

# *JOURNAL OF THE HOUSE*

## *NINETY-NINTH SESSION*

---

TWENTY-FIFTH DAY

---

STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, February 15, 2024

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

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

Roll Call: All members present except Reps. Conzet, Lesmeister, and Mulder 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 24th day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Hugh M. Bartels, Chair

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

9 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of  
 10 the Ninety-Ninth Legislature of the State of South Dakota to Joseph Grady, Onica Graham, Elliot  
 11 Hendrix, Paul Kaffar, Emma Kilene, Grant Masek, Eden Otten, Jayda Reinert, Taylor Reisch, Charley  
 12 Stroh, Henry Thronson, Samuel Weinheimer, and Brooke Wright.

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

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

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

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

21 Rep. Chaffee moved that House Page Resolution 3 be adopted.

22 Which motion prevailed and the resolution was adopted.

23 **COMMUNICATIONS AND PETITIONS**

24 February 14, 2024

25 Mr. Speaker and Members of the House of Representatives:

26 I have the honor to inform you that on February 14, 2024, I approved House Bills 1027, 1062,  
 27 and 1069, and the same have been deposited in the office of the Secretary of State.

28 Respectfully submitted,  
 29 Kristi Noem  
 30 Governor

31 **REPORTS OF STANDING COMMITTEES**

32 MR. SPEAKER:

33 The Committee on Legislative Procedure respectfully reports that **HB 1029, 1067, 1073,**  
 34 **1097, 1127, and 1145** were delivered to her Excellency, the Governor, for her approval at 9:25  
 35 a.m., February 15, 2024.

36 Respectfully submitted,  
 37 Hugh M. Bartels, Chair

1 MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
3 Enrolling has carefully compared **HB 1008** and finds the same correctly enrolled.

4 Respectfully submitted,  
5 Hugh M. Bartels, Chair

6 MR. SPEAKER:

7 The Committee on House Commerce and Energy respectfully reports that it has had under  
8 consideration **HB 1219** and returns the same without recommendation.

9 Respectfully submitted,  
10 Mike Weisgram, Chair

11 MR. SPEAKER:

12 The Committee on House Commerce and Energy respectfully reports that it has had under  
13 consideration **HB 1233** and returns the same with the recommendation that said bill do pass, and  
14 having been certified as uncontested, be placed on the consent calendar.

15 Also MR. SPEAKER:

16 The Committee on House Commerce and Energy respectfully reports that it has had under  
17 consideration **HB 1227 and 1247** which were tabled.

18 Respectfully submitted,  
19 Mike Weisgram, Chair

20 MR. SPEAKER:

21 The Committee on House Transportation respectfully reports that it has had under  
22 consideration **HB 1242** which was tabled.

23 Respectfully submitted,  
24 Rocky Blare, Chair

25 MR. SPEAKER:

26 The Committee on House Health and Human Services respectfully reports that it has had under  
27 consideration **SB 10** and returns the same with the recommendation that said bill be amended as  
28 follows:

29 10A

30 On page 1, line 5, of the Introduced bill, after "practitioner" delete ", who"

31 On page 1, line 5, of the Introduced bill, delete "is not" and insert " and if the practitioner is  
32 neither"

33 On page 1, line 6, of the Introduced bill, after "provider" insert " nor a specialty provider caring  
34 for the patient's debilitating medical condition"

1 And that as so amended, **SB 10** do pass.

2 Also MR. SPEAKER:

3 The Committee on House Health and Human Services respectfully reports that it has had under  
4 consideration **SB 43** and returns the same with the recommendation that said bill be amended as  
5 follows:

6 43B

7 On page 4, line 17, of the Senate Engrossed bill, delete " fourteen" and insert " ten"

8 And that as so amended, **SB 43** do pass.

9 Also MR. SPEAKER:

10 The Committee on House Health and Human Services respectfully reports that it has had under  
11 consideration **SB 42** and returns the same with the recommendation that said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on House Health and Human Services respectfully reports that it has had under  
14 consideration **SB 11** and returns the same with the recommendation that said bill do pass, and  
15 having been certified as uncontested, be placed on the consent calendar.

16 Respectfully submitted,  
17 Taylor Rehfeldt, Vice-Chair

18 MR. SPEAKER:

19 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
20 under consideration **HB 1235** with the recommendation that said bill be amended as follows:

21 1235A

22 On page 1, line 4, of the Introduced bill, delete "\$130,631,071" and insert

23 On page 1, line 4, of the Introduced bill, after "\$130,631,071" delete "in "

24 On page 1, line 4, of the Introduced bill, delete "federal fund expenditure authority, for the  
25 expenditure of State Fiscal Recovery Fund moneys authorized by the American Rescue Plan Act,"  
26 and insert " from the general fund the sum of \$1"

27 And that as so amended said bill be referred to the Joint Committee on Appropriations with a  
28 without recommendation recommendation.

29 Also MR. SPEAKER:

30 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
31 under consideration **HB 1252** which was deferred to the 41st Legislative Day.

32 Respectfully submitted,  
33 Roger Chase, Chair

1 MR. SPEAKER:

2 The House Committee on Appropriations respectfully reports that it has had under  
3 consideration **HB 1014** which was deferred to the 41st Legislative Day.

4 Also MR. SPEAKER:

5 The House Committee on Appropriations respectfully reports that it has had under  
6 consideration **HB 1039** and returns the same with the recommendation that said bill be amended  
7 as follows:

8 1039A

9 On page 3, after line 2, of the Introduced bill, insert: "

10 **Section 3. That § 23A-40-10 be AMENDED:**

11 **23A-40-10.** If the court finds that funds are available for payment from or on behalf of a  
12 defendant to carry out, in whole or in part, the provisions of this chapter, the court may order that  
13 the funds be paid, as court costs or as a condition of probation, to the court for deposit with the  
14 state, county, or municipal treasurer, to be placed in the state, county, or municipal general fund  
15 or in the public defender fund in those counties establishing the office pursuant to subdivision 23A-  
16 40-7(1) as a reimbursement to the county or municipality to carry out the provisions of this section.  
17 The court may also order payment to be made in the form of installments or wage assignments, in  
18 amounts set by a judge of the circuit court or a magistrate judge, either during the time a charge  
19 is pending or after the disposition of the charge, regardless of whether the defendant has been  
20 acquitted or the case has been dismissed by the prosecution or by order of the court. The provisions  
21 of this section also apply to persons who have had counsel appointed under chapters 26-7A, 26-8A,  
22 26-8B, and 26-8C. The reimbursement is a credit against any lien created by the provisions of this  
23 chapter against the property of the defendant."

24 And that as so amended, **HB 1039** do pass.

25 Also MR. SPEAKER:

26 The House Committee on Appropriations respectfully reports that it has had under  
27 consideration **HB 1060** and returns the same with the recommendation that said bill be amended  
28 as follows:

29 1060A

30 On page 1, line 9, of the Introduced bill, after "owned" insert " motor"

31 On page 1, line 15, of the Introduced bill, after "owned" insert " motor"

32 On page 1, line 24, of the Introduced bill, after "greater." insert " For the purposes of this  
33 section, the term "individual with special needs" means a person with a disability that makes the  
34 person unable to operate an unmodified motor vehicle but allows the person to operate a personal  
35 motor vehicle modified to accommodate the disability.

36 The mileage reimbursement rate covers all expenses incidental to the operation of a motor  
37 vehicle.

38 The Bureau of Finance and Management shall publish in writing the mileage reimbursement  
39 rate to be effective as of October first each year."

40 On page 1, line 24, of the Introduced bill, delete " covering vehicle expenses" and insert " for  
41 using a privately owned motor vehicle on state business"

42 On page 2, line 3, of the Introduced bill, delete " at" and insert " within ten miles of"

1 On page 2, line 4, of the Introduced bill, after "instead" insert " for state business"

2 On page 2, line 6, of the Introduced bill, after "year." insert "

3 The Office of Fleet and Travel Management must approve mileage reimbursement paid at the  
4 rate set pursuant to § 3-9-1 if there are Office of Fleet and Travel Management or Department of  
5 Transportation pool motor vehicles available within ten miles of a person's place of residence or  
6 headquarters station.

7 This section does not apply to elected officers, departmental secretaries, and chairs of state  
8 boards and commissions."

9 On page 2, after line 6, of the Introduced bill, insert: "

10 **Section 3. That a NEW SECTION be added to chapter 3-9:**

11 Upon written request of the head of a state agency or institution, the state auditor may  
12 reimburse a person using a motor vehicle on state business for mileage within a designated city  
13 area if the required travel is not compensated through the person's salary. For the purposes of this  
14 section, the term "designated city area" means an area extending five miles beyond the municipal  
15 boundaries of Pierre, Sioux Falls, Aberdeen, Watertown, Brookings, and Rapid City."

16 On page 2, line 10, of the Introduced bill, delete " meal expenses" and insert " meal and lodging  
17 expenses necessarily"

18 On page 2, line 17, of the Introduced bill, after "amount" delete " that may be"

19 On page 2, line 18, of the Introduced bill, after "of" insert " in-state"

20 On page 2, line 20, of the Introduced bill, delete " tax" and insert " taxes and mandatory fees"

21 On page 2, line 21, of the Introduced bill, delete " tax" and insert " taxes and mandatory fees"

22 On page 2, line 22, of the Introduced bill, after "greater." insert " The Bureau of Finance and  
23 Management shall publish in writing the maximum reimbursement rate for in-state lodging to be  
24 effective as of October first each year."

25 On page 3, line 7, of the Introduced bill, after "from" insert " the limitations of"

26 On page 3, after line 12, of the Introduced bill, insert: "

27 **Section 6. That § 2-4-2 be AMENDED:**

28 **2-4-2.** The salary of each member of the Legislature is equal to one-fifth of the South Dakota  
29 median household income reported by the United States Census Current Population Survey, as  
30 ascertained and adjusted each year by the State Board of Finance to take effect on the first day of  
31 January of each year for every regular legislative session. In addition, each legislator shall receive:

32 (1) Reimbursement to be paid after the legislative session for actual mileage or its  
33 equivalent traveled to and from home not more than once each weekend or between days of recess  
34 during the regular legislative session, ~~at state rates established by the Board of Finance;~~ the rate  
35 set pursuant to § 3-9-1;

36 (2) Expenses of one hundred twenty-three dollars per day for each day of a regular or  
37 special legislative session as prepaid reimbursement for living expenses, including meals and  
38 lodging, laundry, cleaning and pressing of clothing, and all other uncompensated expenses as  
39 defined in § 2-4-2.1 incident to the performance of legislative services, or at the amount fixed for  
40 the per diem allowance that is authorized by the United States Internal Revenue Service to be  
41 excluded from the gross income without itemization as of October first each year, whichever of the  
42 two is greater; and

1 (3) Five cents once each session for every mile of necessary travel in going to and  
2 returning from the place of meeting of the Legislature by the most usual route.

3 For each day's attendance at special sessions, each member, in addition to mileage and  
4 expenses, shall receive a per diem calculated by the director of the Legislative Research Council  
5 equal to the normal daily compensation for the regular session immediately preceding the special  
6 session."

7 On page 5, line 13, of the Introduced bill, after "3-9-1" insert " when attending to the business  
8 of the township"

9 On page 5, line 21, of the Introduced bill, after "3-9-1;" delete " provided"

10 On page 5, line 21, of the Introduced bill, after "however," delete " that"

11 On page 6, line 10, of the Introduced bill, after "time" delete " actually"

12 On page 7, line 1, of the Introduced bill, after "Finance." insert " Such reimbursement and  
13 compensation shall be paid at the rates set pursuant to chapter 3-9."

14 And that as so amended, **HB 1060** do pass.

15 Also MR. SPEAKER:

16 The House Committee on Appropriations respectfully reports that it has had under  
17 consideration **HB 1213** and returns the same with the recommendation that said bill do pass.

18 Respectfully submitted,  
19 Mike Derby, Chair

20 **MESSAGES FROM THE SENATE**

21 MR. SPEAKER:

22 I have the honor to return herewith **HB 1091** which has been amended by the Senate and  
23 your concurrence in the amendments is respectfully requested.

24 Also MR. SPEAKER:

25 I have the honor to return herewith **HCR 6008** in which the Senate has concurred.

26 Also MR. SPEAKER:

27 I have the honor to return herewith **HB 1008** which has passed the Senate without change.

28 Respectfully,  
29 Peggy Laurenz, Secretary

1

**CONSIDERATION OF REPORTS OF COMMITTEES**

2

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

3

Education on **HB 1048** as found on page 327 of the House Journal; also

4

Judiciary on **HB 1257** as found on page 331 of the House Journal; and

5

State Affairs on **HB 1199 and 1232** as found on page 326 of the House Journal be adopted.

6

Which motion prevailed and the reports were adopted.

7

8

Rep. Auch moved that **HB 1199** be placed on the calendar of Tuesday, February 20, 2024, the 26th legislative day.

9

10

The question being on Rep. Auch's motion that **HB 1199** be placed on the calendar of Tuesday, February 20, 2024, the 26th legislative day.

11

And the roll being called:

12

Yeas 26, Nays 41, Excused 3, Absent 0

13

14

15

Yeas: Auch, Aylward, Deutsch, Donnell, Gross, Hansen, Heermann, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Ladner, Lems, May, Mills, Moore, Mulally, Odenbach, Overweg, Perry, Peterson (Sue), Randolph, Schaeftbauer, Shorma, Sjaarda, and Soye

16

17

18

19

20

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

21

Excused: Conzet, Lesmeister, and Mulder

22

23

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

24

**SECOND READING OF CONSENT CALENDAR ITEMS**

25

Rep. Wittman requested that **HB 1211** be removed from the Consent Calendar.

26

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

27

28

**HB 1140:** FOR AN ACT ENTITLED, An Act to improve the efficiency and administration of state government.

29

Was read the second time.

30

The question being "Shall **HB 1140** pass?"

31

And the roll being called:

32

Yeas 56, Nays 10, Excused 4, Absent 0



1 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,  
2 Donnell, Drury, Duba, Duffy, Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Jensen (Kevin),  
3 Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Massie, May, Mills, Moore, Mortenson,  
4 Nelson, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Drew), Pinnow, Reimer, Reisch,  
5 Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, St. John, Stevens, Teunissen, Tordsen,  
6 Venhuizen, Wangsness, Weisgram, and Speaker Bartels

7 Nays: Auch, Aylward, Emery, Jensen (Phil), Mulally, Pourier, Randolph, Rehfeldt, Soye, and  
8 Wittman

9 Excused: Conzet, Lesmeister, Mulder, and Peterson (Sue)

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

12 **HB 1141:** FOR AN ACT ENTITLED, An Act to improve public safety in South Dakota.

13 Was read the second time.

14 The question being "Shall **HB 1141** pass?"

15 And the roll being called:

16 Yeas 56, Nays 10, Excused 4, Absent 0

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

23 Nays: Auch, Aylward, Emery, Jensen (Phil), May, Mulally, Pourier, Randolph, Rehfeldt, and  
24 Wittman

25 Excused: Conzet, Lesmeister, Mulder, and Peterson (Sue)

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 **HB 1142:** FOR AN ACT ENTITLED, An Act to improve education and to provide for the  
29 workforce of South Dakota.

30 Was read the second time.

31 The question being "Shall **HB 1142** pass?"

32 And the roll being called:

33 Yeas 54, Nays 12, Excused 4, Absent 0

34 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,  
35 Donnell, Drury, Duba, Duffy, Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Jensen (Kevin),  
36 Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Massie, Mills, Moore, Mortenson, Nelson, Odenbach,  
37 Otten (Ernie), Overweg, Perry, Peterson (Drew), Pinnow, Reimer, Reisch, Sauder, Schaeffbauer,  
38 Schneider, Shorma, Sjaarda, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness,  
39 Weisgram, and Speaker Bartels

1 Nays: Auch, Aylward, Emery, Jensen (Phil), Lems, May, Mulally, Pourier, Randolph, Rehfeldt,  
2 Soye, and Wittman

3 Excused: Conzet, Lesmeister, Mulder, and Peterson (Sue)

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

6 **HB 1143:** FOR AN ACT ENTITLED, An Act to improve agriculture in South Dakota.

7 Was read the second time.

8 The question being "Shall **HB 1143** pass?"

9 And the roll being called:

10 Yeas 55, Nays 11, Excused 4, Absent 0

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

17 Nays: Auch, Aylward, Emery, Jensen (Phil), May, Mulally, Pourier, Randolph, Rehfeldt, Soye,  
18 and Wittman

19 Excused: Conzet, Lesmeister, Mulder, and Peterson (Sue)

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 Rep. Mortenson moved that the balance of the calendar including **HB 1098, 1131, 1202,**  
23 **1240, 1244, and 1255, and SB 94, 112, 152, and 172** be deferred to Tuesday, February 20,  
24 2024, the 26<sup>th</sup> legislative day.

25 Which motion prevailed.

## 26 **SIGNING OF BILLS**

27 The Speaker publicly read the title to

28 **HB 1008:** FOR AN ACT ENTITLED, An Act to modify the eligibility for admission to the state  
29 veterans' home and repeal the residency requirement.

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

## 31 **COMMEMORATIONS**

32 The Speaker declared that **HC 8020** was withdrawn at the request of the prime sponsor  
33 pursuant to JR 6B-1.1.

---

1        **HC 8021:** A LEGISLATIVE COMMEMORATION, Honoring the Estelline/Hendricks Redhawks for  
2 winning the State A gymnastics title two years in a row.

3            Introduced by: **Representatives** Deutsch, Bartels, Emery, Moore, Pinnow, and Weisgram and  
4 **Senators** Stalzer and Wiik.

5            Rep. Drury moved that the House do now adjourn, which motion prevailed and at 1:35 p.m.  
6 the House adjourned.

7  
Patricia Miller, Chief Clerk

