

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

TWELFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 25, 2024

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker Pro Tempore presiding.

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by House page Daniela Lee.

Roll Call: All members present except Rep. May 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 11th 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 Committee on Legislative Procedure respectfully reports that **HB 1019** was delivered to
4 her Excellency, the Governor, for her approval at 8:58 a.m., January 25, 2024.

5

6

Respectfully submitted,
Hugh M. Bartels, Chair

7 MR. SPEAKER:

8 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
9 Enrolling has carefully compared **HB 1005, 1018, 1033, and 1041** and finds the same correctly
10 enrolled.

11

12

Respectfully submitted,
Hugh M. Bartels, Chair

13 MR. SPEAKER:

14 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
15 consideration **HB 1067** and returns the same with the recommendation that said bill do pass.

16 Also MR. SPEAKER:

17 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
18 consideration **HB 1007** and returns the same with the recommendation that said bill do pass, and
19 having been certified as uncontested, be placed on the consent calendar.

20 Also MR. SPEAKER:

21 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
22 consideration **HB 1008** and returns the same with the recommendation that said bill be amended
23 as follows:

24

1008A

25 On page 1, line 20, of the Introduced bill, after "tribe" insert " located wholly or partially within
26 the state"

27 And that as so amended, **HB 1008** do pass.

28 Also MR. SPEAKER:

29 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
30 consideration **HB 1082** and returns the same with the recommendation that said bill be amended
31 as follows:

32

1082A

33 On page 1, line 5, of the Introduced bill, after "hundred" delete " fifty"

1 On page 2, line 2, of the Introduced bill, after "hundred" delete " fifty"

2 And that as so amended, **HB 1082** do pass.

3 Respectfully submitted,
4 Tim Reisch, Chair

5 MR. SPEAKER:

6 The Committee on House Health and Human Services respectfully reports that it has had under
7 consideration **HB 1081** which was tabled.

8 Also MR. SPEAKER:

9 The Committee on House Health and Human Services respectfully reports that it has had under
10 consideration **HB 1097** and returns the same with the recommendation that said bill be amended
11 as follows:

12 1097C

13 On page 1, line 1, of the Introduced bill, delete " services" and insert " operators"

14 On page 1, line 4, of the Introduced bill, delete " service " and insert "operator "

15 On page 1, line 8, of the Introduced bill, delete " service " and insert "operator "

16 On page 1, line 11, of the Introduced bill, delete " service" and insert " operator"

17 On page 1, line 11, of the Introduced bill, delete " service's " and insert "operator's "

18 On page 1, line 11, of the Introduced bill, delete " a non-emergent" and insert " the"

19 On page 1, line 15, of the Introduced bill, after "transfer;" insert " and"

20 On page 1, line 16, of the Introduced bill, delete " use of an " and insert " operator is unable
21 to use the operator's "

22 On page 1, line 16, of the Introduced bill, delete "is precluded" and insert " to transport the
23 patient"

24 On page 1, line 17, of the Introduced bill, delete " issues" and insert " problems"

25 On page 1, line 18, of the Introduced bill, delete "Weather issues" and insert " Inclement
26 weather conditions"

27 On page 1, line 18, of the Introduced bill, after "issues" delete "; and"

28 On page 1, line 19, of the Introduced bill, after "and" delete "(3) The area's primary ambulance
29 service provider is first given the opportunity to transport the patient and is unable to begin the
30 transport:

31 (a) Within thirty minutes; or

32 (b) Within the period of time approved by the patient's attending medical practitioner"

33 And that as so amended, **HB 1097** do pass.

1 Also MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under
3 consideration **HB 1117** 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 Kevin D. Jensen, Chair

7 MR. SPEAKER:

8 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
9 under consideration **HB 1128** and returns the same with the recommendation that said bill be
10 amended as follows:

11 1128A

12 On page 1, line 5, of the Introduced bill, after "a" delete " zoning"

13 On page 1, line 5, of the Introduced bill, delete " purpose of local permitting" and insert "
14 implementation of a zoning ordinance requirement"

15 On page 1, line 17, of the Introduced bill, after "Deeds" insert " on the legal description of the
16 property in"

17 On page 1, line 17, of the Introduced bill, after "Deeds" delete " of"

18 And that as so amended, **HB 1128** do pass.

19 Also MR. SPEAKER:

20 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
21 under consideration **SB 56** which was tabled.

22 Respectfully submitted,
23 Roger Chase, Chair

24 MR. SPEAKER:

25 The Committee on House Transportation respectfully reports that it has had under
26 consideration **SB 60** and returns the same with the recommendation that said bill do pass.

27 Also MR. SPEAKER:

28 The Committee on House Transportation respectfully reports that it has had under
29 consideration **SB 59** and returns the same with the recommendation that said bill do pass, and
30 having been certified as uncontested, be placed on the consent calendar.

31 Respectfully submitted,
32 Rocky Blare, Chair

33 MR. SPEAKER:

34 The Committee on House Local Government respectfully reports that it has had under
35 consideration **HB 1102 and 1103** which were deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House Local Government respectfully reports that it has had under
3 consideration **HB 1105** which was tabled.

4 Also MR. SPEAKER:

5 The Committee on House Local Government respectfully reports that it has had under
6 consideration **HB 1124** 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.

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Respectfully submitted,
Becky J. Drury, Chair

10 **MESSAGES FROM THE SENATE**

11 MR. SPEAKER:

12 I have the honor to return herewith **HB 1015, 1030, 1033, and 1041** which have passed the
13 Senate without change.

14 Also MR. SPEAKER:

15 I have the honor to transmit herewith **SB 5, 18, and 88** which have passed the Senate and
16 your favorable consideration is respectfully requested.

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18

Respectfully,
Peggy Laurenz, Secretary

19 **MOTIONS AND RESOLUTIONS**

20 **HCR 6009:** A CONCURRENT RESOLUTION, Condemning Rape as a tactic of war.

21 Introduced by: **Representative** Jensen (Phil)

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

23 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

25 Judiciary on **HB 1023** as found on page 162 of the House Journal be adopted.

26 Which motion prevailed and the report was adopted.

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

28 **HB 1145:** FOR AN ACT ENTITLED, An Act to modify brand registration and use laws.

29 Introduced by: **Representative** Cammack

1 **HB 1148:** FOR AN ACT ENTITLED, An Act to require legislative authorization for the
2 construction of new campgrounds and additional camping sites.

3 Introduced by: **Representative** Ladner

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

5 **HB 1147:** FOR AN ACT ENTITLED, An Act to address discriminatory acts against entities
6 participating in a 340B drug pricing program.

7 Introduced by: **Representative** Stevens

8 **HB 1169:** FOR AN ACT ENTITLED, An Act to prohibit the manufacturing, delivering,
9 distributing, and selling of food containing specified substances.

10 Introduced by: **Representative** Jensen (Phil)

11 **HB 1170:** FOR AN ACT ENTITLED, An Act to allow a licensed distiller to sell and ship distilled
12 spirits directly to a consumer.

13 Introduced by: **Representative** Jensen (Phil)

14 **HB 1183:** FOR AN ACT ENTITLED, An Act to modernize the process for annual audits of third-
15 party insurance administrators.

16 Introduced by: **Representative** Auch

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

18 **HB 1156:** FOR AN ACT ENTITLED, An Act to make an appropriation to enhance the economic
19 health of South Dakota.

20 Introduced by: **Representative** Derby

21 **HB 1157:** FOR AN ACT ENTITLED, An Act to make an appropriation for the economic
22 development of South Dakota.

23 Introduced by: **Representative** Derby

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

25 **HB 1159:** FOR AN ACT ENTITLED, An Act to transfer the Office of Indian Education to the
26 Department of Education.

27 Introduced by: **Representative** Emery

28 **HB 1165:** FOR AN ACT ENTITLED, An Act to institute procedures for addressing the bullying
29 of a student.

30 Introduced by: **Representative** Jensen (Phil)

1 **HB 1187:** FOR AN ACT ENTITLED, An Act to create a one-year career and technical education
2 instructor educator permit.

3 Introduced by: **Representative** Sauder

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

5 **HB 1144:** FOR AN ACT ENTITLED, An Act to provide for the study of the Community, Hope,
6 Opportunity, Independence, Careers, Empowerment, Success waiver program and to provide an
7 appropriation therefor.

8 Introduced by: **Representative** Heermann

9 **HB 1146:** FOR AN ACT ENTITLED, An Act to regulate the sale of certain cannabis-infused
10 beverages.

11 Introduced by: **Representative** Mulder

12 **HB 1166:** FOR AN ACT ENTITLED, An Act to clarify determinations regarding the wearing of
13 facemasks.

14 Introduced by: **Representative** Jensen (Phil)

15 **HB 1167:** FOR AN ACT ENTITLED, An Act to clarify determinations regarding the injection of
16 a COVID-19 vaccine.

17 Introduced by: **Representative** Jensen (Phil)

18 **HB 1168:** FOR AN ACT ENTITLED, An Act to require the dispensing of drugs prescribed for an
19 off-label use during a public health emergency.

20 Introduced by: **Representative** Jensen (Phil)

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

22 **HB 1151:** FOR AN ACT ENTITLED, An Act to define and require active efforts for purposes of
23 preserving and reuniting families following instances of abuse or neglect.

24 Introduced by: **Representative** Pourier

25 **HB 1152:** FOR AN ACT ENTITLED, An Act to establish the crime of possession of a weapon or
26 tools with intent to commit theft and to provide a penalty therefor.

27 Introduced by: **Representative** Tordsen

28 **HB 1153:** FOR AN ACT ENTITLED, An Act to impose a reporting requirement regarding a lost
29 or stolen firearm and to provide a penalty therefor.

30 Introduced by: **Representative** Duba

31 **HB 1155:** FOR AN ACT ENTITLED, An Act to require the consideration of certain definitions
32 when investigating unfair or discriminatory practices.

33 Introduced by: **Representative** Nelson

1 **HB 1158:** FOR AN ACT ENTITLED, An Act to limit reliance upon secondary sources as
2 statements of law.

3 Introduced by: **Representative** Hansen

4 **HB 1174:** FOR AN ACT ENTITLED, An Act to require proper storage of a firearm and to provide
5 a penalty therefor.

6 Introduced by: **Representative** Duba

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

8 **HB 1149:** FOR AN ACT ENTITLED, An Act to allow for a vacation home establishment and
9 provide for municipal and county regulation thereof.

10 Introduced by: **Representative** Drury

11 **HB 1150:** FOR AN ACT ENTITLED, An Act to enable the exercise of control by local
12 governments over the presence and operation of medical marijuana establishments within their
13 jurisdictions.

14 Introduced by: **Representative** Gross

15 **HB 1162:** FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to time of
16 school district elections.

17 Introduced by: **Representative** Aylward

18 **HB 1164:** FOR AN ACT ENTITLED, An Act to require a school board to hold a bond election at
19 the primary election.

20 Introduced by: **Representative** Aylward

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

22 **HB 1154:** FOR AN ACT ENTITLED, An Act to establish the minimum age for marriage.

23 Introduced by: **Representative** Wittman

24 **HB 1160:** FOR AN ACT ENTITLED, An Act to modify and establish provisions regarding remote
25 sales tax and tribal tax agreements.

26 Introduced by: **Representative** Emery

27 **HB 1161:** FOR AN ACT ENTITLED, An Act to regulate the acceptance of a central bank digital
28 currency.

29 Introduced by: **Representative** Stevens

30 **HB 1163:** FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial
31 Code.

32 Introduced by: **Representative** Stevens

33 **HB 1171:** FOR AN ACT ENTITLED, An Act to improve child care in South Dakota.

34 Introduced by: **Representative** Karr

1 **HB 1172:** FOR AN ACT ENTITLED, An Act to prohibit the act of collusion during the
2 procurement process and provide a penalty therefor.

3 Introduced by: **Representative** Karr

4 **HB 1173:** FOR AN ACT ENTITLED, An Act to revise unemployment insurance contribution
5 rates.

6 Introduced by: **Representative** Karr

7 **HB 1175:** FOR AN ACT ENTITLED, An Act to allow for the permanent reduction of taxes in
8 South Dakota.

9 Introduced by: **Representative** Karr

10 **HB 1176:** FOR AN ACT ENTITLED, An Act to allow for changes to healthcare related provisions.

11 Introduced by: **Representative** Karr

12 **HB 1177:** FOR AN ACT ENTITLED, An Act to provide for the enhancement and improvement
13 of South Dakota.

14 Introduced by: **Representative** Karr

15 **HB 1178:** FOR AN ACT ENTITLED, An Act to prohibit the Board of Regents or any institution
16 under its control from using state resources for obscene live conduct.

17 Introduced by: **Representative** Karr

18 **HB 1179:** FOR AN ACT ENTITLED, An Act to make an appropriation to ensure South Dakota's
19 greatness.

20 Introduced by: **Representative** Karr

21 **HB 1180:** FOR AN ACT ENTITLED, An Act to require legislative approval for the purchase of
22 real property by the Department of Game, Fish and Parks.

23 Introduced by: **Representative** Karr

24 **HB 1181:** FOR AN ACT ENTITLED, An Act to increase the number of years the discretionary
25 formula may be applied to a structure, and to allow for the individual application of the discretionary
26 formula for a structure.

27 Introduced by: **Representative** Chase

28 **HB 1182:** FOR AN ACT ENTITLED, An Act to revise provisions pertaining to the observation of
29 the conduct of an election.

30 Introduced by: **Representative** Chaffee

31 **HB 1184:** FOR AN ACT ENTITLED, An Act to require the Department of Social Services and
32 the Department of Education to apply for and administer the summer electronic benefit transfer for
33 children program, to make an appropriation therefore, and to declare an emergency.

34 Introduced by: **Representative** Duba

1 **HB 1185:** FOR AN ACT ENTITLED, An Act to amend provisions regarding entry on private
2 property for examination and survey of a project requiring a siting permit.

3 Introduced by: **Representative** Mortenson

4 **HB 1186:** FOR AN ACT ENTITLED, An Act to define the requirements for granting a carbon
5 pipeline easement.

6 Introduced by: **Representative** Mortenson

7 **HB 1188:** FOR AN ACT ENTITLED, An Act to revise the process by which a legislative vacancy
8 is filled.

9 Introduced by: **Representative** Mulally

10 **HB 1189:** FOR AN ACT ENTITLED, An Act to prohibit the use of public funds for campaigning
11 or other partisan activity.

12 Introduced by: **Representative** Mulally

13 **HB 1190:** FOR AN ACT ENTITLED, An Act to establish public use criteria for purposes of
14 condemnation proceedings.

15 Introduced by: **Representative** Odenbach

16 **HJR 5002:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
17 election an amendment to the Constitution of the State of South Dakota revising the process by
18 which a legislative vacancy is filled.

19 Introduced by: **Representative** Mulally

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

21 The following bills were read on January 24, 2024, and today the Speaker assigned these bills
22 to committee:

23 **HB 1140, 1141, 1142, and 1143** were referred to the Committee on State Affairs.

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

25 **SB 88:** FOR AN ACT ENTITLED, An Act to provide information to an injured employee about
26 eligibility in a program offered by a nonprofit organization.

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

28 **SB 5:** FOR AN ACT ENTITLED, An Act to reduce the amount of time required before the removal
29 of a city manager is effective.

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

31 **SB 18:** FOR AN ACT ENTITLED, An Act to allow the secretary of state to share information
32 from the statewide voter registration file.

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

1

SECOND READING OF CONSENT CALENDAR ITEMS

2

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

3

4

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.

5

6

Were read the second time.

7

The question being "Shall **HB 1083** pass as amended, and **HB 1096** pass?"

8

And the roll being called:

9

Yeas 68, Nays 0, Excused 1, Absent 0

10

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, Mills, Moore, Mortenson, Mulally, 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

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Excused: May

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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.

19

20

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

21

Rep. Karr requested a fiscal note on **HB 1092**.

22

Which request was supported.

23

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

24

25

Was read the second time.

26

The question being "Shall **HB 1123** pass?"

27

And the roll being called:

28

Yeas 41, Nays 27, Excused 1, Absent 0

29

Yeas: Arlint, Aylward, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Lesmeister, Massie, Mortenson, Mulder, Nelson, Peterson (Drew), Pinnow, Rehfeldt, Reimer, Schneider, Shorma, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and Wittman

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Nays: Auch, Bahmuller, Fitzgerald, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Ladner, Lems, Mills, Moore, Mulally, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Sue), Pourier, Randolph, Reisch, Sauder, Schaeftbauer, Sjaarda, Soye, and Speaker Bartels

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36

1 Excused: May

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

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

6 Was read the second time.

7 The question being "Shall **HB 1095** pass?"

8 And the roll being called:

9 Yeas 43, Nays 25, Excused 1, Absent 0

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

15 Nays: Auch, Aylward, Emery, Gross, Hansen, Healy, Jensen (Kevin), Jensen (Phil), Karr,
16 Krohmer, Krull, Ladner, Lems, Mills, Moore, Mulally, Nelson, Odenbach, Overweg, Peterson (Sue),
17 Pourier, Randolph, Schaeftbauer, Sjaarda, and Soye

18 Excused: May

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 Speaker Bartels now presiding.

22 Rep. Mortenson moved that the balance of the calendar including **SB 38, 41, and 54** be
23 deferred to Monday, January 29, 2024, the 13th legislative day.

24 Which motion prevailed.

25 **SIGNING OF BILLS**

26 The Speaker publicly read the title to

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

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

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

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

