

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 06, 2024

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

The prayer was offered by the Chaplain, Noah Von Seggern, followed by the Pledge of Allegiance led by House pages Joseph Grady and Onica Graham.

Roll Call: All members present except Reps. Lesmeister and Mulally 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 18th 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

SIGNING OF BILLS

2

The Speaker publicly read the title to

3

4

SB 57: FOR AN ACT ENTITLED, An Act to create uniform procedures for consideration of criminal histories and convictions in professional or occupational licensure.

5

And signed the same in the presence of the House.

6

COMMUNICATIONS AND PETITIONS

7

February 5, 2024

8

Mr. Speaker and Members of the House of Representatives:

9

10

11

I have the honor to inform you that on February 5, 2024, I approved House Bills 1003, 1004, 1005, 1006, 1011, 1013, 1015, 1018, 1020, 1026, 1030, 1031, 1033, 1035, 1050, 1051, 1055, 1063, 1068, and 1074, and the same have been deposited in the office of the Secretary of State.

12

13

14

Respectfully submitted,
Kristi Noem
Governor

15

REPORTS OF STANDING COMMITTEES

16

MR. SPEAKER:

17

18

19

The Committee on Legislative Procedure respectfully reports that **HB 1017, 1046, 1047, and 1101** were delivered to her Excellency, the Governor, for her approval at 10:30 a.m., February 6, 2024.

20

21

Respectfully submitted,
Hugh M. Bartels, Chair

22

MR. SPEAKER:

23

24

25

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1027, 1028, 1062, and 1069** and finds the same correctly enrolled.

26

27

Respectfully submitted,
Hugh M. Bartels, Chair

28

MR. SPEAKER:

29

30

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1216** which was deferred to the 41st Legislative Day.

31

32

Respectfully submitted,
Will Mortenson, Chair

1 MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under
3 consideration **HB 1185** and returns the same with the recommendation that said bill be amended
4 as follows:

5 1185A

6 On page 1, line 21, of the Introduced bill, delete " will" and insert " may"

7 On page 1, line 23, of the Introduced bill, delete " agent" and insert " manager"

8 And that as so amended, **HB 1185** do pass.

9 Also MR. SPEAKER:

10 The Committee on House Commerce and Energy respectfully reports that it has had under
11 consideration **HB 1186** and returns the same with the recommendation that said bill be amended
12 as follows:

13 1186A

14 On page 1, line 17, of the Introduced bill, after "no" insert " permit has been granted by the
15 Public Utilities Commission pertaining to the"

16 On page 1, line 18, of the Introduced bill, after "easement" delete " has occurred"

17 On page 1, line 19, of the Introduced bill, delete " Payments" and insert " In addition to an
18 initial payment for the easement, payments"

19 And that as so amended, **HB 1186** do pass.

20 Also MR. SPEAKER:

21 The Committee on House Commerce and Energy respectfully reports that it has had under
22 consideration **HB 1190 and 1193** which were deferred to the 41st Legislative Day.

23 Also MR. SPEAKER:

24 The Committee on House Commerce and Energy respectfully reports that it has had under
25 consideration **HB 1203** and returns the same with the recommendation that said bill do pass.

26 Respectfully submitted,
27 Mike Weisgram, Chair

28 MR. SPEAKER:

29 The Committee on House Health and Human Services respectfully reports that it has had under
30 consideration **HB 1144** with the recommendation that said bill be amended as follows:

31 1144A

32 On page 1, line 5, of the Introduced bill, delete "\$450,000" and insert " \$1"

33 And that as so amended said bill be referred to the Joint Committee on Appropriations with a
34 Do Pass as Amended recommendation.

1 Also MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under
3 consideration **HB 1146** which was tabled.

4 Also MR. SPEAKER:

5 The Committee on House Health and Human Services respectfully reports that it has had under
6 consideration **HB 1166 and 1168** which were deferred to the 41st Legislative Day.

7 Respectfully submitted,
8 Kevin D. Jensen, Chair

9 MR. SPEAKER:

10 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
11 under consideration **SB 14** and returns the same with the recommendation that said bill do pass,
12 and having been certified as uncontested, be placed on the consent calendar.

13 Also MR. SPEAKER:

14 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
15 under consideration **SB 55** and returns the same with the recommendation that said bill do pass.

16 Respectfully submitted,
17 Roger Chase, Chair

18 MR. SPEAKER:

19 The Committee on House Transportation respectfully reports that it has had under
20 consideration **HB 1212** and returns the same with the recommendation that said bill be amended
21 as follows:

22 1212A

23 On page 1, line 11, of the Introduced bill, after "products." insert " A violation of this section
24 is a petty offense."

25 1212B

26 On page 1, line 11, of the Introduced bill, after "or" insert " noncommercial"

27 And that as so amended, **HB 1212** do pass.

28 Also MR. SPEAKER:

29 The Committee on House Transportation respectfully reports that it has had under
30 consideration **HB 1225** and returns the same with the recommendation that said bill do pass.

31 Respectfully submitted,
32 Rocky Blare, Chair

1 MR. SPEAKER:

2 The Committee on House Local Government respectfully reports that it has had under
3 consideration **HB 1100** 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 Also MR. SPEAKER:

6 The Committee on House Local Government respectfully reports that it has had under
7 consideration **HB 1149** which was deferred to the 41st Legislative Day.

8 Also MR. SPEAKER:

9 The Committee on House Local Government respectfully reports that it has had under
10 consideration **HB 1164** and returns the same with the recommendation that said bill be amended
11 as follows:

12 1164A

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

14 On page 1, line 1, of the Introduced bill, after "primary" insert " or general"

15 And that as so amended, **HB 1164** do pass.

16 Respectfully submitted,
17 Becky J. Drury, Chair

18 MR. SPEAKER:

19 The House Committee on Appropriations respectfully reports that it has had under
20 consideration **HB 1057, 1129, 1156, and 1157** and returns the same with the recommendation
21 that said bills do pass.

22 Respectfully submitted,
23 Mike Derby, Chair

24 MR. SPEAKER:

25 The Committee on House Taxation respectfully reports that it has had under consideration
26 **HB 1138** which was deferred to the 41st Legislative Day.

27 Also MR. SPEAKER:

28 The Committee on House Taxation respectfully reports that it has had under consideration
29 **HB 1208** and returns the same with the recommendation that said bill be amended as follows:

30 1208A

31 On page 2, line 18, of the Introduced bill, remove the overstrikes from " may"

32 On page 2, line 18, of the Introduced bill, after "may" delete " shall"

33 1208B

34 On page 2, line 2, of the Introduced bill, remove the overstrikes from " annually"

1 And that as so amended, **HB 1208** do pass.

2 Respectfully submitted,
3 Kirk Chaffee, Chair

4 **MESSAGES FROM THE SENATE**

5 MR. SPEAKER:

6 I have the honor to return herewith **HB 1027, 1028, 1062, and 1069** which have passed the
7 Senate without change.

8 Also MR. SPEAKER:

9 I have the honor to transmit herewith **SB 6, 84, 112, 119, 131, 148, and 182** which have
10 passed the Senate and your favorable consideration is respectfully requested.

11 Also MR. SPEAKER:

12 I have the honor to transmit herewith **SCR 602** which has been adopted by the Senate and
13 your concurrence is respectfully requested.

14 Respectfully,
15 Peggy Laurenz, Secretary

16 **MOTIONS AND RESOLUTIONS**

17 **SCR 602:** A CONCURRENT RESOLUTION, To analyze and report information on the healthcare
18 workforce in South Dakota.

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

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

22 State Affairs on **HB 1182** as found on page 245 of the House Journal be adopted.

23 Which motion prevailed and the report was adopted.

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

25 The Speaker declared that **HB 1108, 1167, and 1222** were withdrawn at the request of the
26 prime sponsors pursuant to JR 6B-1.1.

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2
3

SB 84: FOR AN ACT ENTITLED, An Act to update the edition of the guidebook used for measuring damages to trees or plants.

4
5

SB 148: FOR AN ACT ENTITLED, An Act to provide permissive authority to a governing body of a municipality or county to deny reissuance of an on-sale license not actively used.

6

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

7
8

SB 6: FOR AN ACT ENTITLED, An Act to revise provisions related to death by distribution of a Schedule I or II substance.

9

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

10
11

SB 119: FOR AN ACT ENTITLED, An Act to permit the use of tribal identification cards when registering to vote.

12
13

SB 182: FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the petition circulation process to comply with federal court decisions.

14

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

15
16

SB 131: FOR AN ACT ENTITLED, An Act to include shelterbelts as a factor affecting productivity in determining assessed value of agricultural land.

17

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

18

SB 112: FOR AN ACT ENTITLED, An Act to establish a non-resident title fee.

19

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

20

SECOND READING OF CONSENT CALENDAR ITEMS

21
22

HB 1089: FOR AN ACT ENTITLED, An Act to exclude certain crimes from presumptive probation.

23
24

HB 1104: FOR AN ACT ENTITLED, An Act to enhance the penalty for accessory to first- or second-degree murder.

25
26

HB 1245: FOR AN ACT ENTITLED, An Act to revise provisions related to the custody of an alleged delinquent child before and after a temporary custody hearing.

27

Were read the second time.

28

The question being "Shall **HB 1089, 1104, and 1245** pass?"

29

And the roll being called:

30

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, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
3 Jamison, Jensen (Kevin), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
4 Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Perry,
5 Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder,
6 Schaeffbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen,
7 Wangsness, Weisgram, Wittman, and Speaker Bartels

8 Excused: Lesmeister and Mulally

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

14 Was read the second time.

15 The question being "Shall **HB 1194** pass as amended?"

16 And the roll being called:

17 Yeas 62, Nays 5, Excused 2, Absent 0

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

25 Nays: Aylward, Jensen (Phil), Overweg, Randolph, and Soye

26 Excused: Lesmeister and Mulally

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

31 Was read the second time.

32 The question being "Shall **HB 1187** pass as amended?"

33 And the roll being called:

34 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, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
3 Jamison, Jensen (Kevin), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
4 Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Perry,
5 Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder,
6 Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen,
7 Wangsness, Weisgram, Wittman, and Speaker Bartels

8 Excused: Lesmeister and Mulally

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 1192:** FOR AN ACT ENTITLED, An Act to enhance the penalty for rape of a child twelve
12 years of age or under.

13 Was read the second time.

14 The question being "Shall **HB 1192** 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, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
19 Jamison, Jensen (Kevin), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
20 Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Perry,
21 Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder,
22 Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen,
23 Wangsness, Weisgram, Wittman, and Speaker Bartels

24 Excused: Lesmeister and Mulally

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

29 Was read the second time.

30 Rep. Wittman moved that **HB 1195** be amended as follows:

31 1195B

32 On page 1, line 2, of the House Judiciary Engrossed bill, delete " in the form of child support"
33 and insert " to a victim's children until age eighteen"

34 On page 1, line 7, of the House Judiciary Engrossed bill, after "restitution" delete " in the form
35 of child support"

36 On page 1, line 22, of the House Judiciary Engrossed bill, after "pay" delete " child"

37 On page 2, line 1, of the House Judiciary Engrossed bill, after "pay" delete " child"

38 On page 2, line 4, of the House Judiciary Engrossed bill, after "defendant's" delete " child"

1 On page 2, line 8, of the House Judiciary Engrossed bill, after "ordering" delete " child"

2 On page 2, line 9, of the House Judiciary Engrossed bill, after "order" delete " child"

3 On page 2, line 10, of the House Judiciary Engrossed bill, after "orders" delete " child"

4 On page 2, line 12, of the House Judiciary Engrossed bill, after "the" delete " child"

5 Which motion prevailed.

6 The question being "Shall **HB 1195** pass as amended?"

7 And the roll being called:

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

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

16 Excused: Lesmeister and Mulally

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

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

21 Was read the second time.

22 The question being "Shall **HB 1200** pass as amended?"

23 And the roll being called:

24 Yeas 66, Nays 1, Excused 2, Absent 0

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

32 Nays: Jensen (Phil)

33 Excused: Lesmeister and Mulally

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

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

3 Was read the second time.

4 The question being "Shall **HB 1197** pass?"

5 And the roll being called:

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

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

14 Excused: Lesmeister and Mulally

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

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 Was read the second time.

20 Rep. Hansen moved that **HB 1198** be amended as follows:

21 1198E

22 On page 1, line 1, of the Introduced bill, delete " candidates for the offices of " and insert " the "

23 On page 1, line 2, of the Introduced bill, after "governor" delete ", attorney general, and
 24 secretary of state"

25 On page 2, line 3, of the Introduced bill, after "governor." delete "Section 3. That § 12-5-17
 26 be AMENDED:"

27 On page 2, line 4, of the Introduced bill, after "AMENDED:" delete "12-5-17. "

28 On page 2, line 4, of the Introduced bill, after "12-5-17. " delete "Each political party shall hold
 29 a state convention in each even-numbered year for the purposes stated in § 12-5-21. The state
 30 central committee of each political party shall determine the time and place of the convention. The
 31 chair of the committee shall notify the secretary of state of the date and place of the convention at
 32 least fifteen business days prior to thirty days before the date chosen."

33 On page 2, line 9, of the Introduced bill, after "chosen." delete "Section 4. That § 12-5-21 be
 34 AMENDED:"

35 On page 2, line 10, of the Introduced bill, after "AMENDED:" delete "12-5-21. "

36 On page 2, line 10, of the Introduced bill, after "12-5-21. " delete "TheIn the years the
 37 Governor is to be elected, a political party's state convention shall nominate candidates for
 38 lieutenant governor, attorney general, secretary of state, state auditor, state treasurer,
 39 commissioner of school and public lands, and public utilities commissioner and in. In the years when
 40 a President of the United States is to be elected, the convention shall nominate presidential electors

1 and, national committeeman and national committeewoman of the party, and public utilities
2 commissioner."

3 On page 2, line 16, of the Introduced bill, after "commissioner." delete "Section 5. That § 12-
4 5-25 be AMENDED:"

5 On page 2, line 17, of the Introduced bill, after "AMENDED:" delete "12-5-25. "

6 On page 2, line 17, of the Introduced bill, after "12-5-25. " delete "A political party with
7 alternative political status may nominate a candidate for United States Senate, United States House
8 of Representatives, Governor, attorney general, secretary of state, and any legislative seat by
9 convention, if the nomination is submitted with the proper documentation to the Office of the
10 Secretary of State no later than 5:00 p. m. central time on the second Tuesday in August, of the
11 year of the election.

12 A candidate registered with a political party with an alternative political status may choose, if
13 allowed by the party bylaws, to participate in a primary election by submitting a candidate petition
14 no later than the last Tuesday of March in accordance with § 12-5-1. 4."

15 On page 2, line 27, of the Introduced bill, after "5-1.4." delete "Section 6. That § 12-5-26 be
16 AMENDED:"

17 On page 2, line 28, of the Introduced bill, after "AMENDED:" delete "12-5-26. "

18 On page 2, line 28, of the Introduced bill, after "12-5-26. " delete "A new political party may
19 nominate a candidate for United States Senate, United States House of Representatives, Governor,
20 attorney general, secretary of state, and any legislative seat by convention, if the nomination is
21 submitted with the proper documentation to the Office of the Secretary of State no later than 5:00
22 five p. m. central time on the second Tuesday in August, of the year of the election."

23 On page 3, line 3, of the Introduced bill, after "election." delete "Section 7. That § 12-6-7 be
24 AMENDED:"

25 On page 3, line 4, of the Introduced bill, after "AMENDED:" delete "12-6-7. "

26 On page 3, line 4, of the Introduced bill, after "12-6-7. " delete "A nominating petition may be
27 composed of several sheets, each. Each sheet shall must have identical headings printed at the top
28 and shall must be a self-contained sheet of paper. The petition for a candidate for the Legislature
29 shall designate must specify the senatorial or representative district number and house for which
30 the person is a candidate.

31 The petition for party office or political public office for a state a political party's gubernatorial
32 or federal candidate shall must be signed by not less than one percent of the voters who voted for
33 that party's gubernatorial candidate at the last gubernatorial election in the state. The petition of a
34 party's candidate for attorney general, or secretary of state must be signed by not less than one-
35 quarter of one percent of the voters who voted for that party's gubernatorial candidate at the last
36 gubernatorial election or two hundred fifty qualified voters, whichever is greater. A petition for the
37 Legislature, county party office, or county political public office shall must be signed by not less than
38 one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial
39 election, or fifty voters, in the county, part of the county, or district electing a candidate to fill the
40 office, whichever is less.

41 If the party meets the requirement for alternative political status as defined in § 12-1-3. 1, the
42 petition for party office or political public office for a state or federal candidate shall must be signed
43 by not less than one percent of the voters who voted for that party's statewide candidate receiving
44 the highest votes at the last gubernatorial election in the state. A petition for the Legislature, county
45 party office, or county political public office shall must be signed by not less than one percent of the
46 voters who voted for that party's statewide candidate receiving the highest votes at the last
47 gubernatorial election in the county, part of the county, or district electing a candidate to fill the
48 office, whichever is less.

1 If a county uses vote centers and does not print ballots by precinct, signature requirements
2 are:

3 (1) For both partisan and independent candidates, fifty signatures for a legislative candidate
4 whose district either in whole or in part includes that county;

5 (2) For a county candidate:

6 (a) Partisan candidate petitions shall must be signed by the lesser of fifty signatures or
7 signatures from one percent of the voters who voted for that party's gubernatorial candidate, or the
8 party's statewide candidate receiving the highest votes if the party meets the requirement for
9 alternative party status as defined in § 12-1-3. 1, at the last gubernatorial election in the county
10 electing a candidate to fill the office; or

11 (b) Independent candidate petitions shall must be signed by not less than one percent of the
12 total combined vote for Governor at the last certified election within the county electing a candidate
13 to fill the office;

14 (3) Half the number of signatures required under subdivision (2), for county commissioner
15 district candidates;

16 (4) Five signatures for a new party legislative candidate whose district either in whole or in
17 part includes that county;

18 (5) Five signatures for a new party county candidate; or

19 (6) Three signatures for a new party county commissioner district candidate."

20 On page 4, line 16, of the Introduced bill, after "candidate." delete "Section 8. That § 12-7-1
21 be AMENDED:"

22 On page 4, line 17, of the Introduced bill, after "AMENDED:" delete "12-7-1. "

23 On page 4, line 17, of the Introduced bill, after "12-7-1. " delete "Any candidate for nonjudicial
24 public office, except the office of lieutenant governor and as provided in § 12-7-7, who is not
25 nominated by a primary election, may be nominated by filing a certificate of nomination with the
26 secretary of state or county auditor as prescribed by in the manner of filing nominating petitions as
27 described in § 12-6-4, after December thirty-first and by but no later than five p. m. local time on
28 the last Tuesday of in April at 5:00 p. m. local time before the election. A certificate of nomination
29 shall must be executed as provided in chapter 12-6. If A certificate of nomination is timely submitted
30 if the certificate of nomination is mailed by registered mail by no later than five p. m. local time on
31 the last Tuesday of in April at 5:00 p. m. local time before the election, it is timely submitted. The
32 certificate of nomination shall must be signed by registered voters within the district or political
33 subdivision in and for which the officers are to be elected. The number of signatures required may
34 not be less than one percent of the total combined vote cast for Governor at the last certified
35 gubernatorial election within the district or political subdivision. The State Board of Elections shall
36 promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination."

37 On page 4, line 32, of the Introduced bill, after "nomination." delete "Section 9. That § 12-7-
38 1. 2 be AMENDED:"

39 On page 5, line 1, of the Introduced bill, after "AMENDED:" delete "12-7-1. 2. "

40 On page 5, line 1, of the Introduced bill, after "12-7-1.2. " delete "An independent candidate
41 for Governor shall certify the candidate's selection select a candidate for lieutenant governor and
42 shall certify the selection to the secretary of state with the candidate's nominating petition no later
43 than 5:00 p. m. central time on the second Tuesday in August of the year of the election. The
44 candidate for Governor and the candidate's selection nominee for lieutenant governor shall sign the
45 certification before the nominating petitions are circulated. If an.

1 An independent candidate for lieutenant governor withdraws, no may withdraw by filing a
2 request under oath with the secretary of state. If an independent candidate for lieutenant governor
3 withdraws, the independent candidate for Governor may have the candidate's name printed upon a
4 ballot unless a must select a replacement and must certify the selection for lieutenant governor is
5 certified to the secretary of state by the no later than 5:00 p. m. central time on the second Tuesday
6 in August of the year of the election. The candidate for Governor and the candidate's replacement
7 selection for lieutenant governor shall sign the certification. The secretary of state may not place
8 the name of the candidate for Governor on the general election ballot until a replacement candidate
9 has been certified.

10 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the
11 forms form for the certification for lieutenant governor."

12 On page 5, line 19, of the Introduced bill, after "governor." delete "Section 10. That a NEW
13 SECTION be added to chapter 12-7:"

14 On page 5, line 20, of the Introduced bill, after "12-7:" delete "An independent candidate for
15 lieutenant governor may withdraw the nomination by filing a request under oath with the secretary
16 of state. The certified request must be submitted to the secretary of state no later than five p. m.
17 central time on the first Tuesday in August in the year of the election.

18 If an independent candidate for lieutenant governor withdraws, is deceased, or is disqualified
19 to serve as a statewide officer, the independent candidate for Governor must nominate a
20 replacement and certify the nomination to the secretary of state no later than five p. m. central time
21 on the second Tuesday in August in the year of the election. The independent candidate for Governor
22 and the candidate's nominee for lieutenant governor shall sign the certification.

23 The secretary of state may not place the name of the candidate for Governor on the general
24 election ballot until a candidate for lieutenant governor has been certified.

25 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the
26 form for the withdrawal of a candidate for lieutenant governor."

27 On page 6, line 1, of the Introduced bill, after "governor." delete "Section 11. That § 12-25-
28 be AMENDED:"

29 On page 6, line 2, of the Introduced bill, after "AMENDED:" delete "12-25-28. "

30 On page 6, line 2, of the Introduced bill, after "12-25-28. " delete "Any candidate for the United
31 States Senate, the United States House of Representatives, Governor, attorney general, secretary
32 of state, circuit court judge, or the Legislature shall file a statement of financial interest with the
33 secretary of state not more than fifteen days after filing the candidate's nominating petitions. Any
34 Supreme Court justice shall file a statement of financial interest with the secretary of state not more
35 than fifteen days following notice to the secretary of state of the justice's intention to place the
36 justice's name on the retention ballot. A violation of this section is a petty offense. Any intentional
37 violation of this section is a Class 2 misdemeanor. "

38 On page 6, line 10, of the Introduced bill, after "misdemeanor." delete "Section 12. That § 12-
39 25-29 be AMENDED:"

40 On page 6, line 11, of the Introduced bill, after "AMENDED:" delete "12-25-29. "

41 On page 6, line 11, of the Introduced bill, after "12-25-29. " delete "Any candidate for
42 lieutenant governor, state treasurer, attorney general, secretary of state, state auditor, public
43 utilities commissioner, or commissioner of school and public lands shall file a statement of financial
44 interest with the secretary of state not more than fifteen days after the candidate's nomination is
45 certified. A violation of this section is a petty offense. Any intentional violation of this section is a
46 Class 2 misdemeanor."

1 Rep. Bahmuller rose to a point of order that Rep. Rehfeldt speak only to amendment 1198E.

2 Rep. Deutsch requested a roll call vote.

3 Which request was supported.

4 And the roll being called:

5 Yeas 33, Nays 34, Excused 2, Absent 0

6 Yeas: Auch, Aylward, Bahmuller, Chaffee, Deutsch, Donnell, Fitzgerald, Gross, Hansen,
7 Heermann, Jamison, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Ladner, Lems, May, Mills, Moore,
8 Mulder, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Sue), Randolph, Reimer, Schaeftbauer,
9 Shorma, Sjaarda, Soye, and Stevens

10 Nays: Arlint, Blare, Callies, Cammack, Chase, DeGroot, Derby, Drury, Duba, Duffy, Emery,
11 Healy, Kassin, Koth, Krull, Kull, Massie, Mortenson, Nelson, Peterson (Drew), Pinnow, Pourier,
12 Rehfeldt, Reisch, Sauder, Schneider, St. John, Teunissen, Tordsen, Venhuizen, Wangsness,
13 Weisgram, Wittman, and Speaker Bartels

14 Excused: Lesmeister and Mulally

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

17 Rep. Jensen (Phil) moved that **HB 1198** be amended as follows:

18 1198J

19 On page 1, line 2, of the Introduced bill, after "governor" delete ", attorney general, and
20 secretary of state"

21 On page 2, line 3, of the Introduced bill, after "governor." delete "Section 3. That § 12-5-17
22 be AMENDED:"

23 On page 2, line 4, of the Introduced bill, after "AMENDED:" delete "12-5-17. "

24 On page 2, line 4, of the Introduced bill, after "12-5-17. " delete "Each political party shall hold
25 a state convention in each even-numbered year for the purposes stated in § 12-5-21. The state
26 central committee of each political party shall determine the time and place of the convention. The
27 chair of the committee shall notify the secretary of state of the date and place of the convention at
28 least fifteen business days prior to thirty days before the date chosen."

29 On page 2, line 10, of the Introduced bill, delete " the years" and insert " a year when"

30 On page 2, line 11, of the Introduced bill, remove the overstrikes from " attorney general,
31 secretary of state,"

32 On page 2, line 15, of the Introduced bill, after "and" insert " a candidate"

33 On page 2, line 16, of the Introduced bill, after "commissioner." delete "Section 5. That § 12-
34 5-25 be AMENDED:"

35 On page 2, line 17, of the Introduced bill, after "AMENDED:" delete "12-5-25. "

36 On page 2, line 17, of the Introduced bill, after "12-5-25. " delete "A political party with
37 alternative political status may nominate a candidate for United States Senate, United States House
38 of Representatives, Governor, attorney general, secretary of state, and any legislative seat by
39 convention, if the nomination is submitted with the proper documentation to the Office of the

1 Secretary of State no later than 5:00 p. m. central time on the second Tuesday in August, of the
2 year of the election."

3 On page 2, line 23, of the Introduced bill, after "election." delete "A candidate registered with
4 a political party with an alternative political status may choose, if allowed by the party bylaws, to
5 participate in a primary election by submitting a candidate petition no later than the last Tuesday of
6 March in accordance with § 12-5-1. 4."

7 On page 2, line 27, of the Introduced bill, after "5-1.4." delete "Section 6. That § 12-5-26 be
8 AMENDED:"

9 On page 2, line 28, of the Introduced bill, after "AMENDED:" delete "12-5-26. "

10 On page 2, line 28, of the Introduced bill, after "12-5-26. " delete "A new political party may
11 nominate a candidate for United States Senate, United States House of Representatives, Governor,
12 attorney general, secretary of state, and any legislative seat by convention, if the nomination is
13 submitted with the proper documentation to the Office of the Secretary of State no later than 5:00
14 five p. m. central time on the second Tuesday in August, of the year of the election."

15 On page 3, line 3, of the Introduced bill, after "election." delete "Section 7. That § 12-6-7 be
16 AMENDED:"

17 On page 3, line 4, of the Introduced bill, after "AMENDED:" delete "12-6-7. "

18 On page 3, line 4, of the Introduced bill, after "12-6-7. " delete "A nominating petition may be
19 composed of several sheets, each. Each sheet shall have identical headings printed at the top
20 and shall must be a self-contained sheet of paper. The petition for a candidate for the Legislature
21 shall designate must specify the senatorial or representative district number and house for which
22 the person is a candidate.

23 The petition for party office or political public office for a state a political party's gubernatorial
24 or federal candidate shall must be signed by not less than one percent of the voters who voted for
25 that party's gubernatorial candidate at the last gubernatorial election in the state. The petition of a
26 party's candidate for attorney general, or secretary of state must be signed by not less than one-
27 quarter of one percent of the voters who voted for that party's gubernatorial candidate at the last
28 gubernatorial election or two hundred fifty qualified voters, whichever is greater. A petition for the
29 Legislature, county party office, or county political public office shall must be signed by not less than
30 one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial
31 election, or fifty voters, in the county, part of the county, or district electing a candidate to fill the
32 office, whichever is less."

33 On page 3, line 20, of the Introduced bill, after "less." delete "If the party meets the
34 requirement for alternative political status as defined in § 12-1-3. 1, the petition for party office or
35 political public office for a state or federal candidate shall must be signed by not less than one
36 percent of the voters who voted for that party's statewide candidate receiving the highest votes at
37 the last gubernatorial election in the state. A petition for the Legislature, county party office, or
38 county political public office shall must be signed by not less than one percent of the voters who
39 voted for that party's statewide candidate receiving the highest votes at the last gubernatorial
40 election in the county, part of the county, or district electing a candidate to fill the office, whichever
41 is less.

42 If a county uses vote centers and does not print ballots by precinct, signature requirements
43 are:

44 (1) For both partisan and independent candidates, fifty signatures for a legislative candidate
45 whose district either in whole or in part includes that county;

46 (2) For a county candidate:

1 (a) Partisan candidate petitions shall must be signed by the lesser of fifty signatures or
2 signatures from one percent of the voters who voted for that party's gubernatorial candidate, or the
3 party's statewide candidate receiving the highest votes if the party meets the requirement for
4 alternative party status as defined in § 12-1-3. 1, at the last gubernatorial election in the county
5 electing a candidate to fill the office; or

6 (b) Independent candidate petitions shall must be signed by not less than one percent of the
7 total combined vote for Governor at the last certified election within the county electing a candidate
8 to fill the office;

9 (3) Half the number of signatures required under subdivision (2), for county commissioner
10 district candidates;

11 (4) Five signatures for a new party legislative candidate whose district either in whole or in
12 part includes that county;

13 (5) Five signatures for a new party county candidate; or

14 (6) Three signatures for a new party county commissioner district candidate."

15 On page 4, line 16, of the Introduced bill, after "candidate." delete "Section 8. That § 12-7-1
16 be AMENDED:"

17 On page 4, line 17, of the Introduced bill, after "AMENDED:" delete "12-7-1. "

18 On page 4, line 17, of the Introduced bill, after "12-7-1. " delete "Any candidate for nonjudicial
19 public office, except the office of lieutenant governor and as provided in § 12-7-7, who is not
20 nominated by a primary election, may be nominated by filing a certificate of nomination with the
21 secretary of state or county auditor as prescribed by in the manner of filing nominating petitions as
22 described in § 12-6-4, after December thirty-first and by but no later than five p. m. local time on
23 the last Tuesday of in April at 5:00 p. m. local time before the election. A certificate of nomination
24 shall must be executed as provided in chapter 12-6. If A certificate of nomination is timely submitted
25 if the certificate of nomination is mailed by registered mail by no later than five p. m. local time on
26 the last Tuesday of in April at 5:00 p. m. local time before the election, it is timely submitted. The
27 certificate of nomination shall must be signed by registered voters within the district or political
28 subdivision in and for which the officers are to be elected. The number of signatures required may
29 not be less than one percent of the total combined vote cast for Governor at the last certified
30 gubernatorial election within the district or political subdivision. The State Board of Elections shall
31 promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination."

32 On page 5, line 7, of the Introduced bill, after "an." delete "An independent candidate for
33 lieutenant governor withdraws, no may withdraw by filing a request under oath with the secretary
34 of state. If an independent candidate for lieutenant governor withdraws, the independent candidate
35 for Governor may have the candidate's name printed upon a ballot unless a must select a
36 replacement and must certify the selection for lieutenant governor is certified to the secretary of
37 state by the no later than 5:00 p. m. central time on the second Tuesday in August of the year of
38 the election. The candidate for Governor and the candidate's replacement selection for lieutenant
39 governor shall sign the certification. The secretary of state may not place the name of the candidate
40 for Governor on the general election ballot until a replacement candidate has been certified.

41 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the
42 forms form for the certification for lieutenant governor."

43 On page 6, line 1, of the Introduced bill, after "governor." delete "Section 11. That § 12-25-
44 28 be AMENDED:"

45 On page 6, line 2, of the Introduced bill, after "AMENDED:" delete "12-25-28. "

46 On page 6, line 2, of the Introduced bill, after "12-25-28. " delete "Any candidate for the United
47 States Senate, the United States House of Representatives, Governor, attorney general, secretary

1 of state, circuit court judge, or the Legislature shall file a statement of financial interest with the
2 secretary of state not more than fifteen days after filing the candidate's nominating petitions. Any
3 Supreme Court justice shall file a statement of financial interest with the secretary of state not more
4 than fifteen days following notice to the secretary of state of the justice's intention to place the
5 justice's name on the retention ballot. A violation of this section is a petty offense. Any intentional
6 violation of this section is a Class 2 misdemeanor. "

7 On page 6, line 10, of the Introduced bill, after "misdemeanor." delete "Section 12. That § 12-
8 25-29 be AMENDED:"

9 On page 6, line 11, of the Introduced bill, after "AMENDED:" delete "12-25-29. "

10 On page 6, line 11, of the Introduced bill, after "12-25-29. " delete "Any candidate for
11 lieutenant governor, state treasurer, attorney general, secretary of state, state auditor, public
12 utilities commissioner, or commissioner of school and public lands shall file a statement of financial
13 interest with the secretary of state not more than fifteen days after the candidate's nomination is
14 certified. A violation of this section is a petty offense. Any intentional violation of this section is a
15 Class 2 misdemeanor."

16 Rep. Randolph requested that JR 5-17 be invoked on **HB 1198**.

17 Which request was supported and **HB 1198** with Rep. Jensen (Phil)'s pending motion to amend
18 was deferred until Wednesday, February 7, 2024, the 20th legislative day.

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

20 **SB 16:** FOR AN ACT ENTITLED, An Act to make appropriations for water and environmental
21 purposes and to declare an emergency.

22 Was read the second time.

23 The question being "Shall **SB 16** pass as amended?"

24 And the roll being called:

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

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

33 Nays: Emery, Pourier, and Randolph

34 Excused: Lesmeister and Mulally

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

37 **SB 28:** FOR AN ACT ENTITLED, An Act to modify tax refunds for elderly persons and persons
38 with a disability, to make an appropriation therefor, and to declare an emergency.

39 Was read the second time.

1 The question being "Shall **SB 28** pass as amended?"

2 And the roll being called:

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

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

11 Excused: Lesmeister and Mulally

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

14 **SIGNING OF BILLS**

15 The Speaker publicly read the title to

16 **HB 1027:** FOR AN ACT ENTITLED, An Act to modify substances listed on the controlled
17 substances schedule and to declare an emergency.

18 **HB 1028:** FOR AN ACT ENTITLED, An Act to classify xylazine as a Schedule III controlled
19 substance, establish permissible uses, and to declare an emergency.

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

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

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

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

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

29 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 4:00 p.m.
30 the House adjourned.

31

Patricia Miller, Chief Clerk

