

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 28, 2025

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

The prayer was offered by the Chaplain, Jarvis Wipf, followed by the Pledge of Allegiance led by House page Daylynn Dehning.

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 9th 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 The oath of office was administered by Speaker Hansen to Legislative Page Melanie Roemen.
2 Which was subscribed to and placed on file in the office of the Secretary of State.

3 **REPORTS OF STANDING COMMITTEES**

4 MR. SPEAKER:

5 The Committee on House Education respectfully reports that it has had under consideration
6 **HB 1017** and returns the same with the recommendation that said bill be amended as follows:

7 1017A

8 On page 1, line 15, of the Introduced bill, delete " department-accredited" and insert "
9 accredited nonpublic"

10 On page 1, line 19, of the Introduced bill, delete " that is conducted" and insert ":

11 (a) That is conducted"

12 On page 1, line 21, of the Introduced bill, after "fee" delete " to attend"

13 On page 1, line 21, of the Introduced bill, after "or" insert "

14 (b) In which a qualifying school participates and for which an admission fee is charged; or"

15 And that as so amended, **HB 1017** do pass.

16 Also MR. SPEAKER:

17 The Committee on House Education respectfully reports that it has had under consideration
18 **HB 1039** with the recommendation that said bill be referred to the Joint Committee on
19 Appropriations with a without recommendation recommendation.

20 Also MR. SPEAKER:

21 The Committee on House Education respectfully reports that it has had under consideration
22 **HB 1040** with the recommendation that said bill be referred to the Joint Committee on
23 Appropriations with a Do Not Pass recommendation.

24 Also MR. SPEAKER:

25 The Committee on House Education respectfully reports that it has had under consideration
26 **HB 1042** and returns the same with the recommendation that said bill do pass.

27 Respectfully submitted,
28 Lana J. Greenfield, Chair

29 MR. SPEAKER:

30 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
31 under consideration **HB 1026** with the recommendation that said bill be referred to the Joint
32 Committee on Appropriations with a Do Pass recommendation.

1 Also MR. SPEAKER:

2 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
3 under consideration **HB 1083 and 1084** which were tabled.

4 Respectfully submitted,
5 Marty Overweg, Chair

6 MR. SPEAKER:

7 The Committee on House Health and Human Services respectfully reports that it has had under
8 consideration **HB 1016** with the recommendation that said bill be amended as follows:

9 1016A

10 On page 1, line 1, of the Introduced bill, after "pharmacy" insert " and to make an appropriation
11 to the State Board of Pharmacy"

12 On page 19, after line 21, of the Introduced bill, insert: "

13 **Section 47.** There is appropriated \$200,000 from the general fund, to the State Board of
14 Pharmacy, to reimburse the South Dakota Pharmacists Association for services previously rendered
15 by the association and approved by the board related to continuing education, registration
16 standards, professional service standards, the diversion program for pharmacists, and general
17 operating expenses related thereto."

18 On page 19, after line 21, of the Introduced bill, insert: "

19 **Section 48.** The executive director of the State Board of Pharmacy shall approve vouchers
20 and the state auditor shall draw warrants to pay expenditures authorized in this Act."

21 On page 19, after line 21, of the Introduced bill, insert: "

22 **Section 49.** Any amounts appropriated in this Act not lawfully expended or obligated shall
23 revert in accordance with the procedures prescribed in chapter 4-8."

24 On page 19, after line 21, of the Introduced bill, insert: "

25 **Section 50.** This Act is effective beginning June 30, 2025."

26 And that as so amended said bill be referred to the House Committee on Appropriations with
27 a Do Pass as Amended recommendation.

28 Also MR. SPEAKER:

29 The Committee on House Health and Human Services respectfully reports that it has had under
30 consideration **HB 1055** which was deferred to the 41st Legislative Day.

31 Respectfully submitted,
32 Brian Mulder, Chair

33 MR. SPEAKER:

34 The Committee on House Local Government respectfully reports that it has had under
35 consideration **HB 1043** which was deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House Local Government respectfully reports that it has had under
3 consideration **HB 1072** and returns the same with the recommendation that said bill do pass, and
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Greg Jamison, Chair

7 MR. SPEAKER:

8 The Committee on House Transportation respectfully reports that it has had under
9 consideration **HB 1065** which was deferred to the 41st Legislative Day.

10 Also MR. SPEAKER:

11 The Committee on House Transportation respectfully reports that it has had under
12 consideration **SB 38** and returns the same with the recommendation that said bill do pass.

13 Respectfully submitted,
14 Tony Randolph, Chair

15 **MESSAGES FROM THE SENATE**

16 MR. SPEAKER:

17 I have the honor to transmit herewith **SB 11, 20, 23, 42, 43, 66, 69, 76, and 80** which have
18 passed the Senate and your favorable consideration is respectfully requested.

19 Respectfully,
20 Peggy Laurenz, Secretary

21 **MOTIONS AND RESOLUTIONS**

22 **HCR 6001:** A CONCURRENT RESOLUTION, Honoring healthcare workers who died and risked
23 their lives during the COVID-19 pandemic.

24 Introduced by: **Representative** Garcia

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

26 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

28 State Affairs on **HB 1062** as found on page 116 of the House Journal; and

29 State Affairs on **HB 1073** as found on page 117 of the House Journal be adopted.

30 Which motion prevailed and the reports were adopted.

1

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1109: FOR AN ACT ENTITLED, An Act to prohibit the manufacture, sale, or distribution of cell-cultured meat in this state, and to provide a penalty therefor.

3

4

Introduced by: **Representative** Sjaarda

5

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

6

HB 1112: FOR AN ACT ENTITLED, An Act to require the coverage of biomarker testing in certain health insurance policies.

7

8

Introduced by: **Representative** Garcia

9

Was read the first time and referred to the Committee on Commerce and Energy.

10

HB 1111: FOR AN ACT ENTITLED, An Act to make an appropriation for grants to support the purchase of telehealth kiosks.

11

12

Introduced by: **Representative** Garcia

13

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

14

HB 1113: FOR AN ACT ENTITLED, An Act to require a mental health assessment for certain individuals being considered for employment by the Division of Highway Patrol.

15

16

Introduced by: **Representative** Garcia

17

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

18

HB 1110: FOR AN ACT ENTITLED, An Act to make an appropriation to the South Dakota Board of Technical Education to provide a grant to Southeast Technical College for the purchase of the healthcare simulation center.

19

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21

Introduced by: **Representative** Arlint

22

HB 1114: FOR AN ACT ENTITLED, An Act to make an appropriation for the purchasing of equipment to support the South Dakota Board of Technical Education.

23

24

Introduced by: **Representative** Roby

25

Were read the first time and referred to the Joint Committee on Appropriations.

26

HB 1116: FOR AN ACT ENTITLED, An Act to repeal a reporting requirement and adopt provisions regarding the use of industrial hemp.

27

28

Introduced by: **Representative** Bahmuller

29

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

1 **HB 1115:** FOR AN ACT ENTITLED, An Act to establish the crime of aggravated criminal entry
2 of a motor vehicle with the intent to steal a firearm, to make offenders ineligible for presumptive
3 probation, and to provide a penalty therefor.

4 Introduced by: **Representative** Fitzgerald

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

6 **HB 1117:** FOR AN ACT ENTITLED, An Act to modify requirements on the use of mobile
7 electronic devices while driving.

8 Introduced by: **Representative** Shorma

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

10 The following bills were read on January 27, 2025, and today the Speaker assigned these bills
11 to committee:

12 **HB 1108** was referred to the Committee on Agriculture and Natural Resources.

13 **HB 1107** was referred to the Committee on Commerce and Energy.

14 **HB 1106** was referred to the Committee on State Affairs.

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

16 **SB 76:** FOR AN ACT ENTITLED, An Act to repeal reporting and testifying requirements to the
17 committees on health and human services regarding nursing facilities and long-term healthcare
18 needs.

19 **SB 80:** FOR AN ACT ENTITLED, An Act to revise provisions regarding students and trainees
20 engaged in the practice of funeral service.

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

22 **SB 69:** FOR AN ACT ENTITLED, An Act to revise provisions related to trusts.

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

24 **SB 11:** FOR AN ACT ENTITLED, An Act to limit the amount of money that a political committee
25 may accept from an inactive candidate campaign committee.

26 **SB 20:** FOR AN ACT ENTITLED, An Act to require a voter use a pen when marking a ballot.

27 **SB 23:** FOR AN ACT ENTITLED, An Act to require the secretary of state to publish the numbers
28 pertaining to the collection of signatures on a nominating petition.

29 **SB 66:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to capital
30 improvements of state buildings.

31 Were read the first time and referred to the Committee on State Affairs.

1 **SB 42:** FOR AN ACT ENTITLED, An Act to clarify the wholesale purchase price of tobacco
2 products.

3 **SB 43:** FOR AN ACT ENTITLED, An Act to establish a timeframe within which a remote seller
4 and marketplace provider must register and remit sales tax.

5 Were read the first time and referred to the Committee on Taxation.

6 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

7 **HB 1008:** FOR AN ACT ENTITLED, An Act to include a hybrid facility as a facility to be regulated
8 by the Public Utilities Commission.

9 Was read the second time.

10 The question being "Shall **HB 1008** pass as amended?"

11 And the roll being called:

12 Yeas 69, Nays 0, Excused 0, Absent 0

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

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

22 **HB 1012:** FOR AN ACT ENTITLED, An Act to clarify the status of the Statewide One-Call
23 Notification Board as an agency administered by the Department of Public Safety and the duties of
24 the Board.

25 Was read the second time.

26 The question being "Shall **HB 1012** pass?"

27 And the roll being called:

28 Yeas 68, Nays 1, Excused 0, Absent 0

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

36 Nays: Mulally

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

1

COMMEMORATIONS

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HC 8003: A LEGISLATIVE COMMEMORATION, Recognizing Jacqueline Sly as the recipient of the AARP South Dakota Andrus Award.

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Introduced by: **Representatives** Derby, Moore, Shorma, and Venhuizen and **Senators** Deibert, Duhamel, Perry, and Schoenfish

5

6

Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at 2:46 p.m. the House adjourned.

7

8

Patricia Miller, Chief Clerk

9

JOINT SESSION

10

The Senate convened with the House of Representatives in the House Chamber for the purpose of receiving a message from the Governor, Larry Rhoden. The President Pro Tempore of the Senate, Chris Karr, presided.

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The following prayer was delivered by Rev. Craig Wexler, Pierre/Fort Pierre Ministerial Association, Pierre, South Dakota:

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Hebrews 13:17 "Obey your leaders and submit to them, for they are keeping watch over your souls, as those who will have to give an account. Let them do this with joy and not with groaning, for that would be of no advantage to you."

16

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18

Most merciful God, we lift up our leadership this day. We give thanks for Kristi Noem as she has served us these past years, and we pray for her wisdom and guidance in her new role with Homeland Security. Give her a courageous heart—a compassionate heart—and wisdom to know what demands are coming from the world, and what demands are coming from your divine will. Grant peace and protection over her family as well.

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Oh, Lord, we now lift up Larry Rhoden, as he takes the lead in governing our great state. As the baton is passed into his hands, may he hold it firmly with courage and wisdom—may he be guided by your insights and discernment. May he build bridges with those he will encounter each day from here and into the future, and may he uphold the security of our foundations set by brave leaders of the past—foundations of Godly values, proper moral compasses, listening ears towards the voices of many, and a steady grasp on knowing what changes may still be needed, and discernment towards the things that should never change. Help him to do it with joy—never with groaning. Let everything he does, be to the benefit of your divine will. In your holiest name we pray, Amen.

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The Secretary of the Senate, Peggy Laurenz, called the roll of the Senate and the following members were present:

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34

Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck, Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten (Ernie), Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wheeler, and Zikmund

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36

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38

The Chief Clerk of the House of Representatives, Patricia Miller, called the roll of the House and the following members were present:

39

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

8 Sen. Mehlhaff moved that a committee of five on the part of the Senate and a committee of
9 six on the part of the House be appointed to escort the Honorable Larry Rhoden, Governor of the
10 State of South Dakota, to the rostrum.

11 Which motion prevailed and the President announced as such committee Sens. Mehlhaff, Perry,
12 Larson, Smith, and Beal on the part of the Senate, and Reps. Lems, Odenbach, Overweg, Healy,
13 Emery, and Bahmuller on the part of the House.

14 President Pro Tempore Karr introduced the Honorable Larry Rhoden, who delivered his address
15 to the Legislature.

16 The Sergeant at Arms announced the arrival of the Honorable Larry Rhoden, who was escorted
17 to the rostrum.

18 Sen. Mehlhaff moved that the Joint Session do now dissolve.

19 Which motion prevailed.

