

Minutes: House State Affairs

Wednesday, February 18, 2026 7:45 AM

Roll Call

Present: Rep. Bahmuller, Rep. Emery, Rep. Gosch, Rep. Hansen, Rep. Healy,
Rep. Heinemann, Rep. Jamison, Rep. Lems, Rep. Reisch, Rep. Overweg, and
Rep. Odenbach
Excused: Rep. Schaeffbauer and Rep. Soye

The meeting was called to order by Representative Odenbach

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 11TH

Moved by: Overweg
Second by: Gosch
Action: Prevailed by voice vote

HB 1275 : create requirements for age verification and parental consent for application stores and to provide a penalty therefor.

Presented by: Representative John Hughes

Proponents: Grant Flynn, Attorney General
Lisa Gennaro, Concerned Women for America
Lisa Gennaro, Protecting South Dakota Kids Inc.
Hollie Strand, Self
Melissa McKay, Self (Handout(s) #1)
Norman Woods, South Dakota Family Voice Action
Rachel Foltz, Call to Freedom
Michael G. Pauley, South Dakota Catholic Conference
Opponents: Doug Abraham, ACT The App Association (Handout(s) #2)
Doug Abraham, Motion Picture Association Inc.
Nathan Sanderson, South Dakota Retailers Association
Kouri Marshall, Chamber of Progress (Handout(s) #3)
John Elliott Tamny, Parkview Institute
Samantha Chapman, American Civil Liberties Union Foundation Inc
Heather Andrews, Self
David B. McGarry, Taxpayers Protection Alliance
Amy Bos, NetChoice
Caden Rosenbaum, Reason Foundation

MOTION: AMEND HB 1275

1275A

On page 6, line 18, of the Introduced bill, delete " or in-application purchase, the application or in-application purchase's" and insert ", the application's"

On page 6, line 22, of the Introduced bill, delete "or in-application purchase, the application's or in-application purchase's" and insert ", the application's"

On page 8, line 19, of the Introduced bill, after "application" delete " or in-application purchase, if applicable"

On page 8, line 20, of the Introduced bill, after "application" delete " or in-application purchase, if applicable"

On page 8, line 28, of the Introduced bill, after "consent;" delete " and"

On page 8, line 31, of the Introduced bill, after "chapter" insert "; and
 (4) Comply with a developer's request to prevent minor accounts from downloading or purchasing the developer's application"

On page 9, line 25, of the Introduced bill, after "developer" delete " shall"

On page 9, line 26, of the Introduced bill, delete "Verify" and insert " Shall verify"

On page 10, line 1, of the Introduced bill, delete "Notify" and insert " Shall notify"

On page 10, line 2, of the Introduced bill, delete "Use" and insert " May only use"

On page 10, line 7, of the Introduced bill, delete "Request" and insert " Shall request"

On page 10, line 14, of the Introduced bill, delete " twelve" and insert " six"

On page 10, line 25, of the Introduced bill, after "developer." insert "

This section does not prohibit a developer from allowing a parent to customize age-related restrictions, safety-related features, or content settings for individual users within a minor account after the initial defaults described in this section are set. "

On page 11, line 11, of the Introduced bill, after "state" insert " or federal"

On page 11, line 15, of the Introduced bill, after "enjoin" insert ", using the procedures set forth in §§ 37-24-16, 37-24-23, and 37-24-25,"

On page 11, line 17, of the Introduced bill, after "relief;" insert "

(4) Obtain damage, restitution, disgorgement, or other compensation on behalf of residents of the state;"

On page 11, line 18, of the Introduced bill, delete "(4)" and insert "(5)"

On page 11, line 18, of the Introduced bill, after "fees;" delete " and"

On page 11, line 19, of the Introduced bill, delete "(5)" and insert "(6)"

On page 11, line 19, of the Introduced bill, after "violation" insert "; and

(7) Recover any other relief that the court may consider appropriate"

On page 11, line 25, of the Introduced bill, after "obtained;" insert " and"

On page 11, line 26, of the Introduced bill, after "obtained;

(3)" delete "Uses widely adopted industry standards to determine the application's age rating and content description;

(4) Applies those standards consistently and in good faith; and"

On page 11, line 29, of the Introduced bill, after "and" delete "(5) "

On page 12, line 23, of the Introduced bill, after "business;" delete " or"

On page 12, line 24, of the Introduced bill, after "or

(5)" insert "Require a developer or application store provider to create, adopt, or implement an application age rating system or content classification framework; or

(6) "

Moved by: Overweg

Second by: Gosch

Action: Prevailed by voice vote

MOTION: DO PASS HB 1275 AS AMENDED

Moved by: Gosch

Second by: Hansen

Action: Prevailed by Majority Members Elect (8-3-2-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Jamison, Lems, Overweg, and Odenbach

Voting No: Emery, Healy, and Reisch

Excused: Schaefbauer and Soye

HB 1196 : provide for the participation of delegates from this state in an Article V convention, and to provide a penalty therefor.

Presented by: Representative Leslie Heineman

Proponents: Shirlee Meier, Self

Deanna Becket, Convention of States Action

Rick Santorum, Convention of States

Opponents: Linda Schauer, Concerned Women for America (Handout(s) #4,5)

Scott Granville, Self

Eldon Stahl, Self

MOTION: DO PASS HB 1196

Moved by: Jamison

Second by: Hansen

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1196 TO THE 41ST LEGISLATIVE DAY

Moved by: Gosch

Second by: Emery

Action: Failed by Majority Members Elect (6-5-2-0)

Voting Yes: Emery, Gosch, Healy, Lems, Overweg, and Odenbach

Voting No: Bahmuller, Hansen, Heinemann, Jamison, and Reisch

Excused: Schaefbauer and Soye

Revert to previous motion**MOTION: DO PASS HB 1196**

Moved by: Jamison

Second by: Hansen

Action: Failed by Majority Members Elect (6-5-2-0)

Voting Yes: Bahmuller, Hansen, Heinemann, Jamison, Reisch, and Overweg

Voting No: Emery, Gosch, Healy, Lems, and Odenbach

Excused: Schaefbauer and Soye

MOTION: DEFER HB 1196 UNTIL 2/18/26 PM MEETING AFTER HOUSE ADJOURNS

Moved by: Overweg

Second by: Gosch

Action: Prevailed by Majority Members Elect (9-2-2-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Jamison, Lems, Reisch, Overweg, and Odenbach

Voting No: Emery and Healy

Excused: Schaefbauer and Soye

HB 1222 : prohibit members of the Board of Economic Development from having any interest in moneys from or approved by the Board of Economic Development.

Presented by: Representative Karla Lems (Handout(s) #6)

Proponents: Representative Julie Auch
Sara Steever, Self

Opponents: Bill Even, Gov's Office of Econ Dev (Handout(s) #7,8)
Ryan Budmayr, South Dakota Chamber of Commerce & Industry
Garth Wadsworth, Elevate Rapid City

MOTION: DO PASS HB 1222

Moved by: Gosch

Second by: Hansen

Action: Prevailed by Majority Members Elect (7-4-2-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Lems, Overweg, and Odenbach

Voting No: Emery, Healy, Jamison, and Reisch

Excused: Schaefbauer and Soye

HB 1246 : prohibit nondisclosure of certain agreements related to data centers.

Presented by: Representative John Hughes

Opponents: Nick Phillips, Applied Digital Corporation
Steve DelBianco, NetChoice

**THE CHAIR DEFERRED HB 1246 UNTIL 2/18/26 PM MEETING, UPON HOUSE
ADJOURNMENT**

MOTION: ADJOURN

Moved by: Gosch

Second by: Overweg

Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ SCOTT ODENBACH
Scott Odenbach, Chair