

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 11, 2025

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

The prayer was offered by the Chaplain, David Hussey, followed by the Pledge of Allegiance led by House page William Hanzlik.

Roll Call: All members present except Rep. Mortenson 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 18th 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

February 10, 2025

3

Mr. Speaker and Members of the House of Representatives:

4

I have the honor to inform you that on February 10, 2025, I approved House Bills 1011, 1022, and 1049, and the same have been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,

7

Larry Rhoden

8

Governor

9

The Speaker appointed Rep. Stevens as the Vice-Chair of the House Committee on Education.

10

REPORTS OF STANDING COMMITTEES

11

MR. SPEAKER:

12

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1027 and 1028** and finds the same correctly enrolled.

13

14

Respectfully submitted,

15

Jon Hansen, Chair

16

MR. SPEAKER:

17

The Committee on Legislative Procedure respectfully reports that **HB 1014** was delivered to his Excellency, the Governor, for his approval at 11:03 a.m., February 11, 2025.

18

19

Respectfully submitted,

20

Jon Hansen, Chair

21

MR. SPEAKER:

22

The Committee on House Military and Veterans Affairs respectfully reports that it has had under consideration **HB 1188** and returns the same with the recommendation that said bill do pass.

23

24

Also MR. SPEAKER:

25

The Committee on House Military and Veterans Affairs respectfully reports that it has had under consideration **HB 1160** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

26

27

28

Also MR. SPEAKER:

29

The Committee on House Military and Veterans Affairs respectfully reports that it has had under consideration **HB 1238** and returns the same with the recommendation that said bill be amended as follows:

30

31

1 1238B

2 On page 3, line 7, of the Introduced bill, delete " secretary of the Department of Veterans
3 Affairs" and insert " attorney general"

4 On page 3, line 9, of the Introduced bill, delete " secretary" and insert " attorney general"

5 And that as so amended, **HB 1238** do pass.

6 Also MR. SPEAKER:

7 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
8 consideration **HCR 6002** and returns the same with the recommendation that said resolution be
9 adopted.

10 Respectfully submitted,
11 Tim Goodwin, Chair

12 MR. SPEAKER:

13 The Committee on House State Affairs respectfully reports that it has had under consideration
14 **HB 1140** which was deferred to the 41st Legislative Day.

15 Also MR. SPEAKER:

16 The Committee on House State Affairs respectfully reports that it has had under consideration
17 **HB 1205** and returns the same with the recommendation that said bill be amended as follows:

18 1205A

19 On page 2, line 22, of the Introduced bill, delete " ten" and insert " fifteen"

20 On page 3, line 2, of the Introduced bill, delete " ten" and insert " fifteen"

21 1205B

22 On the previously adopted amendment (1205A), On page 3, line 4, delete " June 30" and insert
23 " July 1"

24 And that as so amended, **HB 1205** do pass.

25 Also MR. SPEAKER:

26 The Committee on House State Affairs respectfully reports that it has had under consideration
27 **HCR 6009** and returns the same with the recommendation that said resolution be adopted.

28 Respectfully submitted,
29 Scott Odenbach, Chair

30 MR. SPEAKER:

31 The Committee on House Taxation respectfully reports that it has had under consideration
32 **HB 1234** which was deferred to the 41st Legislative Day.

33 Respectfully submitted,
34 Aaron Aylward, Chair

1 MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under
3 consideration **HB 1226** which was tabled.

4 Respectfully submitted,
5 Tony Randolph, Chair

6 MR. SPEAKER:

7 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
8 under consideration **HB 1095** and returns the same with the recommendation that said bill do pass,
9 and having been certified as uncontested, be placed on the consent calendar.

10 Also MR. SPEAKER:

11 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
12 under consideration **HB 1108** with the recommendation that said bill be amended as follows:

13 1108A

14 On page 1, line 10, of the Introduced bill, delete " \$2,000,000" and insert " \$1"

15 And that as so amended said bill be referred to the House Committee on Appropriations without
16 recommendation.

17 Also MR. SPEAKER:

18 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
19 under consideration **HB 1165** and returns the same with the recommendation that said bill be
20 amended as follows:

21 1165A

22 On page 7, line 32, of the Introduced bill, delete " soybeans" and insert " corn"

23 And that as so amended, **HB 1165** do pass.

24 Respectfully submitted,
25 Marty Overweg, Chair

26 MR. SPEAKER:

27 The Committee on House Health and Human Services respectfully reports that it has had under
28 consideration **HB 1058** and returns the same with the recommendation that said bill be amended
29 as follows:

30 1058A

31 On page 1, line 1, of the Introduced bill, after "the" delete " collecting and"

32 On page 1, line 1, of the Introduced bill, delete " in certain situations" and insert " to a
33 consumer reporting agency"

34 On page 1, line 17, of the Introduced bill, after "debts." delete "Section 2. That a NEW SECTION
35 be added to chapter 54-1:

1

"

2

On page 1, line 18, of the Introduced bill, after "54-1:" delete "A hospital, as defined in § 34-12-1. 1, is prohibited from pursuing the collection of medical debt, as defined in section 1 of this Act, against an individual:

3

4

5

(1) If the individual informs the hospital of an appeal pertaining to a denial of coverage by the individual's insurance provider, provided the prohibition terminates when the individual receives a final determination from the insurance provider;

6

7

8

(2) Before the hospital has made reasonable efforts to determine whether the individual is eligible for assistance under the hospital's financial assistance program and, if eligible, before a decision is made by the hospital on the individual's application for financial assistance;

9

10

11

(3) Before the hospital has provided the individual with an itemized statement;

12

13

14

(4) For thirty days after notifying the individual in writing, by certified mail, or by other traceable delivery method, that a collection action will commence, absent additional action by the individual;

15

16

(5) While the individual negotiates, in good faith, with the hospital on the final amount of a bill for services or treatments provided; or

17

18

(6) While the individual is in compliance with all terms of a payment plan entered into with the hospital."

19

And that as so amended, **HB 1058** do pass.

20

Also MR. SPEAKER:

21

22

23

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1139** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

24

Also MR. SPEAKER:

25

26

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1210** which was deferred to the 41st Legislative Day.

27

28

Respectfully submitted,
Brian Mulder, Chair

29

MR. SPEAKER:

30

31

The Committee on House Education respectfully reports that it has had under consideration **HB 1177** which was deferred to the 41st Legislative Day.

32

Also MR. SPEAKER:

33

34

The Committee on House Education respectfully reports that it has had under consideration **HB 1180** and returns the same with the recommendation that said bill do pass.

35

Also MR. SPEAKER:

36

37

The Committee on House Education respectfully reports that it has had under consideration **HB 1171, 1172, 1182, and 1183** which were tabled.

1 Also MR. SPEAKER:

2 The Committee on House Education respectfully reports that it has had under consideration
3 **HB 1201** and returns the same with the recommendation that said bill be amended as follows:

4 1201C

5 On page 1, line 1, of the Introduced bill, delete " counseling services" and insert " employees
6 regarding gender ideology"

7 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION
8 be added to chapter 13-32:"

9 On page 1, line 4, of the Introduced bill, after "13-32:" delete "Before a school counselor
10 provides a direct counseling service to a student for the first time, the school counselor, or another
11 school staff member, must obtain the consent of the student's parent or guardian.

12 For the purpose of sections 1 and 2 of this Act, "direct counseling service" means an interaction,
13 between a school counselor and a student, pertaining to mental, medical, or emotional health and
14 does not involve career planning or academic discussions."

15 On page 1, line 11, of the Introduced bill, after "13-32:

16 A" insert " school nurse,"

17 On page 1, line 11, of the Introduced bill, after "counselor," insert " teacher, administrator,"

18 On page 1, line 11, of the Introduced bill, delete " another school" and insert " any other"

19 On page 1, line 11, of the Introduced bill, after "member" insert ", employed by a school district
20 or accredited nonpublic school"

21 On page 1, line 12, of the Introduced bill, after "guardian" delete the colon

22 On page 1, line 13, of the Introduced bill, delete "(1) When a direct counseling service is
23 provided to a student;

24 (2) If a subject is discussed during a direct counseling service that is substantially different
25 from those discussed during previous counseling sessions; and

26 (3) If " and insert "if "

27 On page 1, line 16, of the Introduced bill, delete " any of the following topics" and insert " a
28 student's gender confusion or gender dysphoria"

29 On page 1, line 16, of the Introduced bill, after "student" delete " during a direct counseling
30 service:"

31 On page 1, line 18, of the Introduced bill, after "service:" delete "(a) Gender;

32 (b) Gender confusion;

33 (c) Gender dysphoria;

34 (d) Homosexuality; or

35 (e) Transsexuality"

1 On page 2, line 1, of the Introduced bill, delete "School counselors may not promote the
2 concept that a student is a sex contrary to the student's biological sex at birth." and insert "

3 A school nurse, school counselor, teacher, administrator, or any other staff member employed
4 by a school district or accredited nonpublic school may not:

5 (1) Provide any instruction or presentation to a student with the purpose of studying exploring,
6 or informing the student about gender identity, gender expression, or the concept that a student's
7 gender may be inconsistent with the student's biological sex at birth;

8 (2) Encourage or coerce a student to withhold from the student's parent, legal guardian, or
9 other custodian the fact that the student's perception of the student's gender or sex is inconsistent
10 with the student's sex; or

11 (3) Withhold from a student's parent, legal guardian, or other custodian information related to
12 a student's perception that the student's gender or sex is inconsistent with the student's sex. "

13 And that as so amended, **HB 1201** do pass.

14 Respectfully submitted,
15 Lana J. Greenfield, Chair

16 MR. SPEAKER:

17 The House Committee on Appropriations respectfully reports that it has had under
18 consideration **HB 1024** and returns the same with the recommendation that said bill do pass.

19 Also MR. SPEAKER:

20 The House Committee on Appropriations respectfully reports that it has had under
21 consideration **HB 1063** and returns the same with the recommendation that said bill do pass, and
22 having been certified as uncontested, be placed on the consent calendar.

23 Respectfully submitted,
24 Mike Derby, Chair

25 MR. SPEAKER:

26 The Committee on House Local Government respectfully reports that it has had under
27 consideration **HB 1159** with the recommendation that said bill be referred to the House Committee
28 on Appropriations with a Do Pass recommendation.

29 Also MR. SPEAKER:

30 The Committee on House Local Government respectfully reports that it has had under
31 consideration **HB 1173** and returns the same with the recommendation that said bill do pass.

32 Also MR. SPEAKER:

33 The Committee on House Local Government respectfully reports that it has had under
34 consideration **HB 1217** which was deferred to the 41st Legislative Day.

35 Respectfully submitted,
36 Greg Jamison, Chair

1

MESSAGES FROM THE SENATE

2 MR. SPEAKER:

3 I have the honor to return herewith **HB 1027 and 1028** which have passed the Senate without
4 change.

5 Also MR. SPEAKER:

6 I have the honor to transmit herewith **SB 33, 57, 59, 116, 171, and 173** which have passed
7 the Senate and your favorable consideration is respectfully requested.

8

9

Respectfully,
Peggy Laurenz, Secretary

10

CONSIDERATION OF REPORTS OF COMMITTEES

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

12 State Affairs on **HB 1066** as found on page 232 of the House Journal, and **HB 1169 and 1216**
13 as found on page 236 of the House Journal, and **HB 1220** as found on page 237 of the House
14 Journal be adopted.

15 Which motion prevailed and the reports were adopted.

16

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS17 The Speaker declared that **HB 1233** was withdrawn at the request of the prime sponsor
18 pursuant to JR 6B-1.1.19 The Speaker declared that **HB 1242** changed prime sponsor from Representative Reisch to
20 Representative Gosch at their request.

21

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS22 **SB 57:** FOR AN ACT ENTITLED, An Act to revise presumptive probation.

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

24 **SB 171:** FOR AN ACT ENTITLED, An Act to add questions about historical property to seller's
25 disclosure statement.

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

27 **SB 59:** FOR AN ACT ENTITLED, An Act to revise provisions relating to the delivery, possession
28 with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to
29 provide a penalty therefor.

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

1 **SB 173:** FOR AN ACT ENTITLED, An Act to revise the process by which a recount may be
2 requested.

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

4 **SB 116:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to street racing
5 prohibitions and to provide a penalty therefor.

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

7 **SB 33:** FOR AN ACT ENTITLED, An Act to make appropriations for water and environmental
8 purposes and to declare an emergency.

9 Was read the first time.

10 **SECOND READING OF CONSENT CALENDAR ITEMS**

11 Rep. Aylward requested that **HB 1189** be removed from the Consent Calendar.

12 **HB 1096:** FOR AN ACT ENTITLED, An Act to prohibit eligibility for a suspended imposition of
13 sentence for certain rape offenses.

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

16 Were read the second time.

17 The question being "Shall **HB 1096, and SB 81** pass as amended?"

18 And the roll being called:

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

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

27 Excused: Mortenson

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

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

31 **HB 1105:** FOR AN ACT ENTITLED, An Act to require the display of the state seal or motto in
32 public school classrooms.

33 Was read the second time.

1 The question being "Shall **HB 1105** pass as amended?"

2 And the roll being called:

3 Yeas 30, Nays 38, Excused 1, Absent 0

4 Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Garcia, Goodwin, Heinemann, Hughes, Hunt,
5 Ismay, Jamison, Jensen (Phil), Jordan, Lems, Manhart, Massie, Mulally, Nolz, Odenbach, Overweg,
6 Poirier, Randolph, Reder, Rice, Schaeffbauer, Schwans, Sjaarda, Soye, and Speaker Hansen

7 Nays: Arlint, Bathke, DeGroot, Derby, Duffy, Emery, Fitzgerald, Gosch, Greenfield, Halverson,
8 Healy, Heermann, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, May, Moore, Muckey,
9 Mulder, Novstrup, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma, Stevens, Uhre-
10 Balk, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and Wittman

11 Excused: Mortenson

12 So the bill not having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill lost.

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

16 Was read the second time.

17 Rep. Healy moved that **HB 1208** be amended as follows:

18 1208E

19 On page 1, line 2, of the House State Affairs Engrossed bill, delete " national" and insert "
20 statewide"

21 On page 2, line 5, of the House State Affairs Engrossed bill, delete " national" and insert "
22 statewide"

23 On page 2, line 6, of the House State Affairs Engrossed bill, after "individual" delete " who"

24 On page 2, line 8, of the House State Affairs Engrossed bill, delete " national" and insert "
25 statewide"

26 On page 2, line 9, of the House State Affairs Engrossed bill, delete " the" and insert ":

27 (1) The"

28 On page 2, line 9, of the House State Affairs Engrossed bill, after "for" insert ":

29 (a) Statewide office, as defined in § 12-27-1;"

30 On page 2, line 10, of the House State Affairs Engrossed bill, after "for " insert "

31 (b) "

32 On page 2, line 10, of the House State Affairs Engrossed bill, delete the comma and insert a
33 semicolon

34 On page 2, line 10, of the House State Affairs Engrossed bill, after "senator, " insert "

35 (c) "

1 On page 2, line 10, of the House State Affairs Engrossed bill, delete ", and president" and insert
2 "; and

3 (d) President"

4 On page 2, line 12, of the House State Affairs Engrossed bill, after "candidate" insert "; and

5 (2) Any ballot question that affects fees or taxes"

6 On page 2, line 14, of the House State Affairs Engrossed bill, delete " national" and insert "
7 statewide"

8 On page 2, line 15, of the House State Affairs Engrossed bill, delete " "national voter"" and
9 insert " "statewide voter""

10 On page 2, line 16, of the House State Affairs Engrossed bill, after "for" insert " candidates for
11 statewide office, as defined in § 12-27-1,"

12 On page 2, line 17, of the House State Affairs Engrossed bill, after "representative" insert ",
13 and any ballot question that affects fees or taxes,"

14 On page 2, line 19, of the House State Affairs Engrossed bill, delete " national" and insert "
15 statewide"

16 On page 2, line 20, of the House State Affairs Engrossed bill, delete " national" and insert "
17 statewide"

18 Rep. Reimer requested that JR 5-17 be invoked on **HB 1208**.

19 Which request was supported and **HB 1208** with Rep. Healy's pending motion to amend was
20 deferred until Wednesday, February 12, 2025, the 20th legislative day.

21 **HB 1021**: FOR AN ACT ENTITLED, An Act to modify the annual fee for concentrated animal
22 feeding operations and to establish an application fee.

23 Was read the second time.

24 The question being "Shall **HB 1021** pass as amended?"

25 And the roll being called:

26 Yeas 47, Nays 21, Excused 1, Absent 0

27 Yeas: Andera, Arlint, Bahmuller, Bathke, Baxter, DeGroot, Derby, Duffy, Emery, Fitzgerald,
28 Goodwin, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Jamison, Jorgenson,
29 Kassin, Kolbeck (Jack), Kull, Ladner, Massie, Moore, Muckey, Mulally, Novstrup, Odenbach,
30 Overweg, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe, Schwans, Shorma, Sjaarda,
31 Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and Wittman

32 Nays: Auch, Aylward, Garcia, Gosch, Hunt, Ismay, Jensen (Phil), Jordan, Kayser, Lems,
33 Manhart, May, Mulder, Nolz, Pourier, Randolph, Reder, Rice, Schaeftbauer, Soye, and
34 Speaker Hansen

35 Excused: Mortenson

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

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

3 Was read the second time.

4 The question being "Shall **HB 1057** pass?"

5 And the roll being called:

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

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

14 Excused: Mortenson

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

17 **HB 1166:** FOR AN ACT ENTITLED, An Act to enhance penalties for the violation of right-to-
 18 work statutes and to provide a penalty therefor.

19 Was read the second time.

20 Rep. Randolph moved that **HB 1166** be amended as follows:

21 1166A

22 On page 1, line 5, of the Introduced bill, delete " Class 6 felony" and insert " Class 1
 23 misdemeanor"

24 On page 1, line 9, of the Introduced bill, delete " Class 2" and insert " Class 1"

25 On page 1, line 19, of the Introduced bill, delete " a public or" and insert " a"

26 On page 3, line 7, of the Introduced bill, delete " Class 1 misdemeanor" and insert " Class 6
 27 felony"

28 Rep. Mulally requested that JR 5-17 be invoked on **HB 1166**.

29 Which request was supported and **HB 1166** with Rep. Randolph's pending motion to amend
 30 was deferred until Wednesday, February 12, 2025, the 20th legislative day.

31 **SIGNING OF BILLS**

32 The Speaker publicly read the title to

33 **HB 1027:** FOR AN ACT ENTITLED, An Act to repeal obsolete provisions pertaining to
 34 noncollecting retailers.

