

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

THIRTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, March 05, 2024

The House convened at 10:00 a.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 pages Reagan Blackburn and Bennett Gordon.

Roll Call: All members present.

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 34th 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

MESSAGES FROM THE SENATE

2 MR. SPEAKER:

3 I have the honor to return herewith **HB 1093, 1140, 1157, 1185, 1186, 1200, 1244, 1245,**
4 **and 1257** which have been amended by the Senate and your concurrence in the amendments is
5 respectfully requested.

6 Also MR. SPEAKER:

7 I have the honor to return herewith **HB 1022, 1039, 1233, and 1240** which have passed the
8 Senate without change.

9 Also MR. SPEAKER:

10 I have the honor to inform your honorable body that **HB 1213** was lost on second reading and
11 final passage.

12 Also MR. SPEAKER:

13 I have the honor to inform your honorable body that the Senate has failed to concur in House
14 amendments to **SB 127** and has appointed Senators Schoenfish (Chair), Breitling, and Larson as a
15 committee of three on the part of the Senate to meet with a like committee on the part of the House
16 to adjust the differences between the two houses.

17 Also MR. SPEAKER:

18 I have the honor to inform your honorable body that the Senate has appointed
19 Senators Mehlhaff (Chair), Deibert, and Hoffman as a committee of three on the part of the Senate
20 to meet with a like committee on the part of the House to adjust the differences between the two
21 houses on **HB 1092**.

22
23

Respectfully,
Peggy Laurenz, Secretary

24 The Speaker appointed Representatives Bartels (Chair), Stevens, and Reimer as a committee
25 of three on the part of the House to meet with a like committee on the part of the Senate to adjust
26 the differences between the two houses on **SB 127**.

27

MOTIONS AND RESOLUTIONS

28 Rep. Mortenson moved that the House do not concur in Senate amendments to **HB 1185** and
29 that a committee of three on the part of the House be appointed to meet with a like committee on
30 the part of the Senate to adjust the differences between the two houses.

31 The question being on Rep. Mortenson's motion that the House do not concur in Senate
32 amendments to **HB 1185** and that a committee of three on the part of the House be appointed to
33 meet with a like committee on the part of the Senate to adjust the differences between the two
34 houses.

35 And the roll being called:

1 Yeas 63, Nays 6, Excused 1, Absent 0

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

9 Nays: Jensen (Phil), Krohmer, Mills, Mulally, Overweg, and Randolph

10 Excused: St. John

11 So the motion having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the motion prevailed and the Speaker appointed as such committee
13 Representatives Mortenson (Chair), Lesmeister, and Moore.

14 Rep. Mortenson moved that the House do not concur in Senate amendments to **HB 1186** and
15 that a committee of three on the part of the House be appointed to meet with a like committee on
16 the part of the Senate to adjust the differences between the two houses.

17 The question being on Rep. Mortenson's motion that the House do not concur in Senate
18 amendments to **HB 1186** and that a committee of three on the part of the House be appointed to
19 meet with a like committee on the part of the Senate to adjust the differences between the two
20 houses.

21 And the roll being called:

22 Yeas 63, Nays 6, Excused 1, Absent 0

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

30 Nays: Jensen (Phil), Krohmer, May, Mills, Mulally, and Otten (Ernie)

31 Excused: St. John

32 So the motion having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the motion prevailed and the Speaker appointed as such committee
34 Representatives Mortenson (Chair), Lesmeister, and Moore.

35 Rep. Mortenson moved that the House do now recess until 2:00 p.m.

36 Which motion prevailed and at 10:25 a.m., the House recessed.

37 **RECESS**

38 The House reconvened at 2:05 p.m., the Speaker presiding.

1 Rep. Hansen moved as a substitute motion that the House do not concur in Senate
2 amendments to **HB 1140** and that no committee be appointed.

3 The question being on Rep. Hansen's substitute motion that the House do not concur in Senate
4 amendments to **HB 1140** and that no committee be appointed.

5 And the roll being called:

6 Yeas 35, Nays 35, Excused 0, Absent 0

7 Yeas: Auch, Aylward, Bahmuller, Blare, Chaffee, Deutsch, Donnell, Gross, Hansen, Heermann,
8 Jamison, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Krull, Ladner, Lems, Massie, May, Mills,
9 Moore, Mulally, Mulder, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Sue), Pinnow, Pourier,
10 Randolph, Schaeftbauer, Sjaarda, and Soye

11 Nays: Arlint, Callies, Cammack, Chase, Conzet, DeGroot, Derby, Drury, Duba, Duffy, Emery,
12 Fitzgerald, Healy, Kassin, Koth, Kull, Lesmeister, Mortenson, Nelson, Peterson (Drew), Rehfeldt,
13 Reimer, Reisch, Sauder, Schneider, Shorma, St. John, Stevens, Teunissen, Tordsen, Venhuizen,
14 Wangsness, Weisgram, Wittman, and Speaker Bartels

15 So the motion not having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the motion lost and no committee was appointed.

17 Rep. Mortenson moved as a substitute motion that the House do not concur in Senate
18 amendments to **HB 1140** and that a committee of three on the part of the House be appointed to
19 meet with a like committee on the part of the Senate to adjust the differences between the two
20 houses.

21 The question being on Rep. Mortenson's substitute motion that the House do not concur in
22 Senate amendments to **HB 1140** and that a committee of three on the part of the House be
23 appointed to meet with a like committee on the part of the Senate to adjust the differences between
24 the two houses.

25 And the roll being called:

26 Yeas 38, Nays 32, Excused 0, Absent 0

27 Yeas: Arlint, Callies, Cammack, Chase, Conzet, DeGroot, Derby, Deutsch, Drury, Duba, Duffy,
28 Emery, Fitzgerald, Healy, Heermann, Kassin, Koth, Kull, Lesmeister, Mortenson, Perry, Peterson
29 (Drew), Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, St. John, Stevens,
30 Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

31 Nays: Auch, Aylward, Bahmuller, Blare, Chaffee, Donnell, Gross, Hansen, Jamison, Jensen
32 (Kevin), Jensen (Phil), Karr, Krohmer, Krull, Ladner, Lems, Massie, May, Mills, Moore, Mulally,
33 Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Peterson (Sue), Pinnow, Randolph,
34 Schaeftbauer, Sjaarda, and Soye

35 So the motion having received an affirmative vote of a majority of the members-elect, the
36 Speaker declared the motion prevailed and the Speaker appointed as such committee
37 Representatives Reimer (Chair), Chase, and Peterson (Sue).

38 Rep. Mortenson moved that the House do concur in Senate amendments to **HB 1200**.

39 The question being on Rep. Mortenson's motion that the House do concur in Senate
40 amendments to **HB 1200**.

41 And the roll being called:

42 Yeas 66, Nays 4, Excused 0, Absent 0

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

8 Nays: Jensen (Phil), Mulally, Otten (Ernie), and Overweg

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. Hansen moved that the House do concur in Senate amendments to **HB 1244**.

12 The question being on Rep. Hansen's motion that the House do concur in Senate amendments
13 to **HB 1244**.

14 And the roll being called:

15 Yeas 60, Nays 10, Excused 0, Absent 0

16 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Cammack, Chaffee, Conzet, DeGroot, Derby,
17 Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Heermann, Jamison,
18 Jensen (Kevin), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Massie, May,
19 Mills, Moore, Mortenson, Mulder, Odenbach, Overweg, Peterson (Drew), Peterson (Sue), Pinnow,
20 Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St.
21 John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and Speaker Bartels

22 Nays: Callies, Chase, Healy, Lesmeister, Mulally, Nelson, Otten (Ernie), Perry, Pourier, and
23 Wittman

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

26 Rep. Reimer moved that the House do concur in Senate amendments to **HB 1245**.

27 The question being on Rep. Reimer's motion that the House do concur in Senate amendments
28 to **HB 1245**.

29 And the roll being called:

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

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

38 Nays: Mulally

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.

1 Rep. Soye moved that the House do not concur in Senate amendments to **HB 1257** and that
2 a committee of three on the part of the House be appointed to meet with a like committee on the
3 part of the Senate to adjust the differences between the two houses.

4 The question being on Rep. Soye's motion that the House do not concur in Senate amendments
5 to **HB 1257** and that a committee of three on the part of the House be appointed to meet with a
6 like committee on the part of the Senate to adjust the differences between the two houses.

7 And the roll being called:

8 Yeas 63, Nays 7, Excused 0, Absent 0

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

16 Nays: Duba, Emery, Healy, Lesmeister, Nelson, Pourier, and Wittman

17 So the motion having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the motion prevailed and the Speaker appointed as such committee
19 Representatives Hansen (Chair), Soye, and May.

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

21 Rep. Mortenson moved that the report of the Standing Committee on Joint Legislative
22 Procedures relative to the calendar for the One-Hundredth Legislative Session as found on page 437
23 of the House Journal be adopted.

24 The question being on Rep. Mortenson's motion that the report of the Standing Committee on
25 Joint Legislative Procedures relative to the calendar for the One-Hundredth Legislative Session
26 be adopted.

27 And the roll being called:

28 Yeas 64, Nays 6, Excused 0, Absent 0

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

36 Nays: Conzet, Jensen (Phil), Karr, Krohmer, Mills, and Mulally

37 So the motion having received an affirmative vote of a majority of the members-elect, the
38 Speaker declared the motion prevailed and the calendar was adopted.

39 Speaker Pro Tempore Stevens now presiding.

1

REPORTS OF CONFERENCE COMMITTEES

2 MR. SPEAKER:

3 The HB1092 A Conference Committee on **HB 1092** respectfully reports that it has considered
4 the disagreement of the two houses, and returns the same with the recommendation that said bill
5 be amended as follows:

6 1092G

7 On page 1, line 15, of the Senate Engrossed bill, delete " March" and insert " July"

8 On page 1, line 15, of the Senate Engrossed bill, after "must" insert " cover the period of July
9 first through June thirtieth"

10 On page 1, line 15, of the Senate Engrossed bill, after "must" insert " July first"

11 On page 1, line 15, of the Senate Engrossed bill, after "must" insert " immediately preceding
12 the report deadline and"

13 On page 2, line 22, of the Senate Engrossed bill, after "annually" insert " by August thirty-first"

14 On page 2, line 29, of the Senate Engrossed bill, delete " June 30, 2025" and insert " July 1,
15 2026".16 Respectfully submitted,
17 Hugh M. Bartels, ChairRespectfully submitted,
Jim Mehlhaff, Chair18 Rep. Bartels moved that the report of the Conference Committee on **HB 1092** as found on
19 page 478 of the House Journal be adopted.20 The question being on Rep. Bartels' motion that the report of the Conference Committee on
21 **HB 1092** be adopted.

22 And the roll being called:

23 Yeas 60, Nays 10, Excused 0, Absent 0

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

30 Nays: Aylward, Hansen, Jensen (Phil), Karr, Lems, May, Mills, Mulally, Odenbach, and Soye

31 So the motion having received an affirmative vote of a two-thirds majority of the members-
32 elect, the Speaker declared the motion carried and the report was adopted.

33 Speaker Bartels now presiding.

1 The Speaker appointed Representatives Venhuizen (Chair), Duffy, and May as a committee of
2 three on the part of the House to meet with a like committee on the part of the Senate to adjust
3 the differences between the two houses on **SB 144**.

4 The Speaker announced the following change in committee assignments: Rep. Conzet to the
5 Conference Committee on **HB 1140** to replace Rep. Reimer.

6 **SIGNING OF BILLS**

7 The Speaker publicly read the title to

8 **HB 1022:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
9 Education to provide professional development in literacy to teachers, and to declare an emergency.

10 **HB 1240:** FOR AN ACT ENTITLED, An Act to permit a homeowner's association, development,
11 or incorporated community to modify a restrictive covenant.

12 **SB 1:** FOR AN ACT ENTITLED, An Act to expand eligibility for the reduced tuition benefit for
13 certain school district and Head Start employees at Board of Regents institutions to school
14 counselors.

15 **SB 45:** FOR AN ACT ENTITLED, An Act to make an appropriation for the establishment of a
16 Center for Quantum Information Science and Technology and to declare an emergency.

17 **SB 47:** FOR AN ACT ENTITLED, An Act to revise the incentive program for juvenile diversion
18 opportunities.

19 **SB 49:** FOR AN ACT ENTITLED, An Act to make an appropriation for the site preparation of a
20 prison facility for offenders committed to the Department of Corrections, to transfer moneys to the
21 incarceration construction fund, and to declare an emergency.

22 **SB 53:** FOR AN ACT ENTITLED, An Act to make an appropriation for eligible water and
23 wastewater projects and to declare an emergency.

24 **SB 83:** FOR AN ACT ENTITLED, An Act to make an appropriation for the revised construction
25 costs of maintenance shops for the Wildland Fire Suppression Division and to declare an emergency.

26 **SB 124:** FOR AN ACT ENTITLED, An Act to revise the eligibility of roads for the rural access
27 infrastructure fund.

28 **SB 165:** FOR AN ACT ENTITLED, An Act to create the South Dakota-Ireland Trade Commission.

29 **SB 168:** FOR AN ACT ENTITLED, An Act to make an appropriation for victim services.

30 **SB 182:** FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the
31 petition circulation process to comply with federal court decisions.

32 **SB 187:** FOR AN ACT ENTITLED, An Act to make an appropriation to establish a cybersecurity
33 services initiative for counties and municipalities and to declare an emergency.

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

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

1 **SB 208:** FOR AN ACT ENTITLED, An Act to establish reporting requirements for future fund
2 awards or grants and to make technical changes.

3 **SB 209:** FOR AN ACT ENTITLED, An Act to make an appropriation for grants to assisted living
4 centers and nursing facilities for costs related to telemedicine.

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

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

8 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:52 p.m.
9 the House adjourned.

10

Patricia Miller, Chief Clerk

