

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

TWENTY-FIRST DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 08, 2024

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

The prayer was offered by the Chaplain, John Fette, followed by the Pledge of Allegiance led by House page Alek Kilene.

Roll Call: All members present except Reps. Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder 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 20th 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

REPORTS OF STANDING COMMITTEES

2

MR. SPEAKER:

3

The Committee on Legislative Procedure respectfully reports that **HB 1027, 1028, 1062, and 1069** were delivered to her Excellency, the Governor, for her approval at 11:25 a.m., February 8, 2024.

6

Respectfully submitted,
Hugh M. Bartels, Chair

7

8

MR. SPEAKER:

9

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1049 and 1128** and finds the same correctly enrolled.

10

11

Respectfully submitted,
Hugh M. Bartels, Chair

12

13

MR. SPEAKER:

14

The Committee on House Education respectfully reports that it has had under consideration **HB 1250** and returns the same with the recommendation that said bill be amended as follows:

15

16

1250B

17

On page 3, line 13, of the Introduced bill, delete "three thousand five hundred dollars " and insert "the per student equivalent amount, as calculated in accordance with § 13-13-10.1, "

18

19

On page 5, after line 17, of the Introduced bill, insert: "

20

Section 12. That § 13-27-1 be AMENDED:

21

13-27-1. Any person having control of a child, who is not younger than five or older than six years old by the first day of September, or any child who, by the first day of September, is at least six years old, but who has not exceeded the age of eighteen, shall cause the child to regularly attend school, ~~either a public school, attend a nonpublic school, or receive~~ alternative instruction as set forth in § 13-27-3, or receive a personalized education funded through an educational empowerment account, as provided for in sections 1 to 10, inclusive, of this Act, until the child reaches the age of eighteen years, unless the child has graduated or is excused as provided in this chapter. ~~However, the~~ The requirements of this section are met if a child who is at least sixteen years of age enrolls in a high school equivalency test preparation program and the child successfully completes the test or reaches the age of eighteen years.

22

23

24

25

26

27

28

29

30

31

A child is eligible to enroll in a school-based or school-contracted high school equivalency test preparation program or take the high school equivalency test if the child is sixteen or seventeen years of age, and the child presents written permission from the child's parent or guardian and one of the following:

32

33

34

35

(1) Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;

36

37

(2) Authorization from a court services officer;

38

(3) A court order requiring the child to enter the program;

1 (4) Verification that the child is under the direction of the Department of Corrections;
2 or

3 (5) Verification that the child is enrolled in Job Corps as authorized by Title I-C of the
4 Workforce Investment Act of 1998, as amended to January 1, 2009.

5 Any child who is sixteen or seventeen years of age and who completes the high school
6 equivalency test preparation program may take a high school equivalency test immediately following
7 release from the school program or when ordered to take the test by a court. Any such child who
8 fails to successfully complete the test shall re-enroll in the school district and may continue the high
9 school equivalency preparation program or other suitable program as determined by the school
10 district.

11 All children shall attend kindergarten prior to age seven. Any child who transfers from another
12 state may proceed in a continuous educational program without interruption if the child has not
13 previously attended kindergarten."

14 On page 5, after line 17, of the Introduced bill, insert: "

15 **Section 13. That § 13-27-11 be AMENDED:**

16 **13-27-11.** Any person having control of a child of compulsory school age who fails to have
17 the child attend school, as required by the provisions of this title, ~~or~~ provide alternative instruction
18 pursuant to § 13-27-3, or provide a personalized education funded through an educational
19 empowerment account, as provided for in sections 1 to 10, inclusive, of this Act, is guilty of a Class
20 2 misdemeanor for the first offense. For each subsequent offense, a violator of this section is guilty
21 of a Class 1 misdemeanor."

22 On page 5, after line 17, of the Introduced bill, insert: "

23 **Section 14. That § 13-27-16 be AMENDED:**

24 **13-27-16.** Each school board shall warn noncompliant parents or persons in control of children
25 of compulsory school age that the children must ~~enter;~~

26 (1) Enter school and attend regularly, ~~or enroll;~~

27 (2) Enroll in a high school equivalency test preparation program in accordance with § 13-27-
28 ~~1, or comply;~~

29 (3) Comply with § 13-27-3, ~~and;~~ or

30 (4) Be provided with a personalized education funded through an educational empowerment
31 account, as provided for in sections 1 to 10, inclusive, of this Act.

32 The board shall report the parents or persons in control of the children to the truancy officer
33 for the district if the warning is not heeded. All school board members, superintendents, and
34 teachers shall cooperate in the enforcement of the school attendance laws."

35 On page 5, after line 17, of the Introduced bill, insert: "

36 **Section 15. That § 13-27-18 be AMENDED:**

37 **13-27-18.** Any superintendent or school board president who fails to make prompt reports on
38 attendance as required by law; any person who harbors or employs a child of compulsory school
39 age who is not legally excused during the school term ~~or,~~ being provided alternative instruction
40 pursuant to § 13-27-3, or receiving a personalized education funded through an educational
41 empowerment account, as provided for in sections 1 to 10, inclusive, of this Act; the members of
42 any school board who neglect or refuse to provide school facilities for children enrolled in their school
43 district for at least nine months during the school year, or neglect to perform any other duties

1 enumerated under the compulsory school attendance laws of this state; any truancy officer who
2 neglects to perform the duties of his or her office; or any person who hampers or hinders a child of
3 compulsory school age from attending a school in which the child is enrolled that meets all legal
4 requirements, or who interferes or attempts to interfere with the child's attendance at the school in
5 which the child is enrolled is guilty of a Class 2 misdemeanor."

6 On page 5, after line 17, of the Introduced bill, insert: "

7 **Section 16. That § 13-27-20 be AMENDED:**

8 **13-27-20.** Each truancy officer shall make and file truancy complaints for children who are
9 enrolled in the school district. Any teacher, school officer, or citizen may make and file a truancy
10 complaint, before a circuit court judge, against any person having control of a child of compulsory
11 school age who is not being provided with alternative instruction ~~or, receiving a personalized~~
12 education funded through an educational empowerment account, as provided for in sections 1 to
13 10, inclusive, of this Act, attending school or whose attendance at school is irregular. The complaint
14 must state the name of the parent, guardian, or person responsible for the control of the child. The
15 complaint must be verified by oath upon belief of the complainant. A truancy complaint that,
16 together with any accompanying affidavit, does not establish probable cause must be dismissed
17 upon motion of the defendant to the circuit court judge."

18 On page 5, after line 17, of the Introduced bill, insert: "

19 **Section 17. That § 13-27-29 be AMENDED:**

20 **13-27-29.** If a child of compulsory school age who has been attending an unaccredited school
21 in another state or country ~~or has been,~~ receiving alternative instruction pursuant to § 13-27-3, ~~or~~
22 receiving a personalized education funded through an educational empowerment account, as
23 provided for in sections 1 to 10, inclusive, of this Act, enrolls in a public school in this state, the
24 child ~~shall~~ must be placed at the child's demonstrated level of proficiency as established by one or
25 more standardized tests. However, a child's placement may be in one grade level higher than
26 warranted by the child's chronological age assuming entry into the first grade at age six and annual
27 grade advancement thereafter. After initial placement, the child may be advanced according to the
28 child's demonstrated performance. If a child of secondary school age who has been attending an
29 unaccredited school in another state or country ~~or has been,~~ receiving alternative instruction
30 pursuant to § 13-27-3, ~~or receiving a personalized education funded through an educational~~
31 empowerment account, as provided for in sections 1 to 10, inclusive, of this Act, enrolls in a public
32 school in this state, the child shall be placed in English and math at the level of achievement
33 demonstrated by one or two standardized tests, and in all other subjects on a review of transcripts
34 according to the policy formally adopted by the school board. The child's placement may be in one
35 grade level higher than warranted by the child's chronological age assuming entry into the first
36 grade at age six and annual grade advancement thereafter. After initial placement the child may be
37 advanced according to his demonstrated performance.

38 Any parent or guardian who is dissatisfied with the placement of his child may appeal it to the
39 secretary of the Department of Education."

40 And that as so amended, **HB 1250** do NOT pass.

41
42 Respectfully submitted,
Mike Stevens, Chair

43 MR. SPEAKER:

44 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
45 under consideration **HB 1135** and returns the same with the recommendation that said bill be
46 amended as follows:

47 1135A

1 On page 2, line 6, of the Introduced bill, remove the overstrikes from " in a "

2 On page 2, line 6, of the Introduced bill, after "calendar" insert " license"

3 On page 2, line 6, of the Introduced bill, remove the overstrikes from " year"

4 On page 2, line 6, of the Introduced bill, after "year" insert ", which begins on July first and
5 ends on June thirtieth"

6 On page 2, line 6, of the Introduced bill, remove the overstrikes from ". Nothing in this chapter
7 applies to the isolated resale of grain by a producer who does not hold himself or herself out as
8 engaging in the business of reselling grain"

9 On page 2, line 9, of the Introduced bill, after "grain" delete ", during the licensure period set
10 forth in § 49-45-3"

11 And that as so amended, **HB 1135** do pass.

12 Also MR. SPEAKER:

13 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
14 under consideration **HB 1231** and returns the same with the recommendation that said bill do pass.

15 Respectfully submitted,
16 Roger Chase, Chair

17 MR. SPEAKER:

18 The Committee on House Health and Human Services respectfully reports that it has had under
19 consideration **SB 40** and returns the same with the recommendation that said bill do pass, and
20 having been certified as uncontested, be placed on the consent calendar.

21 Respectfully submitted,
22 Kevin D. Jensen, Chair

23 MR. SPEAKER:

24 The Committee on House Local Government respectfully reports that it has had under
25 consideration **HB 1229** and returns the same with the recommendation that said bill be amended
26 as follows:

27 1229B

28 On page 1, line 5, of the Introduced bill, after "secondary" insert " and county"

29 On page 1, after line 7, of the Introduced bill, insert: "

30 **Section 2. That a NEW SECTION be added to chapter 31-17:**

31 The county highways on the boundary lines of a municipality shall be assigned to the charge
32 of the governing body of the municipality or the board of county commissioners as may be agreed
33 upon by the respective board of county commissioners and respective governing body of the
34 municipality and in case of disagreement, as determined by the Transportation Commission."

35 And that as so amended, **HB 1229** do pass, and having been certified as uncontested, be
36 placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on House Local Government respectfully reports that it has had under
3 consideration **SB 108 and 118** and returns the same with the recommendation that said bills do
4 pass, and 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 1251** and returns the same with the recommendation that said bill do pass.

8 Respectfully submitted,
9 Becky J. Drury, Chair

10 MR. SPEAKER:

11 The Committee on House State Affairs respectfully reports that it has had under consideration
12 **HB 1188 and 1189, and HJR 5002** which were deferred to the 41st Legislative Day.

13 Also MR. SPEAKER:

14 The Committee on House State Affairs respectfully reports that it has had under consideration
15 **HB 1239** and returns the same with the recommendation that said bill be amended as follows:

16 1239A

17 On page 1, line 1, of the Introduced bill, after "to " delete "provide for the dissemination of a
18 facsimile of a ballot and to "

19 On page 1, line 2, delete " election" and insert " ballot"

20 On page 1, line 2, after "information" insert " and to provide a penalty therefor"

21 On the Introduced bill, delete everything after the enacting clause and insert:

22 **"Section 1. That a NEW SECTION be added to chapter 12-13:**

23 Any person who knowingly prints, publishes, or delivers to any voter of this state a document
24 containing a facsimile of a ballot or a portion thereof as part of campaign material requiring
25 disclosure or statement pursuant to chapter 12-27, in which the ballot or portion thereof is
26 misstated, erroneously printed, or by which false or misleading information about the ballot is given
27 to the voters, is guilty of a Class 2 misdemeanor."

28 1239D

29 On HB 1239, as amended:

30 On page 1, line 7, delete " a" and insert " an official sample"

31 On page 1, line 7, after "thereof " insert "purporting to be an official sample ballot "

32 And that as so amended, **HB 1239** do pass.

33 Respectfully submitted,
34 Will Mortenson, Chair

1

MESSAGES FROM THE SENATE

2 MR. SPEAKER:

3 I have the honor to return herewith **HB 1049 and 1128** which have passed the Senate without
4 change.

5 Also MR. SPEAKER:

6 I have the honor to return herewith **HB 1029** which has been amended by the Senate and
7 your concurrence in the amendments is respectfully requested.

8 Also MR. SPEAKER:

9 I have the honor to inform your honorable body that the Senate has concurred in House
10 amendments to **SB 78**.

11 Also MR. SPEAKER:

12 I have the honor to transmit herewith **SB 97, 98, 115, 151, and 211** which have passed the
13 Senate and your favorable consideration is respectfully requested.

14

15

Respectfully,
Peggy Laurenz, Secretary

16

MOTIONS AND RESOLUTIONS17 **SCR 605:** A CONCURRENT RESOLUTION, Affirming the value of grassland ecosystems and the
18 importance of farmers and ranchers as managers.

19 Was read the second time.

20 Rep. Mortenson moved that **SCR 605** as found on page 279 of the House Journal be
21 concurred in.22 The question being on Rep. Mortenson's motion that **SCR 605** be concurred in.

23 And the roll being called:

24 Yeas 63, Nays 1, Excused 5, Absent 0

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

32 Nays: Mulally

33 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the motion carried and **SCR 605** was concurred in.

3 Rep. Sjaarda moved that **HB 1250** be placed on today's calendar with a do pass
4 recommendation pursuant to JR 6F-6.

5 Rep. Mortenson rose to a point of order that Rep. May speak to the motion to calendar and not
6 to the bill.

7 The question being on Rep. Sjaarda's motion that **HB 1250** be placed on today's calendar with
8 a do pass recommendation pursuant to JR 6F-6.

9 And the roll being called:

10 Yeas 23, Nays 41, Excused 5, Absent 0

11 Yeas: Auch, Aylward, Donnell, Emery, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr,
12 Krohmer, Ladner, Lems, May, Mills, Mulally, Odenbach, Overweg, Peterson (Sue), Pourier, Randolph,
13 Schaeftbauer, Sjaarda, and Soye

14 Nays: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Drury, Duba,
15 Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Krull, Lesmeister, Massie, Moore, Mortenson,
16 Mulder, Nelson, Perry, Peterson (Drew), Pinnow, Rehfeldt, Reimer, Reisch, Schneider, Shorma, St.
17 John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and
18 Speaker Bartels

19 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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

22 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

24 Education on **HB 1236** as found on page 277 of the House Journal; and

25 Military and Veterans Affairs on **HCR 6007** as found on page 276 of the House Journal be
26 adopted.

27 Which motion prevailed and the reports were adopted.

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

29 The Speaker declared that **HB 1137 and 1237** were withdrawn at the request of the prime
30 sponsors pursuant to JR 6B-1.1.

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

32 **SB 151**: FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to the licensure
33 of athletic trainers.

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

1 **SB 97:** FOR AN ACT ENTITLED, An Act to establish the admissibility of evidence of similar
2 crimes in sexual assault cases.

3 **SB 98:** FOR AN ACT ENTITLED, An Act to establish the admissibility of evidence of similar
4 crimes in child molestation cases.

5 **SB 211:** FOR AN ACT ENTITLED, An Act to revise notarial acts.

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

7 **SB 115:** FOR AN ACT ENTITLED, An Act to prevent a county, township, or municipality from
8 authorizing a guaranteed income program.

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

10 **SECOND READING OF CONSENT CALENDAR ITEMS**

11 **SB 68:** FOR AN ACT ENTITLED, An Act to amend certain provisions pertaining to the South
12 Dakota Retirement System to comply with federal law.

13 **SB 69:** FOR AN ACT ENTITLED, An Act to amend certain provisions pertaining to the South
14 Dakota Retirement System.

15 Were read the second time.

16 The question being "Shall **SB 68 and 69** pass?"

17 And the roll being called:

18 Yeas 64, Nays 0, Excused 5, Absent 0

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

26 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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

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

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

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

1 The question now being on Rep. Hansen's pending motion to amend **HB 1182** as found on
2 page 284 of the House Journal.

3 Which motion prevailed.

4 The question being "Shall **HB 1182** pass as amended?"

5 And the roll being called:

6 Yeas 54, Nays 10, Excused 5, Absent 0

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

13 Nays: Auch, Aylward, Jensen (Phil), Ladner, Lems, May, Mulally, Overweg, Peterson (Sue),
14 and Soye

15 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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

18 **HB 1203:** FOR AN ACT ENTITLED, An Act to clarify references to the court in a condemnation
19 proceeding.

20 Was read the second time.

21 The question being "Shall **HB 1203** pass?"

22 And the roll being called:

23 Yeas 61, Nays 3, Excused 5, Absent 0

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

30 Nays: Callies, Chase, and Peterson (Drew)

31 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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

34 Rep. Mortenson moved that **HB 1225** be deferred to Monday, February 12, 2024, the 22nd
35 legislative day.

36 Which motion prevailed.

1 **HB 1057**: FOR AN ACT ENTITLED, An Act to create the Commission on Indigent Legal Services
2 and Office of Indigent Legal Services.

3 Was read the second time.

4 Rep. Karr moved that **HB 1057** be amended as follows:

5 1057C

6 On page 2, line 24, of the House State Affairs Engrossed bill, delete ". There are no term limits"
7 and insert ", but may not serve for more than twelve years"

8 Which motion prevailed.

9 The question being "Shall **HB 1057** pass as amended?"

10 And the roll being called:

11 Yeas 60, Nays 4, Excused 5, Absent 0

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

18 Nays: Jensen (Kevin), Lems, Mulally, and Schaeftbauer

19 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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

22 **HB 1129**: FOR AN ACT ENTITLED, An Act to repeal the session law authorizing the Board of
23 Regents to contract for the design and construction of a new dairy research and extension farm on
24 the campus of South Dakota State University, and to declare an emergency.

25 Was read the second time.

26 The question being "Shall **HB 1129** pass?"

27 And the roll being called:

28 Yeas 48, Nays 16, Excused 5, Absent 0

29 Yeas: Arlint, Aylward, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,
30 Donnell, Drury, Duba, Emery, Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Krohmer, Krull,
31 Ladner, Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Overweg, Perry, Peterson (Drew),
32 Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Schneider, Shorma, St. John, Stevens, Teunissen,
33 Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

34 Nays: Auch, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr, Lems, May, Mills, Mulally,
35 Odenbach, Peterson (Sue), Randolph, Schaeftbauer, Sjaarda, and Soye

36 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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

3 **HB 1156:** FOR AN ACT ENTITLED, An Act to make an appropriation to enhance the economic
4 health of South Dakota.

5 Was read the second time.

6 The question being "Shall **HB 1156** pass?"

7 And the roll being called:

8 Yeas 53, Nays 11, Excused 5, Absent 0

9 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,
10 Drury, Duba, Fitzgerald, Gross, Hansen, Heermann, Jamison, Jensen (Kevin), Karr, Kassin, Koth,
11 Krohmer, Krull, Ladner, Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson,
12 Odenbach, Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Rehfeldt, Reimer, Reisch,
13 Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen,
14 Wangsness, Weisgram, and Speaker Bartels

15 Nays: Auch, Aylward, Emery, Healy, Jensen (Phil), Lems, Mulally, Pourier, Randolph,
16 Venhuizen, and Wittman

17 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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 **HB 1157:** FOR AN ACT ENTITLED, An Act to make an appropriation for the economic
21 development of South Dakota.

22 Was read the second time.

23 The question being "Shall **HB 1157** pass?"

24 And the roll being called:

25 Yeas 51, Nays 13, Excused 5, Absent 0

26 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell,
27 Drury, Duba, Fitzgerald, Gross, Heermann, Jamison, Jensen (Kevin), Karr, Kassin, Koth, Krohmer,
28 Krull, Ladner, Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach,
29 Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Rehfeldt, Reimer, Reisch, Schaeftbauer,
30 Schneider, Shorma, Sjaarda, St. John, Stevens, Teunissen, Tordsen, Wangsness, Weisgram, and
31 Speaker Bartels

32 Nays: Auch, Aylward, Emery, Hansen, Healy, Jensen (Phil), Lems, Mulally, Pourier, Randolph,
33 Soye, Venhuizen, and Wittman

34 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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.

1 **HB 1185:** FOR AN ACT ENTITLED, An Act to amend provisions regarding entry on private
2 property for examination and survey of a project requiring a siting permit.

3 Was read the second time.

4 The question being "Shall **HB 1185** pass as amended?"

5 And the roll being called:

6 Yeas 47, Nays 17, Excused 5, Absent 0

7 Yeas: Arlint, Blare, Callies, Cammack, Chaffee, DeGroot, Derby, Deutsch, Donnell, Drury,
8 Duba, Emery, Fitzgerald, Gross, Healy, Heermann, Jamison, Karr, Kassin, Koth, Krull, Ladner,
9 Lesmeister, Massie, May, Mortenson, Mulder, Nelson, Perry, Peterson (Drew), Pinnow, Pourier,
10 Rehfeldt, Reimer, Reisch, Schneider, Shorma, Sjaarda, St. John, Stevens, Teunissen, Tordsen,
11 Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

12 Nays: Auch, Aylward, Chase, Hansen, Jensen (Kevin), Jensen (Phil), Krohmer, Lems, Mills,
13 Moore, Mulally, Odenbach, Overweg, Peterson (Sue), Randolph, Schaeftbauer, and Soye

14 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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 1186:** FOR AN ACT ENTITLED, An Act to define the requirements for granting a carbon
18 pipeline easement.

19 Was read the second time.

20 The question being "Shall **HB 1186** pass as amended?"

21 And the roll being called:

22 Yeas 40, Nays 24, Excused 5, Absent 0

23 Yeas: Arlint, Blare, Cammack, Chaffee, DeGroot, Derby, Deutsch, Donnell, Drury, Duba,
24 Emery, Fitzgerald, Healy, Heermann, Jamison, Kassin, Koth, Krull, Ladner, Lesmeister, Massie,
25 Mortenson, Nelson, Perry, Peterson (Drew), Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Schneider,
26 Shorma, St. John, Stevens, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and
27 Speaker Bartels

28 Nays: Auch, Aylward, Callies, Chase, Gross, Hansen, Jensen (Kevin), Jensen (Phil), Karr,
29 Krohmer, Lems, May, Mills, Moore, Mulally, Mulder, Odenbach, Overweg, Peterson (Sue), Randolph,
30 Schaeftbauer, Sjaarda, Soye, and Teunissen

31 Excused: Bahmuller, Duffy, Kull, Otten (Ernie), and Sauder

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

34 Rep. Mortenson moved that the balance of the calendar including **HB 1147, 1164, 1204, and**
35 **1208, and SB 55** be deferred to Monday, February 12, 2024, the 22nd legislative day.

36 Which motion prevailed.

1

SIGNING OF BILLS

2

The Speaker publicly read the title to

3

HB 1049: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept and use easement proceeds for the purposes authorized by the 2022 Session Laws, chapter 198.

4

5

HB 1128: FOR AN ACT ENTITLED, An Act to require a zoning authority to determine that a well is an established well that has not been abandoned in making a permitting decision.

6

7

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

8

9

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

10

11

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

12

13

And signed the same in the presence of the House.

14

COMMEMORATIONS

15

HC 8016: A LEGISLATIVE COMMEMORATION, Honoring the life of Kenneth Michael Prorok.

16

Introduced by: **Representatives** Bahmuller, Arlint, Auch, Aylward, Bartels, Blare, Chaffee, Chase, DeGroot, Deutsch, Drury, Duba, Emery, Fitzgerald, Gross, Hansen, Heermann, Jamison, Jensen (Phil), Kassin, Koth, Krohmer, Ladner, Lems, Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Randolph, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, Soye, Stevens, Venhuizen, Wangsness, Weisgram, and Wittman and **Senators** Beal, Bolin, Crabtree, Duhamel, Kolbeck (Jack), Otten (Herman), Reed, Stalzer, and Wiik.

17

18

19

20

21

22

23

SC 806: A LEGISLATIVE COMMEMORATION, Celebrating the career and accomplishments of Leroy Koopman, on the occasion of receiving the National Volunteer Fire Council Lifetime Achievement Award.

24

25

26

Rep. Blare moved that the House do now adjourn, which motion prevailed and at 3:26 p.m. the House adjourned.

27

28

Patricia Miller, Chief Clerk