

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, February 21, 2025

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by House pages Sabrina Strand and Raegan Taylor.

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 24th 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.

HOUSE PAGE RESOLUTION 3 Introduced by: Representatives Andera; Arlint; Auch; Aylward; Bahmuller; Bathke; Baxter; Czmowski; DeGroot; Derby; Duffy; Emery; Fitzgerald; Garcia; Goodwin; Gosch; Greenfield; Halverson; Hansen; Healy; Heermann; Heinemann; Hughes; Hunt; Ismay; Jamison; Jensen; Jordan; Jorgenson; Kassin; Kayser; Kolbeck; Kull; Ladner; Lems; Manhart; Massie; May; Moore; Mortenson; Muckey; Mulally; Mulder; Nolz; Novstrup; Odenbach; Overweg; Peterson; Pourier; Randolph; Reder; Rehfeldt; Reimer; Reisch; Rice; Roby; Roe; Schaeftbauer; Schwans; Shorma; Sjaarda; Soye; Stevens; Uhre-Balk; Van Diepen; Vasgaard; Walburg; Weems; Weisgram; Wittman

A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of the One Hundredth Legislature of the State of South Dakota to Ava Craven, Danica Euliss, William Hanzlik, Hadley Hart, Aadyn Hosek, Christina Messerli, Noel Mulder, Megan Munkvold, Taylyn Rausch, Harper Reichling, Melina Shields, Sabrina Strand, and Raegan Taylor.

WHEREAS, the above named served loyally as pages for the House of Representatives of the One Hundredth Legislative Session; and

WHEREAS, the members of the One Hundredth House of Representatives express their most sincere appreciation to these young people for their service to the state; and

WHEREAS, the members extend to these young people their wishes for every success in life:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the One Hundredth Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each page on this last day of service.

Rep. Jamison moved that House Page Resolution 3 be adopted.

Which motion prevailed and the resolution was adopted.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1160** and finds the same correctly enrolled.

Respectfully submitted,
Jon Hansen, Chair

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1074 and 1075** were delivered to his Excellency, the Governor, for his approval at 11:30 a.m., February 21, 2025.

Respectfully submitted,
Jon Hansen, Chair

MR. SPEAKER:

The Committee on House Military and Veterans Affairs respectfully reports that it has had under consideration **HB 1076** and returns the same with the recommendation that said bill be amended as follows:

1076A

1 On page 1, line 19, of the Introduced bill, delete " Act" and insert " section"

2 On page 1, line 26, of the Introduced bill, after "status." delete "Section 2. That a NEW
3 SECTION be added to chapter 33A-2:"

4 On page 2, line 1, of the Introduced bill, after "33A-2:" delete "Any person who receives any
5 money, thing of value, or financial benefit for preparing, presenting, prosecuting, advising,
6 consulting, or assisting any individual with regard to a veterans benefits matter before the United
7 States Department of Veterans Affairs, the United States Department of Defense, or the South
8 Dakota Department of Veterans Affairs must be held to the same ethical standard as an attorney is
9 held to in the South Dakota Rules of Professional Conduct regarding the following areas:

10 (1) Advertising;

11 (2) Solicitation of new clients;

12 (3) Confidentiality;

13 (4) Duty of care;

14 (5) Duty of honesty; and

15 (6) Duty to zealously pursue what is in the best interest of the client."

16 And that as so amended, returns **HB 1076** without recommendation.

17 Also MR. SPEAKER:

18 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
19 consideration **HB 1198** with the recommendation that said bill be referred to the House Committee
20 on Appropriations without recommendation.

21 Also MR. SPEAKER:

22 The Committee on House Military and Veterans Affairs respectfully reports that it has had under
23 consideration **SB 109** and returns the same with the recommendation that said bill do pass.

24 Respectfully submitted,
25 Tim Goodwin, Chair

26 MR. SPEAKER:

27 The Committee on House State Affairs respectfully reports that it has had under consideration
28 **HB 1191** which was tabled.

29 Also MR. SPEAKER:

30 The Committee on House State Affairs respectfully reports that it has had under consideration
31 **HB 1119, 1138, and 1229** which were deferred to the 41st Legislative Day.

32 Also MR. SPEAKER:

33 The Committee on House State Affairs respectfully reports that it has had under consideration
34 **HB 1235** and returns the same with the recommendation that said bill be amended as follows:

35 1235A

On page 1, line 8, of the Introduced bill, after "district" delete ", excluding the levy pursuant to § 10-13-36,"

On page 1, line 11, of the Introduced bill, after "year" delete ", excluding the amount of taxes levied pursuant to § 10-13-36"

On page 1, line 11, of the Introduced bill, after "§ 10-13-36." insert " This section does not apply to the amount of taxes levied pursuant to §§ 10-12-43, 10-13-36, 13-16-7, 13-16-7. 2, 13-16-7. 3, 13-16-10, and 13-37-16."

And that as so amended, **HB 1235** do pass.

Respectfully submitted,
Scott Odenbach, Chair

MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1263** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **SB 71** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Lana J. Greenfield, Chair

MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **HB 1016** and returns the same with the recommendation that said bill be amended as follows:

1016B

On page 1, line 1, of the House Health and Human Services Engrossed bill, after "pharmacy" delete " and to make an appropriation to the State Board of Pharmacy"

On page 19, line 24, of the House Health and Human Services Engrossed bill, after "36-11A-8." delete "Section 47. There is appropriated \$200,000 from the general fund, to the State Board of Pharmacy, to reimburse the South Dakota Pharmacists Association for services previously rendered by the association and approved by the board related to continuing education, registration standards, professional service standards, the diversion program for pharmacists, and general operating expenses related thereto."

On page 19, line 29, of the House Health and Human Services Engrossed bill, after "thereto." delete "Section 48. The executive director of the State Board of Pharmacy shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act."

On page 20, line 1, of the House Health and Human Services Engrossed bill, after "Act." delete "Section 49. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8."

On page 20, line 3, of the House Health and Human Services Engrossed bill, after "4-8." delete "Section 50. This Act is effective beginning June 30, 2025."

1 And that as so amended, **HB 1016** do pass.

2 Also MR. SPEAKER:

3 The House Committee on Appropriations respectfully reports that it has had under
4 consideration **HB 1043** which was tabled.

5 Also MR. SPEAKER:

6 The House Committee on Appropriations respectfully reports that it has had under
7 consideration **HB 1036, 1167, 1168, and 1170** and returns the same with the recommendation
8 that said bills do pass.

9 Respectfully submitted,
10 Mike Derby, Chair

11 MR. SPEAKER:

12 The Committee on House Commerce and Energy respectfully reports that it has had under
13 consideration **HB 1085** and returns the same with the recommendation that said bill be amended
14 as follows:

15 1085A

16 On page 1, line 5, of the Introduced bill, delete "Except as otherwise provided in this section,
17 the" and insert "The"

18 And that as so amended, **HB 1085** do pass.

19 Also MR. SPEAKER:

20 The Committee on House Commerce and Energy respectfully reports that it has had under
21 consideration **HB 1249** and returns the same with the recommendation that said bill be amended
22 as follows:

23 1249A

24 On page 1, line 2, of the Introduced bill, delete " for linear infrastructure" and insert " or
25 easement options"

26 On page 1, line 6, of the Introduced bill, after "person" delete " employed by a public utility or
27 by any private entity"

28 On page 1, line 6, of the Introduced bill, delete " easements" and insert " an easement"

29 On page 1, line 7, of the Introduced bill, delete " options for linear infrastructure" and insert "
30 option"

31 On page 1, line 9, of the Introduced bill, after "option" delete " for the linear infrastructure"

32 On page 1, line 13, of the Introduced bill, after "easement" insert " or easement option"

33 On page 1, line 16, of the Introduced bill, delete " the" and insert " any executed"

34 On page 1, line 17, of the Introduced bill, delete " utility or non-public entity" and insert "
35 party"

36 On page 1, line 18, of the Introduced bill, after "retain" insert " some or all of"

- 1 On page 1, line 18, of the Introduced bill, after "compensation" insert " paid for any executed
2 easement or easement option"
- 3 On page 1, line 18, of the Introduced bill, after "compensation;" delete " or"
- 4 On page 1, line 19, of the Introduced bill, after "the" insert " greatest"
- 5 On page 1, line 19, of the Introduced bill, delete " involved" and insert " offered or the amount
6 paid for the easement or easement option"
- 7 On page 1, line 20, of the Introduced bill, after "compensatory" insert ";
- 8 (4) Issue an injunction against the offending party;
- 9 (5) In all subsequent negotiations for an easement or easement option:
- 10 (a) Require that the offending party communicate with the landowner through counsel;
- 11 (b) Appoint counsel to represent the landowner, if necessary; and
- 12 (c) Order the offending party to pay the landowner's legal fees; and
- 13 (6) Prohibit the person who engaged in deception, fraud, harassment, intimidation,
14 misrepresentation, or threat from engaging with any third party in a negotiation or transaction to
15 acquire an easement or easement option for a specified period of time or permanently"
- 16 On page 1, line 23, of the Introduced bill, after "a" delete " public"
- 17 On page 1, line 23, of the Introduced bill, after "utility" insert ", as defined in § 49-41B-2, or
18 an employee or agent of the utility"
- 19 On page 1, line 23, of the Introduced bill, after "encouraged, " insert "engaged, "
- 20 On page 2, line 6, of the Introduced bill, after "landowner." delete "For purposes of this section,
21 "linear infrastructure" means man-made structures that extend linearly across the landscape,
22 including pipelines, railways, roads, and transmission lines."
- 23 On page 2, line 11, of the Introduced bill, delete " the" and insert " this"
- 24 On page 2, line 12, of the Introduced bill, delete " the" and insert " this"
- 25 1249B
- 26 On the previously adopted amendment (1249A), On page 1, line 6, after "person" insert "
27 owning or proposing a facility carrying carbon oxide, or an individual who is acting as an agent of,
28 is contracted with, or"
- 29 On the previously adopted amendment (1249A), On page 1, line 6, after "person " insert "is "
- 30 On the previously adopted amendment (1249A), On page 1, line 6, remove the overstrikes
31 from "employed by"
- 32 On the previously adopted amendment (1249A), On page 1, line 6, after "entity" delete "
33 attempting to acquire"
- 34 On the previously adopted amendment (1249A), On page 1, line 7, after "easements" delete "
35 an easement or easement"

- 1 On the previously adopted amendment (1249A), On page 1, line 7, delete " option, pursuant
2 to this chapter," and insert " a person owning or proposing a facility carrying carbon oxide,"
- 3 On the previously adopted amendment (1249A), On page 1, line 12, after "section" insert " no
4 later than twelve months after the date the violation allegedly occurred"
- 5 On the previously adopted amendment (1249A), On page 1, line 13, after "determines" delete
6 " that the person used"
- 7 On the previously adopted amendment (1249A), On page 1, line 14, delete the comma and
8 insert " was used"
- 9 On the previously adopted amendment (1249A), On page 1, line 15, after "option" delete "
10 from the landowner"
- 11 On the previously adopted amendment (1249A), On page 1, line 17, remove the overstrikes
12 from " the"
- 13 On the previously adopted amendment (1249A), On page 1, line 17, after "the" delete " any"
- 14 On the previously adopted amendment (1249A), On page 1, line 19, delete " any" and insert
15 " the"
- 16 On the previously adopted amendment (1249A), On page 1, line 22, after "as" insert " punitive"
- 17 On the previously adopted amendment (1249A), On page 1, line 23, after "damages" delete "
18 punitive or compensatory"
- 19 On the previously adopted amendment (1249A), On page 1, line 24, after "party;" insert "
20 and"
- 21 On the previously adopted amendment (1249A), On page 1, line 25, after "party;
22 (5)" delete " In all subsequent negotiations for an easement or easement option:
23 (a) Require that the offending party communicate with the landowner through counsel;
24 (b) Appoint counsel to represent the landowner, if necessary; and
25 (c) Order the offending party to pay the landowner's legal fees; and
26 (6)"
- 27 On the previously adopted amendment (1249A), On page 2, line 5, delete " person" and insert
28 " individual"
- 29 On the previously adopted amendment (1249A), On page 2, line 6, delete " engaging with any
30 third party" and insert " participating"
- 31 On the previously adopted amendment (1249A), On page 2, line 9, delete " or" and insert "
32 of"
- 33 On the previously adopted amendment (1249A), On page 2, line 10, after "landowner." delete
34 "
- 35 If the court determines a public utility, as defined in § 49-41B-2, or an employee or agent of
36 the utility knowingly allowed, encouraged, engaged, or participated with the person using deception,
37 fraud, harassment, intimidation, misrepresentation, or threat against the landowner, the court must
38 order a copy of its decision to be filed with the Public Utilities Commission.

Upon receipt of the court's decision pursuant to this section, the commission may revoke or suspend any permit issued for the portion of the route affecting the aggrieved landowner. If a permit has not been issued with respect to a site or route affecting the aggrieved landowner, the commission may refuse to issue a permit for the portion of the route affecting the aggrieved landowner."

On the previously adopted amendment (1249A), On page 2, line 23, after "lines." insert "

The aggrieved landowner shall file a copy of the court's decision with the Public Utilities Commission."

On the previously adopted amendment (1249A), On page 2, line 26, delete " dioxide" and insert " oxide"

On the previously adopted amendment (1249A), On page 2, after line 27, insert: "

Section 3. That a NEW SECTION be added to chapter 49-41B:

Upon receipt of a copy of the court's decision pursuant to section 1 of this Act, the commission may refuse to issue a permit for the proposed facility carrying carbon oxide as to the affected portion of the aggrieved landowner's property."

And that as so amended, **HB 1249** do pass.

Also MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **SB 93** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Karla J. Lems, Chair

MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1115** and returns the same with the recommendation that said bill be amended as follows:

1115B

On page 1, line 2, of the Introduced bill, after "firearm" insert " or firearm silencer"

On page 1, line 6, of the Introduced bill, after "enters" insert " or remains in"

On page 1, line 7, of the Introduced bill, after "another," delete " with the intent to deprive the owner of that property,"

On page 1, line 7, of the Introduced bill, delete " the" and insert " that"

On page 1, line 8, of the Introduced bill, after "firearm" insert " or a firearm silencer"

And that as so amended, **HB 1115** do pass.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1230** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration
3 **HB 1244** which was deferred to the 41st Legislative Day.

4 Also MR. SPEAKER:

5 The Committee on House Judiciary respectfully reports that it has had under consideration
6 **HB 1088 and 1250** which were tabled.

7 Respectfully submitted,
8 Mike Stevens, Chair

9 MR. SPEAKER:

10 The Joint Committee on Appropriations respectfully reports that it has had under consideration
11 **HB 1035, 1110, and 1111**, which were tabled.

12 Also MR. SPEAKER:

13 The Joint Committee on Appropriations respectfully reports that it has had under consideration
14 **HB 1026 and 1092**, and returns the same with the recommendation that said bills do pass.

15 Also MR. SPEAKER:

16 The Joint Committee on Appropriations respectfully reports that it has had under consideration
17 **HB 1114** and returns the same with the recommendation that said bill be amended as follows:

18 1114A

19 On page 1, line 7, of the Introduced bill, delete " executive director of the South Dakota Board
20 of Technical Education" and insert " secretary of the Department of Education"

21 And that as so amended, **HB 1114** do pass.

22 Also MR. SPEAKER:

23 The Joint Committee on Appropriations respectfully reports that it has had under consideration
24 **HB 1131** and returns the same with the recommendation that said bill be amended as follows:

25 1131A

26 On page 1, line 4, of the Introduced bill, delete " \$5,000,000" and insert " \$100"

27 And that as so amended, **HB 1131** do pass.

28 Respectfully submitted,
29 Ernie Otten, Co-Chair

Respectfully submitted,
Mike Derby, Co-Chair

30 **MESSAGES FROM THE SENATE**

31 MR. SPEAKER:

32 I have the honor to return herewith **HB 1160** which has passed the Senate without change.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that **HB 1109** was lost on second reading and
3 final passage.

4 Also MR. SPEAKER:

5 I have the honor to transmit herewith **SB 54, 155, and 175, and SJR 505** which have passed
6 the Senate and your favorable consideration is respectfully requested.

7 Also MR. SPEAKER:

8 I have the honor to inform your honorable body that the Senate has failed to concur in House
9 amendments to **SB 25** and has appointed Senators Crabtree (Chair), Peterson (Sue), and Kolbeck
10 (Steve) as a committee of three on the part of the Senate to meet with a like committee on the part
11 of the House to adjust the differences between the two houses.

12 Respectfully,
13 Peggy Laurenz, Secretary

14 **MOTIONS AND RESOLUTIONS**

15 **HCR 6010:** A CONCURRENT RESOLUTION, Encouraging the Executive Board of the Legislative
16 Research Council to establish an interim legislative committee on preserving and protecting the
17 Black Hills of South Dakota.

18 Was read the second time.

19 Rep. Odenbach moved that **HCR 6010** as found on page 195 of the House Journal be adopted.

20 The question being on Rep. Odenbach's motion that **HCR 6010** be adopted.

21 And the roll being called:

22 Yeas 60, Nays 9, Excused 1, Absent 0

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

29 Nays: Arlint, Bathke, Kassin, Mortenson, Mulder, Peterson (Drew), Rehfeldt, Shorma, and
30 Van Diepen

31 Excused: Reisch

32 So the motion having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the motion carried and **HCR 6010** was adopted.

34 **SCR 605:** A CONCURRENT RESOLUTION, Promoting a resilient and healthy Black Hills forest
35 through active forest management and retention of the current forest products industry.

36 Was read the second time.

SCR 605: A CONCURRENT RESOLUTION, Promoting a resilient and healthy Black Hills forest through active forest management and retention of the current forest products industry.

Rep. Fitzgerald moved that **SCR 605** as found on page 342 of the House Journal be concurred in.

The question being on Rep. Fitzgerald's motion that **SCR 605** be concurred in.

And the roll being called:

Yeas 63, Nays 6, Excused 1, Absent 0

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

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

Excused: Reisch

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **SCR 605** was concurred in.

CONSIDERATION OF REPORTS OF COMMITTEES

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

Agriculture and Natural Resources on **HB 1083** as found on page 338 of the House Journal, and **HB 1213** as found on page 340 of the House Journal, be adopted.

Which motion prevailed and the reports were adopted.

Rep. Derby moved that **HB 1025** be placed on today's calendar pursuant to JR 6F-6.

The question being on Rep. Derby's motion that **HB 1025** be placed on today's calendar pursuant to JR 6F-6.

And the roll being called:

Yeas 50, Nays 19, Excused 1, Absent 0

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

Nays: Andera, Auch, Aylward, Baxter, Garcia, Gosch, Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Lems, Manhart, Mulally, Nolz, Randolph, Reder, Schaeffbauer, and Schwans

Excused: Reisch

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the motion prevailed and **HB 1025** was so placed.

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

4 **SB 54:** FOR AN ACT ENTITLED, An Act to revise the distribution of revenue from the cigarette
5 tax.

6 **SB 155:** FOR AN ACT ENTITLED, An Act to reduce the amount of net receipts of unclaimed
7 property deposited into the general fund.

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

9 **SB 175:** FOR AN ACT ENTITLED, An Act to create provisions governing litigation financing.

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

11 **SJR 505:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
12 election an amendment to the Constitution of the State of South Dakota, establishing the trust for
13 unclaimed property fund.

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

15 **SB 65** was read on February 20, 2025, and today the Speaker waived the committee referral
16 pursuant to JR 6D-1.

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

18 **HB 1155:** FOR AN ACT ENTITLED, An Act to revise the annual reporting period for public safety
19 answering points.

20 **HB 1195:** FOR AN ACT ENTITLED, An Act to revise a provision related to the termination of
21 parental rights of a child adjudicated abused or neglected.

22 **HB 1232:** FOR AN ACT ENTITLED, An Act to modify requirements relating to the operation of
23 salons and booths.

24 **SB 84:** FOR AN ACT ENTITLED, An Act to to extend the timeframe for filling a vacancy in a
25 board of county commissioners.

26 Were read the second time.

27 The question being "Shall **HB 1195 and 1232** pass as amended, and **HB 1155, and SB 84** pass?"

28 And the roll being called:

29 Yeas 68, Nays 1, Excused 1, 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, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser,
4 Kolbeck (Jack), Kull, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Muckey, Mulally, Nolz,
5 Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reder, Rehfeldt, Reimer, Rice,
6 Roby, Roe, Schaefbauer, Schwans, Shorma, Sjaarda, Soye, Stevens, Uhre-Balk, Van Diepen,
7 Vasgaard, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

8 Nays: Mulder

9 Excused: Reisch

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

12 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

13 **HB 1116:** FOR AN ACT ENTITLED, An Act to repeal a reporting requirement regarding
14 industrial hemp.

15 Was read the second time.

16 The question being "Shall **HB 1116** pass as amended?"

17 And the roll being called:

18 Yeas 66, Nays 3, Excused 1, Absent 0

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

26 Nays: Ismay, Kayser, and Soye

27 Excused: Reisch

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

32 Was read the second time.

33 Rep. May moved that **HB 1200** be amended as follows:

34 1200B

35 On page 1, line 5, of the House Education Engrossed bill, after "pay" insert ", if the teacher
36 has been in the school district for at least 20 years,"

37 Rep. Rehfeldt requested that JR 5-17 be invoked on **HB 1200**.

Which request was supported and **HB 1200** with Rep. May's pending motion to amend was deferred until Monday, February 24, 2025, the 26th legislative day.

HB 1266: FOR AN ACT ENTITLED, An Act to attach the South Dakota State Brand Board to the Office of School and Public Lands.

Was read the second time.

The question being "Shall **HB 1266** pass?"

And the roll being called:

Yeas 47, Nays 22, Excused 1, Absent 0

Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Emery, Fitzgerald, Garcia, Gosch, Greenfield, Healy, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kayser, Kull, Ladner, Lems, Manhart, May, Moore, Muckey, Mulally, Mulder, Nolz, Novstrup, Odenbach, Overweg, Randolph, Reder, Reimer, Rice, Schaeftbauer, Schwans, Sjaarda, Soye, Uhre-Balk, Vasgaard, Walburg, Weisgram, Wittman, and Speaker Hansen

Nays: Arlint, Bathke, Czmowski, DeGroot, Derby, Duffy, Goodwin, Halverson, Heermann, Kassin, Kolbeck (Jack), Massie, Mortenson, Peterson (Drew), Pourier, Rehfeldt, Roby, Roe, Shorma, Stevens, Van Diepen, and Weems

Excused: Reisch

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

HB 1097: FOR AN ACT ENTITLED, An Act to establish and modify provisions for the temporary training of nonresident physicians.

Was read the second time.

The question being "Shall **HB 1097** pass?"

And the roll being called:

Yeas 59, Nays 10, Excused 1, Absent 0

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

Nays: Auch, Aylward, Garcia, Ismay, Jensen (Phil), Jordan, Lems, Manhart, Randolph, and Reder

Excused: Reisch

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

HB 1225: FOR AN ACT ENTITLED, An Act to update and repeal provisions related to the reporting of hospital charge information.

Was read the second time.

The question being "Shall **HB 1225** pass?"

And the roll being called:

Yeas 69, Nays 0, Excused 1, Absent 0

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

Excused: Reisch

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

HB 1025: FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to construct a prison facility for offenders committed to the Department of Corrections in Lincoln County, to make an appropriation therefor, to transfer moneys to the incarceration construction fund, and to declare an emergency.

Was read the second time.

Rep. Kolbeck (Jack) moved that **HB 1025** be amended as follows:

1025A

On page 1, line 1, of the Introduced bill, after "to " delete "authorize the Department of Corrections to construct a prison facility for offenders committed to the Department of Corrections in Lincoln County, to make an appropriation therefor, to "

On page 1, line 4, of the Introduced bill, after "fund" delete ", and to declare an emergency"

On page 1, line 6, of the Introduced bill, after "Dakota:" delete "Section 1. The Department of Corrections may contract for the construction of a prison facility for offenders committed to the Department of Corrections, in Lincoln County, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, architectural and engineering services, and other services and improvements, as may be required to complete the project."

On page 1, line 11, of the Introduced bill, after "project." delete "Section 2. A municipality in Lincoln County may treat sewage from the prison facility described in section 1 of this Act."

On page 1, line 13, of the Introduced bill, after "fund" delete " and \$33,926,134 from the budget reserve fund"

On page 1, line 14, of the Introduced bill, after "fund" delete ", for the construction of the prison facility described in section 1 of this Act"

On page 1, after line 15, of the Introduced bill, insert: "

Section 2. This Act is effective beginning June 30, 2025."

On page 1, line 16, of the Introduced bill, after "text." delete "Section 4. There is appropriated \$763,000,000 from the incarceration construction fund, to the Department of Corrections, for the construction of the prison facility described in section 1 of this Act."

On page 1, line 19, of the Introduced bill, after "Act." delete "Section 5. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Human Resources and Administration, as provided in chapter 5-14."

On page 1, line 22, of the Introduced bill, after "5-14." delete "Section 6. The secretary of the Department of Corrections shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act."

On page 2, line 1, of the Introduced bill, after "Act." delete "Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2030, shall revert in accordance with the procedures prescribed in chapter 4-8."

On page 2, line 3, of the Introduced bill, after "4-8." delete "Section 8. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Rep. Mulally requested a roll call vote.

Which request was supported.

The question being on Rep. Kolbeck (Jack)'s motion to **HB 1025** be amended.

And the roll being called:

Yeas 37, Nays 32, Excused 1, Absent 0

Yeas: Arlint, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Goodwin, Greenfield, Halverson, Healy, Heermann, Jamison, Kassin, Kolbeck (Jack), Kull, Ladner, Massie, Moore, Mortenson, Muckey, Novstrup, Peterson (Drew), Rehfeldt, Reimer, Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and Wittman

Nays: Andera, Auch, Aylward, Bahmuller, Baxter, Garcia, Gosch, Heinemann, Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, May, Mulally, Mulder, Nolz, Odenbach, Overweg, Pourier, Randolph, Reder, Rice, Schaefbauer, Schwans, Sjaarda, Soye, and Speaker Hansen

Excused: Reisch

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed.

Rep. Mortenson rose to a point of order that comments by Rep. Jensen (Phil) were not germane to the bill as amended.

Speaker Hansen granted members latitude on opinions of the transfer of funds or construction of the prison facility.

Rep. Stevens rose to a point of order that Rep. Jensen (Phil) was not speaking to the transfer of funds.

Speaker Hansen allowed him to continue.

1 The question being "Shall **HB 1025** pass as amended?"

2 And the roll being called:

3 Yeas 34, Nays 35, Excused 1, Absent 0

4 Yeas: Arlint, Bahmuller, Bathke, Czmowski, DeGroot, Derby, Duffy, Fitzgerald, Goodwin,
5 Greenfield, Halverson, Healy, Heermann, Jamison, Kassin, Kolbeck (Jack), Kull, Ladner, Massie,
6 Mortenson, Muckey, Peterson (Drew), Rehfeldt, Reimer, Roby, Roe, Shorma, Stevens, Uhre-Balk,
7 Van Diepen, Walburg, Weems, Weisgram, and Wittman

8 Nays: Andera, Auch, Aylward, Baxter, Emery, Garcia, Gosch, Heinemann, Hughes, Hunt,
9 Ismay, Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, May, Moore, Mulally, Mulder, Nolz,
10 Novstrup, Odenbach, Overweg, Pourier, Randolph, Reder, Rice, Schaeftbauer, Schwans, Sjaarda,
11 Soye, Vasgaard, and Speaker Hansen

12 Excused: Reisch

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

15 Rep. Rehfeldt announced her intention to reconsider the vote by which **HB 1025** lost.

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

17 **SB 72:** FOR AN ACT ENTITLED, An Act to revise the payor of autopsy costs in certain
18 circumstances.

19 Was read the second time.

20 The question being "Shall **SB 72** pass as amended?"

21 And the roll being called:

22 Yeas 65, Nays 3, Excused 2, Absent 0

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

30 Nays: Garcia, Lems, and Pourier

31 Excused: Mulally and Reisch

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

34 **SB 97:** FOR AN ACT ENTITLED, An Act to allow the governing body of a municipality to change
35 the use of municipally owned parkland by ordinance.

36 Was read the second time.

1 The question being "Shall **SB 97** pass?"

2 And the roll being called:

3 Yeas 47, Nays 21, Excused 2, Absent 0

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

9 Nays: Auch, Aylward, Baxter, Garcia, Gosch, Hunt, Ismay, Jensen (Phil), Jordan, Lems,
10 Manhart, May, Nolz, Odenbach, Overweg, Randolph, Reder, Schaefbauer, Sjaarda, Soye, and
11 Speaker Hansen

12 Excused: Mulally and Reisch

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

15 **SIGNING OF BILLS**

16 The Speaker publicly read the title to

17 **HB 1160:** FOR AN ACT ENTITLED, An Act to waive the driver license renewal period for
18 members of the military and their families, and employees of the state department.

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

20 Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at
21 3:51 p.m. the House adjourned.

22 Patricia Miller, Chief Clerk