

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 23, 2024

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

The prayer was offered by the Chaplain, Rev. Donell Chambers, followed by the Pledge of Allegiance led by House pages Ava Brown and Kate Hamilton.

Roll Call: All members present except Rep. Donnell 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 9th 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1019** and finds the same correctly enrolled.

Respectfully submitted,
Hugh M. Bartels, Chair

MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 22 and 54** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Roger Chase, Chair

MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1083** and returns the same with the recommendation that said bill be amended as follows:

1083A

On page 5, line 15, of the Introduced bill, remove the overstrikes from " or the Department of Corrections, respectively"

On page 5, line 16, of the Introduced bill, after "respectively" delete " in chapter 23A-48"

And that as so amended, **HB 1083** do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1101** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1107** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Rocky Blare, Chair

MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1090, and SB 65** and returns the same with the recommendation that said bills do pass.

1 Also MR. SPEAKER:

2 The Committee on House Taxation respectfully reports that it has had under consideration
3 **HB 1092** and returns the same with the recommendation that said bill be amended as follows:

4 1092A

5 On page 1, line 13, of the Introduced bill, after "section." delete "Section 2. That a NEW
6 SECTION be added to chapter 34-45:"

7 On page 1, line 14, of the Introduced bill, after "34-45:" delete "Counties must distribute any
8 moneys received pursuant to § 34-45-8. 7 to the eligible public safety answering point serving the
9 county."

10 And that as so amended, **HB 1092** do pass.

11 Also MR. SPEAKER:

12 The Committee on House Taxation respectfully reports that it has had under consideration
13 **HB 1109** which was deferred to the 41st Legislative Day.

14 Respectfully submitted,
15 Kirk Chaffee, Chair

16 MR. SPEAKER:

17 The Committee on House Local Government respectfully reports that it has had under
18 consideration **HB 1070** which was deferred to the 41st Legislative Day.

19 Also MR. SPEAKER:

20 The Committee on House Local Government respectfully reports that it has had under
21 consideration **SB 4 and 37** 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 Becky J. Drury, Chair

25 **MESSAGES FROM THE SENATE**

26 MR. SPEAKER:

27 I have the honor to return herewith **HB 1019** which has passed the Senate without change.

28 Also MR. SPEAKER:

29 I have the honor to transmit herewith **SB 43, 46, 71, 73, 76, 78, and 87** which have passed
30 the Senate and your favorable consideration is respectfully requested.

31 Respectfully,
32 Peggy Laurenz, Secretary

1

MOTIONS AND RESOLUTIONS

2

HCR 6003: A CONCURRENT RESOLUTION, To create the One Hundredth Session Planning Committee of the South Dakota Legislature.

3

4

Was read the second time.

5

Rep. Venhuizen moved that **HCR 6003** as found on page 29 of the House Journal be adopted.

6

The question being on Rep. Venhuizen's motion that **HCR 6003** be adopted.

7

And the roll being called:

8

Yeas 67, Nays 1, Excused 1, Absent 0

9

Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, 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, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

10

11

12

13

14

15

16

Nays: Mulally

17

Excused: Donnell

18

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HCR 6003** was adopted.

19

20

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

21

The Speaker declared that **HB 1094** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

22

23

The following bill was read on January 22, 2024, and today the Speaker assigned this bill to committee:

24

25

HB 1130 was referred to the Committee on Agriculture and Natural Resources.

26

HB 1135: FOR AN ACT ENTITLED, An Act to expand definitions pertaining to the purchasing of grain.

27

28

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

29

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

30

HB 1134: FOR AN ACT ENTITLED, An Act to amend the school funding formula to provide for the use of an averaged fall enrollment when determining local need.

31

32

Introduced by: **Representative** Nelson

33

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

1 **HB 1131:** FOR AN ACT ENTITLED, An Act to waive certain fees for nondriver identification
2 cards for individuals who are homeless.

3 Introduced by: **Representative** Wittman

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

5 **HB 1133:** FOR AN ACT ENTITLED, An Act to revise a provision related to aggravated assault.

6 Introduced by: **Representative** Jamison

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

8 **HB 1132:** FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to municipal
9 government.

10 Introduced by: **Representative** Drury

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

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

13 **SB 43:** FOR AN ACT ENTITLED, An Act to establish procedures for the imposition of fines and
14 probation against medical cannabis establishments, increase the allowable fee for a medical
15 cannabis establishment registration certificate, and direct the Department of Health to promulgate
16 rules to increase the fee for a registration certificate.

17 **SB 46:** FOR AN ACT ENTITLED, An Act to authorize the disclosure of referral status by
18 Department of Human Services personnel.

19 **SB 71:** FOR AN ACT ENTITLED, An Act to remove a prohibition on the ability of law enforcement
20 and various governmental entities to inspect, search, seize, prosecute, or impose disciplinary action
21 on cannabis dispensaries, cultivation facilities, manufacturing facilities, and testing facilities.

22 **SB 87:** FOR AN ACT ENTITLED, An Act to revise provisions related to the State Board of Medical
23 and Osteopathic Examiners and its appointed professional councils.

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

25 **SB 73:** FOR AN ACT ENTITLED, An Act to provide that the presiding officer of the Senate is
26 required to sign each enrolled bill.

27 **SB 76:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the appointment of
28 vacant positions on a board or commission.

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

30 **SB 78:** FOR AN ACT ENTITLED, An Act to provide for an E15 fuel tax refund.

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

1

SECOND READING OF CONSENT CALENDAR ITEMS

2

Rep. Mulally requested that **HB 1088** be removed from the Consent Calendar.

3

4

HB 1091: FOR AN ACT ENTITLED, An Act to enact the Interstate Insurance Product Regulation Commission.

5

6

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

7

8

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

9

10

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

11

12

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

13

14

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

15

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

16

Were read the second time.

17

The question being "Shall **HB 1091** pass as amended, and **SB 2, 3, 19, 21, 23, and 33** pass?"

18

And the roll being called:

19

Yeas 67, Nays 1, Excused 1, Absent 0

20

21

22

23

24

25

26

Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, 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), 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

27

Nays: Overweg

28

Excused: Donnell

29

30

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.

31

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

32

33

HB 1038: FOR AN ACT ENTITLED, An Act to exclude certain habitual DUI offenders from eligibility for presumptive probation.

34

Was read the second time.

1 Rep. Fitzgerald moved that **HB 1038** be amended as follows:

2 1038B

3 On page 1, line 9, of the House Judiciary Engrossed bill, after "24-2-14(1)," insert " 32-23-4,
4 32-23-4. 6,"

5 On page 1, line 10, of the House Judiciary Engrossed bill, after "probation" delete ", and any
6 mandatory minimum sentence under chapter 32-23, as applicable"

7 Which motion lost.

8 The question being "Shall **HB 1038** pass as amended?"

9 And the roll being called:

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

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

18 Excused: Donnell

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

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

23 Was read the second time.

24 Rep. Deutsch moved that **HB 1076** be amended as follows:

25 1076E

26 On page 1, line 1, of the Introduced bill, delete "clarify " and insert "require the consideration
27 of the definition of "

28 On page 1, line 1, of the Introduced bill, delete " as an" and insert " when investigating"

29 On page 1, line 1, of the Introduced bill, delete " practice" and insert " practices"

30 On page 1, line 4, of the Introduced bill, after "SECTION:" delete "It is a violation of this chapter
31 if any adverse or unequal treatment prohibited by this chapter is antisemitic."

32 Which motion prevailed.

33 The question being "Shall **HB 1076** pass as amended?"

34 And the roll being called:

35 Yeas 53, Nays 14, Excused 2, Absent 0

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

7 Nays: Auch, Aylward, Drury, Emery, Hansen, Karr, Krohmer, Krull, May, Mills, Odenbach,
 8 Overweg, Schaeftbauer, and Soye

9 Excused: Donnell and Mulally

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 1069:** FOR AN ACT ENTITLED, An Act to permit the display of campaign signs in
 13 municipalities in conjunction with the beginning of absentee voting.

14 Was read the second time.

15 The question being "Shall **HB 1069** pass as amended?"

16 And the roll being called:

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

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

25 Excused: Donnell and Mulally

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

28 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

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

31 Was read the second time.

32 Rep. Odenbach moved that **SB 39** be amended as follows:

33 39A

34 On page 1, line 6, of the Introduced bill, after "lawful" delete the colon

35 On page 1, line 7, of the Introduced bill, delete "(1) Possession" and insert " possession"

36 On page 1, line 8, of the Introduced bill, after "ammunition" delete "; or"

37 On page 1, line 9, of the Introduced bill, after "or" delete "(2) Discharge of a firearm"

1 Rep. Soye requested a roll call vote.

2 Which request was supported.

3 And the roll being called:

4 Yeas 29, Nays 39, Excused 1, Absent 0

5 Yeas: Auch, DeGroot, Derby, Duba, Duffy, Emery, Healy, Heermann, Jensen (Phil), Karr, Kull,
6 Ladner, Lems, Lesmeister, May, Mills, Moore, Nelson, Odenbach, Pourier, Randolph, Sjaarda, Soye,
7 Stevens, Teunissen, Tordsen, Wangsness, Weisgram, and Wittman

8 Nays: Arlint, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Deutsch, Drury,
9 Fitzgerald, Gross, Hansen, Jamison, Jensen (Kevin), Kassin, Koth, Krohmer, Krull, Massie,
10 Mortenson, Mulally, Mulder, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue),
11 Pinnow, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, St. John, Venhuizen,
12 and Speaker Bartels

13 Excused: Donnell

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

16 The question being "Shall **SB 39** pass?"

17 And the roll being called:

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

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

25 Nays: Healy, Lesmeister, Mulally, Nelson, Odenbach, Pourier, and Wittman

26 Excused: Donnell

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

31 Was read the second time.

32 The question being "Shall **SB 24** pass?"

33 And the roll being called:

34 Yeas 60, Nays 8, Excused 1, Absent 0

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

7 Nays: Emery, Healy, Jensen (Phil), Mulally, Nelson, Poirier, Randolph, and Wittman

8 Excused: Donnell

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 **SIGNING OF BILLS**

12 The Speaker publicly read the title to

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

15 And signed the same in the presence of the House.

16 **COMMEMORATIONS**

17 **HC 8007:** A LEGISLATIVE COMMEMORATION, Recognizing and expressing gratitude for fifty
18 years of prudent and reliable financial stewardship of the state pension program by the South Dakota
19 Retirement System.

20 Introduced by: **Representatives** Bartels, Bahmuller, Blare, Callies, Cammack, Chaffee,
21 DeGroot, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Heermann, Jamison, Koth, Krull, Kull, Lems,
22 Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Perry, Pinnow, Reimer, Reisch, Sauder,
23 Schneider, Sjaarda, Soye, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and
24 Wittman and **Senators** Bolin, Crabtree, Hunhoff, Johnson, Novstrup, Reed, Schoenbeck, Stalzer,
25 Wiik, and Zikmund.

26 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:32 p.m.
27 the House adjourned.

28 Patricia Miller, Chief Clerk