

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 23, 2025

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House page Savannah Knispel.

Roll Call: All members present.

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 6th 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.

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REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on House Retirement Laws respectfully reports that it has had under consideration **HB 1029** and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Retirement Laws respectfully reports that it has had under consideration **HB 1030, 1031, and 1032** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Mike Weisgram, Chair

MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1006** with the recommendation that said bill be referred to the House Committee on Appropriations with a Do Pass recommendation.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1005** with the recommendation that said bill be referred to the House Committee on Appropriations with a Do Not Pass recommendation.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1044** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Brian Mulder, Chair

MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration **HB 1059** and returns the same with the recommendation that said bill be amended as follows:

1059B

On page 1, line 8, of the Introduced bill, remove the overstrikes from " one"

On page 1, line 8, of the Introduced bill, after "one" delete " a"

On page 1, line 8, of the Introduced bill, remove the overstrikes from " its"

On page 1, line 8, of the Introduced bill, after "its" delete ":

(1) Its"

- 1 On page 1, line 10, of the Introduced bill, remove the overstrikes from the period
- 2 On page 1, line 10, of the Introduced bill, remove the overstrikes from "It is not an official
3 meeting of a public body if its"
- 4 On page 1, line 11, of the Introduced bill, after "its" delete ";
- 5 (2) Its"
- 6 On page 1, line 13, of the Introduced bill, after "body" delete "; or
- 7 (3) Its members communicate via teleconference or other electronic means for the sole
8 purpose of scheduling, or confirming availability to attend, a future meeting"
- 9 On page 2, line 20, of the Introduced bill, after "teleconference" insert " or electronic means,
10 including electronic mail, instant messaging, social media, text message, or virtual meeting
11 platform, provided the term does not include communications solely to schedule a meeting or
12 confirm attendance availability for a future meeting"
- 13 On page 2, line 20, of the Introduced bill, remove the overstrikes from the semicolon
- 14 On page 2, line 22, of the Introduced bill, after "internet" delete ", including electronic mail,
15 instant messaging, social media, text message, or virtual meeting platform;"
- 16 On page 2, line 24, of the Introduced bill, delete " city" and insert " municipality"
- 17 On page 2, line 26, of the Introduced bill, after "entity" insert ", which is created by statute,
18 ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived
19 from state law"
- 20 On page 2, line 28, of the Introduced bill, after "each" insert " agency,"
- 21 On page 2, line 28, of the Introduced bill, remove the overstrikes from " board, commission,"
- 22 On page 2, line 28, of the Introduced bill, after "commission," insert " or"
- 23 On page 2, line 28, of the Introduced bill, remove the overstrikes from " department"
- 24 On page 2, line 28, of the Introduced bill, remove the overstrikes from " of the State of South
25 Dakota"
- 26 On page 2, line 29, of the Introduced bill, after "include" delete " agency of this state"
- 27 And that as so amended, **HB 1059** do pass.
- 28 Also MR. SPEAKER:
- 29 The Committee on House Local Government respectfully reports that it has had under
30 consideration **HB 1064** which was deferred to the 41st Legislative Day.

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Respectfully submitted,
Greg Jamison, Chair

1 MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under
3 consideration **HB 1045** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Tony Randolph, Chair

6 MR. SPEAKER:

7 The Committee on House Taxation respectfully reports that it has had under consideration
8 **HB 1018** which was deferred to the 41st Legislative Day.

9 Also MR. SPEAKER:

10 The Committee on House Taxation respectfully reports that it has had under consideration
11 **HB 1027** and returns the same with the recommendation that said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on House Taxation respectfully reports that it has had under consideration
14 **HB 1028** and returns the same with the recommendation that said bill do pass, and having been
15 certified as uncontested, be placed on the consent calendar.

16 Respectfully submitted,
17 Aaron Aylward, Chair

18 MESSAGES FROM THE SENATE

19 MR. SPEAKER:

20 I have the honor to transmit herewith **SB 1 and 13, and SJR 501** which have passed the
21 Senate and your favorable consideration is respectfully requested.

22 Respectfully,
23 Peggy Laurenz, Secretary

24 MOTIONS AND RESOLUTIONS

25 Rep. Odenbach moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
26 Friday, January 24, 2025, the 8th legislative day.

27 Which motion prevailed.

28 CONSIDERATION OF REPORTS OF COMMITTEES

29 Rep. Odenbach moved that the reports of the Standing Committees on

30 Judiciary on **HB 1051** as found on page 51 of the House Journal; and

31 State Affairs on **HB 1066** as found on page 50 of the House Journal be adopted.

1 Which motion prevailed and the reports were adopted.

2 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

3 **HB 1086:** FOR AN ACT ENTITLED, An Act to clarify a provision related to the award of punitive
4 damages in a wrongful death action.

5 **Introduced by: Representative** Shorma

6 Was read the first time.

7 **HB 1089:** FOR AN ACT ENTITLED, An Act to establish parameters for the reimbursement of
8 school districts that provide free or reduced-price meals to students.

9 Introduced by: **Representative** Wittman

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

11 **HB 1088:** FOR AN ACT ENTITLED, An Act to enhance the penalty for causing death by
12 distributing a Schedule I or II substance.

13 Introduced by: **Representative** Ismay

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

15 **HB 1087:** FOR AN ACT ENTITLED, An Act to authorize the recall of county commissioners.

16 Introduced by: **Representative** Ismay

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

18 The following bills were read on January 14, 2025, and today the Speaker assigned these bills
19 to committee:

20 **HB 1021**, and **HB 1026** were referred to the Committee on Agriculture and Natural Resources.

21 **HB 1024**, and **HB 1037** were referred to the House Committee on Appropriations.

22 **HB 1039**, **HB 1040**, **HB 1041**, and **HB 1042** were referred to the Committee on Education.

23 **HB 1015** was referred to the Committee on Health and Human Services.

24 **HB 1043** was referred to the Committee on Local Government.

25 **HB 1038** was referred to the Committee on Military and Veterans Affairs.

26 **HB 1047** was referred to the Joint Committee on Appropriations.

27 The following bill was read on January 16, 2025, and today the Speaker assigned this bill to
28 committee:

29 **HB 1057** was referred to the House Committee on Appropriations.

1 The following bills were read on January 22, 2025, and today the Speaker assigned these bills
2 to committee:

3 **HB 1084** was referred to the Committee on Agriculture and Natural Resources.

4 **HB 1081** was referred to the House Committee on Appropriations.

5 **HB 1085**, and **HJR 5004** were referred to the Committee on State Affairs.

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

7 **SJR 501**: A JOINT RESOLUTION, Providing legislative approval for a future use water permit
8 application by the Western Dakota Regional Water System.

9 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

10 **SB 13**: FOR AN ACT ENTITLED, An Act to clarify the enactment and effective date of a measure
11 initiated or referred within a political subdivision.

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

13 **SB 1**: FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier
14 regulations.

15 Was read the first time and referred to the Committee on Transportation.

16 **SECOND READING OF CONSENT CALENDAR ITEMS**

17 **HB 1011**: FOR AN ACT ENTITLED, An Act to revise provisions related to the stenographic
18 recording of certain proceedings.

19 **HB 1049**: FOR AN ACT ENTITLED, An Act to update the official code of laws.

20 Were read the second time.

21 The question being "Shall **HB 1011 and 1049** pass?"

22 And the roll being called:

23 Yeas 69, Nays 0, Excused 0, Absent 0

24 Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Bathke, Baxter, DeGroot, Derby, Duffy,
25 Emery, Fitzgerald, Garcia, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann,
26 Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kull, Ladner,
27 Lems, Manhart, Massie, May, Moore, Mortenson, Muckey, Mulally, Mulder, Nolz, Novstrup,
28 Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reder, Rehfeldt, Reimer, Reisch, Rice,
29 Roby, Roe, Schaeftbauer, Schwans, Shorma, Sjaarda, Soye, Stevens, Uhre-Balk, Van Diepen,
30 Vasgaard, Venhuizen, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

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

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SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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HB 1022:FOR AN ACT ENTITLED, An Act to prohibit the misbranding of any cell-cultured protein product.

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Was read the second time.

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The question being "Shall **HB 1022** pass?"

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And the roll being called:

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Yeas 69, Nays 0, Excused 0, Absent 0

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Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Bathke, Baxter, DeGroot, Derby, Duffy, Emery, Fitzgerald, Garcia, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kull, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Muckey, Mulally, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reder, Rehfeldt, Reimer, Reisch, Rice, Roby, Roe, Schaeffbauer, Schwans, Shorma, Sjaarda, Soye, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Venhuizen, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

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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.

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HB 1023:FOR AN ACT ENTITLED, An Act to modify the definition of a conviction for purposes of license revocation.

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Was read the second time.

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The question being "Shall **HB 1023** pass?"

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And the roll being called:

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Yeas 38, Nays 31, Excused 0, Absent 0

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Yeas: Arlint, Bahmuller, Bathke, DeGroot, Derby, Duffy, Emery, Fitzgerald, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Jamison, Kassin, Kull, Ladner, Massie, Moore, Mortenson, Muckey, Mulder, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe, Uhre-Balk, Van Diepen, Vasgaard, Venhuizen, Walburg, Weems, Weisgram, and Wittman

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Nays: Andera, Auch, Aylward, Baxter, Garcia, Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, May, Mulally, Nolz, Novstrup, Odenbach, Overweg, Pourier, Randolph, Reder, Rice, Schaeffbauer, Schwans, Shorma, Sjaarda, Soye, Stevens, and Speaker Hansen

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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.

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Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at 2:38 p.m. the House adjourned.

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Patricia Miller, Chief Clerk

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JOINT MEMORIAL SERVICE

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Pursuant to the report of the Joint-Select Committee, as found on page 22 of the House Journal, the Senate and the House of Representatives met in informal joint session in the House Chamber for the purpose of having a memorial service for deceased former members and reading of the following Joint Memorial Resolution:

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WHEREAS, the Great Ruler of the Universe has ordered a final adjournment in the lives of thirteen former members of the South Dakota Legislature, namely: the *Honorable Arnold M. "Arne" Brown*; the *Honorable James A. "Jim" Burg*; the *Honorable Burton B. "Burt" Elliott*; the *Honorable Arthur "Art" Fryslie*; the *Honorable Dayle D. Hammock*; the *Honorable Tim P. Johnson*; the *Honorable Claire B. Konold*; the *Honorable Jerome "Jerry" Mayer*; the *Honorable Janice K. "Jan" Nicolay*; the *Honorable Dennis R. Pierson*; the *Honorable Bernard "Bernie" Stoeser*; the *Honorable Kenneth D. "Ken" Stofferahn*; and the *Honorable Donald D. Van Etten*.

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WHEREAS, in the lives of all of these eminent public servants there was noted a profound urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but with a consciousness that here in a land of freedom the dignity of the individual is supreme, that justice must be dispensed, and that only by eternal vigilance and unrelenting effort can self-government of a people be preserved; and

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WHEREAS, it is fitting that we humbly honor the memory of those who have thus contributed to the orderly process of government under the Constitution:

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NOW, THEREFORE, BE IT RESOLVED, by the Senate and the House of Representatives of the One-hundredth Session of the Legislature of the State of South Dakota duly convened in recess session in recognition of the useful lives and unflinching devotion to the interests of the State of South Dakota, as well as the rectitude of thought and action and fidelity to the highest principles of American citizenship by these honorable people, that the Senate and the House of Representatives do now pause in their labors out of respect for the memory of their late fellow associates in the functions of government, and note that in their passing, the state they have served so well has suffered a distinct loss, and though their labors have ceased and they have been laid to rest, the people of this great state have benefited greatly from the services rendered by them and they have left upon the sands of time an inspiring record of devotion to their fellow citizens under the guiding hand of Almighty God; and

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BE IT FURTHER RESOLVED, that this Resolution be printed in the journals of the Senate and the House of Representatives of the One-hundredth Session of the Legislature of the State of South Dakota, now assembled this 23rd day of January, 2025, at Pierre, South Dakota.

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