

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

ELEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, January 29, 2025

The House convened at 2:00 p.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 Bennett Duncan and Cael Fulton.

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 10th 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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COMMUNICATIONS AND PETITIONS

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January 27, 2025

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The Honorable Jon Hansen
Speaker of the House of Representatives
House of Representatives
500 East Capitol Avenue
Pierre, South Dakota 57501

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Dear Mr. Speaker,

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I am honored to submit this nomination of Tonnis H. Venhuizen, Sioux Falls, Lincoln County, for the office of Lieutenant Governor of South Dakota. Tonnis H. Venhuizen has demonstrated exemplary leadership and unwavering dedication to public service over his years of service to the people of our state.

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I have full confidence that Tonnis H. Venhuizen will serve with honor, diligence, and commitment to the citizens of South Dakota. I respectfully request your favorable consideration of this nomination.

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Sincerely,
Larry Rhoden
Governor

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January 29, 2025

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The Honorable Jon Hansen
Speaker of the House of Representatives
500 East Capitol Avenue
Pierre, South Dakota 57501

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Dear Speaker Hansen:

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I hereby resign as State Representative, effective today at 9:45 AM.

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It has been my great honor to represent the people of District 13 and to work on behalf of our state.

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I have loved every minute of my service in the State House of Representatives, and I leave the House with many good memories, and with fond feelings for all my legislative colleagues. I thank you all for your dedication and hard work, in particular, my teammates on the Joint Committee on Appropriations.

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As we celebrate our 100th Legislative Session, South Dakota should be very proud of our citizen legislature. I hope to continue to work with you, and with every legislator, for the betterment of South Dakota.

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Sincerely,
Tony Venhuizen
State Representative

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REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HJR 5002, and SB 10** and returns the same with the recommendation that said bill and resolution do pass.

Respectfully submitted,
Marty Overweg, Vice-Chair

MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1009 and 1020** which were deferred to the 41st Legislative Day.

Respectfully submitted,
Lana J. Greenfield, Chair

MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1082** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **SB 5** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Mike Stevens, Chair

MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **HB 1079** and returns the same with the recommendation that said bill be amended as follows:

1079A

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

Section 2. That § 35-4-11.1 be AMENDED:

35-4-11.1. If not previously fixed by ordinance or continuing resolution, the board of county commissioners ~~shall~~ must, before the second of September in each year, determine the number of on-sale and off-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses. The number of licenses issued pursuant to subdivision 35-4-2(6) may not exceed three for the first one thousand of population and may not exceed one for each additional fifteen hundred of population or fraction thereof. The number of licenses issued pursuant to subdivision 35-4-2(3) may not exceed ~~two~~ three for the first one thousand of population and may not exceed one for each additional fifteen hundred of population or fraction thereof. ~~No~~ A county off-sale license may not be issued for a retailer located within three miles of the exterior boundary of an incorporated municipality. The population includes only those residing within the

1 county, but outside the incorporated municipalities and improvement districts, created pursuant to
 2 chapter 7-25A, within the county. ~~No A~~ licensee regularly licensed to do business on July 1, 1981,
 3 may not be denied reissuance of a license in subsequent years solely by reason of any limitations,
 4 based upon population quotas, of the number of licenses authorized or established under the
 5 provisions of this title. Licenses issued to concessionaires, and lessees of ~~the State of South Dakota~~
 6 this state, within the boundaries of state parks, prior to January 1, 1983, may be subtracted when
 7 calculating the total number of licenses permitted in this section."

8 And that as so amended, **HB 1079** do pass.

9 Also MR. SPEAKER:

10 The Committee on House Commerce and Energy respectfully reports that it has had under
 11 consideration **SB 30** and returns the same with the recommendation that said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on House Commerce and Energy respectfully reports that it has had under
 14 consideration **SB 36** and returns the same with the recommendation that said bill do pass, and
 15 having been certified as uncontested, be placed on the consent calendar.

16 Respectfully submitted,
 17 Karla J. Lems, Chair

18 **MESSAGES FROM THE SENATE**

19 MR. SPEAKER:

20 I have the honor to transmit herewith **SB 22, 25, 51, and 75** which have passed the Senate
 21 and your favorable consideration is respectfully requested.

22 Respectfully,
 23 Peggy Laurenz, Secretary

24 **MOTIONS AND RESOLUTIONS**

25 **HR 7001:** A RESOLUTION, Confirming Tonnis H. Venhuizen, Lincoln County, South Dakota, as
 26 lieutenant governor of South Dakota pursuant to S.D. Const., Art. IV, § 6.

27 Introduced by: **Representative** Odenbach

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

29 Rep. Greenfield moved that **HB 1042** be referred to the Joint Committee on Appropriations.

30 Which motion prevailed.

31 Rep. Kayser moved that **HB 1066** be referred to the Committee on State Affairs.

32 Which motion prevailed.

1 Rep. Odenbach moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
 2 Thursday, January 30, 2025, the 12th legislative day.

3 Which motion prevailed.

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

6 Was read the second time.

7 Rep. Garcia moved that **HCR 6001** as found on page 132 of the House Journal be adopted.

8 The question being on Rep. Garcia's motion that **HCR 6001** be adopted.

9 And the roll being called:

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

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

18 Excused: Venhuizen

19 So the motion having received an affirmative vote of a majority of the members-elect, the
 20 Speaker declared the motion carried and **HCR 6001** was adopted.

21 **CONSIDERATION OF REPORTS OF COMMITTEES**

22 Rep. Odenbach moved that the report of the Standing Committee on

23 Education on **HB 1017** as found on page 130 of the House Journal be adopted.

24 Which motion prevailed and the report was adopted.

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

26 **HB 1118**: FOR AN ACT ENTITLED, An Act to prohibit the award or use of state moneys for the
 27 research, production, promotion, sale, or distribution of cell-cultured protein.

28 Introduced by: **Representative** Hunt

29 **HB 1120**: FOR AN ACT ENTITLED, An Act to transfer certain moneys and to make an
 30 appropriation for the operations of the state library.

31 Introduced by: **Representative** Ismay

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

1 **HB 1122:** FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial
2 Code.

3 Introduced by: **Representative** Auch

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

5 **HB 1124:** FOR AN ACT ENTITLED, An Act to repeal a requirement regarding possession of a
6 registry card.

7 Introduced by: **Representative** Ismay

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

9 **HB 1123:** FOR AN ACT ENTITLED, An Act to repeal medical purpose as a defense in
10 prosecutions involving cannabis.

11 Introduced by: **Representative** Fitzgerald

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

13 **HB 1126:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the compensation
14 of a recount board.

15 Introduced by: **Representative** Reimer

16 **HB 1127:** FOR AN ACT ENTITLED, An Act to require that notice of a county's canvass, post-
17 election audit, and testing of automatic tabulating equipment be posted to the secretary of state's
18 website.

19 Introduced by: **Representative** Reimer

20 Were read the first time and referred to the Committee on Local Government.

21 **HB 1119:** FOR AN ACT ENTITLED, An Act to limit annual valuation increases on owner-
22 occupied single-family dwellings and nonagricultural property.

23 Introduced by: **Representative** Ladner

24 **HB 1130:** FOR AN ACT ENTITLED, An Act to provide permissible dates for municipal and school
25 district elections.

26 Introduced by: **Representative** Mortenson

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

28 **HB 1121:** FOR AN ACT ENTITLED, An Act to revise passenger limits for holders of restricted
29 minor's driving permits.

30 Introduced by: **Representative** Arlint

31 **HB 1125:** FOR AN ACT ENTITLED, An Act to create a share the road emblem specialty plate.

32 Introduced by: **Representative** Hughes

1 **HB 1129:** FOR AN ACT ENTITLED, An Act to provide for the transfer of motor vehicles and
2 boats upon death.

3 Introduced by: **Representative** Mortenson

4 Were read the first time and referred to the Committee on Transportation.

5 **HB 1128:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to sexual contact
6 with a child under sixteen.

7 Introduced by: **Representative** Healy

8 **HB 1131:** FOR AN ACT ENTITLED, An Act to make an appropriation for the restoration,
9 maintenance, and repair of the state capitol.

10 Introduced by: **Representative** Mortenson

11 **HB 1132:** FOR AN ACT ENTITLED, An Act to establish provisions for eligibility in the child care
12 assistance program for certain child care employees.

13 Introduced by: **Representative** Healy

14 **HB 1133:** FOR AN ACT ENTITLED, An Act to amend bond requirements.

15 Introduced by: **Representative** Mortenson

16 **HB 1134:** FOR AN ACT ENTITLED, An Act to make an appropriation benefitting South Dakota.

17 Introduced by: **Representative** Odenbach

18 **HB 1135:** FOR AN ACT ENTITLED, An Act to provide opportunities for South Dakotans.

19 Introduced by: **Representative** Odenbach

20 Were read the first time.

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

22 **SB 25:** FOR AN ACT ENTITLED, An Act to clarify the Plumbing Commission's rulemaking
23 authority to set standards for plumbing and plumbing systems.

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

25 **SB 75:** FOR AN ACT ENTITLED, An Act to require an indication of United States citizenship
26 status on a motor vehicle operator's license or permit, and on a nondriver identification card.

27 Was read the first time and referred to the Committee on State Affairs.

28 **SB 22:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the submission of a
29 nominating petition.

1 **SB 51:** FOR AN ACT ENTITLED, An Act to require the display and curricular inclusion of the
 2 Ten Commandments and other documents.

3 Were read the first time.

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 Rep. Mulally requested that **HB 1072** be removed from the Consent Calendar.

6 Which request was granted.

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

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 Was read the second time.

11 Rep. Baxter moved that **HB 1062** be amended as follows:

12 1062B

13 On page 2, line 6, of the House State Affairs Engrossed bill, delete " The county auditor shall
 14 maintain a rolling five-year archive of historical information from" and insert ", and shall preserve
 15 the record of"

16 On page 2, line 7, of the House State Affairs Engrossed bill, after "file" insert " for twenty-two
 17 months. The record of the master registration file is open to public inspection, free of charge"

18 On page 3, line 1, of the House State Affairs Engrossed bill, after "in" delete " or"

19 Rep. Mulally rose to a point of order that Rep. Baxter did not get to speak to Rep. Reisch's
 20 opposition to Amendment B.

21 Speaker Hansen replied he had asked for further comments.

22 The question being on Rep. Baxter's motion to **HB 1062** be amended.

23 Which motion lost.

24 The question being "Shall **HB 1062** pass as amended?"

25 And the roll being called:

26 Yeas 37, Nays 31, Excused 1, Absent 0

27 Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Derby, Garcia, Goodwin, Gosch, Heinemann,
 28 Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, May,
 29 Moore, Mulally, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Randolph, Reder,
 30 Rice, Schaeftbauer, Schwans, Sjaarda, Soye, and Speaker Hansen

1 Nays: Arlint, Bathke, DeGroot, Duffy, Emery, Fitzgerald, Greenfield, Halverson, Healy,
 2 Heermann, Kassin, Kull, Ladner, Massie, Mortenson, Muckey, Pourier, Rehfeldt, Reimer, Reisch,
 3 Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and
 4 Wittman

5 Excused: Venhuizen

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

8 **HB 1073:** FOR AN ACT ENTITLED, An Act to designate contact information provided on a voter
 9 registration form as not for public inspection.

10 Was read the second time.

11 The question being "Shall **HB 1073** pass as amended?"

12 And the roll being called:

13 Yeas 40, Nays 28, Excused 1, Absent 0

14 Yeas: Arlint, Bahmuller, Bathke, DeGroot, Derby, Duffy, Emery, Fitzgerald, Goodwin,
 15 Greenfield, Halverson, Healy, Heermann, Heinemann, Jamison, Kassin, Kull, Ladner, Massie,
 16 Mortenson, Muckey, Mulder, Overweg, Peterson (Drew), Pourier, Rehfeldt, Reimer, Reisch, Rice,
 17 Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and
 18 Wittman

19 Nays: Andera, Auch, Aylward, Baxter, Garcia, Gosch, Hughes, Hunt, Ismay, Jensen (Phil),
 20 Jordan, Jorgenson, Kayser, Lems, Manhart, May, Moore, Mulally, Nolz, Novstrup, Odenbach,
 21 Randolph, Reder, Schaeftbauer, Schwans, Sjaarda, Soye, and Speaker Hansen

22 Excused: Venhuizen

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

25 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

26 **SB 38:** FOR AN ACT ENTITLED, An Act to modify requirements for a vehicle approaching a
 27 vehicle that is stopped or occupying the shoulder of the highway with warning lights flashing.

28 Was read the second time.

29 The question being "Shall **SB 38** pass?"

30 And the roll being called:

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

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

1 Excused: Venhuizen

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

4 Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at
5 3:02 p.m. the House adjourned.

6 Patricia Miller, Chief Clerk