

# *JOURNAL OF THE HOUSE*

## *NINETY-NINTH SESSION*

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TWENTY-NINTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Friday, February 23, 2024

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

The prayer was offered by the Chaplain, Noah Von Seggern, followed by the Pledge of Allegiance led by House page Reese Hadrick.

Roll Call: All members present except Reps. Conzet, DeGroot, and Rehfeldt 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 28th 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

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**REPORTS OF STANDING COMMITTEES**

2 MR. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that **HB 1023, 1091, 1104,**  
4 **1129, and 1163** were delivered to her Excellency, the Governor, for her approval at 9:20 a.m.,  
5 February 23, 2024.

6  
7Respectfully submitted,  
Hugh M. Bartels, Chair

8 MR. SPEAKER:

9 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
10 Enrolling has carefully compared **HB 1082, 1084, 1086, 1099, 1100, 1147, 1182, and 1196**  
11 and finds the same correctly enrolled.

12  
13Respectfully submitted,  
Hugh M. Bartels, Chair

14 MR. SPEAKER:

15 The Committee on House Commerce and Energy respectfully reports that it has had under  
16 consideration **SB 89 and 90** and returns the same with the recommendation that said bills do pass.

17 Also MR. SPEAKER:

18 The Committee on House Commerce and Energy respectfully reports that it has had under  
19 consideration **SB 148** 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  
22Respectfully submitted,  
Mike Weisgram, Chair

23 MR. SPEAKER:

24 The Committee on House Judiciary respectfully reports that it has had under consideration  
25 **SB 6 and 211** and returns the same with the recommendation that said bills do pass.

26 Also MR. SPEAKER:

27 The Committee on House Judiciary respectfully reports that it has had under consideration  
28 **SB 61 and 175** and returns the same with the recommendation that said bills do pass, and having  
29 been certified as uncontested, be placed on the consent calendar.

30  
31Respectfully submitted,  
Jon Hansen, Chair

32 MR. SPEAKER:

33 The Committee on House State Affairs respectfully reports that it has had under consideration  
34 **SB 13** which was tabled.

1 Also MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration  
3 **SB 18 and 115** and returns the same with the recommendation that said bills do pass.

4 Also MR. SPEAKER:

5 The Committee on House State Affairs respectfully reports that it has had under consideration  
6 **SB 96** which was deferred to the 41st Legislative Day.

7 Also MR. SPEAKER:

8 The Committee on House State Affairs respectfully reports that it has had under consideration  
9 **SB 182** and returns the same with the recommendation that said bill do pass, and having been  
10 certified as uncontested, be placed on the consent calendar.

11 Respectfully submitted,  
12 Will Mortenson, Chair

13 **MESSAGES FROM THE SENATE**

14 MR. SPEAKER:

15 I have the honor to return herewith **HB 1084, 1086, 1099, 1100, 1147, 1182, and 1196**  
16 which have passed the Senate without change.

17 Also MR. SPEAKER:

18 I have the honor to return herewith **HCR 6011** in which the Senate has concurred.

19 Also MR. SPEAKER:

20 I have the honor to transmit herewith **SB 50 and 171** which have passed the Senate and your  
21 favorable consideration is respectfully requested.

22 Respectfully,  
23 Peggy Laurenz, Secretary

24 **MOTIONS AND RESOLUTIONS**

25 Rep. Mortenson moved that **SB 58 and 98** be placed to follow **SB 117** on today's calendar.

26 Which motion prevailed.

27 Rep. Fitzgerald moved that the House do concur in Senate amendments to **HB 1038**.

28 The question being on Rep. Fitzgerald's motion that the House do concur in Senate  
29 amendments to **HB 1038**.

30 And the roll being called:

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

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

8 Excused: Conzet, DeGroot, and Rehfeldt

9 So the motion having received an affirmative vote of a majority of the members-elect, the  
10 Speaker declared the motion carried and the amendments were concurred in.

11 Rep. Deutsch moved that the House do concur in Senate amendments to **HB 1076**.

12 The question being on Rep. Deutsch's motion that the House do concur in Senate amendments  
13 to **HB 1076**.

14 And the roll being called:

15 Yeas 49, Nays 18, Excused 3, Absent 0

16 Yeas: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Derby, Deutsch, Donnell,  
17 Drury, Duffy, Fitzgerald, Gross, Heermann, Jamison, Jensen (Kevin), Kassin, Koth, Krohmer, Krull,  
18 Kull, Ladner, Lems, Lesmeister, Massie, Mortenson, Mulder, Otten (Ernie), Overweg, Perry, Peterson  
19 (Drew), Peterson (Sue), Pinnow, Randolph, Reimer, Reisch, Sauder, Schneider, Shorma, Sjaarda,  
20 St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and Speaker Bartels

21 Nays: Auch, Aylward, Duba, Emery, Hansen, Healy, Jensen (Phil), Karr, May, Mills, Moore,  
22 Mulally, Nelson, Odenbach, Pourier, Schaeftbauer, Soye, and Wittman

23 Excused: Conzet, DeGroot, and Rehfeldt

24 So the motion having received an affirmative vote of a majority of the members-elect, the  
25 Speaker declared the motion carried and the amendments were concurred in.

26 Rep. Fitzgerald moved that the House do concur in Senate amendments to **HB 1089**.

27 The question being on Rep. Fitzgerald's motion that the House do concur in Senate  
28 amendments to **HB 1089**.

29 And the roll being called:

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

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

38 Excused: Conzet, DeGroot, and Rehfeldt

39 So the motion having received an affirmative vote of a majority of the members-elect, the  
40 Speaker declared the motion carried and the amendments were concurred in.

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**CONSIDERATION OF REPORTS OF COMMITTEES**

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

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Joint Appropriations on **HB 1201** as found on page 373 of the House Journal; and

4

Health and Human Services on **SB 64** as found on page 372 of the House Journal be adopted.

5

Which motion prevailed and the reports were adopted.

6

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

7

**SB 50:** FOR AN ACT ENTITLED, An Act to make an appropriation for the site preparation and construction of a prison facility for offenders committed to the Department of Corrections in Rapid City, to transfer moneys to the incarceration construction fund, and to declare an emergency.

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10

**SB 171:** FOR AN ACT ENTITLED, An Act to make and change an appropriation related to the construction of the new state public health laboratory and to declare an emergency.

11

12

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

13

**SECOND READING OF CONSENT CALENDAR ITEMS**

14

**SB 63:** FOR AN ACT ENTITLED, An Act to revise provisions related to the licensure and regulation of ambulance services.

15

16

**SB 147:** FOR AN ACT ENTITLED, An Act to provide for the distribution of informational materials regarding palliative care.

17

18

**SCR 602:** A CONCURRENT RESOLUTION, To analyze and report information on the healthcare workforce in South Dakota.

19

20

Were read the second time.

21

The question being "Shall **SB 63** pass as amended, and **SB 147** pass, and **SCR 602** be concurred in?"

22

23

And the roll being called:

24

Yeas 60, Nays 6, Excused 4, Absent 0

25

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

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Nays: Aylward, Jensen (Phil), May, Mulally, Randolph, and Soye

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Excused: Conzet, DeGroot, Karr, and Rehfeldt

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

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

2

**SB 99:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to applying for an absentee ballot application and to declare an emergency.

3

4

Was read the second time.

5

The question being "Shall **SB 99** pass as amended?"

6

And the roll being called:

7

Yeas 64, Nays 1, Excused 5, Absent 0

8

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

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Nays: Odenbach

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Excused: Conzet, DeGroot, Karr, Rehfeldt, and Shorma

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

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**SB 119:** FOR AN ACT ENTITLED, An Act to permit the use of tribal identification cards when registering to vote.

21

Was read the second time.

22

Rep. Mortenson moved that **SB 119** be laid on the table.

23

The question being on Rep. Mortenson's motion that **SB 119** be laid on the table.

24

And the roll being called:

25

Yeas 59, Nays 6, Excused 5, Absent 0

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Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Deutsch, Donnell, Drury, Duba, Duffy, Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Jensen (Kevin), Jensen (Phil), Krohmer, Krull, Kull, Ladner, Lems, Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Sue), Pinnow, Pourier, Randolph, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Wangsness, Weisgram, Wittman, and Speaker Bartels

32

Nays: Derby, Emery, Kassin, Koth, Peterson (Drew), and Venhuizen

33

Excused: Conzet, DeGroot, Karr, Rehfeldt, and Shorma

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So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **SB 119** was tabled.

1 **SB 111**: FOR AN ACT ENTITLED, An Act to revise requirements for mining and mineral  
2 exploration.

3 Was read the second time.

4 Rep. Chase moved that **SB 111** be amended as follows:

5 111F

6 On page 2, line 5, of the Senate Agriculture and Natural Resources Engrossed bill, delete "three  
7 " and insert "one "

8 On page 2, line 6, of the Senate Agriculture and Natural Resources Engrossed bill, delete "eight  
9 " and insert "five "

10 On page 2, line 6, of the Senate Agriculture and Natural Resources Engrossed bill, after  
11 "hundred " delete "and fifty "

12 On page 2, line 9, of the Senate Agriculture and Natural Resources Engrossed bill, delete "three  
13 " and insert "two "

14 On page 2, line 10, of the Senate Agriculture and Natural Resources Engrossed bill, delete  
15 "eight " and insert "seven "

16 Which motion prevailed.

17 The question being "Shall **SB 111** pass as amended?"

18 And the roll being called:

19 Yeas 62, Nays 3, Excused 5, Absent 0

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

27 Nays: Mills, Mulally, and Stevens

28 Excused: Conzet, DeGroot, Karr, Rehfeldt, and Shorma

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

31 Rep. Mortenson moved that the balance of the calendar including **SB 58, 98, and 117** be  
32 deferred to Monday, February 26, 2024, the 30<sup>th</sup> legislative day.

33 Which motion prevailed.

34 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing  
35 Committees.

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**REPORTS OF STANDING COMMITTEES**

2 MR. SPEAKER:

3 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
4 **HB 1022** and returns the same with the recommendation that said bill be amended as follows:

5 1022B

6 On page 1, line 5, of the House Education Engrossed bill, delete " \$6,000,000" and insert "  
7 \$3,000,000"8 And that as so amended, **HB 1022** do pass.

9 Also MR. SPEAKER:

10 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
11 **HB 1061** and returns the same with the recommendation that said bill be amended as follows:

12 1061A

13 On page 1, line 4, of the Introduced bill, delete " \$2,776,341" and insert " \$4,276,341"

14 On page 1, line 6, of the Introduced bill, after "34-48A-1" delete ", impacting this state"

15 And that as so amended, **HB 1061** do pass.

16 Also MR. SPEAKER:

17 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
18 **HB 1065** and returns the same with the recommendation that said bill be amended as follows:

19 1065B

20 On page 1, line 14, of the Introduced bill, delete " \$8,000,000" and insert " \$4,000,000 in  
21 general funds and the sum of \$4,000,000"22 And that as so amended, **HB 1065** do pass.

23 Also MR. SPEAKER:

24 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
25 **HB 1093** and returns the same with the recommendation that said bill be amended as follows:

26 1093A

27 On page 1, line 4, of the Introduced bill, delete " \$8,000,000" and insert " \$2,000,000"

28 And that as so amended, **HB 1093** do pass.

29 Also MR. SPEAKER:

30 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
31 **HB 1184 and 1209** which were deferred to the 41st Legislative Day.

32 Also MR. SPEAKER:

33 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
34 **HB 1064** and returns the same with the recommendation that said bill do pass.



1 Also MR. SPEAKER:

2 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
3 **HB 1235** which was tabled.

4 Respectfully submitted,  
5 Mike Derby, Co-Chair

Respectfully submitted,  
Jean Hunhoff, Co-Chair

6 **SIGNING OF BILLS**

7 The Speaker publicly read the title to

8 **HB 1082:** FOR AN ACT ENTITLED, An Act to change the eligibility requirements, and the  
9 exempt value, of a property tax relief program for disabled veterans and surviving spouses.

10 **HB 1084:** FOR AN ACT ENTITLED, An Act to repeal a provision related to habeas corpus  
11 proceedings.

12 **HB 1086:** FOR AN ACT ENTITLED, An Act to establish an enhanced penalty for probationers  
13 intentionally causing contact with bodily fluids or human waste with a Unified Judicial System  
14 employee.

15 **HB 1099:** FOR AN ACT ENTITLED, An Act to establish educational standards for the expanded  
16 practice of optometry.

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

19 **HB 1147:** FOR AN ACT ENTITLED, An Act to address discriminatory acts against entities  
20 participating in a 340B drug pricing program.

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

23 **HB 1196:** FOR AN ACT ENTITLED, An Act to streamline the process by which an on-sale retail  
24 license holder may acquire a special event license.

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

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

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

30 **COMMEMORATIONS**

31 **SC 810:** A LEGISLATIVE COMMEMORATION, Honoring the Canton C-Hawks boys wrestling  
32 team.

33 Rep. Wangsness moved that the House do now adjourn, which motion prevailed and at  
34 1:41 p.m. the House adjourned.

35 Patricia Miller, Chief Clerk

