

# *JOURNAL OF THE HOUSE*

## *NINETY-NINTH SESSION*

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TWENTY-SEVENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, February 21, 2024

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by House page Jennifer Barnett.

Roll Call: All members present except Rep. Kassin who was 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 26th 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 \_\_\_\_\_ 99B

2 On page 1, line 1, of the Senate State Affairs Engrossed bill, after "application" insert " and to  
3 declare an emergency"

4 On page 1, after line 21, of the Senate State Affairs Engrossed bill, insert: "

5 **Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,  
6 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
7 effect from and after its passage and approval."

8 And that as so amended, **SB 99** do pass.

9 Also MR. SPEAKER:

10 The Committee on House State Affairs respectfully reports that it has had under consideration  
11 **SB 119** and returns the same with the recommendation that said bill be amended as follows:

12 \_\_\_\_\_ 119C

13 On page 1, line 10, of the Senate Engrossed bill, after "card" insert " number"

14 On page 2, line 2, of the Senate Engrossed bill, after "signature, " insert "unique identification  
15 number, "

16 On page 2, line 9, of the Senate Engrossed bill, after "card " insert "number "

17 And that as so amended, **SB 119** do pass.

18 \_\_\_\_\_ Respectfully submitted,  
19 \_\_\_\_\_ Will Mortenson, Chair

20 MR. SPEAKER:

21 The Committee on House Commerce and Energy respectfully reports that it has had under  
22 consideration **SB 58** and returns the same with the recommendation that said bill be amended as  
23 follows:

24 \_\_\_\_\_ 58C

25 On page 7, line 34, of the Senate Commerce and Energy Engrossed bill, after "Act;" delete "  
26 and"

27 On page 7, line 35, of the Senate Commerce and Energy Engrossed bill, after "company" insert  
28 "; and

29 (16) A person appointed as an agent of a payor for purposes of providing payroll  
30 processing services for which the agent would otherwise need to be licensed, provided all of the  
31 following apply:

32 (a) There is a written agreement between the payor and the agent that directs the agent  
33 to provide payroll processing services on the payor’s behalf;

34 (b) The payor holds the agent out to employees and other payees as providing payroll  
35 processing services on the payor’s behalf; and

1 (c) The payor’s obligation to a payee, including an employee or any other party entitled to  
 2 receive funds via the payroll processing services provided by the agent, shall not be extinguished if  
 3 the agent fails to remit the funds to the payee"

4 And that as so amended, **SB 58** do pass.

5 Also MR. SPEAKER:

6 The Committee on House Commerce and Energy respectfully reports that it has had under  
 7 consideration **SB 84** and returns the same with the recommendation that said bill do pass, and  
 8 having been certified as uncontested, be placed on the consent calendar.

9 Also MR. SPEAKER:

10 The Committee on House Commerce and Energy respectfully reports that it has had under  
 11 consideration **SB 81 and 86** and returns the same with the recommendation that said bills do pass.

12 Respectfully submitted,  
 13 Mike Weisgram, Chair

14 MR. SPEAKER:

15 The Committee on House Judiciary respectfully reports that it has had under consideration  
 16 **SB 9, 85, and 97** and returns the same with the recommendation that said bills do pass.

17 Also MR. SPEAKER:

18 The Committee on House Judiciary respectfully reports that it has had under consideration  
 19 **SB 15 and 98** and returns the same with the recommendation that said bills do pass, and having  
 20 been certified as uncontested, be placed on the consent calendar.

21 Respectfully submitted,  
 22 Jon Hansen, Chair

23 **MESSAGES FROM THE SENATE**

24 MR. SPEAKER:

25 I have the honor to return herewith **HB 1023, 1104, 1129, and 1163** which have passed the  
 26 Senate without change.

27 Also MR. SPEAKER:

28 I have the honor to return herewith **HB 1082** which has been amended by the Senate and  
 29 your concurrence in the amendments is respectfully requested.

30 Also MR. SPEAKER:

31 I have the honor to transmit herewith **SB 13, 191, 198, 199, and 212** which have passed  
 32 the Senate and your favorable consideration is respectfully requested.

33 Respectfully,  
 34 Peggy Laurenz, Secretary

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**MOTIONS AND RESOLUTIONS**

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Yesterday, Rep. Randolph announced his intention to reconsider the vote by which **HB 1255** lost.

4

No member moved to reconsider the vote by which **HB 1255** lost.

5

**CONSIDERATION OF REPORTS OF COMMITTEES**

6

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

7

House Appropriations on **HB 1118** as found on page 352 of the House Journal be adopted.

8

Which motion prevailed and the report was adopted.

9

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

10

11

**SB 212:** FOR AN ACT ENTITLED, An Act to allow for the payment of goods or services by a school district between school board meetings in certain circumstances.

12

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

13

14

**SB 198:** FOR AN ACT ENTITLED, An Act to authorize school districts and nonpublic schools to acquire and administer nasal glucagon.

15

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

16

17

**SB 191:** FOR AN ACT ENTITLED, An Act to restrict the use of medical cannabis for individuals on probation or conditional release.

18

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

19

20

**SB 199:** FOR AN ACT ENTITLED, An Act to revise provisions pertaining to the consolidation or boundary changes of counties.

21

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

22

23

**SB 13:** FOR AN ACT ENTITLED, An Act to revise the process for nominating candidates for the offices of lieutenant governor, attorney general, and secretary of state.

24

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

25

**SECOND READING OF CONSENT CALENDAR ITEMS**

26

Rep. Pourier requested that **SB 169** be removed from the Consent Calendar.

1 **SB 188:** FOR AN ACT ENTITLED, An Act to modify the time before which rural access  
2 infrastructure grant moneys must be expended or obligated.

3 **SB 194:** FOR AN ACT ENTITLED, An Act to create a license plate for certain retired firefighters  
4 and clarify provisions regarding special firefighter license plates.

5 Were read the second time.

6 The question being "Shall **SB 188** pass as amended, and **SB 194** pass?"

7 And the roll being called:

8 Yeas 69, Nays 0, Excused 1, Absent 0

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

16 Excused: Kassin

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

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

20 **HB 1039:** FOR AN ACT ENTITLED, An Act to provide for the payment of legal expenses  
21 originating from crime committed at a facility maintained by the Department of Corrections.

22 Was read the second time.

23 The question being "Shall **HB 1039** pass as amended?"

24 And the roll being called:

25 Yeas 69, Nays 0, Excused 1, Absent 0

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

33 Excused: Kassin

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

36 **HB 1060:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to travel  
37 reimbursement.

38 Was read the second time.

1 The question being "Shall **HB 1060** pass as amended?"

2 And the roll being called:

3 Yeas 69, Nays 0, Excused 1, Absent 0

4 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Conzet,  
5 DeGroot, Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy,  
6 Heermann, Jamison, Jensen (Kevin), Jensen (Phil), Karr, Koth, Krohmer, Krull, Kull, Ladner, Lems,  
7 Lesmeister, Massie, May, 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, Wangsness, Weisgram, Wittman, and Speaker Bartels

11 Excused: Kassin

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 1118:** FOR AN ACT ENTITLED, An Act to revise unclaimed property provisions.

15 Was read the second time.

16 The question being "Shall **HB 1118** pass as amended?"

17 And the roll being called:

18 Yeas 39, Nays 30, Excused 1, Absent 0

19 Yeas: Arlint, Blare, Cammack, Chaffee, Chase, DeGroot, Derby, Donnell, Drury, Duba, Duffy,  
20 Emery, Healy, Heermann, Koth, Krull, Kull, Lesmeister, Massie, Moore, Mortenson, Nelson, Otten  
21 (Ernie), Peterson (Drew), Pinnow, Pourier, Rehfeldt, Reisch, Sauder, Schneider, Shorma, St. John,  
22 Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Wittman, and Speaker Bartels

23 Nays: Auch, Aylward, Bahmuller, Callies, Conzet, Deutsch, Fitzgerald, Gross, Hansen, Jamison,  
24 Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Ladner, Lems, May, Mills, Mulally, Mulder, Odenbach,  
25 Overweg, Perry, Peterson (Sue), Randolph, Reimer, Schaeftbauer, Sjaarda, Soye, and Weisgram

26 Excused: Kassin

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

29 Rep. Mortenson moved that the balance of the calendar including **SB 10, 42, 43, 112, 152,**  
30 **and 172** be deferred to Thursday, February 22, 2024, the 28<sup>th</sup> legislative day.

31 Which motion prevailed.

32 **SIGNING OF BILLS**

33 The Speaker publicly read the title to

34 **HB 1023:** FOR AN ACT ENTITLED, An Act to provide immunity from liability for certain actions  
35 of the State Bar and its agents.

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1           **HB 1091:** FOR AN ACT ENTITLED, An Act to enact the Interstate Insurance Product Regulation  
2 Compact.

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

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

8           **HB 1163:** FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial  
9 Code.

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

11           Rep. Drury moved that the House do now adjourn, which motion prevailed and at 2:49 p.m.  
12 the House adjourned.

13           Patricia Miller, Chief Clerk