

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

THIRTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, February 03, 2025

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

The prayer was offered by the Chaplain, Sam Handschke, followed by the Pledge of Allegiance led by House pages Charlee Jorgensen and Weston Koedam.

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 12th 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

REPORTS OF STANDING COMMITTEES

2 MR. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
4 Enrolling has carefully compared **HR 7001** and finds the same correctly enrolled.

5

6

Respectfully submitted,
Jon Hansen, Chair

7 MR. SPEAKER:

8 The Committee on House Judiciary respectfully reports that it has had under consideration
9 **HB 1080** and returns the same with the recommendation that said bill be amended as follows:

10

1080B

11 On page 1, line 10, of the Introduced bill, delete "Any " and insert " If a provision in a "

12 On page 1, line 10, of the Introduced bill, after "covenant" delete " in violation of this section"

13 On page 1, line 10, of the Introduced bill, after "2025," insert " is found to violate this section,
14 that provision"

15 On page 1, line 11, of the Introduced bill, after "unenforceable" insert ". A provision that is
16 void and unenforceable is severable and any remaining provisions that can be given effect are not
17 thereby affected"

18

1080D

19 On the previously adopted amendment (1080B), On page 1, line 10, after "section" delete "
20 including one enacted before July 1, 2025,"

21 And that as so amended, **HB 1080** do pass.

22 Also MR. SPEAKER:

23 The Committee on House Judiciary respectfully reports that it has had under consideration
24 **HB 1090** which was deferred to the 41st Legislative Day.

25 Also MR. SPEAKER:

26 The Committee on House Judiciary respectfully reports that it has had under consideration
27 **HB 1094** and returns the same with the recommendation that said bill do pass.

28 Also MR. SPEAKER:

29 The Committee on House Judiciary respectfully reports that it has had under consideration
30 **HB 1100** and returns the same with the recommendation that said bill do pass, and having been
31 certified as uncontested, be placed on the consent calendar.

32

33

Respectfully submitted,
Mike Stevens, Chair

1 MR. SPEAKER:

2 The Committee on House State Affairs respectfully reports that it has had under consideration
3 **SB 12** and returns the same with the recommendation that said bill be amended as follows:

4 12A

5 On page 1, line 1, of the Introduced bill, after "loaned" insert " or transfered"

6 On page 1, after line 11, of the Introduced bill, insert: "

7 **Section 2. That a NEW SECTION be added to chapter 12-27:**

8 A candidate with a federally authorized committee, as defined in 52 U.S.C. § 30101, et seq.,
9 (January 1, 2025), may not transfer more than ten thousand dollars per year, to any political
10 committee organized pursuant to this chapter."

11 And that as so amended, **SB 12** do pass.

12 Also MR. SPEAKER:

13 The Committee on House State Affairs respectfully reports that it has had under consideration
14 **SB 17, and SJR 502** and returns the same with the recommendation that said bill and resolution
15 do pass.

16 Respectfully submitted,
17 Scott Odenbach, Chair

18 MR. SPEAKER:

19 The Committee on House Education respectfully reports that it has had under consideration
20 **HB 1054** and returns the same with the recommendation that said bill be amended as follows:

21 1054B

22 On page 1, line 1, of the Introduced bill, delete "authorize volunteer chaplains to serve in" and
23 insert " allow"

24 On page 1, line 1, of the Introduced bill, after "schools" insert " to authorize an individual to
25 volunteer or be employed as a school chaplain"

26 On page 1, line 5, of the Introduced bill, after "volunteer" insert " or be employed"

27 On page 1, line 6, of the Introduced bill, after "volunteer" insert " or be employed"

28 On page 1, line 7, of the Introduced bill, after "volunteer" insert " or be employed"

29 On page 1, line 8, of the Introduced bill, after "volunteering" insert " or employed"

30 On page 1, line 9, of the Introduced bill, after "volunteering" insert " or employed"

31 On page 1, line 12, of the Introduced bill, after "volunteering" insert " or employed"

32 On page 1, line 14, of the Introduced bill, after "volunteering" insert " or employed"

33 On page 1, line 17, of the Introduced bill, after "volunteer" insert " or be employed"

34 On page 1, line 20, of the Introduced bill, after "volunteer" insert " or be employed"

1 And that as so amended, **HB 1054** do pass.

2 Also MR. SPEAKER:

3 The Committee on House Education respectfully reports that it has had under consideration
4 **HB 1077** which was tabled.

5 Also MR. SPEAKER:

6 The Committee on House Education respectfully reports that it has had under consideration
7 **HB 1089** with the recommendation that said bill be referred to the House Committee on
8 Appropriations with a Do Not Pass recommendation.

9
10 Respectfully submitted,
Lana J. Greenfield, Chair

11 MR. SPEAKER:

12 The Committee on House Commerce and Energy respectfully reports that it has had under
13 consideration **HB 1070** which was deferred to the 41st Legislative Day.

14 Also MR. SPEAKER:

15 The Committee on House Commerce and Energy respectfully reports that it has had under
16 consideration **HB 1107** and returns the same with the recommendation that said bill be amended
17 as follows:

18 1107C

19 On page 1, line 13, of the Introduced bill, delete " or" and insert " and"

20 On page 1, line 19, of the Introduced bill, after "state" insert ", except the South Dakota
21 Retirement System and the State Investment Council"

22 On page 1, line 23, of the Introduced bill, after "resources" delete ", including land or resources
23 owned by the state retirement system,"

24 On page 3, after line 22, of the Introduced bill, insert: "

25 **Section 8. That a NEW SECTION be added to a NEW CHAPTER in title 5:**

26 The provisions of this Act do not apply to the South Dakota Retirement System, the State
27 Investment Council, or any assets managed by the State Investment Council."

28 And that as so amended, **HB 1107** do pass.

29
30 Respectfully submitted,
Karla J. Lems, Chair

31 **MESSAGES FROM THE SENATE**

32 MR. SPEAKER:

33 I have the honor to transmit herewith **SB 14, 64, 71, 77, and 81** which have passed the
34 Senate and your favorable consideration is respectfully requested.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith **SCR 601** which has been adopted by the Senate and
3 your concurrence is respectfully requested.

4 Respectfully,
5 Peggy Laurenz, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 **HCR 6006:** A CONCURRENT RESOLUTION, Urging the State Investment Council to invest in
8 Bitcoin.

9 Introduced by: **Representative** Manhart

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

11 The following resolutions were read on January 30, 2025, and today the Speaker assigned
12 these resolutions to committee:

13 **HCR 6002** was referred to the Committee on Military and Veterans Affairs.

14 **HCR 6003** was referred to the Committee on State Affairs.

15 **HCR 6004 and 6005** were read on January 30, 2025, and today the Speaker waived the
16 committee referral pursuant to JR 6D-1.

17 **SCR 601:** A CONCURRENT RESOLUTION, Supporting the designation of a portion of U.S.
18 Highway 12 to honor the late Helen Miller.

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

20 Thursday, Rep. Soye announced her intention to reconsider the vote by which **HB 1017** lost.

21 Rep. Soye moved that the House do now reconsider the vote by which **HB 1017** lost.

22 The question being on Rep. Soye's motion to reconsider the vote by which **HB 1017** lost.

23 And the roll being called:

24 Yeas 35, Nays 33, Excused 0, Absent 0

25 Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Emery, Fitzgerald, Garcia, Gosch, Greenfield,
26 Heinemann, Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, May,
27 Mulally, Nolz, Novstrup, Odenbach, Overweg, Pourier, Randolph, Reder, Rice, Schaeffbauer,
28 Schwans, Sjaarda, Soye, and Speaker Hansen

29 Nays: Arlint, Bathke, DeGroot, Derby, Duffy, Goodwin, Halverson, Healy, Heermann, Jamison,
30 Kassin, Kull, Ladner, Massie, Moore, Mortenson, Muckey, Mulder, Peterson (Drew), Rehfeldt, Reimer,
31 Reisch, Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems,
32 Weisgram, and Wittman

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

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

Joint Appropriations on **HB 1047** as found on page 151 of the House Journal; and

4

Health and Human Services on **HB 1061** as found on page 150 of the House Journal be adopted.

5

Which motion prevailed and the reports were adopted.

6

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

7

8

HB 1206: FOR AN ACT ENTITLED, An Act to revise provisions on interim transfers and appropriations.

9

Introduced by: **Representative** Auch

10

Was read the first time and referred to the House Committee on Appropriations.

11

12

HB 1200: FOR AN ACT ENTITLED, An Act to permit merit pay as a component of teacher compensation.

13

Introduced by: **Representative** May

14

15

HB 1201: FOR AN ACT ENTITLED, An Act to establish requirements for school counseling services.

16

Introduced by: **Representative** Manhart

17

Were read the first time and referred to the Committee on Education.

18

19

HB 1199: FOR AN ACT ENTITLED, An Act to repeal a provision requiring the sale of property acquired by a tax deed.

20

Introduced by: **Representative** Jensen (Phil)

21

22

HB 1207: FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to rape in the first degree and to provide a penalty therefor.

23

Introduced by: **Representative** Ismay

24

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

25

HB 1202: FOR AN ACT ENTITLED, An Act to permit the state to invest in Bitcoin.

26

Introduced by: **Representative** Manhart

27

28

HB 1204: FOR AN ACT ENTITLED, An Act to revise the subpoena powers of the Government Operations and Audit Committee.

29

Introduced by: **Representative** Auch

1 **HB 1205:** FOR AN ACT ENTITLED, An Act to require legislative approval of real property leases
2 that are necessary for the operation of state government and exceed specified durations or rental
3 payments.

4 Introduced by: **Representative** Auch

5 **HB 1208:** FOR AN ACT ENTITLED, An Act to provide for registration of an overseas citizen or
6 individual using the address of a mail forwarding service or post office box as a national voter.

7 Introduced by: **Representative** Kayser

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

9 **HB 1203:** FOR AN ACT ENTITLED, An Act to authorize the operation of pari-mutuel historical
10 horse racing machines, and to authorize a new tax.

11 Introduced by: **Representative** Weisgram

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

13 **HB 1209:** FOR AN ACT ENTITLED, An Act to repeal authorization for the use of medical
14 cannabis by a probationer or parolee.

15 Introduced by: **Representative** Fitzgerald

16 Was read the first time.

17 The following bills were read on January 30, 2025, and today the Speaker assigned these bills
18 to committee:

19 **HB 1156, HB 1157, HB 1165, HB 1176, and HB 1187** were referred to the Committee on
20 Agriculture and Natural Resources.

21 **HB 1166, HB 1179, and HB 1190** were referred to the Committee on Commerce and Energy.

22 **HB 1189, and HB 1196** were referred to the House Committee on Appropriations.

23 **HB 1171, HB 1172, HB 1177, HB 1180, HB 1181, HB 1182, HB 1183, HB 1193, and HB**
24 **1197** were referred to the Committee on Education.

25 **HB 1139, HB 1141, HB 1144, and HB 1146** were referred to the Committee on Health and
26 Human Services.

27 **HB 1148, HB 1153, HB 1174, HB 1175, HB 1178, HB 1192, and HB 1195** were referred
28 to the Committee on Judiciary.

29 **HB 1142, HB 1143, HB 1154, HB 1155, HB 1159, HB 1173, and HB 1194** were referred
30 to the Committee on Local Government.

31 **HB 1160, HB 1161, HB 1162, HB 1163, HB 1188, and HB 1198** were referred to the
32 Committee on Military and Veterans Affairs.

33 **HB 1138, HB 1140, HB 1145, HB 1147, HB 1152, HB 1158, HB 1164, HB 1169, HB**
34 **1184, HB 1185, HB 1186, and HB 1191** were referred to the Committee on State Affairs.

1 The Speaker declared that **HB 1158** and **HB 1190** were withdrawn at the request of the prime
2 sponsors pursuant to JR 6B-1.1.

3 The Speaker declared that **HB 1019** changed prime sponsor from Representative Mortenson
4 to Representative Goodwin at their request.

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

6 **SB 14:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to agricultural
7 production facilities and to provide a penalty therefor.

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

9 **SB 81:** FOR AN ACT ENTITLED, An Act to prohibit the use of a firearms code for transactions
10 involving firearms, accessories, components, and ammunition and to provide a civil penalty therefor.

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

12 **SB 71:** FOR AN ACT ENTITLED, An Act to revise provisions pertaining to the compulsory age
13 for school attendance.

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

15 **SB 77:** FOR AN ACT ENTITLED, An Act to update terminology related to ambulance operators.

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

17 **SB 64:** FOR AN ACT ENTITLED, An Act to revise provisions related to the establishment of an
18 initial parole date.

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

20 The following bills were read on January 29, 2025, and today the Speaker assigned these bills
21 to committee:

22 **SB 51** was referred to the Committee on Education.

23 **SB 22** was referred to the Committee on State Affairs.

24 **SB 34**, and **SB 78** were referred to the Committee on Agriculture and Natural Resources.

25 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

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

1 **SB 39:** FOR AN ACT ENTITLED, An Act to revise the description of highways included in the
2 state trunk highway system.

3 **SB 41:** FOR AN ACT ENTITLED, An Act to clarify the minimum age requirements for a hunting
4 license.

5 Were read the second time.

6 The question being "Shall **SB 1 and 13** pass as amended, and **SB 39 and 41** pass?"

7 And the roll being called:

8 Yeas 68, Nays 0, Excused 0, Absent 0

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

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

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

19 **HB 1079:** FOR AN ACT ENTITLED, An Act to increase the number of off-sale licenses from two
20 to three in municipalities of one thousand or less.

21 Was read the second time.

22 Rep. Kull moved that **HB 1079** be amended as follows:

23 1079B

24 On page 1, line 1, of the House Commerce and Energy Engrossed bill, after "municipalities"
25 insert " and counties"

26 Which motion prevailed.

27 The question being "Shall **HB 1079** pass as amended?"

28 And the roll being called:

29 Yeas 53, Nays 15, Excused 0, Absent 0

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

36 Nays: Baxter, Garcia, Gosch, Greenfield, Hunt, Ismay, Kayser, Lems, Manhart, Mulally,
37 Randolph, Reder, Rice, Sjaarda, and Soye

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

1 The question being "Shall **SB 40** pass?"

2 And the roll being called:

3 Yeas 42, Nays 26, Excused 0, Absent 0

4 Yeas: Arlint, Bahmuller, Bathke, DeGroot, Derby, Duffy, Emery, Fitzgerald, Goodwin,
5 Halverson, Healy, Heermann, Heinemann, Hughes, Jamison, Jorgenson, Kassin, Kull, Massie, Moore,
6 Mortenson, Muckey, Mulder, Novstrup, Odenbach, Peterson (Drew), Pourier, Rehfeldt, Reimer,
7 Reisch, Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems,
8 Weisgram, Wittman, and Speaker Hansen

9 Nays: Andera, Auch, Aylward, Baxter, Garcia, Gosch, Greenfield, Hunt, Ismay, Jensen (Phil),
10 Jordan, Kayser, Ladner, Lems, Manhart, May, Mulally, Nolz, Overweg, Randolph, Reder, Rice,
11 Schaeftbauer, Schwans, Sjaarda, and Soye

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

14 **SB 7:** FOR AN ACT ENTITLED, An Act to prohibit the adoption or implementation of certain
15 policies related to immigration enforcement.

16 Was read the second time.

17 The question being "Shall **SB 7** pass?"

18 And the roll being called:

19 Yeas 62, Nays 6, Excused 0, Absent 0

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

27 Nays: Emery, Garcia, Healy, Muckey, Uhre-Balk, and Wittman

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

30 **SB 74:** FOR AN ACT ENTITLED, An Act to require the publication and review of an explanation
31 of the open meeting laws of this state.

32 Was read the second time.

33 The question being "Shall **SB 74** pass as amended?"

34 And the roll being called:

35 Yeas 68, Nays 0, Excused 0, Absent 0

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

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

10 **SIGNING OF BILLS**

11 The Speaker publicly read the title to

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

14 And signed the same in the presence of the House.

15 Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at
16 3:00 p.m. the House adjourned.

17 Patricia Miller, Chief Clerk