

# *JOURNAL OF THE HOUSE*

## *NINETY-NINTH SESSION*

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NINTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, January 22, 2024

The House convened at 2:00 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 Gunnar Albertsen.

Roll Call: All members present except Reps. Donnell, Fitzgerald, and Wangsness 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 8th day.

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

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Hugh M. Bartels, Chair

1 The oath of office was administered by Speaker Bartels to the following named pages:

2 Gunnar Albertsen, Ava Brown, Kate Hamilton, Nicolette Hoffman, Mariela Hyzer, Daniela Lee,  
3 Christina Messerli, Katherine Palmer, Claire Pearman, Tristen Petrik, Kendra Saylor, Evelyn  
4 Torberson, Raelie Williams.

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

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on House Education respectfully reports that it has had under consideration  
9 **HB 1042** which was deferred to the 41st Legislative Day.

10 Also MR. SPEAKER:

11 The Committee on House Education respectfully reports that it has had under consideration  
12 **SB 2** and returns the same with the recommendation that said bill do pass, and having been certified  
13 as uncontested, be placed on the consent calendar.

14 Respectfully submitted,  
15 Mike Stevens, Chair

16 MR. SPEAKER:

17 The Committee on House Commerce and Energy respectfully reports that it has had under  
18 consideration **SB 39** and returns the same with the recommendation that said bill do pass.

19 Also MR. SPEAKER:

20 The Committee on House Commerce and Energy respectfully reports that it has had under  
21 consideration **SB 23 and 33** and returns the same with the recommendation that said bills do pass,  
22 and having been certified as uncontested, be placed on the consent calendar.

23 Respectfully submitted,  
24 Mike Weisgram, Chair

25 MR. SPEAKER:

26 The Committee on House Judiciary respectfully reports that it has had under consideration  
27 **SB 24 and 47** and returns the same with the recommendation that said bills do pass.

28 Respectfully submitted,  
29 Jon Hansen, Chair

30 MR. SPEAKER:

31 The Committee on House State Affairs respectfully reports that it has had under consideration  
32 **HB 1111** which was deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration  
3 **SB 3, 19, and 21** and returns the same with the recommendation that said bills do pass, and having  
4 been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 Will Mortenson, Chair

7 **MESSAGES FROM THE SENATE**

8 MR. SPEAKER:

9 I have the honor to transmit herewith **SB 11, 12, 20, 27, 35, 55, 56, and 61** which have  
10 passed the Senate and your favorable consideration is respectfully requested.

11 Respectfully,  
12 Peggy Laurenz, Secretary

13 **MOTIONS AND RESOLUTIONS**

14 Rep. Mortenson moved that **SB 47** be referred from the Committee on Judiciary to the House  
15 Committee on Appropriations.

16 Which motion prevailed.

17 **HCR 6008:** A CONCURRENT RESOLUTION, opposing an initiated measure to place the right to  
18 an abortion in the Constitution of South Dakota.

19 Introduced by: **Representative** Cammack

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

21 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

23 State Affairs on **HB 1069** as found on page 90 of the House Journal; also

24 State Affairs on **HCR 6003** as found on page 91 of the House Journal; also

25 Commerce and Energy on **HB 1091** as found on page 92 of the House Journal; and

26 Judiciary on **HB 1088** as found on page 92 of the House Journal be adopted.

27 Which motion prevailed and the reports were adopted.

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

2

**HB 1128:** FOR AN ACT ENTITLED, An Act to require a zoning authority to determine that a well is an established well that has not been abandoned in making a permitting decision.

3

4

Introduced by: **Representative** Gross

5

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

6

**HB 1126:** FOR AN ACT ENTITLED, An Act to permit an alternative delivery method for issuance of a policy by an insurer.

7

8

Introduced by: **Representative** Blare

9

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

10

**HB 1129:** FOR AN ACT ENTITLED, An Act to repeal the session law authorizing the Board of Regents to contract for the design and construction of a new dairy research and extension farm on the campus of South Dakota State University, and to declare an emergency.

11

12

13

Introduced by: **Representative** Koth

14

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

15

**HB 1125:** FOR AN ACT ENTITLED, An Act to prohibit the chemical modification or conversion of industrial hemp and the sale or distribution of chemically modified or converted industrial hemp and to provide a penalty therefor.

16

17

18

Introduced by: **Representative** Mulder

19

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

20

**HB 1124:** FOR AN ACT ENTITLED, An Act to provide for the temporary filling of water development district board positions created as a result of population increases.

21

22

Introduced by: **Representative** Peterson (Drew)

23

**HB 1127:** FOR AN ACT ENTITLED, An Act to modify requirements for incorporating municipalities that are within three miles of another incorporated municipality.

24

25

Introduced by: **Representative** Cammack

26

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

27

**HB 1123:** FOR AN ACT ENTITLED, An Act to allow for an action to establish paternity after age eighteen based on genetic test results.

28

29

Introduced by: **Representative** DeGroot

30

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

1 **HB 1130:** FOR AN ACT ENTITLED, An Act to revise water development district boundaries and  
2 taxing authority.

3 Introduced by: **Representative** Reisch

4 Was read the first time.

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

6 **SB 55:** FOR AN ACT ENTITLED, An Act to remove multiple vehicle ownership as a condition for  
7 purchasing an additional park entry license at a reduced price.

8 **SB 56:** FOR AN ACT ENTITLED, An Act to permit the operation of a Class I electric bicycle on  
9 the Mickelson Trail.

10 Were read the first time and referred to the Committee on Agriculture and Natural Resources.

11 **SB 11:** FOR AN ACT ENTITLED, An Act to prohibit a practitioner from referring a patient to a  
12 medical cannabis clinic with which the practitioner or an immediate family member has a financial  
13 relationship and to provide a penalty therefor.

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

15 **SB 12:** FOR AN ACT ENTITLED, An Act to authorize certain employer actions regarding the use  
16 of cannabis by an employee or a prospective employee.

17 **SB 27:** FOR AN ACT ENTITLED, An Act to modify the criteria for removal from the sex offender  
18 registry.

19 **SB 61:** FOR AN ACT ENTITLED, An Act to repeal the Visitation Grant Advisory Group.

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

21 **SB 20:** FOR AN ACT ENTITLED, An Act to establish the crime of threatening or intimidating an  
22 election official or election worker.

23 **SB 35:** FOR AN ACT ENTITLED, An Act to provide that certain personal information of a lottery  
24 prize winner may only be made public with the winner's consent.

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

26 **SECOND READING OF CONSENT CALENDAR ITEMS**

27 **HB 1029:** FOR AN ACT ENTITLED, An Act to modify and repeal provisions related to the  
28 licensure of hearing aid dispensers and audiologists.

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

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

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

2 Were read the second time.

3 The question being "Shall **HB 1029** pass as amended, and **HB 1085 and 1087, and SB 7**  
4 pass?"

5 And the roll being called:

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

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

14 Excused: Donnell, Fitzgerald, and Wangsness

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

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

18 **HB 1049:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept and use  
19 easement proceeds for the purposes authorized by the 2022 Session Laws, chapter 198.

20 Was read the second time.

21 The question being "Shall **HB 1049** pass?"

22 And the roll being called:

23 Yeas 48, Nays 18, Excused 3, Absent 0

24 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,  
25 Drury, Duba, Duffy, Emery, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Ladner,  
26 Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Perry, Peterson  
27 (Drew), Pinnow, Poirier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, St. John, Stevens,  
28 Teunissen, Tordsen, Venhuizen, Weisgram, Wittman, and Speaker Bartels

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

31 Excused: Donnell, Fitzgerald, and Wangsness

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

34 **HB 1017:** FOR AN ACT ENTITLED, An Act to adopt the psychology interjurisdictional licensure  
35 compact.

36 Was read the second time.

1 The question being "Shall **HB 1017** pass?"

2 And the roll being called:

3 Yeas 50, Nays 16, Excused 3, Absent 0

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

9 Nays: Auch, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Lems, May, Mills,  
10 Mulally, Overweg, Peterson (Sue), Randolph, Schaeftbauer, and Soye

11 Excused: Donnell, Fitzgerald, and Wangsness

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 1043:** FOR AN ACT ENTITLED, An Act to include lithium in the definition of precious metal  
15 for purposes of the minerals severance tax.

16 Was read the second time.

17 The question being "Shall **HB 1043** pass as amended?"

18 And the roll being called:

19 Yeas 57, Nays 9, Excused 3, Absent 0

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

26 Nays: Auch, Aylward, Emery, Jensen (Phil), Lems, Mulally, Nelson, Poirier, and Soye

27 Excused: Donnell, Fitzgerald, and Wangsness

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

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

32 Was read the second time.

33 The question being "Shall **HB 1084** pass?"

34 And the roll being called:

35 Yeas 42, Nays 24, Excused 3, Absent 0

1 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Drury, Duba,  
2 Duffy, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Ladner, Lesmeister, Massie, Moore,  
3 Mortenson, Otten (Ernie), Overweg, Perry, Peterson (Drew), Rehfeldt, Reimer, Reisch, Sauder,  
4 Schneider, Shorma, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Weisgram, Wittman, and  
5 Speaker Bartels

6 Nays: Auch, Aylward, Bahmuller, Emery, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr,  
7 Krohmer, Lems, May, Mills, Mulally, Mulder, Nelson, Odenbach, Peterson (Sue), Pinnow, Pourier,  
8 Randolph, Schaeftbauer, Sjaarda, and Soye

9 Excused: Donnell, Fitzgerald, and Wangsness

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

15 Was read the second time.

16 The question being "Shall **HB 1086** pass?"

17 And the roll being called:

18 Yeas 64, Nays 2, Excused 3, Absent 0

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

26 Nays: May and Soye

27 Excused: Donnell, Fitzgerald, and Wangsness

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. Mortenson moved that the balance of the calendar including **HB 1038 and 1076** be  
31 deferred to Tuesday, January 23, 2024, the 10<sup>th</sup> legislative day.

32 Which motion prevailed.

### 33 **COMMEMORATIONS**

34 **HC 8005:** A LEGISLATIVE COMMEMORATION, Recognizing and celebrating the De Smet  
35 Bulldogs as the 2021, 2022, and 2023 Class B boys' basketball state champions.

36 Introduced by: **Representatives** Reisch, Blare, Callies, Chase, Fitzgerald, Koth, Mills, Moore,  
37 Mortenson, Otten (Ernie), Perry, Peterson (Sue), Pinnow, Reimer, Schaeftbauer, Stevens, Tordsen,  
38 Venhuizen, and Weisgram and **Senators** Crabtree, Bolin, Hunhoff, Johnson, Mehlhaff, Novstrup,  
39 Otten (Herman), Reed, Schoenbeck, Stalzer, and Zikmund.



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1        **HC 8006:** A LEGISLATIVE COMMEMORATION, Celebrating Doris Neilan as the first woman to  
2 serve as a sergeant-at-arms in the South Dakota Legislature.

3            Introduced by: **Representatives** Weisgram, Arlint, Aylward, Bahmuller, Blare, Callies, Duba,  
4 Emery, Heermann, Ladner, Lesmeister, Massie, Moore, Mortenson, Nelson, Otten (Ernie), Perry,  
5 Peterson (Sue), Pinnow, Poirier, Randolph, Rehfeldt, Reimer, Reisch, Shorma, Stevens, Tordsen,  
6 Venhuizen, and Wittman and **Senators** Mehlhaff, Crabtree, Hunhoff, Otten (Herman), Reed, Rohl,  
7 Schoenbeck, and Zikmund.

8            Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:05 p.m.  
9 the House adjourned.

10

Patricia Miller, Chief Clerk

