

# *JOURNAL OF THE HOUSE*

## *NINETY-NINTH SESSION*

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THIRTEENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, January 29, 2024

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

The prayer was offered by the Chaplain, Sam Handschke, followed by the Pledge of Allegiance led by House pages Christina Messerli and Katherine Palmer.

Roll Call: All members present except Reps. May, Peterson (Drew), and St. John 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 12th 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

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**COMMUNICATIONS AND PETITIONS**

2 January 29, 2024

3 The Honorable Hugh Bartels  
4 Speaker of the House  
5 South Dakota House of Representatives

6 Dear Mr. Speaker,

7 I write to you to request a joint session of the South Dakota legislature under joint rule 16-2  
8 to provide a briefing on the warzone at our nation's Southern Border.

9 I will address the joint session of the legislature on the current situation at the border and the  
10 potential South Dakota response.

11 Because of the dire situation, it is pertinent that we have this conversation quickly. I am  
12 requesting this joint session to take place on Wednesday, January 31, 2024, at 2 pm CT. Thank you  
13 for your consideration. I look forward to working with you to keep South Dakotans, Texans, and all  
14 Americans safe.

15  
16  
17

Sincerely,  
Kristi Noem  
Governor

18

**REPORTS OF STANDING COMMITTEES**

19 MR. SPEAKER:

20 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
21 Enrolling has carefully compared **HB 1006, 1011, 1013, 1015, 1026, 1030, 1051, 1063, and**  
22 **1068** and finds the same correctly enrolled.

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24

Respectfully submitted,  
Hugh M. Bartels, Chair

25 MR. SPEAKER:

26 The Committee on House Commerce and Energy respectfully reports that it has had under  
27 consideration **HB 1126** and returns the same with the recommendation that said bill do pass, and  
28 having been certified as uncontested, be placed on the consent calendar.

29 Also MR. SPEAKER:

30 The Committee on House Commerce and Energy respectfully reports that it has had under  
31 consideration **HB 1136** and returns the same with the recommendation that said bill do pass.

32 Also MR. SPEAKER:

33 The Committee on House Commerce and Energy respectfully reports that it has had under  
34 consideration **HB 1139** which was deferred to the 41st Legislative Day.

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36

Respectfully submitted,  
Mike Weisgram, Chair

1 MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration  
3 **HB 1116** and returns the same with the recommendation that said bill do pass, and having been  
4 certified as uncontested, be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on House Judiciary respectfully reports that it has had under consideration  
7 **HB 1133** which was deferred to the 41st Legislative Day.

8 Respectfully submitted,  
9 Jon Hansen, Chair

10 MR. SPEAKER:

11 The Committee on House State Affairs respectfully reports that it has had under consideration  
12 **HB 1154** which was deferred to the 41st Legislative Day.

13 Also MR. SPEAKER:

14 The Committee on House State Affairs respectfully reports that it has had under consideration  
15 **HB 1160, 1171, 1175, 1176, 1177, and 1179** which were tabled.

16 Also MR. SPEAKER:

17 The Committee on House State Affairs respectfully reports that it has had under consideration  
18 **HB 1185** with the recommendation that said bill be referred to the Committee on Commerce and  
19 Energy.

20 Also MR. SPEAKER:

21 The Committee on House State Affairs respectfully reports that it has had under consideration  
22 **HB 1186** with the recommendation that said bill be referred to the Committee on Commerce and  
23 Energy.

24 Also MR. SPEAKER:

25 The Committee on House State Affairs respectfully reports that it has had under consideration  
26 **HB 1190** with the recommendation that said bill be referred to the Committee on Commerce and  
27 Energy.

28 Also MR. SPEAKER:

29 The Committee on House State Affairs respectfully reports that it has had under consideration  
30 **SB 17** and returns the same with the recommendation that said bill do pass.

31 Respectfully submitted,  
32 Will Mortenson, Chair

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**MESSAGES FROM THE SENATE**

2 MR. SPEAKER:

3 I have the honor to transmit herewith **SB 9, 79, and 89, and SJR 501** which have passed  
4 the Senate and your favorable consideration is respectfully requested.

5 Also MR. SPEAKER:

6 I have the honor to return herewith **HB 1051, 1063, and 1068** which have passed the Senate  
7 without change.

8

9

Respectfully,  
Peggy Laurenz, Secretary

10

**CONSIDERATION OF REPORTS OF COMMITTEES**

11

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

12

Health and Human Services on **HB 1097** as found on page 171 of the House Journal; also

13

Agriculture and Natural Resources on **HB 1128** as found on page 172 of the House Journal;

14

and

15

Military and Veterans Affairs on **HB 1008 and 1082** as found on page 170 of the House Journal  
16 be adopted.

17

Which motion prevailed and the reports were adopted.

18

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

19

**HB 1193:** FOR AN ACT ENTITLED, An Act to provide that required siting permits be filed with  
20 condemnation petitions.

21

Introduced by: **Representative** Blare

22

**HB 1196:** FOR AN ACT ENTITLED, An Act to streamline the process by which an on-sale retail  
23 license holder may acquire a special event license.

24

Introduced by: **Representative** Jamison

25

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

26

**HB 1197:** FOR AN ACT ENTITLED, An Act to require the publication of measures taken to  
27 restrict the access of obscene materials by minors.

28

Introduced by: **Representative** Stevens

29

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

1 **HB 1192:** FOR AN ACT ENTITLED, An Act to allow for the death penalty for rape of a child  
2 twelve years of age or under.

3 Introduced by: **Representative** Krohmer

4 **HB 1195:** FOR AN ACT ENTITLED, An Act to provide authority for a court to order offenders  
5 convicted of vehicular homicide to pay restitution in the form of child support.

6 Introduced by: **Representative** Wittman

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

8 **HB 1194:** FOR AN ACT ENTITLED, An Act to clarify provisions pertaining to tax increment  
9 finance districts.

10 Introduced by: **Representative** Pinnow

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

12 **HB 1191:** FOR AN ACT ENTITLED, An Act to require an official declaration of war or other  
13 Congressional action before the South Dakota National Guard may be deployed by the federal  
14 government.

15 Introduced by: **Representative** Aylward

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

17 **HB 1198:** FOR AN ACT ENTITLED, An Act to revise the process for nominating candidates for  
18 the offices of lieutenant governor, attorney general, and secretary of state.

19 Introduced by: **Representative** Tordsen

20 **HB 1200:** FOR AN ACT ENTITLED, An Act to increase the minimum fee required with an  
21 application for construction of an energy conversion and transmission facility.

22 Introduced by: The Committee on State Affairs

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

24 **HB 1199:** FOR AN ACT ENTITLED, An Act to repeal certain provisions of the Uniform  
25 Commercial Code.

26 Introduced by: **Representative** Auch

27 Was read the first time.

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

29 **SB 89:** FOR AN ACT ENTITLED, An Act to reduce the notice requirement period to terminate a  
30 tenancy at will.

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

1 **SB 9:** FOR AN ACT ENTITLED, An Act to further limit applications for clemency for violent crime  
2 offenders sentenced to life imprisonment.

3 **SB 79:** FOR AN ACT ENTITLED, An Act to revise provisions related to the possession,  
4 distribution, and manufacture of child pornography.

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

6 **SJR 501:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
7 election, an amendment to the Constitution of the State of South Dakota, authorizing the state to  
8 impose work requirements on certain individuals who are eligible for expanded Medicaid.

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

## 10 **SECOND READING OF CONSENT CALENDAR ITEMS**

11 **HB 1007:** FOR AN ACT ENTITLED, An Act to amend the requirement to employ a county  
12 veterans' service officer.

13 **HB 1117:** FOR AN ACT ENTITLED, An Act to repeal a requirement for the filing of an annual  
14 report regarding prearranged funeral trust contracts.

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

17 **SB 59:** FOR AN ACT ENTITLED, An Act to provide for the downgrade of commercial driver  
18 licenses and commercial learners permits upon notice of certain drug and alcohol violations.

19 Were read the second time.

20 The question being "Shall **HB 1007, 1117, and 1124, and SB 59** pass?"

21 And the roll being called:

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

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

30 Excused: May, Peterson (Drew), and St. John

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

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

34 **HB 1023:** FOR AN ACT ENTITLED, An Act to provide immunity from liability for certain actions  
35 of the State Bar and its agents.

36 Was read the second time.

1 The question being "Shall **HB 1023** pass as amended?"

2 And the roll being called:

3 Yeas 48, Nays 17, Excused 4, Absent 0

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

9 Nays: Auch, Aylward, Donnell, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr, Krohmer,  
10 Lems, Mills, Mulally, Odenbach, Overweg, Perry, Randolph, and Sjaarda

11 Excused: May, Peterson (Drew), Soye, and St. John

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 1067**: FOR AN ACT ENTITLED, An Act to designate Medal of Honor Recognition Day.

15 Was read the second time.

16 The question being "Shall **HB 1067** pass?"

17 And the roll being called:

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

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

26 Excused: May, Peterson (Drew), and St. John

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

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

31 Was read the second time.

32 The question being "Shall **SB 54** pass?"

33 And the roll being called:

34 Yeas 37, Nays 29, Excused 3, Absent 0

1 Yeas: Auch, Aylward, Bahmuller, Blare, Callies, Chase, DeGroot, Derby, Donnell, Duba, Duffy,  
2 Emery, Gross, Healy, Jamison, Jensen (Kevin), Kassin, Koth, Krohmer, Kull, Ladner, Lesmeister,  
3 Mulally, Nelson, Overweg, Pinnow, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Sjaarda,  
4 Stevens, Teunissen, Weisgram, and Wittman

5 Nays: Arlint, Cammack, Chaffee, Deutsch, Drury, Fitzgerald, Hansen, Heermann, Jensen (Phil),  
6 Karr, Krull, Lems, Massie, Mills, Moore, Mortenson, Mulder, Odenbach, Otten (Ernie), Perry, Peterson  
7 (Sue), Pourier, Schaeffbauer, Shorma, Soye, Tordsen, Venhuizen, Wangsness, and Speaker Bartels

8 Excused: May, Peterson (Drew), and St. John

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 **SB 38:** FOR AN ACT ENTITLED, An Act to amend the amount a merchant or place of business  
12 may assess against returned checks.

13 Was read the second time.

14 The question being "Shall **SB 38** pass?"

15 And the roll being called:

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

17 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Derby,  
18 Deutsch, Drury, Duba, Duffy, Fitzgerald, Gross, Hansen, Heermann, Jamison, Kassin, Koth,  
19 Krohmer, Krull, Kull, Lesmeister, Massie, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach,  
20 Overweg, Perry, Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Sjaarda, Stevens,  
21 Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

22 Nays: DeGroot, Donnell, Emery, Healy, Jensen (Kevin), Jensen (Phil), Karr, Ladner, Lems,  
23 Mulally, Otten (Ernie), Peterson (Sue), Randolph, Schaeffbauer, Shorma, and Soye

24 Excused: May, Peterson (Drew), and St. John

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

27 **SB 41:** FOR AN ACT ENTITLED, An Act to modify an administrative procedure for revoking a  
28 nonresponsive insurance producer's license.

29 Was read the second time.

30 The question being "Shall **SB 41** pass?"

31 And the roll being called:

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

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



1 Excused: May, Peterson (Drew), and St. John

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 **SB 60:** FOR AN ACT ENTITLED, An Act to update references to certain regulations regarding  
5 medical qualifications for certain commercial drivers.

6 Was read the second time.

7 The question being "Shall **SB 60** pass?"

8 And the roll being called:

9 Yeas 65, Nays 1, Excused 3, Absent 0

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

17 Nays: Jensen (Phil)

18 Excused: May, Peterson (Drew), and St. John

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 **SIGNING OF BILLS**

22 The Speaker publicly read the title to

23 **HB 1006:** FOR AN ACT ENTITLED, An Act to increase the amount of time permitted the Interim  
24 Rules Review Committee to review final permanent rulemaking materials.

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

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

29 **HB 1015:** FOR AN ACT ENTITLED, An Act to adopt the social work licensure compact.

30 **HB 1026:** FOR AN ACT ENTITLED, An Act to clarify the requirement for the construction or  
31 expansion of a municipal campground or tourist accommodation facility.

32 **HB 1030:** FOR AN ACT ENTITLED, An Act to update statutory and regulatory references  
33 pertaining to water pollution.

34 **HB 1051:** FOR AN ACT ENTITLED, An Act to make technical changes to provisions regarding  
35 the compensation of agents.

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

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

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

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

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

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

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

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

16 **COMMEMORATIONS**

17 **HC 8009:** A LEGISLATIVE COMMEMORATION, Celebrating the South Dakota State University  
18 Jackrabbit football team winning a second consecutive NCAA Division I Football Championship  
19 Subdivision (FCS) National Championship.

20 Introduced by: **Representatives** Nelson, Aylward, Bahmuller, Blare, Callies, Drury, Duba,  
21 Emery, Gross, Koth, Krohmer, Krull, Lesmeister, Overweg, Perry, Pinnow, Pourier, Reisch,  
22 Schaeftbauer, Stevens, Venhuizen, Wangsness, Weisgram, and Wittman and **Senators** Deibert,  
23 Duhamel, Hunhoff, Kolbeck (Steve), Larson, Mehlhaff, Nesiba, Otten (Herman), and Reed.

24 **SC 804:** A LEGISLATIVE COMMEMORATION, Honoring the 2022-2023 Outstanding School  
25 Administrators of South Dakota: Dr. Jennifer Lowry, Tea School Superintendent; Darren Ellwein,  
26 Harrisburg Middle School Principal; Kathy Holter, Platte-Geddes School Business Official; Dr.  
27 Samantha Walder, Tea Elementary School Principal; Pete Wilson, Meade Secondary School Principal;  
28 Brady Sumners, Spearfish Assistant Middle School Principal; Ann Pettit, Douglas Curriculum Leader;  
29 and Mischelle Slaba, Wagner Director of Special Education.

30 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:25 p.m.  
31 the House adjourned.

32 Patricia Miller, Chief Clerk