

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

THIRD DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 16, 2025

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 Rebecca Cox.

Roll Call: All members present except Rep. Weems who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Secretary of the House has had under consideration the House Journal of the 2nd day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Jon Hansen, Chair

Which motion prevailed.

1

COMMUNICATIONS AND PETITIONS

2

The Speaker made the following temporary House appointments: Rep. Garcia to the House Committee on Transportation and Rep. Duffy to the House Committee on Taxation.

3

4

The Speaker appointed Rep. Vasgaard as the Vice-Chair of the House Committee on Transportation.

5

6

MOTIONS AND RESOLUTIONS

7

Rep. Odenbach moved that the report of the Joint-Select Committee relative to the arrangements for a memorial service for the One-hundredth Legislative Session as found on page 22 of the House Journal be adopted.

8

9

10

Which motion prevailed.

11

Rep. Odenbach moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, January 17, 2025, the 4th legislative day.

12

13

Which motion prevailed.

14

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

15

HB 1056: FOR AN ACT ENTITLED, An Act to prohibit the preparation, sale, and distribution of certain kratom products and to provide a penalty therefor.

16

17

Introduced by: **Representative** Mulder

18

HB 1058: FOR AN ACT ENTITLED, An Act to prohibit the collecting and reporting of medical debt in certain situations and to provide a penalty therefor.

19

20

Introduced by: **Representative** Mulder

21

HB 1061: FOR AN ACT ENTITLED, An Act to prohibit a health care provider from restricting or denying a parent or guardian's access to certain medical records and other health information of a minor.

22

23

24

Introduced by: **Representative** Hughes

25

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

26

HB 1060: FOR AN ACT ENTITLED, An Act to revise a provision related to civil commitment following a determination of mental incompetency.

27

28

Introduced by: **Representative** Mulder

29

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

1 **HB 1059:** FOR AN ACT ENTITLED, An Act to clarify the meaning of teleconference for purposes
2 of open meeting requirements.

3 Introduced by: **Representative** Fitzgerald

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

5 **HB 1057:** FOR AN ACT ENTITLED, An Act to transfer moneys from the South Dakota-bred
6 racing fund to the special racing revolving fund.

7 Introduced by: **Representative** Weisgram

8 **HB 1062:** FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the maintenance
9 and publication of the statewide voter registration file.

10 Introduced by: **Representative** Baxter

11 **HB 1063:** FOR AN ACT ENTITLED, An Act to revise the provisions for preparing a fiscal note
12 for ballot questions.

13 Introduced by: **Representative** Kassin

14 Were read the first time.

15 The following bills were read on January 15, 2025, and today the Speaker assigned these bills
16 to committee:

17 **HB 1054** was referred to the Committee on Education.

18 **HB 1055** was referred to the Committee on Health and Human Services.

19 **HB 1052** was referred to the Committee on State Affairs.

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

22 **REPORTS OF STANDING COMMITTEES**

23 MR. SPEAKER:

24 The House Committee on Legislative Procedure respectfully reports that it has had under
25 consideration the House Rules and recommends that the House rules of the Ninety-ninth Legislative
26 Session be adopted as the House rules of the One-hundredth Legislative Session.

27 Respectfully submitted,
28 Jon Hansen, Chair

29 MR. SPEAKER:

30 The Joint Committee on Legislative Procedure respectfully reports that it has had under
31 consideration the joint rules and recommends that the joint rules of the Ninety-ninth Legislative
32 Session be adopted as the joint rules of the One-hundredth Legislative Session with the following
33 changes:

1 **Joint Rules: AMENDMENT A**

2 **Section 1. That JR 7-7 be AMENDED:**

3 **7-7. Demand for delivery of bill or resolution to house--"Smoke-out."** Each house may,
4 by a motion supported by at least one-third of the members-elect, order ~~its~~ a committee of that
5 house to deliver a bill or resolution ~~under its consideration in the committee's possession~~ to that
6 house, if no more than three legislative days have passed since the committee reported that the bill
7 or resolution was tabled or deferred to the 41st legislative day.

8 If ~~the motion is supported by the vote of one third or more of the members-elect~~ Except as
9 provided in Joint Rule 7-7.1, if a house orders a committee to deliver a bill or resolution, the chair
10 of the committee ~~shall~~ must, not later than the next legislative day, deliver the bill or resolution to
11 the house without recommendation in the same form the bill or resolution was in when it was tabled
12 or deferred to the 41st legislative day.

13 **Section 2. That JR 7-7.1 be AMENDED:**

14 **7-7.1. Recommendation on a "smoked-out" bill or resolution--~~Committee Optional~~**
15 **committee meeting if all members were not present recommendation of "smoked-out" bill**
16 **or resolution.** ~~If~~ When a bill or resolution is subject to Joint Rule 7-7 and was previously tabled or
17 deferred to the 41st legislative day by a committee that ~~does~~ did not have all members of that
18 committee present, ~~and the bill or resolution is subsequently subject to Joint Rule 7-7 when the bill~~
19 or resolution was considered, the chair may convene a meeting of the committee with all members
20 of the committee present to consider ~~whether to recommend~~ returning the bill or resolution to the
21 house with a "Do Pass" or "Do Not Pass" on the bill or resolution recommendation. If the committee
22 meets pursuant to this section, the committee must consider the bill or resolution in the same form
23 the bill or resolution was in when it was tabled or deferred.

24 If a majority of all the members of the committee do not vote in favor of a "Do Pass" or "Do
25 Not Pass" recommendation on the bill or resolution under this section, the chair ~~shall~~ must deliver
26 the bill or resolution without recommendation in accordance with Joint Rule 7-7.

27 **Section 3. That a NEW SECTION be added to Joint Rules chapter 7:**

28 **7-7.2. Placement of a "smoked-out" bill or resolution on calendar. If a committee**
29 **votes to report** a bill or resolution with a "Do Pass" recommendation pursuant to Joint Rule 7-7.1,
30 the bill is placed on the house's calendar pursuant to Joint Rule 6F-4 or 6F-5.

31 If the committee votes to report the bill with a "Do Not Pass" recommendation under Joint Rule
32 7-7.1, or if the chair delivers the bill or resolution without recommendation, the bill or resolution is
33 calendared pursuant to Joint Rule 6F-6.

34 **Section 4. That JR 7-8 be AMENDED:**

35 **7-8. Placement of a "smoked-out" bill or resolution on calendar on the last day for**
36 **passage.** If Joint Rule 7-7 is invoked for a bill or resolution on the last day for passage out of the
37 applicable house, the bill or resolution must be delivered to ~~the House of Representatives or Senate~~
38 that house pursuant to Joint Rules 7-7 and 7-7.1, as applicable, on the same legislative day.

39 If the bill or resolution is reported out of committee pursuant to Joint Rule 7-7.1 on the last
40 day for passage with a "Do Pass" recommendation, pursuant to Joint Rule 7-7.1, the bill or resolution
41 is ~~must be~~ placed on that day's calendar, Chapter 6F notwithstanding.

42 If the bill or resolution is reported out under of committee on the last day for passage without
43 recommendation, pursuant to Joint Rule 7-7, or out of committee pursuant to Joint Rule 7-7.1 with
44 a "Do Not Pass" recommendation, or "without recommendation," pursuant to Joint Rule 7-7.1, the
45 bill or resolution ~~is to~~ must be addressed under motions and resolutions and may, ~~by motion~~
46 approved by a majority of the members-elect of the House of Representatives or Senate, be placed

1 on that day's calendar by a motion approved by the affirmative vote of a majority of the members-
 2 elect of the house, Chapter 6F notwithstanding.

3 **Joint Rules: AMENDMENT B**

4 **Section 1. That JR 8-1 be AMENDED:**

5 **8-1. Appointment and composition of conference committees.** In every case of
 6 disagreement between the two houses, if either house requests a conference and appoints a
 7 committee for that purpose, the other house shall appoint a committee to confer with a like
 8 committee of the other house upon the subject of the disagreement, and to report back to its house
 9 of appointment. ~~Each A conference committee shall consist~~ is a joint meeting of two committees,
 10 each consisting of three members ~~of from~~ each house. ~~The members speaker shall appoint the~~
 11 committee from the House of ~~Representatives~~ Representative shall be appointed by the speaker of
 12 ~~the House and the members. The president pro tempore shall appoint the committee~~ from the
 13 Senate ~~shall be appointed by the president pro tempore of the Senate.~~ Insofar as possible, members
 14 appointed to ~~a conference committees shall~~ committee must be representative of the decision ~~within~~
 15 of the house upon for the issue under consideration.

16 The speaker and the president pro tempore shall each designate one appointed member as a
 17 co-chair. The chair position for a conference committee rotates between the Senate and House of
 18 Representatives every calendar day the conference committee meets, with the co-chair of the house
 19 of origin acting as chair at the first meeting.

20 **Section 2. That JR 8-1 be AMENDED:**

21 **8-2. Conference committee meetings, ~~committee reports, and reports must be~~**
 22 **germane quorum, and voting.** ~~Conference committees shall~~ The presiding officer of the floor
 23 session of the house of origin shall announce to that body the time and location of each conference
 24 committee meeting. A conference committee must meet in open session, and minutes ~~shall~~ must
 25 be taken and prepared in a like manner as provided for in Joint Rule 7-6. A quorum of a conference
 26 committee is a majority of the conference committee members from each house. The adoption of
 27 any motion offered in a conference committee must be approved by the recorded affirmative vote
 28 of at least two conference committee members from each house ~~The presiding officer of the floor~~
 29 ~~session of the house of origin shall announce to that body the time and location of each conference~~
 30 ~~committee meeting. The co chairs of each conference committee shall report the results of each~~
 31 ~~meeting to the body in a conference committee report electronically approved by both. The~~
 32 ~~conference committee report must be germane to the title of the bill as submitted to the conference~~
 33 ~~committee. The adoption of any conference committee report must be approved by the recorded~~
 34 ~~affirmative vote of at least two members from each house.~~

35 **Section 3. That a NEW SECTION be added to Joint Rules chapter 8:**

36 **8-2.1. Conference committee action--Report.** Each conference committee co-chair shall
 37 electronically approve the conference committee report, which must include the recommendation of
 38 the conference committee and be reported to the co-chair's respective house. The conference
 39 committee report must be germane to the subject of the bill or resolution as expressed in the title
 40 of the bill or resolution, as it was submitted to the conference committee.

41 **Section 4. That JR 8-3 be AMENDED:**

42 **8-3. Final disposition and distribution of report and distribution of reports.** Adoption
 43 of a conference committee report recommending passage of a bill or ~~adoption of a resolution~~
 44 constitutes final disposition. The vote required ~~to concur in the amendments of the other House or~~
 45 to adopt a conference committee report recommending passage of a bill or resolution is the same
 46 as that required for final passage ~~of the bill or resolution taking such bill or resolution as a whole.~~
 47 Before the final vote on the adoption of a conference committee report may be taken, any member
 48 of the body may require that the report be made available in electronic form or be distributed in
 49 written form to the members of the body, if not available in electronic form.

1 **Section 5. That JR 8-4 be AMENDED:**

2 **8-4. Member may move Motion to not appoint a subsequent new conference**
 3 **committee--Final disposition.** However, if if a conference committee report is not adopted, any
 4 member may move not to appoint a new conference committee. If that motion prevails it constitutes
 5 final disposition of ~~that~~ the bill or resolution.

6 **Joint Rules: AMENDMENT C**

7 **Section 1. That JR 17-1 be AMENDED:**

8 **17-1. Exceptions to deadlines for appropriation bills.** Any general appropriation bill, any
 9 bill that amends a prior year's general appropriations bill, or any bill that adjusts school district
 10 property tax levies pursuant to an appropriations bill is not subject to the legislative deadlines of C,
 11 D, E, H, and I, in this chapter, except that the general appropriation bill requested by the Governor
 12 ~~shall be~~ is subject to legislative deadline C.

13 ~~Any~~ Except for a general appropriation bill, any appropriation bill ~~that is not a general~~
 14 ~~appropriation bill, which that~~ is referred to or reported to the floor by the Joint Committee on
 15 Appropriations, is subject to the following legislative deadlines, in lieu of the legislative deadlines of
 16 D and E, in this chapter:

- 17 (1) Last day to move required delivery of bills by a committee to the house of origin:
 18 30th Day;
- 19 (2) Last day to pass bills by the house of origin: 31st Day.

20 **Section 2. That JR 17-2 be AMENDED:**

21 **17-2. Calendar less than 40 days.** If a Session Calendar is adopted for a period of thirty-
 22 five (35) days to thirty-nine (39) days, inclusive, the legislative deadlines set forth in ~~Chapter 17 of~~
 23 ~~the Joint Rules shall be~~ this chapter, including the deadlines for appropriation bills provided in Joint
 24 Rule 17-1, are decreased as follows:

- 25 (1) ~~Decrease the~~ The deadlines occurring after the 16th day but prior to the 34th day are
 26 decreased by one (1) day for every two (2) days ~~by which that~~ the length of the adopted
 27 calendar is less than forty (40) days;
- 28 (2) ~~Decrease the~~ The deadlines occurring on and after the 34th day are decreased by the same
 29 number of days ~~by which that~~ the length of the adopted calendar is less than forty (40)
 30 days.

31 **Joint Rules: AMENDMENT D**

32 **Section 1. That JR 3-4 be AMENDED:**

33 **3-4. Engrossing and enrolling.** The engrossing and enrolling duties of the Legislative
 34 Research Council are:

- 35 (1) To engross and enroll all bills and resolutions delivered to them;
- 36 (2) To provide and supervise secretarial assistance to legislators as requested;
- 37 (3) To collect from the secretaries of all standing and special committees the minutes of such
 38 committees and retain them in the Legislative Research Council Library; and
- 39 (4) To correct clerical errors, with the consent of the code counsel, in any bill or resolution.
 40 Clerical errors ~~which that~~ may be corrected are: errors in spelling, errors in numbering sections,
 41 errors of omission or commission due to addition or deletion of material, and errors due to copying

1 incorrectly from the most recent statute. The code counsel shall inform the principal sponsor of each
2 correction.

3 **Joint Rules: AMENDMENT H**

4 **6B-1.1. Withdrawal of bills and resolutions.** The provisions of 6B-1 and 6D-1
5 notwithstanding, prior to the first committee hearing in the house of origin, the prime sponsor of
6 any bill or resolution may withdraw any bill or resolution in the house of origin ~~with the approval of~~
7 ~~the president pro tempore for a Senate bill or Senate resolution and the speaker for a House bill or~~
8 ~~House resolution.~~ The presiding officer of the floor session shall then declare the bill or resolution
9 formally withdrawn and order that an entry be made in the bill status system stating the bill or
10 resolution has been withdrawn.

11 **Joint Rules: AMENDMENT I**

12 **Section 1. That a NEW SECTION be added to Joint Rules chapter 7:**

13 **7-12.3. Joint committee on appropriations subcommittee action. Any** Joint Committee
14 on Appropriations subcommittee action requires a majority vote of the members appointed to the
15 subcommittee for passage.

16 Respectfully submitted,
17 Jon Hansen, Chair

18 Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at
19 2:56 p.m. the House adjourned.

20 Patricia Miller, Chief Clerk

