

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

TWENTY-THIRD DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 13, 2024

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

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by House pages Jayda Reinert and Charley Stroh.

Roll Call: All members present except Reps. DeGroot, May, and Wangsness 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 22nd 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

COMMUNICATIONS AND PETITIONS

2

February 12, 2024

3

Mr. Speaker and Members of the House of Representatives:

4

I have the honor to inform you that on February 12, 2024, I approved House Bills 1012, 1017, 1024, 1028, 1046, 1047, 1058, 1059, 1090, 1095, and 1101, and the same have been deposited in the office of the Secretary of State.

5

6

7

Respectfully submitted,
Kristi Noem
Governor

8

9

10

REPORTS OF STANDING COMMITTEES

11

MR. SPEAKER:

12

The Committee on Legislative Procedure respectfully reports that **HB 1049 and 1128** were delivered to her Excellency, the Governor, for her approval at 12:30 p.m., February 13, 2024.

13

14

Respectfully submitted,
Hugh M. Bartels, Chair

15

16

MR. SPEAKER:

17

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1029, 1067, 1073, 1097, 1127, and 1145** and finds the same correctly enrolled.

18

19

20

Respectfully submitted,
Hugh M. Bartels, Chair

21

22

MR. SPEAKER:

23

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1219, 1243, and 1256** which were deferred to the 41st Legislative Day.

24

25

Also MR. SPEAKER:

26

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1246 and 1258** which were tabled.

27

28

Respectfully submitted,
Mike Weisgram, Chair

29

30

MR. SPEAKER:

31

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1180** which was tabled.

32

1 Also MR. SPEAKER:

2 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
3 under consideration **HB 1228** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Roger Chase, Chair

6 MR. SPEAKER:

7 The Committee on House Taxation respectfully reports that it has had under consideration
8 **HB 1255** and returns the same with the recommendation that said bill be amended as follows:

9 1255A

10 On page 1, line 6, of the Introduced bill, delete " ten" and insert " two"

11 And that as so amended, **HB 1255** do pass.

12 Also MR. SPEAKER:

13 The Committee on House Taxation respectfully reports that it has had under consideration
14 **SB 131** and returns the same with the recommendation that said bill do pass, and having been
15 certified as uncontested, be placed on the consent calendar.

16 Respectfully submitted,
17 Kirk Chaffee, Chair

18 MR. SPEAKER:

19 The Committee on House Health and Human Services respectfully reports that it has had under
20 consideration **HB 1202** and returns the same with the recommendation that said bill be amended
21 as follows:

22 1202B

23 On page 1, line 14, of the Introduced bill, delete "Except as provided in section 5 of this Act, a
24 " and insert "A "

25 On page 1, line 15, of the Introduced bill, after "terminating " insert "services provided to a
26 participant under the "

27 On page 1, line 15, of the Introduced bill, after "program" delete " services to a participate"

28 On page 2, line 1, of the Introduced bill, after "terminating" insert " the services provided
29 under the"

30 On page 2, line 1, of the Introduced bill, after "program" delete " services"

31 On page 2, line 2, of the Introduced bill, after "services;

32 (2)" insert "The date that the termination of services is effective;

33 (3) "

34 On page 2, line 2, of the Introduced bill, after "of" delete " other"

- 1 On page 2, line 3, of the Introduced bill, delete "(3) An explanation " and insert "(4) A
2 statement "
- 3 On page 2, line 3, of the Introduced bill, delete " decision" and insert " termination"
- 4 On page 2, line 4, of the Introduced bill, delete "(4) An explanation " and insert "(5) A
5 statement indicating "
- 6 On page 2, line 4, of the Introduced bill, after "upon" insert " the question of"
- 7 On page 2, line 5, of the Introduced bill, after "procedures " insert "as "
- 8 On page 2, line 5, of the Introduced bill, after "chapter, " insert "in "
- 9 On page 2, line 6, of the Introduced bill, after "and " insert "in "
- 10 On page 2, line 9, of the Introduced bill, after "guardian" insert the comma
- 11 On page 2, line 9, of the Introduced bill, after "of " insert "services under the "
- 12 On page 2, line 10, of the Introduced bill, after "program" delete " services"
- 13 On page 2, line 11, of the Introduced bill, after "the" delete " provider's"
- 14 On page 2, line 11, of the Introduced bill, after "upon " insert "the question of "
- 15 On page 2, line 12, of the Introduced bill, after "procedures" insert " as"
- 16 On page 2, line 12, of the Introduced bill, after "chapter, " insert "in "
- 17 On page 2, line 13, of the Introduced bill, after "and " insert "in "
- 18 On page 2, line 14, of the Introduced bill, delete "If " and insert "Except as provided in section
19 5 of this Act, if "
- 20 On page 2, line 23, of the Introduced bill, delete "If a provider determines that a delay in
21 termination of CHOICES waiver program services will jeopardize the life, health, or safety of the
22 participant, other participants cared for by the provider, employees of the provider, or members of
23 the public, the provider may immediately terminate services to the participant upon providing a
24 notice of emergency termination to the:
- 25 (1) Participant, with accommodations for participants who have difficulty communicating, or
26 the participant's parent, if the participant is under age eighteen;
- 27 (2) Participant's guardian, if applicable;
- 28 (3) Participant's individualized service plan team; and
- 29 (4) Department of Human Services.
- 30 Affirmative understanding of the notice by the participant is not required.
- 31 The emergency termination notice must contain the reason for terminating services to the
32 participant, information on the availability of other similar services in the community, and the
33 contact information of the participant's case manager and the Department of Human Services." and
34 insert "
- 35 If the provider determines that a participant is a danger to self or others, or the participant has
36 engaged in behavior that repeatedly interferes with the rights, health, or safety of others, the

1 provider may terminate services provided to the participant under the CHOICES waiver program on
 2 the noticed date of termination, regardless of whether an appeal is filed under section 4 of this Act.
 3 If a participant has a residential lease agreement with a provider, the noticed date of termination
 4 may not be sooner than the termination or expiration of the agreement.

5 In order to terminate services in accordance with this section, the provider must forward the
 6 notice required by section 2 of this Act and include:

7 (1) A statement indicating that the provider is terminating services to the participant because:

8 (a) The participant is a danger to self or others; or

9 (b) The participant has engaged in behavior that repeatedly interferes with the rights, health,
 10 or safety of others;

11 (2) A statement indicating that, if an appeal is filed, the provider may terminate services on
 12 the noticed termination date; and

13 (3) Documentation of the participant's behavior and action taken by the provider to address
 14 the behaviors that led to the issuance of the termination notice. "

15 On page 3, line 5, of the Introduced bill, delete " who is" and insert " whose services are"

16 On page 3, line 6, of the Introduced bill, after "secure " insert "alternative "

17 On page 3, line 6, of the Introduced bill, after "placement" insert " until a decision is reached
 18 after a hearing pursuant to chapter 1-26"

19 And that as so amended, **HB 1202** do pass.

20 Also MR. SPEAKER:

21 The Committee on House Health and Human Services respectfully reports that it has had under
 22 consideration **HB 1223, and HCR 6012** which were deferred to the 41st Legislative Day.

23 Also MR. SPEAKER:

24 The Committee on House Health and Human Services respectfully reports that it has had under
 25 consideration **SB 46** and returns the same with the recommendation that said bill do pass, and
 26 having been certified as uncontested, be placed on the consent calendar.

27 Respectfully submitted,
 28 Kevin D. Jensen, Chair

29 Also MR. SPEAKER:

30 The Committee on House Transportation respectfully reports that it has had under
 31 consideration **SB 112** and returns the same with the recommendation that said bill do pass.

32 Respectfully submitted,
 33 Rocky Blare, Chair

1 MR. SPEAKER:

2 The Committee on House Local Government respectfully reports that it has had under
3 consideration **HB 1162, and SB 152 and 172** and returns the same with the recommendation that
4 said bills do pass.

5 Respectfully submitted,
6 Becky J. Drury, Chair

7 **MESSAGES FROM THE SENATE**

8 MR. SPEAKER:

9 I have the honor to return herewith **HB 1067, 1073, 1097, 1127, and 1145** which have
10 passed the Senate without change.

11 Also MR. SPEAKER:

12 I have the honor to inform your honorable body that **HB 1043** was lost on second reading and
13 final passage.

14 Also MR. SPEAKER:

15 I have the honor to transmit herewith **SB 29, 169, 175, and 217** which have passed the
16 Senate and your favorable consideration is respectfully requested.

17 Also MR. SPEAKER:

18 I have the honor to transmit herewith **SCR 603** which has been adopted by the Senate and
19 your concurrence is respectfully requested.

20 Respectfully,
21 Peggy Laurenz, Secretary

22 **MOTIONS AND RESOLUTIONS**

23 **SCR 603:** A CONCURRENT RESOLUTION, Opposing the adoption and development of a central
24 bank digital currency.

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

26 Rep. Auch moved that the Committee on State Affairs be instructed to deliver **HB 1199** to the
27 floor of the House, pursuant to JR 7-7.

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

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

Judiciary on **HB 1158** as found on page 303 of the House Journal; and

4

State Affairs on **HB 1224** as found on page 302 of the House Journal be adopted.

5

Which motion prevailed and the reports were adopted.

6

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

7

The Speaker declared that **HB 1226** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

8

9

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

10

SB 217: FOR AN ACT ENTITLED, An Act to require disclosure of certain information prior to the sale of property bound by a homeowners' association.

11

12

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

13

SB 29: FOR AN ACT ENTITLED, An Act to allow eligible members of the South Dakota National Guard attending an in-state private, nonprofit post-secondary institution to receive the state tuition benefit.

14

15

16

Was read the first time and referred to the House Committee on Appropriations.

17

SB 175: FOR AN ACT ENTITLED, An Act to add a domestic abuse shelter to the definition of a community safety zone.

18

19

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

20

SB 169: FOR AN ACT ENTITLED, An Act to revise provisions regarding drones.

21

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

22

SECOND READING OF CONSENT CALENDAR ITEMS

23

Rep. Perry requested that **HB 1229** be removed from the Consent Calendar.

24

Rep. Nelson requested that **HB 1140, 1141, 1142, and 1143, and SB 94** be removed from the Consent Calendar.

25

1

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1231: FOR AN ACT ENTITLED, An Act to place restrictions on the ownership of agricultural land.

3

4

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

5

The question now being on Rep. Odenbach's pending motion to amend **HB 1231** as found on page 310 of the House Journal.

6

7

Rep. Soye requested a roll call vote.

8

Which request was supported.

9

And the roll being called:

10

Yeas 17, Nays 50, Excused 3, Absent 0

11

Yeas: Auch, Aylward, Gross, Hansen, Jensen (Kevin), Karr, Krohmer, Ladner, Lems, Mills, Mulally, Odenbach, Peterson (Sue), Randolph, Schaeftbauer, Sjaarda, and Soye

12

13

Nays: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Conzet, Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Heermann, Jamison, Jensen (Phil), Kassin, Koth, Krull, Kull, Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Otten (Ernie), Overweg, Perry, Peterson (Drew), Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Weisgram, Wittman, and Speaker Bartels

14

15

16

17

18

Excused: DeGroot, May, and Wangsness

19

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

20

21

The question being "Shall **HB 1231** pass?"

22

And the roll being called:

23

Yeas 61, Nays 6, Excused 3, Absent 0

24

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

25

26

27

28

29

30

Nays: Jensen (Phil), Mills, Mulally, Odenbach, Sjaarda, and Soye

31

Excused: DeGroot, May, and Wangsness

32

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

33

34

HB 1135: FOR AN ACT ENTITLED, An Act to expand definitions pertaining to the purchasing of grain.

35

36

Was read the second time.

1 The question being "Shall **HB 1135** pass as amended?"

2 And the roll being called:

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

4 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Conzet,
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 Lesmeister, Massie, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie),
8 Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer,
9 Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen,
10 Tordsen, Venhuizen, Weisgram, Wittman, and Speaker Bartels

11 Excused: DeGroot, May, and Wangsness

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

14 **HB 1239:** FOR AN ACT ENTITLED, An Act to prohibit the dissemination of incorrect or
15 misleading ballot information and to provide a penalty therefor.

16 Was read the second time.

17 The question being "Shall **HB 1239** pass as amended?"

18 And the roll being called:

19 Yeas 59, Nays 8, Excused 3, Absent 0

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

26 Nays: Chase, Duba, Emery, Healy, Lesmeister, Nelson, Pourier, and Wittman

27 Excused: DeGroot, May, and Wangsness

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

30 **HB 1178:** FOR AN ACT ENTITLED, An Act to prohibit the Board of Regents or any institution
31 under its control from using state resources for obscene live conduct.

32 Was read the second time.

33 The question being "Shall **HB 1178** pass?"

34 And the roll being called:

35 Yeas 59, Nays 8, Excused 3, Absent 0

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

7 Nays: Conzet, Duba, Emery, Healy, Lesmeister, Nelson, Pourier, and Wittman

8 Excused: DeGroot, May, and Wangsness

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 1220:** FOR AN ACT ENTITLED, An Act to allow an appeal of a decision of the Department
 12 of Education regarding special education or related services by a civil action against the department.

13 Was read the second time.

14 The question being "Shall **HB 1220** pass?"

15 And the roll being called:

16 Yeas 65, Nays 2, Excused 3, Absent 0

17 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Conzet,
 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 Lesmeister, Massie, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie),
 21 Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Randolph, Rehfeldt, Reimer, Reisch,
 22 Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen,
 23 Venhuizen, Weisgram, and Speaker Bartels

24 Nays: Pourier and Wittman

25 Excused: DeGroot, May, and Wangsness

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

28 **SIGNING OF BILLS**

29 The Speaker publicly read the title to

30 **HB 1029:** FOR AN ACT ENTITLED, An Act to modify and repeal provisions related to the
 31 licensure of hearing aid dispensers and audiologists.

32 **HB 1067:** FOR AN ACT ENTITLED, An Act to designate Medal of Honor Recognition Day.

33 **HB 1073:** FOR AN ACT ENTITLED, An Act to keep interest earned on incarceration construction
 34 fund moneys in the same fund.

35 **HB 1097:** FOR AN ACT ENTITLED, An Act to authorize transportation activities by air
 36 ambulance operators.

37 **HB 1127:** FOR AN ACT ENTITLED, An Act to modify requirements for incorporating
 38 municipalities that are within three miles of another incorporated municipality.

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

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

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

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

7 **COMMEMORATIONS**

8 **HC 8017:** A LEGISLATIVE COMMEMORATION, Celebrating Bea Schelske and Alice Hager, the
9 Parkston Pals, and their contributions to the community.

10 Introduced by: **Representative** Bahmuller and **Senator** Schoenfish.

11 **HC 8018:** A LEGISLATIVE COMMEMORATION, Recognizing and celebrating the Pierre
12 Governors football team.

13 Introduced by: **Representatives** Mortenson and Weisgram and **Senator** Mehlhaff.

14 **HC 8019:** A LEGISLATIVE COMMEMORATION, Congratulating Tucker Kraft on his outstanding
15 football career and being drafted into the National Football League.

16 Introduced by: **Representative** Lesmeister.

17 **SC 808:** A LEGISLATIVE COMMEMORATION, Recognizing the annual South Dakota Senior
18 Games.

19 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:16 p.m.
20 the House adjourned.

21

Patricia Miller, Chief Clerk

