JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

THIRTY-EIGHTH DAY

STATE OF SOUTH DAKOTA House of Representatives, Pierre Monday, March 31, 2025

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House page Avarie Prien.

Roll Call: All members present except Reps. Pourier and Soye who were 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 37th 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.

COMMUNICATIONS AND PETITIONS

2	March 18, 2025
3	Mr. Speaker and Members of the House of Representatives:
4 5	I have the honor to inform you that on March 17, 2025, I approved House Bills 1232 and 1245, and the same have been deposited in the office of the Secretary of State.
6 7 8	Respectfully submitted, Larry Rhoden Governor
9	March 18, 2025
10	Mr. Speaker and Members of the House of Representatives:
11 12	I have the honor to inform you that on March 18, 2025, I approved House Bills 1021, 1083, 1116, and 1143, and the same have been deposited in the office of the Secretary of State.
13 14 15	Respectfully submitted, Larry Rhoden Governor
16	March 19, 2025
17	Mr. Speaker and Members of the House of Representatives:
18 19	I have the honor to inform you that on March 19, 2025, I approved House Bills 1039, 1040, and 1114, and the same have been deposited in the office of the Secretary of State.
20 21 22	Respectfully submitted, Larry Rhoden Governor
23	March 21, 2025
24	Mr. Speaker and Members of the House of Representatives:
25 26 27	I have the honor to inform you that on March 20, 2025, I approved House Bills 1012, 1096, 1174, 1230, 1239, and 1259, and the same have been deposited in the office of the Secretary of State.
28 29 30	Respectfully submitted, Larry Rhoden Governor

1 March 25, 2025 2 Mr. Speaker and Members of the House of Representatives: I have the honor to inform you that on March 24, 2025, I approved House Bills 1218 and 1222, 3 4 and the same have been deposited in the office of the Secretary of State. 5 Respectfully submitted, 6 Larry Rhoden 7 Governor 8 March 25, 2025 9 Mr. Speaker and Members of the House of Representatives: 10 I have the honor to inform you that on March 25, 2025, I approved House Bills 1062, 1130, 11 and 1208, and the same have been deposited in the office of the Secretary of State. 12 Respectfully submitted, 13 Larry Rhoden 14 Governor 15 March 25, 2025 16 Mr. Speaker and Members of the House of Representatives: 17 I have the honor to inform you that on March 25, 2025, I approved House Bills 1066, 1126, 18 1127, 1164, 1184, 1256, and 1264, and the same have been deposited in the office of the Secretary 19 of State. 20 Respectfully submitted, 21 Larry Rhoden 22 Governor 23 March 25, 2025 24 The Honorable Jon Hansen 25 Speaker of the House of Representatives 26 500 East Capitol Avenue 27 Pierre, South Dakota 57501 28 Dear Mr. Speaker and Members of the House of Representatives, 29 I respectfully return to you House Bill 1169 with my VETO. This bill has a worthy goal: placing 30 safeguards on the process to add constitutional amendments to the ballot in South Dakota. However, 31 I am concerned that this bill will not withstand scrutiny in the courts. This bill attempts to change 32 the South Dakota Constitution in statute, and I believe that approach to be misguided. 33 In particular, if a court determines that the new signature requirement imposes a severe 34 burden on the ability to engage in political speech, strict scrutiny applies, which raises doubts to the 35 bill's constitutionality under the United States Constitution. That is the current precedent in the 36 Eighth Circuit, which includes South Dakota.

From a practical standpoint, the additional burden of collecting signatures from each of the 35 senatorial districts, each on a separate petition sheet, risks creating a system where only those with substantial financial resources can effectively undertake a statewide petition drive. This undermines the bill's intent by putting South Dakotans at a disadvantage to dark money out-of-state groups.

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2 gives veto power to any one district. This grants too much influence to a single group, allowing them 3 to assert more control than is fair or balanced - be they a big city, a small town, or a tribal 4 community. In addition, this bill could raise questions under the South Dakota Constitution. It is not clear 6 whether the baseline level of signatures, which is set in Article III, Sec. 1 of the South Dakota Constitution, can be modified by statute. I prefer the approach of House Joint Resolution 5003, 7 8 which puts a constitutional amendment on the ballot to require that 60% of South Dakota voters 9 support any future constitutional amendments. 10 We must have faith in the discernment of the people who rule this State. "Under God, the 11 People Rule," and they have ruled well. Their votes have safeguarded our values and institutions. 12 I swore an oath to support both the South Dakota and United States Constitutions - and I am concerned about this bill in both regards. For these reasons, I return House Bill 1169 with my VETO 13 14 and ask that you sustain it. 15 Respectfully submitted, 16 Larry Rhoden 17 Governor 18 March 26, 2025 19 Mr. Speaker and Members of the House of Representatives: 20 I have the honor to inform you that on March 26, 2025, I approved House Bills 1007, 1008, 21 1041, 1059, 1106, 1131, 1216, and 1225, and the same have been deposited in the office of the 22 Secretary of State. 23 Respectfully submitted, 24 Larry Rhoden 25 Governor 26 March 27, 2025 27 Mr. Speaker and Members of the House of Representatives: 28 I have the honor to inform you that on March 27, 2025, I approved House Bills 1005, 1016, 29 1061, 1071, 1139, and 1221, and the same have been deposited in the office of the Secretary of 30 State. 31 Respectfully submitted, 32 Larry Rhoden 33 Governor 34 March 28, 2025 35 Mr. Speaker and Members of the House of Representatives: 36 I have the honor to inform you that on March 28, 2025, I approved House Bills 1015, 1036, 37 1037, 1046, 1161, 1188, and 1238, and the same have been deposited in the office of the Secretary 38 of State. 39 Respectfully submitted, 40 Larry Rhoden 41 Governor

The requirement that all 35 senatorial districts sign off on a potential constitutional amendment

REPORTS OF STANDING COMMITTEES

2	MR. SPEAKER:
3 4 5	The Committee on Legislative Procedure respectfully reports that the House and Senate have, pursuant to the Governor's veto of HB 1132 , sustained that veto and delivered the same to her Excellency, the Secretary of State, for filing at 3:15 p.m., March 13, 2025.
6 7	Respectfully submitted, Jon Hansen, Chair
8	CONSIDERATION OF EXECUTIVE VETOES AND RECOMMENDATIONS
9 10 11	The House proceeded to the reconsideration of HB 1169 , pursuant to the veto of the Governor and the veto message found on page 553 on the House Journal as provided in Article IV, Section 4, of the Constitution of the State of South Dakota.
12	The question being "Shall HB 1169 pass, the veto of the Governor notwithstanding?"
13	And the roll being called:
14	Yeas 50, Nays 18, Excused 2, Absent 0
15 16 17 18 19 20	Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Bathke, Czmowski, Fitzgerald, Garcia, Gosch, Greenfield, Halverson, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Randolph, Reder, Reimer, Reisch, Roby, Roe, Schaefbauer, Schwans, Shorma, Sjaarda, Van Diepen, Vasgaard, Walburg, Weems, and Speaker Hansen
21 22	Nays: Baxter, DeGroot, Derby, Duffy, Emery, Goodwin, Healy, Jensen (Phil), Jordan, Jorgenson, Muckey, Mulally, Rehfeldt, Rice, Stevens, Uhre-Balk, Weisgram, and Wittman
23	Excused: Pourier and Soye
24 25	So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed, the veto of the Governor notwithstanding.
26 27	There being no objection, the House reverted to Order of Business No. 7 - Messages from the Senate.
28	MESSAGES FROM THE SENATE
29	MR. SPEAKER:
30 31	I have the honor to inform your honorable body that the Senate has sustained the veto of the Governor on HB 1169 .
32 33	Respectfully, Peggy Laurenz, Secretary
34 35	There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

2	MR. SPEAKER:
3 4 5	The Committee on Legislative Procedure respectfully reports that the House and Senate have, pursuant to the Governor's veto of HB 1169 , sustained that veto and delivered the same to her Excellency, the Secretary of State, for filing at 3:10 p.m., March 31, 2025.
6 7	Respectfully submitted, Jon Hansen, Chair
8	The following prayer was offered by the Chaplain, Rev. Mercy Hobbs.
9	Let us pray.
LO	God of Compassion and Courage,
l1 l2 l3	As the 100th Legislative Session comes to a close, we thank you for encouraging and inspiring these men and women of the House for devoting their time and energy to be representatives of the districts they serve.
L4 L5	We ask you, God, to help these representatives throughout the coming year to live out the decisions they made with grace, wisdom, and compassion.
16 17	Above all that they will led by your vision, placing you first in all that they say and do to your honor and glory.
18	All this we pray in your name. Amen.
19 20 21	Rep. Bahmuller moved that the House do now adjourn sine die in accordance with Article III, Section 16 of the South Dakota Constitution, which motion prevailed, and at 3:15 p.m. the House adjourned.
22	Patricia Miller, Chief Clerk