

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

SEVENTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, February 02, 2024

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House page Raelie Williams.

Roll Call: All members present except Reps. Duba, Krull, 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 16th 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 HOUSE PAGE RESOLUTION 2 Introduced by: Representatives Arlint; Auch; Aylward;
 2 Bahmuller; Bartels; Blare; Callies; Cammack; Chaffee; Chase; DeGroot; Derby; Deutsch; Donnell;
 3 Drury; Duba; Duffy; Emery; Fitzgerald; Gross; Hansen; Healy; Heermann; Jamison; Jensen, Kevin;
 4 Jensen, Phil; Karr; Kassin; Koth; Krohmer; Krull; Kull; Ladner; Lems; Lesmeister; Massie; May;
 5 Mills; Moore; Mortenson; Mulally; Mulder; Nelson; Odenbach; Otten, Ernie; Overweg; Perry;
 6 Peterson, Drew; Peterson, Sue; Pinnow; Pourier; Randolph; Rehfeldt; Reimer; Reisch; Sauder;
 7 Schaeftbauer; Schneider; Shorma; Sjaarda; Soye; St. John; Stevens; Teunissen; Tordsen;
 8 Venhuizen; Wangsness; Weisgram; Wittman

9 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of
 10 the Ninety-ninth Legislature of the State of South Dakota to Gunnar Albertsen, Ava Brown, Kate
 11 Hamilton, Nicolette Hoffman, Mariela Hyzer, Daniela Lee, Christina Messerli, Katherine Palmer, Claire
 12 Pearman, Tristen Petrik, Kendra Saylor, Evelyn Torberson, and Raelie Williams.

13 WHEREAS, the above named served loyally as pages for the House of Representatives of the
 14 Ninety-ninth Legislative Session; and

15 WHEREAS, the members of the Ninety-ninth House of Representatives express their most
 16 sincere appreciation to these young people for their service to the state; and

17 WHEREAS, the members extend to these young people their wishes for every success in life:

18 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-ninth
 19 Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified
 20 and furnished to each page on this last day of service.

21 Rep. Cammack moved that House Page Resolution 2 be adopted.

22 Which motion prevailed and the resolution was adopted.

23 REPORTS OF STANDING COMMITTEES

24 MR. SPEAKER:

25 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
 26 Enrolling has carefully compared **HB 1017, 1046, 1047, and 1101** and finds the same correctly
 27 enrolled.

28 Respectfully submitted,
 29 Hugh M. Bartels, Chair

30 MR. SPEAKER:

31 The Committee on House State Affairs respectfully reports that it has had under consideration
 32 **HB 1163** and returns the same with the recommendation that said bill do pass.

33 Also MR. SPEAKER:

34 The Committee on House State Affairs respectfully reports that it has had under consideration
 35 **HB 1161** and returns the same with the recommendation that said bill do pass, and having been
 36 certified as uncontested, be placed on the consent calendar.

37 Also MR. SPEAKER:

38 The Committee on House State Affairs respectfully reports that it has had under consideration
 39 **HB 1184** with the recommendation that said bill be referred to the Committee on Education.

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration
3 **HB 1180** with the recommendation that said bill be referred to the Committee on Agriculture and
4 Natural Resources.

5 Also MR. SPEAKER:

6 The Committee on House State Affairs respectfully reports that it has had under consideration
7 **HB 1200** and returns the same with the recommendation that said bill be amended as follows:

8 1200A

9 On page 1, line 19, of the Introduced bill, delete " service" and insert " serve"

10 And that as so amended, **HB 1200** do pass.

11 Respectfully submitted,
12 Will Mortenson, Chair

13 MR. SPEAKER:

14 The Committee on House Education respectfully reports that it has had under consideration
15 **HB 1134** which was deferred to the 41st Legislative Day.

16 Also MR. SPEAKER:

17 The Committee on House Education respectfully reports that it has had under consideration
18 **HB 1165** which was tabled.

19 Also MR. SPEAKER:

20 The Committee on House Education respectfully reports that it has had under consideration
21 **HB 1187** and returns the same with the recommendation that said bill be amended as follows:

22 1187A

23 On page 1, line 7, of the Introduced bill, after "of" delete " a high school diploma or its
24 equivalent and has"

25 On page 1, line 8, of the Introduced bill, delete " in a related CTE field," and insert " or has a
26 high school diploma or its equivalent and"

27 On page 1, line 9, of the Introduced bill, after "field" delete " in the three years immediately
28 preceding the application,"

29 And that as so amended, **HB 1187** do pass.

30 Respectfully submitted,
31 Mike Stevens, Chair

32 MR. SPEAKER:

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

1 Also MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under
3 consideration **SB 57** and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on House Commerce and Energy respectfully reports that it has had under
6 consideration **SB 88** 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.

8 Respectfully submitted,
9 Mike Weisgram, Chair

10 MR. SPEAKER:

11 The Committee on House Judiciary respectfully reports that it has had under consideration
12 **HB 1192** and returns the same with the recommendation that said bill be amended as follows:

13 1192A

14 On page 1, line 20, of the Introduced bill, delete " A" and insert " B"

15 1192E

16 On the previously adopted amendment (1192A), On page 1, line 1, delete "allow for the death
17 penalty " and insert "enhance the penalty "

18 And that as so amended, **HB 1192** do pass.

19 Also MR. SPEAKER:

20 The Committee on House Judiciary respectfully reports that it has had under consideration
21 **HB 1195** and returns the same with the recommendation that said bill be amended as follows:

22 1195A

23 On page 1, line 25, of the Introduced bill, delete " three" and insert " thirty"

24 And that as so amended, **HB 1195** do pass.

25 Also MR. SPEAKER:

26 The Committee on House Judiciary respectfully reports that it has had under consideration
27 **SB 12** and returns the same with the recommendation that said bill do pass.

28 Also MR. SPEAKER:

29 The Committee on House Judiciary respectfully reports that it has had under consideration
30 **SB 79** and returns the same with the recommendation that said bill do pass, and having been
31 certified as uncontested, be placed on the consent calendar.

32 Respectfully submitted,
33 Jon Hansen, Chair

1

MESSAGES FROM THE SENATE

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MR. SPEAKER:

3

I have the honor to return herewith **HB 1017, 1046, 1047, and 1101** which have passed the Senate without change.

4

5

Also MR. SPEAKER:

6

I have the honor to transmit herewith **SB 44, 58, 77, 85, 108, and 111** which have passed the Senate and your favorable consideration is respectfully requested.

7

8

Respectfully,

9

Peggy Laurenz, Secretary

10

CONSIDERATION OF REPORTS OF COMMITTEES

11

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

12

Local Government on **HB 1194** as found on page 225 of the House Journal; and

13

Agriculture and Natural Resources on **SB 78** as found on page 224 of the House Journal be adopted.

14

15

Which motion prevailed and the reports were adopted.

16

Rep. Mulder moved that **HB 1099** be placed on the calendar of Monday, February 5, 2024, the 18th legislative day with a do pass recommendation, pursuant to JR 6F-6.

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18

The question being on Rep. Mulder's motion that **HB 1099** be placed on the calendar of Monday, February 5, 2024, the 18th legislative day with a do pass recommendation, pursuant to JR 6F-6.

19

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21

And the roll being called:

22

Yeas 56, Nays 10, Excused 3, Absent 0

23

Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell, Drury, Duffy, Emery, Fitzgerald, Hansen, Healy, Jamison, Jensen (Phil), Karr, Kassin, Koth, Krohmer, Ladner, Lems, Lesmeister, Massie, Moore, Mortenson, Mulally, Mulder, Nelson, Otten (Ernie), Overweg, Perry, Peterson (Drew), Pinnow, Pourier, Randolph, Reimer, Reisch, Sauder, Schneider, Shorma, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

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Nays: Gross, Heermann, Jensen (Kevin), May, Mills, Odenbach, Peterson (Sue), Rehfeldt, Schaeftbauer, and Sjaarda

30

31

Excused: Duba, Krull, and Kull

32

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed and **HB 1099** was so placed.

33

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

3

SB 111: FOR AN ACT ENTITLED, An Act to revise requirements for mining and mineral exploration.

4

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

5

SB 58: FOR AN ACT ENTITLED, An Act to revise provisions regarding money transmission.

6

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

7

8

SB 77: FOR AN ACT ENTITLED, An Act to revise a provision related to threatening law enforcement officers.

9

10

SB 85: FOR AN ACT ENTITLED, An Act to revise a provision related to an action to quiet title to real property.

11

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

12

13

SB 108: FOR AN ACT ENTITLED, An Act to revise a provision related to retrocession of jurisdiction over federal enclaves.

14

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

15

16

17

SB 44: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse health care professionals who have complied with the requirements for health care recruitment assistance programs, and to declare an emergency.

18

Was read the first time and the Speaker waived the committee referral pursuant to JR 6D-1.

19

SECOND READING OF CONSENT CALENDAR ITEMS

20

21

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

22

23

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

24

Were read the second time.

25

The question being "Shall **HB 1196, and SB 5** pass as amended?"

26

And the roll being called:

27

Yeas 66, Nays 0, Excused 3, 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, Ladner, Lems, Lesmeister,
4 Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg,
5 Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch,
6 Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen,
7 Venhuizen, Wangness, Weisgram, Wittman, and Speaker Bartels

8 Excused: Duba, Krull, and Kull

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

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

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

13 Was read the second time.

14 The question being "Shall **HB 1145** pass?"

15 And the roll being called:

16 Yeas 66, Nays 0, Excused 3, 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, Ladner, Lems, Lesmeister,
20 Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg,
21 Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch,
22 Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen,
23 Venhuizen, Wangness, Weisgram, Wittman, and Speaker Bartels

24 Excused: Duba, Krull, 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 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

28 **SB 35:** FOR AN ACT ENTITLED, An Act to provide that certain personal information of a lottery
29 prize winner may only be used for advertising or promotion with the winner's consent.

30 Was read the second time.

31 The question being "Shall **SB 35** pass as amended?"

32 And the roll being called:

33 Yeas 66, Nays 0, Excused 3, 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, Ladner, Lems, Lesmeister,
4 Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg,
5 Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch,
6 Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen,
7 Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

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

13 Was read the second time.

14 The question being "Shall **SB 87** pass as amended?"

15 And the roll being called:

16 Yeas 60, Nays 6, Excused 3, Absent 0

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

24 Nays: Chase, Emery, Gross, Randolph, Venhuizen, and Weisgram

25 Excused: Duba, Krull, and Kull

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 **SIGNING OF BILLS**

29 The Speaker publicly read the title to

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

32 **HB 1046**: FOR AN ACT ENTITLED, An Act to prohibit the intentional disarming of a law
33 enforcement officer and to provide a penalty therefor.

34 **HB 1047**: FOR AN ACT ENTITLED, An Act to enhance the penalties for eluding law
35 enforcement.

36 **HB 1101**: FOR AN ACT ENTITLED, An Act to provide a special motor vehicle license plate for
37 recipients of the Legion of Merit award.

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

1

COMMEMORATIONS

2

3

HC 8012: A LEGISLATIVE COMMEMORATION, Honoring the victims of Agent Orange during the Vietnam War.

4

Introduced by: **Representative** Teunissen.

5

6

Rep. Drury moved that the House do now adjourn, which motion prevailed and at 1:49 p.m. the House adjourned.

7

Patricia Miller, Chief Clerk

