

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 01, 2024

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House page Evelyn Torberson.

Roll Call: All members present except Reps. Duba and Kull 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 15th 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 31, 2024

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Mr. Speaker and Members of the House of Representatives:

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I have the honor to inform you that on January 31, 2024, I approved House Bills 1019 and 1041, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,

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Kristi Noem

8

Governor

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REPORTS OF STANDING COMMITTEES

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MR. SPEAKER:

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The Committee on Legislative Procedure respectfully reports that **HB 1003, 1004, 1020, 1031, 1035, 1050, 1055, and 1074** were delivered to her Excellency, the Governor, for her approval at 12:15 p.m., February 1, 2024.

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Respectfully submitted,

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Hugh M. Bartels, Chair

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MR. SPEAKER:

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The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1012, 1024, 1058, and 1059** and finds the same correctly enrolled.

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Respectfully submitted,

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Hugh M. Bartels, Chair

22

MR. SPEAKER:

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The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1115 and 1148** which were deferred to the 41st Legislative Day.

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25

Also MR. SPEAKER:

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The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1145** and returns the same with the recommendation that said bill do pass.

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28

Also MR. SPEAKER:

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The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 78** and returns the same with the recommendation that said bill be amended as follows:

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On page 1, line 16, of the Senate Commerce and Energy Engrossed bill, delete " ninety" and insert " thirty"

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1 On page 1, line 18, of the Senate Commerce and Energy Engrossed bill, delete " thirty" and
2 insert " ninety"

3 And that as so amended, **SB 78** do pass.

4 Respectfully submitted,
5 Roger Chase, Chair

6 MR. SPEAKER:

7 The Committee on House Health and Human Services respectfully reports that it has had under
8 consideration **HB 1099** and returns the same without recommendation.

9 Also MR. SPEAKER:

10 The Committee on House Health and Human Services respectfully reports that it has had under
11 consideration **SB 87** and returns the same with the recommendation that said bill do pass.

12 Respectfully submitted,
13 Kevin D. Jensen, Chair

14 MR. SPEAKER:

15 The Committee on House Local Government respectfully reports that it has had under
16 consideration **HB 1150** which was deferred to the 41st Legislative Day.

17 Also MR. SPEAKER:

18 The Committee on House Local Government respectfully reports that it has had under
19 consideration **HB 1194** and returns the same with the recommendation that said bill be amended
20 as follows:

21 1194A

22 On page 6, line 7, of the Introduced bill, delete " treasurer" and insert " auditor"

23 On page 6, line 10, of the Introduced bill, delete " treasurer" and insert " auditor"

24 On page 6, line 16, of the Introduced bill, after "any" insert " completed"

25 On page 6, line 16, of the Introduced bill, after "additions" delete ", completed or removed,"

26 And that as so amended, **HB 1194** do pass, and having been certified as uncontested, be
27 placed on the consent calendar.

28 Also MR. SPEAKER:

29 The Committee on House Local Government respectfully reports that it has had under
30 consideration **SB 5** and returns the same with the recommendation that said bill do pass, and having
31 been certified as uncontested, be placed on the consent calendar.

32 Respectfully submitted,
33 Becky J. Drury, Chair

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MESSAGES FROM THE SENATE

2 MR. SPEAKER:

3 I have the honor to return herewith **HB 1058 and 1059** which have passed the Senate without
4 change.

5 Also MR. SPEAKER:

6 I have the honor to transmit herewith **SB 117** which has passed the Senate and your favorable
7 consideration is respectfully requested.

8

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Respectfully,
Peggy Laurenz, Secretary

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MOTIONS AND RESOLUTIONS11 Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
12 Friday, February 2, 2024, the 17th legislative day.

13 Which motion prevailed.

14 **HCR 6011**: A CONCURRENT RESOLUTION, Urging the Bureau of Indian Affairs (BIA) law
15 enforcement to establish a law enforcement training academy in South Dakota.

16 Was read the second time.

17 Rep. Blare moved that **HCR 6011** as found on page 210 of the House Journal be adopted.18 The question being on Rep. Blare's motion that **HCR 6011** be adopted.

19 And the roll being called:

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

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

28 Excused: Duba and Kull

29 So the motion having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the motion carried and **HCR 6011** was adopted.

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CONSIDERATION OF REPORTS OF COMMITTEES

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

3

Commerce and Energy on **HB 1196** as found on page 208 of the House Journal; and

4

State Affairs on **SB 35** as found on page 207 of the House Journal be adopted.

5

Which motion prevailed and the reports were adopted.

6

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

7

The following bills and resolution were read on January 31, 2024, and today the Speaker assigned these bills and resolution to committees:

9

HB 1252 was referred to the Committee on Agriculture and Natural Resources.

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HB 1246, 1256, and 1258 were referred to the Committee on Commerce and Energy.

11

HB 1250 and 1253 were referred to the Committee on Education.

12

HB 1248 and HCR 6012 were referred to the Committee on Health and Human Services.

13

HB 1245, 1254, and 1257 were referred to the Committee on Judiciary.

14

HB 1251 was referred to the Committee on Local Government.

15

HB 1249 was referred to the Committee on State Affairs.

16

HB 1255 was referred to the Committee on Taxation.

17

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

18

SB 117: FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp.

19

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

20

SECOND READING OF CONSENT CALENDAR ITEMS

21

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

22

23

SB 26: FOR AN ACT ENTITLED, An Act to clarify the membership of the Open Meeting Commission.

24

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SB 75: FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the designation of a legal newspaper.

26

27

Were read the second time.

28

The question being "Shall **SB 75** pass as amended, and **HB 1183, and SB 26** pass?"

1 And the roll being called:

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

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

10 Excused: Duba and Kull

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

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

14 **HB 1119:** FOR AN ACT ENTITLED, An Act to create a habitat conservation specialty plate and
15 emblem.

16 Was read the second time.

17 The question being "Shall **HB 1119** pass as amended?"

18 And the roll being called:

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

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

27 Nays: Lems, Mulally, and Soye

28 Excused: Duba and Kull

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

31 **HB 1120:** FOR AN ACT ENTITLED, An Act to provide special motor vehicle license plates for
32 advanced life support personnel and emergency medical technicians.

33 Was read the second time.

34 The question being "Shall **HB 1120** pass as amended?"

35 And the roll being called:

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

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

8 Excused: Duba and Kull

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

13 Was read the second time.

14 The question being "Shall **HB 1130** pass as amended?"

15 And the roll being called:

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

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

24 Excused: Duba and Kull

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

29 Was read the second time.

30 The question being "Shall **HB 1132** pass as amended?"

31 And the roll being called:

32 Yeas 52, Nays 15, Excused 2, Absent 0

33 Yeas: Arlint, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,
34 Deutsch, Donnell, Drury, Duffy, Emery, Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth,
35 Krohmer, Krull, Ladner, Lesmeister, Massie, Mills, Moore, Mortenson, Mulder, Nelson, Otten (Ernie),
36 Perry, Peterson (Drew), Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma,
37 Sjaarda, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and
38 Speaker Bartels

39 Nays: Auch, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr, Lems, May, Mulally,
40 Odenbach, Overweg, Peterson (Sue), Randolph, Schaeftbauer, and Soye

1 Excused: Duba and Kull

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 1062:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to the
5 suppression of wildfires impacting the state and to declare an emergency.

6 Was read the second time.

7 The question being "Shall **HB 1062** pass?"

8 And the roll being called:

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

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

17 Excused: Duba and Kull

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

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

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

23 Was read the second time.

24 The question being "Shall **SB 27** pass as amended?"

25 And the roll being called:

26 Yeas 58, Nays 9, Excused 2, Absent 0

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

33 Nays: Aylward, Bahmuller, Chaffee, Emery, Fitzgerald, Massie, Nelson, Pourier, and Reimer

34 Excused: Duba and Kull

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

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SIGNING OF BILLS

The Speaker publicly read the title to

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

HB 1024: FOR AN ACT ENTITLED, An Act to require that an application for a medical marijuana registry identification card include a notice of federal law regarding firearms and the unlawful use of a controlled substance.

HB 1058: FOR AN ACT ENTITLED, An Act to modify agency reporting requirements on licensure, certification, job placements, and the labor market.

HB 1059: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding insurance holding companies.

SJR 502: A JOINT RESOLUTION, Providing legislative approval for a future use water permit application by the Lewis and Clark Regional Water System.

And signed the same in the presence of the House.

Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:03 p.m. the House adjourned.

Patricia Miller, Chief Clerk

