

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.

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COMMUNICATIONS AND PETITIONS

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March 18, 2025

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Mr. Speaker and Members of the House of Representatives:

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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.

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Respectfully submitted,
Larry Rhoden
Governor

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March 18, 2025

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Mr. Speaker and Members of the House of Representatives:

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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.

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Respectfully submitted,
Larry Rhoden
Governor

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March 19, 2025

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Mr. Speaker and Members of the House of Representatives:

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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.

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Respectfully submitted,
Larry Rhoden
Governor

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March 21, 2025

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Mr. Speaker and Members of the House of Representatives:

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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.

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Respectfully submitted,
Larry Rhoden
Governor

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1 March 25, 2025

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

3 I have the honor to inform you that on March 24, 2025, I approved House Bills 1218 and 1222,
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.

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

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REPORTS OF STANDING COMMITTEES

2 MR. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that the House and Senate have,
4 pursuant to the Governor's veto of **HB 1132**, sustained that veto and delivered the same to her
5 Excellency, the Secretary of State, for filing at 3:15 p.m., March 13, 2025.

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Respectfully submitted,
Jon Hansen, Chair

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CONSIDERATION OF EXECUTIVE VETOES AND RECOMMENDATIONS

9 The House proceeded to the reconsideration of **HB 1169**, pursuant to the veto of the Governor
10 and the veto message found on page 553 on the House Journal as provided in Article IV, Section 4,
11 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 Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Bathke, Czmowski, Fitzgerald, Garcia, Gosch,
16 Greenfield, Halverson, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Kassin, Kayser,
17 Kolbeck (Jack), Kull, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Mulder, Nolz,
18 Novstrup, Odenbach, Overweg, Peterson (Drew), Randolph, Reder, Reimer, Reisch, Roby, Roe,
19 Schaeftbauer, Schwans, Shorma, Sjaarda, Van Diepen, Vasgaard, Walburg, Weems, and
20 Speaker Hansen

21 Nays: Baxter, DeGroot, Derby, Duffy, Emery, Goodwin, Healy, Jensen (Phil), Jordan,
22 Jorgenson, Muckey, Mulally, Rehfeldt, Rice, Stevens, Uhre-Balk, Weisgram, and Wittman

23 Excused: Pourier and Soye

24 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,
25 the Speaker declared the bill passed, the veto of the Governor notwithstanding.

26 There being no objection, the House reverted to Order of Business No. 7 - Messages from the
27 Senate.

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MESSAGES FROM THE SENATE

29 MR. SPEAKER:

30 I have the honor to inform your honorable body that the Senate has sustained the veto of the
31 Governor on **HB 1169**.

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Respectfully,
Peggy Laurenz, Secretary

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

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REPORTS OF STANDING COMMITTEES

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MR. SPEAKER:

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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.

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Respectfully submitted,
Jon Hansen, Chair

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The following prayer was offered by the Chaplain, Rev. Mercy Hobbs.

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Let us pray.

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God of Compassion and Courage,

11

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.

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We ask you, God, to help these representatives throughout the coming year to live out the decisions they made with grace, wisdom, and compassion.

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Above all that they will led by your vision, placing you first in all that they say and do to your honor and glory.

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All this we pray in your name. Amen.

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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.

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Patricia Miller, Chief Clerk