regulatory Commission.

14 Was read the second time.

15 The question being "Shall **HB 1071** pass?"

16 And the roll being called:

17 Yeas 61, Nays 7, Excused 1, Absent 0

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

25 Nays: Fitzgerald, Healy, Ladner, Massie, Mills, Poirier, and Schaeftbauer

26 Excused: Schneider

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 Rep. Mortenson moved that the balance of the calendar including **HB 1046** be deferred to
30 Friday, January 19, 2024, the 8th legislative day.

31 Which motion prevailed.

32 **COMMEMORATIONS**

33 **HC 8003**: A LEGISLATIVE COMMEMORATION, Recognizing the Chester Lady Flyers as the 2023
34 State B Volleyball Champions.

35 Introduced by: **Representatives** Reisch and Mills and **Senator** Crabtree.

1 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 2:58 p.m.
2 the House adjourned.

3 Patricia Miller, Chief Clerk

4 **JOINT MEMORIAL SERVICE**

5 Pursuant to the report of the Joint-Select Committee, as found on page 34 of the House
6 Journal, the Senate and the House of Representatives met in informal joint session in the House
7 Chamber for the purpose of having a memorial service for deceased former members and reading
8 of the following Joint Memorial Resolution:

9 **WHEREAS**, the Great Ruler of the Universe has ordered a final adjournment in the lives of
10 thirteen former members of the South Dakota Legislature, namely: the *Honorable Richard "Dick"*
11 *Belatti, Sr.*; the *Honorable John "Jack" Billion*; the *Honorable Robert J. Burns*; the *Honorable Marie*
12 *C. Ingalls*; the *Honorable Barry M. Jensen*; the *Honorable William C. "Bill" Johnson*; the *Honorable*
13 *John B. Jones*; the *Honorable Richard "Dick" Kelly*; the *Honorable Jerome B. "Jerry" Lammers*; the
14 *Honorable David S. Laustsen*; the *Honorable Gene N. Lebrun*; the *Honorable Edwin "Ed" Olson*; and
15 the *Honorable Franklin "Frank" Simpson*.

16 **WHEREAS**, in the lives of all of these eminent public servants there was noted a profound
17 urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but with
18 a consciousness that here in a land of freedom the dignity of the individual is supreme, that justice
19 must be dispensed, and that only by eternal vigilance and unrelenting effort can self-government of
20 a people be preserved; and

21 **WHEREAS**, it is fitting that we humbly honor the memory of those who have thus contributed
22 to the orderly process of government under the Constitution:

23 **NOW, THEREFORE, BE IT RESOLVED**, by the Senate and the House of Representatives of
24 the Ninety-ninth Session of the Legislature of the State of South Dakota duly convened in recess
25 session in recognition of the useful lives and unflinching devotion to the interests of the State of South
26 Dakota, as well as the rectitude of thought and action and fidelity to the highest principles of
27 American citizenship by these honorable people, that the Senate and the House of Representatives
28 do now pause in their labors out of respect for the memory of their late fellow associates in the
29 functions of government, and note that in their passing, the state they have served so well has
30 suffered a distinct loss, and though their labors have ceased and they have been laid to rest, the
31 people of this great state have benefited greatly from the services rendered by them and they have
32 left upon the sands of time an inspiring record of devotion to their fellow citizens under the guiding
33 hand of Almighty God; and

34 **BE IT FURTHER RESOLVED**, that this Resolution be printed in the journals of the Senate
35 and the House of Representatives of the Ninety-ninth Session of the Legislature of the State of South
36 Dakota, now assembled this 18th day of January, 2024, at Pierre, South Dakota.

