

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, March 07, 2024

The House convened at 10:00 a.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 pages Abigail Studt and Breanna Wollman.

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 36th 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

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

A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of the Ninety-Ninth Legislature of the State of South Dakota to Rebecca Bich, Reagan Blackburn, Bennett Gordon, Ezerina Hyseni, Quinn Moon, Katelyn Ryan, Reese Schmidt, Abigail Studt, and Breanna Wollman.

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

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

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

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

Rep. Wangsness moved that House Page Resolution 5 be adopted.

Which motion prevailed and the resolution was adopted.

COMMUNICATIONS AND PETITIONS

March 6, 2024

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 6, 2024, I approved House Bills 1071, 1076, 1120, 1132, 1194, 1220, 1229, and 1232, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1205** which was tabled.

1 Also MR. SPEAKER:

2 The Joint Committee on Appropriations respectfully reports that it has had under consideration
3 **HB 1259** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Mike Derby, Co-Chair

Respectfully submitted,
Jean Hunhoff, Co-Chair

6 MR. SPEAKER:

7 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
8 Enrolling has carefully compared **HB 1093, 1185, and 1186** and finds the same correctly enrolled.

9 Respectfully submitted,
10 Hugh M. Bartels, Chair

11 **REPORTS OF CONFERENCE COMMITTEES**

12 MR. SPEAKER:

13 The HB1140 A Conference Committee on **HB 1140** respectfully reports that it has considered
14 the disagreement of the two houses, and returns the same with the recommendation that said bill
15 be amended as follows:

16 1140G

17 On page 1, line 6, of the Senate Engrossed bill, after "The" insert " The person submitting the
18 petition may withdraw the petition at any time prior to the scheduling of the election."

19 On page 1, line 17, of the Senate Engrossed bill, after "The " insert "The person submitting the
20 petition may withdraw the petition at any time prior to the scheduling of the election. "

21 And that as so amended, be concurred in.

22 Respectfully submitted,
23 Kristin A. Conzet, Chair

Respectfully submitted,
David Wheeler, Chair

24 MR. SPEAKER:

25 The HB1257 A Conference Committee on HB1257 respectfully reports that it has considered
26 the disagreement of the two houses, and returns the same with the recommendation that the Senate
27 and House do NOT concur with the amendments to HB 1257 bill and be amended as follows:

28 1257E

29 On page 1, line 1, of the Senate Engrossed bill, delete " the Executive Board of the Legislative
30 Research Council to establish an interim study committee on minors' access to pornographic
31 material" and insert " age verification by websites containing material harmful to minors"

32 On the Senate Engrossed bill, delete everything after the enacting clause and insert:

33 **"Section 1. That § 22-24-27 be AMENDED:**

22-24-27. Terms used in §§ 22-24-25 to 22-24-37, inclusive, and sections 2 to 6, inclusive, of this Act, mean:

(1) "Contemporary community standard," the contemporary community standard of the state in which the question of obscenity is to be tested, by the average person, of the state;

(2) "Covered platform," a website for which it is in the regular course of trade or business to create, host, or make available material harmful to minors;

~~(2)(3)~~ "Distributed," to transfer possession of, whether with or without consideration;

~~(3)(4)~~ "Exhibit," to show or display;

~~(4)(5)~~ "Harmful to minors," includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, if it:

(a) Predominantly appeals to the prurient, shameful, or morbid interest of minors; and

(b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

(c) Is without serious literary, artistic, political, or scientific value;

~~(5)(6)~~ "Magistrate," any circuit court or magistrate judge;

~~(6)(7)~~ "Material," anything tangible which is harmful to minors, whether derived through the medium of reading, observation, or sound;

~~(7)(8)~~ "Matter" or "material," any book, magazine, newspaper, or other printed or written material; or any picture, drawing, photograph, motion picture, or other pictorial representation; or any statue or other figure; or recording, transcription or mechanical, chemical, or electrical reproduction; or any other articles, equipment, machines, or materials;

~~(8)(9)~~ "Minor," any person less than eighteen years of age;

~~(9)(10)~~ "Nudity," within the meaning of subdivision (4) of this section, the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

~~(10)(11)~~ "Obscene live conduct," any physical human body activity, whether performed or engaged in alone or with other persons, including singing, speaking, dancing, acting, simulation, or pantomiming, where:

(a) The dominant theme of such conduct, taken as a whole, appeals to a prurient interest;

(b) The conduct is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and

(c) The conduct is without serious literary, artistic, political, or scientific value.

In prosecutions under §§ 22-24-27 to 22-24-37, inclusive, if circumstances of production, presentation, advertising, or exhibition indicate that live conduct is

- 1 being commercially exploited by the defendant for the sake of its prurient
2 appeal, such evidence is probative with respect to the nature of the conduct;
- 3 ~~(11)~~(12) "Obscene material," material:
- 4 (a) The dominant theme of which, taken as a whole, appeals to the prurient interest;
- 5 (b) Which is patently offensive because it affronts contemporary community
6 standards relating to the description or representation of sado-masochistic
7 abuse or sexual conduct; and
- 8 (c) Lacks serious literary, artistic, political, or scientific value.
- 9 In prosecutions under §§ 22-24-27 to 22-24-37, inclusive, if circumstances of
10 production, presentation, sale, dissemination, or publicity indicate that the
11 matter is being commercially exploited by the defendant for the sake of its
12 prurient appeal, such evidence is probative with respect to the nature of the
13 matter;
- 14 ~~(12)~~(13) "Prurient interest," a shameful or morbid interest in nudity, sex, or excretion, which
15 goes substantially beyond customary limits of candor in description or representation of
16 such matters. If it appears from the character of the material or the circumstances of
17 its dissemination that the subject matter is designed for a specially susceptible audience
18 or clearly defined deviant sexual group, the appeal of the subject matter shall be judged
19 with reference to such audience or group;
- 20 (14) "Reasonable age verification," a procedure by which a covered platform confirms that an
21 individual attempting to access material harmful to minors is eighteen years of age or
22 older by using the following means:
- 23 (a) A state-issued driver or non-driver identification card;
- 24 (b) A military identification card;
- 25 (c) Bank account information;
- 26 (d) Credit or debit card information, except cards that do not require the individual in
27 ownership of the account to be eighteen years of age or older; or
- 28 (e) Any other method that reliably and accurately determines if a user of a covered
29 platform is a minor and prevents access by minors to the content on a covered
30 platform;
- 31 ~~(13)~~(15) "Sado-masochistic abuse," flagellation or torture by or upon a person who is nude
32 or clad in undergarments, a mask or bizarre costume, or the condition of being fettered,
33 bound, or otherwise physically restrained on the part of one who is nude or so clothed;
- 34 ~~(14)~~(16) "Sexual conduct," within the meaning of subdivision (4) of this section, any act of
35 masturbation, homosexuality, sexual intercourse, or physical contact with a person's
36 clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, the
37 breast;
- 38 ~~(15)~~(17) "Sexual excitement," the condition of human male or female genitals when in a state
39 of sexual stimulation or arousal.

40 **Section 2. That a NEW SECTION be added to chapter 22-24:**

41 It is unlawful for a covered platform to publish or distribute material harmful to minors on the
42 internet unless the platform performs a reasonable age verification to verify the age of an individual
43 attempting to access the material and prevent access by minors to the material.

Section 3. That a NEW SECTION be added to chapter 22-24:

Any covered platform or third party that performs the required age verification pursuant to section 2 of this Act may not retain any identifying information of the individual after access has been granted to the material. Any covered platform or third party that knowingly retains identifying information of the individual is liable to the individual for damages for retaining the identifying information, including court costs and reasonable attorney fees.

Section 4. That a NEW SECTION be added to chapter 22-24:

The attorney general may investigate an alleged violation under sections 2 to 6, inclusive, of this Act and initiate a civil action on behalf of the state to assess civil penalties. Prior to bringing a complaint in court, the attorney general must notify the covered platform and provide at least thirty days for the covered platform to comply with sections 2 to 6, inclusive, this Act.

Nothing in this section limits the right of any private person to pursue a civil action under sections 2 to 6, inclusive, of this Act.

Section 5. That a NEW SECTION be added to chapter 22-24:

Any waiver, purported waiver, or estoppel of a person's right to bring a civil action under sections 2 to 6, inclusive, of this Act is void. No court or arbitrator may enforce or give effect to the waiver or estoppel, notwithstanding any choice-of-law or other provision in any contract or other agreement.

Section 6. That a NEW SECTION be added to chapter 22-24:

Sections 2 to 6, inclusive, of this Act does not apply to any general purpose search engine, internet service provider or its affiliates or subsidiaries, or cloud service provider.

Section 7. That § 22-24-29 be AMENDED:

22-24-29. A person is guilty of disseminating material harmful to minors if that person knowingly gives or makes available to a minor or promotes or possesses with intent to promote to minors, or if that person knowingly sells or loans to a minor for monetary consideration, any material described in subdivision ~~§ 22-24-27(4)~~ 22-24-27(5).

Section 8. That § 22-24-58 be AMENDED:

22-24-58. For the purposes of §§ 22-24-55 to 22-24-59, inclusive, obscene material is defined pursuant to subdivision ~~22-24-27(11)~~ 22-24-27(12)."

Also MR. SPEAKER:

The HB1257 A Conference Committee on HB1257 respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that the Senate and House do NOT concur with the amendments to HB 1257 and DO appoint a new committee.

Respectfully submitted,
Jon Hansen, Chair

Respectfully submitted,
Lee Schoenbeck, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the reports of the Conference Committees on **HB 1140, 1185, and 1186, and SB 201**.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has concurred in House
3 amendments to **SB 217**.

4 Also MR. SPEAKER:

5 I have the honor to inform your honorable body that the Senate has failed to adopt the report
6 of the Conference Committee on **HB 1257** and no new committee was appointed.

7 Respectfully,
8 Peggy Laurenz, Secretary

9 **MOTIONS AND RESOLUTIONS**

10 Rep. Derby moved that the House do not concur in Senate amendments to **HB 1157** and that
11 no committee be appointed.

12 The question being on Rep. Derby's motion that the House do not concur in Senate
13 amendments to **HB 1157** and that no committee be appointed.

14 And the roll being called:

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

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

23 Nays: Mulally

24 So the motion having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the motion carried and no committee was appointed.

26 Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 9:00 a.m. on
27 Monday, March 25, 2024 the 38th legislative day.

28 Which motion prevailed.

29 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

30 Rep. Conzet moved that the report of the Conference Committee on **HB 1140** as found on
31 page 499 of the House Journal be adopted.

32 Rep. Reimer moved as a substitute motion that the House do not adopt the report of the
33 Conference Committee on **HB 1140** as found on page 499 of the House Journal and that a new
34 committee on the part of the House be appointed to meet with a like committee on the part of the
35 Senate to adjust the differences between the two houses.

Rep. Peterson (Sue) rose to a point of order that Rep. Conzet only speak to the substitute motion.

The question being on Rep. Reimer's substitute motion that the report of the Conference Committee on **HB 1140** not be adopted.

And the roll being called:

Yeas 38, Nays 32, Excused 0, Absent 0

Yeas: Arlint, Blare, Cammack, Chase, Conzet, DeGroot, Derby, Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Jamison, Kassin, Koth, Kull, Ladner, Lesmeister, Massie, Mortenson, Mulder, Nelson, Perry, Peterson (Drew), Rehfeldt, Reimer, Reisch, Sauder, Schneider, St. John, Stevens, Teunissen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

Nays: Auch, Aylward, Bahmuller, Callies, Chaffee, Deutsch, Donnell, Gross, Hansen, Heermann, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Krull, Lems, May, Mills, Moore, Mulally, Odenbach, Otten (Ernie), Overweg, Peterson (Sue), Pinnow, Pourier, Randolph, Schaeftbauer, Shorma, Sjaarda, Soye, and Tordsen

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

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

Rep. Mortenson moved as a substitute motion that the House do not concur in Senate amendments to **HB 1257** and that no committee be appointed.

The question being on Rep. Mortenson's substitute motion that the House do not concur in Senate amendments to **HB 1257** and that no committee be appointed.

And the roll being called:

Yeas 44, Nays 26, Excused 0, Absent 0

Yeas: Arlint, Blare, Callies, Cammack, Chase, Conzet, DeGroot, Derby, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Healy, Heermann, Jamison, Kassin, Koth, Krull, Kull, Lesmeister, Massie, Moore, Mortenson, Mulder, Nelson, Otten (Ernie), Peterson (Drew), Pinnow, Rehfeldt, Reimer, Reisch, Sauder, Shorma, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

Nays: Auch, Aylward, Bahmuller, Chaffee, Deutsch, Donnell, Hansen, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Ladner, Lems, May, Mills, Mulally, Odenbach, Overweg, Perry, Peterson (Sue), Pourier, Randolph, Schaeftbauer, Schneider, Sjaarda, and Soye

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and no committee was appointed.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The Speaker declared that **HB 1140** changed prime sponsor from Representative Mortenson to Representative Reimer at their request.

HB 1259: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

Introduced by: The Joint Committee on Appropriations

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

There being no objection, the House reverted to Order of Business No. 4 - Communications and Petitions.

COMMUNICATIONS AND PETITIONS

The following letter of dissent was filed pursuant to JR 1-10.

DISSENT AND PROTEST PASSAGE OF SB 201

Pursuant to Joint Rule 1-10, we, the undersigned Representatives, do hereby respectfully dissent and protest the passage of SB 201, "An Act to provide new statutory requirements for regulating linear transmission facilities, to allow counties to impose a surcharge on certain pipeline companies, and to establish a landowner bill of rights."

We, the undersigned, dissent and protest the passage of SB 201, because the S.D. Constitution Art. III, § 21, provides that "[N]o law shall embrace more than one subject, which shall be expressed in its title." The title to SB 201, articulates three distinct and separate subjects, and the bill itself embraces multiple additional subjects, not expressed in the title.

We, the undersigned, dissent and protest the passage of SB 201, because the S.D. Constitution Art. III, § 23, provides that "[T]he Legislature is prohibited from enacting any private or special laws . . . [r]egulating county and township affairs." SB 201 provides for the preemption of "any county, township, municipal, or any other governmental unit land use, zoning, or building rule, regulation, or ordinance." SB 201 further provides that "[t]he enforcement of any county, municipal, township, or other governmental unit rule, regulation, or ordinance for a transmission facility . . . must be done pursuant to the order of the [public utilities] commission granting the permit."

We, the undersigned, dissent and protest the passage of SB 201, because the S.D. Constitution Art. VI contains the Bill of Rights. Moreover, the S.D. Constitution Art. VI, § 13, provides that "[p]rivate property shall not be taken for public use, or damaged, without just compensation, which will be determined according to legal procedure established by the Legislature and according to § 6 of this article" While SB 201 provides for the citation of several sections as the "Landowner Bill of Rights," it endows landowners with no rights beyond those already found in the Constitution.

We, the undersigned, dissent and protest the passage of SB 201, because the per linear foot surcharge that is authorized may be imposed only during the tax year that a pipeline company claims a tax credit pursuant to 26 U.S.C. § 45Q, and that tax credit exists because of federal taxes that have been or will be imposed upon the citizens of this state and country.

We, the undersigned, dissent and protest the passage of SB 201, because a statutory requirement for a dispersion analysis, some or all of which may be confidential, fails to adequately address the catastrophic damage, injury, and death that will be caused if the integrity of a pipeline permitted under this bill is compromised.

For these reasons, we believe that the passage of SB 201 is in contravention of South Dakota's Constitution, is injurious to the rights, safety, and wellbeing of the people of South Dakota, and is therefore null and void. We respectfully request that this dissent and protest be printed in the House Journal, as required by Joint Rule 1-10.

Respectfully submitted,
Rep. Julie K. Auch
Rep. Aaron Aylward
Rep. Fred Deutsch
Rep. Randy Gross
Rep. Kevin D. Jensen
Rep. Phil Jensen
Rep. Ben Krohmer
Rep. Karla J. Lems
Rep. Liz May
Rep. John Mills
Rep. Scott Moore

Respectfully submitted,
Rep. Tina L. Mulally
Rep. Scott Odenbach
Rep. Marty Overweg
Rep. Carl E. Perry
Rep. Sue Peterson
Rep. Tony Randolph
Rep. Brandei Schaeffbauer
Rep. John Sjaarda
Rep. Bethany Soye
Rep. Kenneth Teunissen

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 51: FOR AN ACT ENTITLED, An Act to revise property tax levies for school districts and to revise the state aid to general and special education formulas.

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

There being no objection, the House proceeded to Order of Business No. 14 - Second reading of Senate Bills and Joint Resolutions.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 51: FOR AN ACT ENTITLED, An Act to revise property tax levies for school districts and to revise the state aid to general and special education formulas.

Was read the second time.

The question being "Shall **SB 51** pass as amended?"

And the roll being called:

Yeas 69, Nays 1, Excused 0, Absent 0

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

Nays: Mulally

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.

There being no objection, the House reverted to Order of Business No. 7 - Messages from the Senate.

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to transmit herewith **SB 52** which has passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Peggy Laurenz, Secretary

There being no objection, the House proceeded to Order of Business No. 11 - First Reading of Senate Bills and Joint Resolutions.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 52: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2024.

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

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 52: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2024.

Was read the second time.

The question being "Shall **SB 52** pass as amended?"

And the roll being called:

Years 65, Nays 5, Excused 0, Absent 0

Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, Conzet, DeGroot, 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, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

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

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.

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1092, 1093, 1185, 1186, 1200, 1244, and 1245** were delivered to her Excellency, the Governor, for her approval at 10:35 a.m., March 7, 2024.

Respectfully submitted,
Hugh M. Bartels, Chair

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER:

The HB1140 B Conference Committee on **HB 1140** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

1140I

On page 1, line 1, of the Senate Engrossed bill, after "actions" delete " and to declare an emergency"

On page 1, line 6, of the Senate Engrossed bill, after "The" insert " The person submitting the petition may withdraw the petition at any time prior to the scheduling of the election."

On page 1, line 17, of the Senate Engrossed bill, after "The " insert "The person submitting the petition may withdraw the petition at any time prior to the scheduling of the election. "

On page 1, line 21, of the Senate Engrossed bill, after "referendum." delete "Section 3. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

And that as so amended, be concurred in.

Respectfully submitted,
Kristin A. Conzet, Chair

Respectfully submitted,
David Wheeler, Chair

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

Rep. Conzet moved that the report of the Conference Committee on **HB 1140** as found on page 508 of the House Journal be adopted.

The question being on Rep. Conzet's motion that the report of the Conference Committee on **HB 1140** be adopted.

And the roll being called:

Yeas 35, Nays 35, Excused 0, Absent 0

Yea: Arlint, Cammack, Chase, Conzet, DeGroot, Derby, Drury, Duba, Duffy, Emery, Fitzgerald, Healy, Jamison, Kassin, Koth, Kull, Lesmeister, Massie, Mortenson, Nelson, Peterson (Drew), Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schneider, St. John, Stevens, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

Nays: Auch, Aylward, Bahmuller, Blare, Callies, Chaffee, Deutsch, Donnell, Gross, Hansen, Heermann, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Krull, Ladner, Lems, May, Mills, Moore, Mulally, Mulder, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Sue), Pinnow, Randolph, Schaeffbauer, Shorma, Sjaarda, Soye, and Teunissen

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

Rep. Mortenson moved that the House do not concur in Senate amendments to **HB 1140** and that no committee be appointed.

Rep. Mortenson withdrew his motion that the House do not concur in Senate amendments to **HB 1140** and that no committee be appointed.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1259: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

Was read the second time.

The question being "Shall **HB 1259** pass?"

And the roll being called:

Yeas 61, Nays 9, Excused 0, Absent 0

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

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

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.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1093: FOR AN ACT ENTITLED, An Act to make an appropriation to provide a grant for the construction of a facility to provide certain health facilities and services.

HB 1185: FOR AN ACT ENTITLED, An Act to amend provisions regarding entry on private property for examination and survey of a project requiring a siting permit.

HB 1186: FOR AN ACT ENTITLED, An Act to define the requirements for granting a carbon pipeline easement.

SB 51: FOR AN ACT ENTITLED, An Act to revise property tax levies for school districts and to revise the state aid to general and special education formulas.

SB 52: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2024.

SB 127: FOR AN ACT ENTITLED, An Act to revise the requirements pertaining to average teacher compensation and to establish a minimum teacher salary.

SB 144: FOR AN ACT ENTITLED, An Act to make an appropriation for grants to support airport terminal infrastructure projects and terminal improvement and expansion.

SB 201: FOR AN ACT ENTITLED, An Act to provide new statutory requirements for regulating linear transmission facilities, to allow counties to impose a surcharge on certain pipeline companies, and to establish a landowner bill of rights.

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.

And signed the same in the presence of the House.

There being no objection, the House reverted to Order of Business No. 7 - Messages from the Senate.

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has appointed Senators Wheeler (Chair), Deibert, and Kolbeck (Jack) as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on **HB 1140**.

Respectfully,
Peggy Laurenz, Secretary

MOTIONS AND RESOLUTIONS

Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 11:00 a.m. on Monday, March 25, 2024, the 38th legislative day.

Which motion prevailed.

There being no objection, the House reverted to Order of Business No. 4 - Communications and Petitions.

COMMUNICATIONS AND PETITIONS

March 7, 2024

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 7, 2024, I approved House Bills 1185 and 1186, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1259** and finds the same correctly enrolled.

Respectfully submitted,
Hugh M. Bartels, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith **HB 1259** which has passed the Senate without change.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in House amendments to **SB 138** and no committee was appointed.

Respectfully,
Peggy Laurenz, Secretary

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1259: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

And signed the same in the presence of the House.

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

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REPORTS OF STANDING COMMITTEES

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MR. SPEAKER:

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The Committee on Legislative Procedure respectfully reports that **HB 1259** was delivered to her Excellency, the Governor, for her approval at 2:17 p.m., March 7, 2024.

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Respectfully submitted,

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Hugh M. Bartels, Chair

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Rep. Blare moved that the House do now adjourn, which motion prevailed and at 2:20 p.m. the House adjourned.

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Patricia Miller, Chief Clerk