

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

TWENTIETH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 07, 2024

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

The prayer was offered by the Chaplain, Rev. Donell Chambers, followed by the Pledge of Allegiance led by House pages Elliot Hendrix and Paul Kaffar.

Roll Call: All members present except Reps. Bahmuller and Lesmeister 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 19th 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1090 and 1095** were delivered to her Excellency, the Governor, for her approval at 11:35 a.m., February 7, 2024.

Respectfully submitted,
Hugh M. Bartels, Chair

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1077 and 1124** and finds the same correctly enrolled.

Respectfully submitted,
Hugh M. Bartels, Chair

MR. SPEAKER:

The Committee on House Retirement Laws respectfully reports that it has had under consideration **SB 68 and 69** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Hugh M. Bartels, Chair

MR. SPEAKER:

The Committee on House Military and Veterans Affairs respectfully reports that it has had under consideration **HB 1191** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Military and Veterans Affairs respectfully reports that it has had under consideration **HCR 6007** and returns the same with the recommendation that said resolution be amended as follows:

HCR6007A

On page 1, line 1, of the Introduced resolution, delete " Congress" and insert " Department of Veterans Affairs"

On page 1, line 3, of the Introduced resolution, delete " United States Department of Veterans Affairs" and insert " department"

And that as so amended, **HCR 6007** do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Tim Reisch, Chair

1 MR. SPEAKER:

2 The Committee on House Education respectfully reports that it has had under consideration
3 **HB 1213** with the recommendation that said bill be referred to the House Committee on
4 Appropriations with a Do Pass recommendation.

5 Also MR. SPEAKER:

6 The Committee on House Education respectfully reports that it has had under consideration
7 **HB 1238** with the recommendation that said bill be referred to the House Committee on
8 Appropriations with a Do Pass recommendation.

9 Also MR. SPEAKER:

10 The Committee on House Education respectfully reports that it has had under consideration
11 **HB 1236** and returns the same with the recommendation that said bill be amended as follows:

12 1236B

13 On page 1, line 6, of the Introduced bill, delete "must " and insert "may "

14 On page 1, line 9, of the Introduced bill, after "student " insert "participating in the program "

15 On page 1, line 17, of the Introduced bill, after "administered;" delete "(2) The time, place,
16 and manner in which the tests must be administered; "

17 On page 1, line 18, of the Introduced bill, delete "(3)" and insert "(2)"

18 On page 1, line 20, of the Introduced bill, after "district" insert " participating in the program"

19 And that as so amended, **HB 1236** do pass.

20 Respectfully submitted,
21 Mike Stevens, Chair

22 MR. SPEAKER:

23 The Committee on House State Affairs respectfully reports that it has had under consideration
24 **HB 1199** which was deferred to the 41st Legislative Day.

25 Also MR. SPEAKER:

26 The Committee on House State Affairs respectfully reports that it has had under consideration
27 **HCR 6008** and returns the same with the recommendation that said resolution be adopted.

28 Respectfully submitted,
29 Will Mortenson, Chair

30 MR. SPEAKER:

31 The Committee on House Commerce and Energy respectfully reports that it has had under
32 consideration **HB 1122** 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 **HB 1147** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Mike Weisgram, Chair

6 MR. SPEAKER:

7 The Committee on House Judiciary respectfully reports that it has had under consideration
8 **HB 1155** which was deferred to the 41st Legislative Day.

9 Also MR. SPEAKER:

10 The Committee on House Judiciary respectfully reports that it has had under consideration
11 **HB 1204** and returns the same with the recommendation that said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on House Judiciary respectfully reports that it has had under consideration
14 **HB 1210 and 1215** which were tabled.

15 Respectfully submitted,
16 Jon Hansen, Chair

17 **MESSAGES FROM THE SENATE**

18 MR. SPEAKER:

19 I have the honor to return herewith **HB 1077 and 1124** which have passed the Senate without
20 change.

21 Also MR. SPEAKER:

22 I have the honor to return herewith **HCR 6003** in which the Senate has concurred.

23 Also MR. SPEAKER:

24 I have the honor to transmit herewith **SB 152, 172, and 177** which have passed the Senate
25 and your favorable consideration is respectfully requested.

26 Also MR. SPEAKER:

27 I have the honor to inform your honorable body that the Senate has concurred in House
28 amendments to **SB 35**.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith **SCR 605** which has been adopted by the Senate and
3 your concurrence is respectfully requested.

4 Respectfully,
5 Peggy Laurenz, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
8 Thursday, February 8, 2024, the 21st legislative day.

9 Which motion prevailed.

10 **SCR 605:** A CONCURRENT RESOLUTION, Affirming the value of grassland ecosystems and the
11 importance of farmers and ranchers as managers.

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

13 Rep. Sjaarda moved that the Committee on Education be instructed to deliver **HB 1250** to the
14 floor of the House, pursuant to JR 7-7.

15 Which motion was supported and the committee was so instructed.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

17 Rep. Mortenson moved that the reports of the Standing Committees on
18 Commerce and Energy on **HB 1185 and 1186** as found on page 257 of the House Journal;
19 also

20 Local Government on **HB 1164** as found on page 259 of the House Journal; also

21 Taxation on **HB 1208** as found on page 259 of the House Journal; and

22 Transportation on **HB 1212** as found on page 258 of the House Journal be adopted.

23 Which motion prevailed and the reports were adopted.

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

25 **SB 152:** FOR AN ACT ENTITLED, An Act to establish maximum fees for legal publications and
26 to remove related rule-making authority from the Bureau of Administration.

27 **SB 172:** FOR AN ACT ENTITLED, An Act to allow a person to temporarily take responsibility of
28 a feral cat or dog for the purpose of spaying or neutering the animal.

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

1 **SB 177:** FOR AN ACT ENTITLED, An Act to permit the appointment of a circuit court judge or
 2 Supreme Court justice as a member of the Public Utilities Commission in place of a disqualified or
 3 incapacitated commissioner.

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

5 **SECOND READING OF CONSENT CALENDAR ITEMS**

6 **HB 1100:** FOR AN ACT ENTITLED, An Act to modify certain requirements for eligibility to
 7 receive a gift of a museum collection from a county or municipality.

8 **SB 14:** FOR AN ACT ENTITLED, An Act to expand authorization for the conditional taking of
 9 coyotes from snowmobiles.

10 Were read the second time.

11 The question being "Shall **SB 14** pass as amended, and **HB 1100** pass?"

12 And the roll being called:

13 Yeas 65, Nays 2, Excused 2, Absent 0

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

21 Nays: Odenbach and Soye

22 Excused: Bahmuller and Lesmeister

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

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

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

28 Having had its second reading was up for consideration and final passage.

29 The question now being on Rep. Jensen (Phil)'s pending motion to amend **HB 1198** as found
 30 on page 269 of the House Journal.

31 Rep. Soye requested a roll call vote.

32 Which request was supported.

33 And the roll being called:

34 Yeas 29, Nays 38, Excused 2, Absent 0

1 Yeas: Auch, Aylward, Chaffee, Deutsch, Fitzgerald, Gross, Hansen, Jamison, Jensen (Kevin),
 2 Jensen (Phil), Karr, Krohmer, Ladner, Lems, May, Mills, Moore, Mulally, Mulder, Odenbach, Overweg,
 3 Perry, Peterson (Sue), Randolph, Reimer, Schaeffbauer, Shorma, Sjaarda, and Soye

4 Nays: Arlint, Blare, Callies, Cammack, Chase, DeGroot, Derby, Donnell, Drury, Duba, Duffy,
 5 Emery, Healy, Heermann, Kassin, Koth, Krull, Kull, Massie, Mortenson, Nelson, Otten (Ernie),
 6 Peterson (Drew), Pinnow, Pourier, Rehfeldt, Reisch, Sauder, Schneider, St. John, Stevens,
 7 Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

8 Excused: Bahmuller and Lesmeister

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

11 Rep. Blare moved that **HB 1198** be amended as follows:

12 1198G

13 On page 2, line 11, of the Introduced bill, remove the overstrikes from " secretary of state,"

14 On page 2, line 19, of the Introduced bill, after "general," delete " secretary of state,"

15 Rep. Soye requested a roll call vote.

16 Which request was supported.

17 And the roll being called:

18 Yeas 32, Nays 35, Excused 2, Absent 0

19 Yeas: Arlint, Blare, Cammack, Chase, DeGroot, Derby, Drury, Duffy, Heermann, Kassin, Koth,
 20 Krull, Kull, Ladner, Massie, Mortenson, Mulder, Otten (Ernie), Perry, Peterson (Drew), Rehfeldt,
 21 Reisch, Sauder, Schneider, Shorma, St. John, Stevens, Tordsen, Venhuizen, Wangsness, Weisgram,
 22 and Speaker Bartels

23 Nays: Auch, Aylward, Callies, Chaffee, Deutsch, Donnell, Duba, Emery, Fitzgerald, Gross,
 24 Hansen, Healy, Jamison, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Lems, May, Mills, Moore,
 25 Mulally, Nelson, Odenbach, Overweg, Peterson (Sue), Pinnow, Pourier, Randolph, Reimer,
 26 Schaeffbauer, Sjaarda, Soye, Teunissen, and Wittman

27 Excused: Bahmuller and Lesmeister

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

30 Rep. Healy moved that **HB 1198** be amended as follows:

31 1198L

32 On page 2, after line 15, of the Introduced bill, insert: "

33 **Section 5. That a NEW SECTION be added to chapter 12-5:**

34 If a political party is unable to nominate a candidate for the office of attorney general or
 35 secretary of state at the primary election, the political party may nominate a candidate for the office
 36 at the state convention."

37 Rep. Chaffee requested a roll call vote.

38 Which request was supported.

1 And the roll being called:

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

3 Yeas: Chase, Drury, Duba, Emery, Healy, Nelson, Poirier, Tordsen, and Wittman

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

10 Excused: Bahmuller and Lesmeister

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

13 Rep. Nelson moved that **HB 1198** be amended as follows:

14 1198K

15 On page 1, line 2, of the Introduced bill, delete the comma and insert " and"

16 On page 1, line 2, of the Introduced bill, after "general" delete ", and secretary of state"

17 On page 2, line 11, of the Introduced bill, remove the overstrikes from " secretary of state,"

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

19 On page 2, after line 15, of the Introduced bill, insert: "

20 **Section 5. That a NEW SECTION be added to chapter 12-5:**

21 If a political party is unable to nominate a candidate for the office of attorney general at the
22 primary election, the political party may nominate a candidate for the office at the state convention."

23 On page 2, line 19, of the Introduced bill, after "general" delete ", secretary of state,"

24 On page 2, line 21, of the Introduced bill, delete " 5:00" and insert " five"

25 On page 2, line 29, of the Introduced bill, after "general" delete ", secretary of state,"

26 On page 3, line 12, of the Introduced bill, after "general" delete ", or secretary of state"

27 On page 3, line 13, of the Introduced bill, delete " one-quarter" and insert " one-half"

28 On page 5, line 3, of the Introduced bill, delete " 5:00" and insert " five"

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

1 Rep. Mulally requested a roll call vote.

2 Which request was supported.

3 And the roll being called:

4 Yeas 10, Nays 57, Excused 2, Absent 0

5 Yeas: Blare, Duba, Emery, Healy, Nelson, Pourier, St. John, Tordsen, Wangsness, and Wittman

6 Nays: Arlint, Auch, Aylward, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,
7 Donnell, Drury, Duffy, Fitzgerald, Gross, Hansen, Heermann, Jamison, Jensen (Kevin), Jensen (Phil),
8 Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Massie, May, Mills, Moore, Mortenson,
9 Mulally, Mulder, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue),
10 Pinnow, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda,
11 Soye, Stevens, Teunissen, Venhuizen, Weisgram, and Speaker Bartels

12 Excused: Bahmuller and Lesmeister

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

15 The question being "Shall **HB 1198** pass?"

16 And the roll being called:

17 Yeas 31, Nays 36, Excused 2, Absent 0

18 Yeas: Arlint, Chase, DeGroot, Derby, Drury, Duba, Duffy, Emery, Healy, Heermann, Kassin,
19 Koth, Krull, Kull, Massie, Mortenson, Nelson, Peterson (Drew), Pourier, Rehfeldt, Reisch, Sauder,
20 Schneider, St. John, Stevens, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and
21 Speaker Bartels

22 Nays: Auch, Aylward, Blare, Callies, Cammack, Chaffee, Deutsch, Donnell, Fitzgerald, Gross,
23 Hansen, Jamison, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Ladner, Lems, May, Mills, Moore,
24 Mulally, Mulder, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Sue), Pinnow, Randolph,
25 Reimer, Schaeftbauer, Shorma, Sjaarda, Soye, and Teunissen

26 Excused: Bahmuller and Lesmeister

27 So the bill not having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the bill lost.

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

31 Was read the second time.

32 Rep. Chaffee moved that **HB 1182** be amended as follows:

33 1182D

34 On page 3, line 21, of the House State Affairs Engrossed bill, after "hours." insert "Members of
35 the public may observe the voting and counting process at any polling location in a manner that
36 does not interfere with the duties of the poll workers or poll watchers. "

37 On page 3, line 22, of the House State Affairs Engrossed bill, after "watcher " insert "and
38 observer "

1 On page 3, line 23, of the House State Affairs Engrossed bill, delete " can" and insert " and
2 observer may"

3 On page 3, line 24, of the House State Affairs Engrossed bill, after "place." delete " Members
4 of the public may observe the voting and counting process at any polling location in a manner that
5 does not interfere with the duties of the poll workers or poll watchers."

6 On page 3, line 27, of the House State Affairs Engrossed bill, after "watcher" insert ", observer,"

7 Which motion prevailed.

8 Rep. Hansen moved that **HB 1182** be amended as follows:

9 1182E

10 On the previously adopted amendment (1182D), On page 3, line 19, delete " A" and insert "
11 During voting hours, a"

12 On the previously adopted amendment (1182D), On page 3, line 21, after "vote" delete "
13 during voting hours"

14 Rep. Mulally requested that JR 5-17 be invoked on **HB 1182**.

15 Which request was supported and **HB 1182** with Rep. Hansen's pending motion to amend was
16 deferred until Thursday, February 8, 2024, the 21st legislative day.

17 Rep. Mortenson moved that the balance of the calendar including **HB 1057, 1129, 1156,**
18 **1157, 1203, and 1225, and SB 55** be deferred to Thursday, February 8, 2024, the 21st legislative
19 day.

20 Which motion prevailed.

21 **SIGNING OF BILLS**

22 The Speaker publicly read the title to

23 **HB 1077:** FOR AN ACT ENTITLED, An Act to provide for the disbursement of the catastrophic
24 county poor relief fund to the participating counties in the event of the discontinuance of the fund.

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

27 **SB 12:** FOR AN ACT ENTITLED, An Act to authorize certain employer actions regarding the use
28 of cannabis by an employee or a prospective employee.

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

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

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

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

1

COMMEMORATIONS

2

3

HC 8013: A LEGISLATIVE COMMEMORATION, Honoring Hayden Joe Schmautz of Fort Pierre for a life of service tragically cut short.

4

5

6

Introduced by: **Representatives** Weisgram, Bartels, Blare, Callies, Duba, Emery, Moore, Perry, Pinnow, Pourier, Reisch, Stevens, and Teunissen and **Senators** Mehlhaff, Bolin, Otten (Herman), Stalzer, and Zikmund.

7

8

HC 8014: A LEGISLATIVE COMMEMORATION, Congratulating Eric Schroeder for becoming the new fire chief of the Wessington Springs Volunteer Fire Department.

9

Introduced by: **Representatives** Krohmer and Fitzgerald.

10

11

HC 8015: A LEGISLATIVE COMMEMORATION, Celebrating the Parkston Trojans as the 2023 class 9AA state football champions.

12

Introduced by: **Representative** Bahmuller.

13

14

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

15

Patricia Miller, Chief Clerk

