

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

TWENTY-SECOND DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 18, 2025

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

The prayer was offered by the Chaplain, Donell Chambers, followed by the Pledge of Allegiance led by House pages Noel Mulder and Megan Munkvold.

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 21st 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 Representative Tim Czmowski.
2
3 Which was subscribed to and placed on file in the office of the Secretary of State.

4 **COMMUNICATIONS AND PETITIONS**

5 February 13, 2025

6 Mr. Speaker and Members of the House of Representatives:

7 I have the honor to inform you that on February 13, 2025, I approved House Bills 1033 and
8 1034, and the same have been deposited in the office of the Secretary of State.

9 Respectfully submitted,
10 Larry Rhoden
11 Governor

12 The Speaker made the following changes in committee assignments: Rep. Czmowski to the
13 House Committee on Transportation to replace Rep. Garcia, and to the House Committee on
14 Taxation to replace Rep. Duffy.

15 **REPORTS OF STANDING COMMITTEES**

16 MR. SPEAKER:

17 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
18 Enrolling has carefully compared **HB 1056, 1072, and 1125** and finds the same correctly enrolled.

19 Respectfully submitted,
20 Jon Hansen, Chair

21 MR. SPEAKER:

22 The Committee on Legislative Procedure respectfully reports that **HB 1028** was delivered to
23 his Excellency, the Governor, for his approval at 2:00 p.m., February 13, 2025.

24 Respectfully submitted,
25 Jon Hansen, Chair

26 Also MR. SPEAKER:

27 The Committee on Legislative Procedure respectfully reports that **HB 1047** was delivered to
28 his Excellency, the Governor, for his approval at 8:15 a.m., February 18, 2025.

29 Respectfully submitted,
30 Jon Hansen, Chair

1 MR. SPEAKER:

2 The Committee on House Taxation respectfully reports that it has had under consideration
3 **HB 1245** and returns the same with the recommendation that said bill be amended as follows:

4 1245A

5 On page 1, line 2, of the Introduced bill, after "receipts" insert ", and to exempt guaranteed
6 payments made to partners from the state use tax"

7 On page 1, after line 9, of the Introduced bill, insert: "

8 **Section 2. That a NEW SECTION be added to chapter 10-46:**

9 Exempt from the provisions of this chapter, and the tax imposed by it, are the gross receipts
10 from any guaranteed payment, as described in 26 U.S.C. § 707(c) (1986), to a partner who is a:

11 (1) Natural person;

12 (2) Corporation whose only employees are owners of the corporation; or

13 (3) Limited liability company that has no employees and is owned by a natural person."

14 And that as so amended, **HB 1245** do pass.

15 Respectfully submitted,
16 Aaron Aylward, Chair

17 MR. SPEAKER:

18 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
19 under consideration **HB 1116** and returns the same with the recommendation that said bill be
20 amended as follows:

21 1116A

22 On page 1, line 1, of the Introduced bill, after "requirement" delete " and adopt provisions"

23 On page 1, line 1, of the Introduced bill, after "regarding" delete " the use of"

24 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 39-14-39 be
25 AMENDED:

26 "

27 On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "39-14-39. "

28 On page 1, line 5, of the Introduced bill, after "39-14-39. " delete "Terms used in this chapter
29 mean:

30 (1) "Brand name," any word, name, symbol, or device, or any combination thereof, identifying
31 the commercial feed of a distributor or registrant and distinguishing it from that of others;

32 (2) "Commercial feed," any material except unmixed seed, whole or processed, if not
33 adulterated within the meaning of §§ 39-14-46 to 39-14-52, inclusive, which that is distributed for
34 use as feed or for mixing in feed;

- 1 (3) "Contract feeder," a person who, as an independent contractor, feeds commercial feed to
2 animals pursuant to a contract whereby the commercial feed is supplied, furnished, or otherwise
3 provided to the person and whereby the person's remuneration is determined all or in part by feed
4 consumption, mortality, profits, or amount or quality of product;
- 5 (4) "Customer formula feed," commercial feed which that consists of a mixture of commercial
6 feeds and feed ingredients, each batch of which is manufactured according to the specific
7 instructions of the final purchaser;
- 8 (5) "Distribute," to offer for sale, sell, exchange, or barter, commercial feed; or to supply,
9 furnish, or otherwise provide commercial feed to a contract feeder;
- 10 (6) "Distributor," any person who distributes;
- 11 (7) "Drug," any article intended for use in the diagnosis, cure, mitigation, treatment, or
12 prevention of disease in animals other than man, and articles other than feed intended to affect the
13 structure or any function of the animal body;
- 14 (8) "Feed ingredient," each of the constituent materials making up a commercial feed;
- 15 (9) "Label," a display of written, printed, or graphic matter upon or affixed to the container in
16 which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial
17 feed is distributed;
- 18 (10) "Labeling," all labels and other written, printed, or graphic matter upon a commercial feed
19 or any of its containers or wrappers or accompanying a commercial feed;
- 20 (11) "Manufacture," to grind, mix, or blend, or further process a commercial feed, for
21 distribution;
- 22 (12) "Mineral feed," a commercial feed intended to supply primarily mineral elements or
23 inorganic nutrients;
- 24 (13) "Official sample," a sample of commercial feed taken by the secretary of agriculture and
25 natural resources or his the secretary's agent in accordance with the provisions of § 39-14-62, 39-
26 14-66, or 39-14-67;
- 27 (14) "Percent" or "percentages," percentages by weights;
- 28 (15) "Pet," any domesticated animal normally maintained in or near the household of the owner
29 of the animal;
- 30 (16) "Pet food," any commercial feed prepared and distributed for consumption by dogs and
31 cats;
- 32 (17) "Pet treat," any edible product intended for pets and specialty pets, which does not provide
33 complete and balanced nutrition and is provided intermittently for training, reward, or
34 entertainment;
- 35 (18) "Product name," the name of the commercial feed which that identifies it as to kind, class,
36 or specific use;
- 37 (18)(19) "Specialty pet," any domesticated animal pet normally maintained in a cage or tank,
38 such as gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes,
39 and turtles;
- 40 (19)(20) "Specialty pet food," a commercial feed prepared and distributed for consumption by
41 specialty pets; and
- 42 (20)(21) "Ton," a net weight of two thousand pounds avoirdupois."

1 On page 2, line 30, of the Introduced bill, after "avoidupois." delete "Section 2. That a NEW
2 SECTION be added to chapter 39-14:"

3 On page 2, line 31, of the Introduced bill, after "39-14:" delete "Industrial hemp or any
4 substance derived from industrial hemp may be used in this state as an ingredient in pet food,
5 specialty pet food, pet treats, and horse feed, provided that the industrial hemp or substance derived
6 from industrial hemp contains a concentration of no more than three-tenths of one percent
7 tetrahydrocannabinol."

8 On page 3, line 1, of the Introduced bill, after "tetrahydrocannabinol." delete "Section 3. That
9 a NEW SECTION be added to chapter 39-18:"

10 On page 3, line 2, of the Introduced bill, after "39-18:" delete "Any balm or lotion product
11 containing industrial hemp may be used in this state as an animal remedy, provided:

12 (1) It is applied topically;

13 (2) It complies with the requirements of this chapter; and

14 (3) It contains a concentration of no more than three-tenths of one percent
15 tetrahydrocannabinol."

16 And that as so amended, **HB 1116** do pass, and having been certified as uncontested, be
17 placed on the consent calendar.

18 Also MR. SPEAKER:

19 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
20 under consideration **HB 1236** and returns the same with the recommendation that said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
23 under consideration **HB 1215 and 1262** which were deferred to the 41st Legislative Day.

24 Respectfully submitted,
25 Marty Overweg, Chair

26 MR. SPEAKER:

27 The House Committee on Appropriations respectfully reports that it has had under
28 consideration **HB 1010** which was tabled.

29 Also MR. SPEAKER:

30 The House Committee on Appropriations respectfully reports that it has had under
31 consideration **HB 1025** with the recommendation that said bill be referred to the Joint Committee
32 on Appropriations without recommendation.

33 Also MR. SPEAKER:

34 The House Committee on Appropriations respectfully reports that it has had under
35 consideration **HB 1196** and returns the same with the recommendation that said bill do pass, and
36 having been certified as uncontested, be placed on the consent calendar.

37 Respectfully submitted,
38 Mike Derby, Chair

1 MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under
3 consideration **HB 1099** 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 Also MR. SPEAKER:

6 The Committee on House Health and Human Services respectfully reports that it has had under
7 consideration **HB 1101** which was deferred to the 41st Legislative Day.

8 Also MR. SPEAKER:

9 The Committee on House Health and Human Services respectfully reports that it has had under
10 consideration **HB 1124** and returns the same with the recommendation that said bill do pass.

11 Respectfully submitted,
12 Brian Mulder, Chair

13 MR. SPEAKER:

14 The Committee on House Local Government respectfully reports that it has had under
15 consideration **HB 1043, which was reconsidered** with the recommendation that said bill be
16 referred to the House Committee on Appropriations without recommendation.

17 Also MR. SPEAKER:

18 The Committee on House Local Government respectfully reports that it has had under
19 consideration **HB 1261 and 1264** and returns the same with the recommendation that said bills
20 do pass.

21 Respectfully submitted,
22 Greg Jamison, Chair

23 MR. SPEAKER:

24 The Committee on House Transportation respectfully reports that it has had under
25 consideration **HB 1265** and returns the same with the recommendation that said bill be amended
26 as follows:

27 1265A

28 On page 1, line 18, of the Introduced bill, after "appropriate." delete "Section 2. That a NEW
29 SECTION be added to chapter 34-26:

30 "

31 On page 1, line 19, of the Introduced bill, after "34-26:" delete "Each application for the
32 issuance or renewal of a driver license or nondriver identification card must contain the option for
33 the applicant to consent to sharing the applicant's information with the national marrow donor
34 program for purposes of enrolling in the bone marrow donor registry.

35 The Department of Public Safety must, on a monthly basis, electronically transmit to the
36 national marrow donor program the consenting applicant's:

37 (1) Full name;

1 (2) Mailing address;

2 (3) Date of birth;

3 (4) Telephone number; and

4 (5) Email address.

5 Information transmitted from the department to the national marrow donor program may only
6 be used for enrollment in the bone marrow donor registry and may not be further disseminated by
7 the program without the individual's consent."

8 And that as so amended, **HB 1265** do pass, and having been certified as uncontested, be
9 placed on the consent calendar.

10 Also MR. SPEAKER:

11 The Committee on House Transportation respectfully reports that it has had under
12 consideration **HCR 6008** and returns the same with the recommendation that said resolution
13 be adopted.

14 Respectfully submitted,
15 Tony Randolph, Chair

16 **MESSAGES FROM THE SENATE**

17 MR. SPEAKER:

18 I have the honor to return herewith **HB 1056, 1072, and 1125** which have passed the Senate
19 without change.

20 Also MR. SPEAKER:

21 I have the honor to inform your honorable body that **HB 1121** was lost on second reading and
22 final passage.

23 Also MR. SPEAKER:

24 I have the honor to transmit herewith **SB 63, 111, 176, and 192** which have passed the
25 Senate and your favorable consideration is respectfully requested.

26 Also MR. SPEAKER:

27 I have the honor to transmit herewith **SCR 607** which has been adopted by the Senate and
28 your concurrence is respectfully requested.

29 Respectfully,
30 Peggy Laurenz, Secretary

1

MOTIONS AND RESOLUTIONS

2

SCR 607: A CONCURRENT RESOLUTION, Encouraging the Legislature to continue using person-first language that acknowledges the person before any disability.

3

4

Was read the first time.

5

Rep. Aylward moved that the Committee on Local Government be instructed to deliver **HB 1218** to the floor of the House, pursuant to JR 7-7.

6

7

Which motion was supported and the committee was so instructed.

8

Rep. Goodwin moved that the Committee on State Affairs be instructed to deliver **HB 1164** to the floor of the House, pursuant to JR 7-7.

9

10

Which motion was supported and the committee was so instructed.

11

Yesterday, Rep. Aylward announced his intention to reconsider the vote by which **HB 1220** lost.

12

Rep. Aylward moved that the House do now reconsider the vote by which **HB 1220** lost.

13

The question being on Rep. Aylward's motion to reconsider the vote by which **HB 1220** lost.

14

And the roll being called:

15

Yeas 34, Nays 36, Excused 0, Absent 0

16

Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Garcia, Goodwin, Gosch, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kayser, Kolbeck (Jack), Lems, Manhart, May, Moore, Mulally, Nolz, Novstrup, Odenbach, Randolph, Reder, Rice, Schaeffbauer, Schwans, Sjaarda, Soye, and Speaker Hansen

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Nays: Arlint, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Greenfield, Halverson, Healy, Heermann, Kassin, Kull, Ladner, Massie, Mortenson, Muckey, Mulder, Overweg, Peterson (Drew), Pourier, Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and Wittman

21

22

23

24

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

25

26

Yesterday, Rep. Moore announced his intention to reconsider the vote by which **HB 1024** lost.

27

Rep. Moore moved that the House do now reconsider the vote by which **HB 1024** lost.

28

The question being on Rep. Moore's motion to reconsider the vote by which **HB 1024** lost.

29

And the roll being called:

30

Yeas 63, Nays 7, Excused 0, Absent 0

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

8 Nays: Aylward, Ismay, Jensen (Phil), Jordan, Pourier, Randolph, and Reder

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 Speaker declared the motion carried and **HB 1024** was placed at the bottom of today's calendar.

11 Yesterday, Rep. Gosch announced his intention to reconsider the vote by which **HB 1165** lost.

12 Rep. Gosch moved that the House do now reconsider the vote by which **HB 1165** lost.

13 The question being on Rep. Gosch's motion to reconsider the vote by which **HB 1165** lost.

14 And the roll being called:

15 Yeas 43, Nays 27, Excused 0, Absent 0

16 Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Emery, Garcia, Goodwin, Gosch, Greenfield,
17 Healy, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kayser,
18 Kolbeck (Jack), Ladner, Lems, Manhart, May, Moore, Muckey, Mulally, Mulder, Nolz, Novstrup,
19 Odenbach, Overweg, Pourier, Randolph, Reder, Rice, Schaeftbauer, Schwans, Sjaarda, Soye, Uhre-
20 Balk, and Speaker Hansen

21 Nays: Arlint, Bathke, Czmowski, DeGroot, Derby, Duffy, Fitzgerald, Halverson, Heermann,
22 Kassin, Kull, Massie, Mortenson, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma,
23 Stevens, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and Wittman

24 So the motion having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the motion carried and **HB 1165** was placed at the bottom of today's calendar.

26 **SCR 604**: A CONCURRENT RESOLUTION, Supporting the expansion of transportation services
27 for veterans receiving medical care in this state.

28 Was read the second time.

29 Rep. Vasgaard moved that **SCR 604** as found on page 196 of the House Journal be concurred in.

30 The question being on Rep. Vasgaard's motion that **SCR 604** be concurred in.

31 And the roll being called:

32 Yeas 70, Nays 0, Excused 0, Absent 0

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

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the motion carried and **SCR 604** was concurred in.

3 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

5 Health and Human Services on **HB 1132 and 1223** as found on page 283 of the House
6 Journal; and

7 State Affairs on **HB 1256 and 1259** as found on page 276 of the House Journal, and **HB 1260**
8 as found on page 281 of the House Journal, be adopted.

9 Which motion prevailed and the reports were adopted.

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

11 The Speaker declared that **HB 1248** was withdrawn at the request of the prime sponsor
12 pursuant to JR 6B-1.1.

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

14 **SB 63:** FOR AN ACT ENTITLED, An Act to establish protections for state employees who report
15 improper governmental conduct and crime.

16 **SB 111:** FOR AN ACT ENTITLED, An Act to permit a court to order family therapy or
17 reunification therapy in a custody or visitation dispute.

18 **SB 176:** FOR AN ACT ENTITLED, An Act to clarify the discovery procedures and powers and to
19 modify the administration of the Government Operations and Audit Committee.

20 **SB 192:** FOR AN ACT ENTITLED, An Act to rename the Department of Corrections.

21 Were read the first time.

22 **SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS**

23 **HB 1141:** FOR AN ACT ENTITLED, An Act to provide an exception for employers to acquire
24 and distribute opioid antagonists that are available over the counter.

25 **HB 1144:** FOR AN ACT ENTITLED, An Act to adopt the dietitian licensure compact.

26 **SB 25:** FOR AN ACT ENTITLED, An Act to clarify the adoption and use of the plumbing code.

27 Were read the second time.

28 The question being "Shall **SB 25** pass as amended, and **HB 1141 and 1144** pass?"

29 And the roll being called:

30 Yeas 65, Nays 5, Excused 0, Absent 0

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

8 Nays: Ismay, Mulally, Overweg, Randolph, and Soye

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

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

12 **HB 1157:** FOR AN ACT ENTITLED, An Act to remove the maximum fee limit due when applying
 13 for a county drainage permit.

14 Was read the second time.

15 The question being "Shall **HB 1157** pass as amended?"

16 And the roll being called:

17 Yeas 64, Nays 6, Excused 0, Absent 0

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

25 Nays: Jensen (Phil), Jordan, May, Mulally, Schaeftbauer, and Soye

26 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker
 27 declared the bill passed.

28 The question being on the title.

29 Rep. Sjaarda moved that the title to **HB 1157** be amended as follows:

30 1157B

31 On page 1, line 1, of the House Agriculture and Natural Resources Engrossed bill, delete
 32 "remove " and insert "amend "

33 Which motion prevailed and the title was so amended.

34 **HB 1152:** FOR AN ACT ENTITLED, An Act to prohibit the enforcement and implementation of
 35 directives from intergovernmental organizations, and to provide a penalty therefor.

36 Was read the second time.

37 The question being "Shall **HB 1152** pass as amended?"

1 And the roll being called:

2 Yeas 32, Nays 37, Excused 1, Absent 0

3 Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Garcia, Gosch, Greenfield, Heinemann,
4 Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, May, Mulally, Nolz,
5 Odenbach, Overweg, Randolph, Reder, Rice, Schaeftbauer, Schwans, Sjaarda, Soye, Walburg, and
6 Speaker Hansen

7 Nays: Arlint, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Goodwin,
8 Halverson, Healy, Heermann, Jamison, Kassin, Kolbeck (Jack), Kull, Ladner, Massie, Moore,
9 Mortenson, Muckey, Mulder, Peterson (Drew), Pourier, Rehfeldt, Reimer, Reisch, Roby, Roe,
10 Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Weems, Weisgram, and Wittman

11 Excused: Novstrup

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 1222:** FOR AN ACT ENTITLED, An Act to expand the authorized carrying, possession, and
15 storage of a concealed pistol.

16 Was read the second time.

17 The question being "Shall **HB 1222** pass as amended?"

18 And the roll being called:

19 Yeas 64, Nays 5, Excused 1, Absent 0

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

27 Nays: Healy, Muckey, Stevens, Uhre-Balk, and Wittman

28 Excused: Novstrup

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

31 **HB 1193:** FOR AN ACT ENTITLED, An Act to prohibit the Board of Regents and institutions
32 under its control from requiring students to reside in on-campus housing or purchase meal plans.

33 Was read the second time.

34 The question being "Shall **HB 1193** pass as amended?"

35 And the roll being called:

36 Yeas 28, Nays 42, Excused 0, Absent 0

1 Yeas: Andera, Auch, Aylward, Baxter, Garcia, Goodwin, Hughes, Hunt, Ismay, Jensen (Phil),
 2 Jordan, Jorgenson, Kayser, Lems, Manhart, May, Mulally, Nolz, Odenbach, Overweg, Pourier,
 3 Randolph, Reder, Rice, Schwans, Sjaarda, Soye, and Speaker Hansen

4 Nays: Arlint, Bahmuller, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Gosch,
 5 Greenfield, Halverson, Healy, Heermann, Heinemann, Jamison, Kassin, Kolbeck (Jack), Kull, Ladner,
 6 Massie, Moore, Mortenson, Muckey, Mulder, Novstrup, Peterson (Drew), Rehfeldt, Reimer, Reisch,
 7 Roby, Roe, Schaeftbauer, Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems,
 8 Weisgram, and Wittman

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

11 **HB 1042:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of
 12 historical exhibits at the Cultural Heritage Center.

13 Was read the second time.

14 Rep. Jorgenson moved that **HB 1042** be amended as follows:

1042E

16 On page 1, after line 13, of the Joint Appropriations Engrossed bill, insert: "

17 **Section 5.** This Act is effective beginning June 30, 2025."

18 Which motion prevailed.

19 The question being "Shall **HB 1042** pass as amended?"

20 And the roll being called:

21 Yeas 68, Nays 2, Excused 0, Absent 0

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

29 Nays: Aylward and Mulally

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

32 **HB 1180:** FOR AN ACT ENTITLED, An Act to require that a candidate for election to the board
 33 of a school district disclose the candidate's party affiliation on a declaration of candidacy.

34 Was read the second time.

35 The question being "Shall **HB 1180** pass as amended?"

36 And the roll being called:

37 Yeas 31, Nays 39, Excused 0, Absent 0

1 Yeas: Andera, Auch, Aylward, Baxter, Derby, Fitzgerald, Garcia, Gosch, Heinemann, Hughes,
2 Hunt, Ismay, Jensen (Phil), Jordan, Ladner, Lems, Manhart, May, Mulally, Nolz, Novstrup, Odenbach,
3 Overweg, Randolph, Reder, Rice, Schaeffbauer, Schwans, Sjaarda, Soye, and Speaker Hansen

4 Nays: Arlint, Bahmuller, Bathke, Czmowski, DeGroot, Duffy, Emery, Goodwin, Greenfield,
5 Halverson, Healy, Heermann, Jamison, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Massie,
6 Moore, Mortenson, Muckey, Mulder, Peterson (Drew), Pourier, Rehfeldt, Reimer, Reisch, Roby, Roe,
7 Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and Wittman

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

10 **HJR 5006:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
11 election amendments to the Constitution of the State of South Dakota, requiring an intervening
12 general election before consideration of an initiated constitutional amendment or initiated measure
13 having the same subject as a previously rejected initiated amendment or measure.

14 Was read the second time.

15 The question being "Shall **HJR 5006** pass?"

16 And the roll being called:

17 Yeas 62, Nays 8, Excused 0, Absent 0

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

25 Nays: Emery, Healy, Muckey, Pourier, Shorma, Stevens, Uhre-Balk, and Wittman

26 So the resolution having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the resolution passed and the title was agreed to.

28 **HB 1194:** FOR AN ACT ENTITLED, An Act to authorize the cooperation of counties for purposes
29 of operating an office of county director of equalization.

30 Was read the second time.

31 The question being "Shall **HB 1194** pass?"

32 And the roll being called:

33 Yeas 57, Nays 13, Excused 0, Absent 0

34 Yeas: Arlint, Aylward, Bahmuller, Bathke, Baxter, Czmowski, DeGroot, Derby, Duffy, Emery,
35 Fitzgerald, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Hunt,
36 Jamison, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Massie, Moore, Mortenson,
37 Muckey, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Rehfeldt, Reimer,
38 Reisch, Rice, Roby, Roe, Schaeffbauer, Shorma, Sjaarda, Soye, Stevens, Uhre-Balk, Van Diepen,
39 Vasgaard, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

40 Nays: Andera, Auch, Garcia, Ismay, Jensen (Phil), Jordan, Lems, Manhart, May, Mulally,
41 Randolph, Reder, and Schwans

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

3 **HB 1024:** FOR AN ACT ENTITLED, An Act to amend certain fees collected by the secretary of
4 state.

5 Having had its second reading was up for reconsideration and final passage.

6 The question being "Shall **HB 1024** pass?"

7 And the roll being called:

8 Yeas 63, Nays 7, Excused 0, Absent 0

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

16 Nays: Aylward, Emery, Gosch, Jensen (Phil), Jordan, Pourier, and Randolph

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

19 **HB 1165:** FOR AN ACT ENTITLED, An Act to provide a means by which an agricultural producer
20 can reject the imposition of an assessment on crops.

21 Having had its second reading was up for reconsideration and final passage.

22 Rep. Gosch moved that **HB 1165** be amended as follows:

23 1165E

24 On page 1, line 1, of the House Agriculture and Natural Resources Engrossed bill, delete " can
25 reject the imposition" and insert " may request an automatic refund"

26 On the House Agriculture and Natural Resources Engrossed bill, delete everything after the
27 enacting clause and insert:

28 "

29 **Section 1. That § 38-10-34 be AMENDED:**

30 **38-10-34.** ~~Any~~ Except as otherwise provided in section 2 of this Act, any person, firm, or
31 corporation subject to the fee provided in this chapter that objects to the collection of the fee may,
32 within sixty days following the collection, apply to the wheat commission for a refund of the fee.
33 Upon the return of the refund application, accompanied by a true, legible record of the invoices
34 delivered by the purchaser to the grower, the commission shall, within thirty days, refund the net
35 amount of the fee collected to the grower. If no request for refund has been made within sixty days
36 after the collection of the fee, the grower shall be conclusively presumed to have agreed to the
37 deduction.

38 The commission shall make the refund application available online and provide for the
39 electronic submission of the application and all required documentation.

1 **Section 2. That a NEW SECTION be added to chapter 38-10:**

2 The wheat commission shall promulgate rules, in accordance with chapter 1-26, to develop
 3 and implement an alternative refund process by which a grower may, before December thirty-first,
 4 file with the commission a single electronic request for an automatic refund of all assessments
 5 imposed upon and paid by the grower in accordance with this chapter during the ensuing calendar
 6 year. The rules must provide for the electronic submission of all documentation necessary to obtain
 7 the refund.

8 **Section 3. That § 38-27-16 be AMENDED:**

9 **38-27-16.** Any Except as otherwise provided in section 4 of this Act, any grower subject to
 10 the assessment provided in this chapter, within sixty days following the assessment, may make
 11 application to the oilseeds council for a refund of the assessment. Upon return of the refund
 12 application accompanied by a record of the assessment by the first purchaser, the grower shall,
 13 within sixty days, be refunded the net amount of the assessment collected. However, a grower, for
 14 any reason, having paid the assessment more than once on the same sunflowers, safflowers, canola,
 15 or flax, upon furnishing proof of this to the council, is entitled to a refund of the overpayment.

16 The council shall make the refund application available online and provide for the electronic
 17 submission of the application and all required documentation.

18 **Section 4. That a NEW SECTION be added to chapter 38-27:**

19 The council shall promulgate rules, in accordance with chapter 1-26, to develop and implement
 20 an alternative refund process by which a grower may, before December thirty-first, file with the
 21 council a single electronic request for an automatic refund of all assessments imposed upon and
 22 paid by the grower in accordance with this chapter during the ensuing calendar year. The rules must
 23 provide for the electronic submission of all documentation necessary to obtain the refund.

24 **Section 5. That § 38-32-20 be AMENDED:**

25 **38-32-20.** Any Except as otherwise provided in section 6 of this Act, any grower subject to
 26 the assessment provided in this chapter may, within sixty days following such assessment, make
 27 application to the council for a refund of the assessment. Upon the return of the refund application,
 28 accompanied by a record of the assessment by the first purchaser, the grower shall, within sixty
 29 days, be refunded the net amount of the assessment collected. However, a grower who has paid
 30 the assessment more than once on the same corn is entitled to a refund of the overpayment.

31 The council shall make the refund application available online and provide for the electronic
 32 submission of the application and all required documentation.

33 **Section 6. That a NEW SECTION be added to chapter 38-32:**

34 The council shall promulgate rules, in accordance with chapter 1-26, to develop and implement
 35 an alternative refund process by which a grower may, before December thirty-first, file with the
 36 council a single electronic request for an automatic refund of all assessments imposed upon and
 37 paid by the grower in accordance with this chapter during the ensuing calendar year. The rules must
 38 provide for the electronic submission of all documentation necessary to obtain the refund.

39 **Section 7. That § 38-34-18 be AMENDED:**

40 **38-34-18.** Any Except as otherwise provided in section 8 of this Act, any grower subject to
 41 the assessment provided in this chapter, within sixty days following the assessment, may apply to
 42 the council for a refund of the assessment. Upon return of the refund application accompanied by a
 43 record of the assessment by the first purchaser, the grower shall, within sixty days, be refunded the
 44 net amount of the assessment collected. Additionally, a grower, who for any reason, pays the
 45 assessment more than once on the same pulse crops, upon furnishing proof of this to the council,
 46 is entitled to a refund of the overpayment.

1 The council shall make the refund application available online and provide for the electronic
 2 submission of the application and all required documentation.

3 **Section 8. That a NEW SECTION be added to chapter 38-34:**

4 The council shall promulgate rules, in accordance with chapter 1-26, to develop and implement
 5 an alternative refund process by which a grower may, before December thirty-first, file with the
 6 council a single electronic request for an automatic refund of all assessments imposed upon and
 7 paid by the grower in accordance with this chapter during the ensuing calendar year. The rules must
 8 provide for the electronic submission of all documentation necessary to obtain the refund.

9 "

10 Which motion prevailed.

11 The question being "Shall **HB 1165** pass as amended?"

12 And the roll being called:

13 Yeas 40, Nays 30, Excused 0, Absent 0

14 Yeas: Andera, Auch, Aylward, Baxter, Garcia, Goodwin, Gosch, Greenfield, Heinemann,
 15 Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kayser, Ladner, Lems, Manhart,
 16 May, Moore, Mortenson, Mulally, Mulder, Nolz, Novstrup, Odenbach, Overweg, Pourier, Randolph,
 17 Reder, Rice, Schaeftbauer, Schwans, Sjaarda, Soye, Van Diepen, Weisgram, and Speaker Hansen

18 Nays: Arlint, Bahmuller, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald,
 19 Halverson, Healy, Heermann, Kassin, Kolbeck (Jack), Kull, Massie, Muckey, Peterson (Drew),
 20 Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma, Stevens, Uhre-Balk, Vasgaard, Walburg, Weems, and
 21 Wittman

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

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

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

27 Was read the second time.

28 The question being "Shall **SB 33** pass?"

29 And the roll being called:

30 Yeas 62, Nays 8, Excused 0, Absent 0

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

38 Nays: Andera, Emery, Hunt, Ismay, Mulally, Pourier, Randolph, and Rice

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

3 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing
 4 Committees.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. SPEAKER:

7 The Committee on House State Affairs respectfully reports that it has had under consideration
 8 **HB 1164** and returns the same without recommendation.

9 Respectfully submitted,
 10 Scott Odenbach, Chair

11 MR. SPEAKER:

12 The Committee on House Local Government respectfully reports that it has had under
 13 consideration **HB 1218** and returns the same with the recommendation that said bill be amended
 14 as follows:

15 1218A

16 On page 1, line 9, of the Introduced bill, after "county." insert " This section does not apply to
 17 possession of a concealed firearm and compatible ammunition by an individual:

- 18 (1) Who is an inmate;
- 19 (2) Who is present in a portion of a building being used to provide court or jail services; or
- 20 (3) Other than a law enforcement officer, while using a county vehicle to transport another
 21 individual apprehended in accordance with chapter 27A-10. "

22 On page 1, line 18, of the Introduced bill, after "township." insert " This section does not apply
 23 to possession of a concealed firearm and compatible ammunition by an individual:

- 24 (1) Who is an inmate;
- 25 (2) Who is present in a portion of a building being used to provide court or jail services; or
- 26 (3) Other than a law enforcement officer, while using a township vehicle to transport another
 27 individual apprehended in accordance with chapter 27A-10."

28 On page 2, line 3, of the Introduced bill, after "municipality." insert " This section does not
 29 apply to possession of a concealed firearm and compatible ammunition by an individual:

- 30 (1) Who is an inmate;
- 31 (2) Who is present in a portion of a building being used to provide court or jail services; or
- 32 (3) Other than a law enforcement officer, while using a municipal vehicle to transport another
 33 individual apprehended in accordance with chapter 27A-10."

34 1218D

1 On the previously adopted amendment (1218A), On page 1, line 12, after "in" delete " a portion
2 of"

3 On the previously adopted amendment (1218A), On page 2, line 2, after "in" delete " a portion
4 of"

5 On the previously adopted amendment (1218A), On page 2, line 17, after "in" delete " a portion
6 of"

7 And that as so amended, returns **HB 1218** without recommendation.

8 Respectfully submitted,
9 Greg Jamison, Chair

10 **SIGNING OF BILLS**

11 The Speaker publicly read the title to

12 **HB 1056:** FOR AN ACT ENTITLED, An Act to prohibit the preparation, sale, and distribution of
13 certain kratom products and to provide a penalty therefor.

14 **HB 1072:** FOR AN ACT ENTITLED, An Act to modernize provisions relating to water
15 development districts.

16 **HB 1125:** FOR AN ACT ENTITLED, An Act to create a share the road bicyclist safety emblem
17 for use on an emblem specialty plate.

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

19 **COMMEMORATIONS**

20 **HC 8011:** A LEGISLATIVE COMMEMORATION, Commending and honoring the Tea Area School
21 Board as the Associated School Boards of South Dakota 2024 Outstanding School Board award
22 recipient.

23 Introduced by: **Representative** Mulder

24 **HC 8012:** A LEGISLATIVE COMMEMORATION, Honoring Greg Hausmann, of Bonesteel, a
25 member of the South Central School District Board of Education, on his years of school board
26 service.

27 Introduced by: **Representative** Halverson

28 Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at
29 4:05 p.m. the House adjourned.

30 Patricia Miller, Chief Clerk

