

JOURNAL OF THE HOUSE

ONE HUNDRED FIRST SESSION

THIRTY-SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, March 11, 2026

The House convened at 10:00 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Donell Chambers, followed by the Pledge of Allegiance led by House pages Abigail Lewis and Stephen Stein.

Roll Call: All members present except Reps. Bathke, May, and Soye who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 35th 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.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1045, 1108, 1138, 1161, 1175, 1183, 1232, 1245, 1258, 1298, and 1299** were delivered to his Excellency, the Governor, for his approval at 9:50 a.m., March 11, 2026.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1038, 1215, 1220, 1274, and 1320** and finds the same correctly enrolled.

Respectfully submitted,
Jon Hansen, Chair

The Speaker appointed Representatives Derby (Chair), Kassin, and Shubeck as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 74**.

The Speaker appointed Representatives Novstrup (Chair), Derby, and Jorgenson as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 121**.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER:

The HB1200 A Conference Committee on **HB 1200** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

1200F

On page 1, line 4, of the Senate Engrossed bill, delete " \$102" and insert " \$5,500,000".

Respectfully submitted,
Taylor Rehfeldt, Chair

Respectfully submitted,
Tim S. Reed, Chair

MR. SPEAKER:

The HB1209 A Conference Committee on **HB 1209** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

1209F

On page 1, line 5, of the Senate State Affairs Engrossed bill, delete "fifty" and insert " twenty-five"

On page 1, line 5, of the Senate State Affairs Engrossed bill, after "employees" insert " shall"

On page 1, line 6, of the Senate State Affairs Engrossed bill, delete ", shall, within twenty days of" and insert " and no later than the tenth day after"

On page 1, line 12, of the Senate State Affairs Engrossed bill, delete " twenty" and insert " ten"

On page 1, line 16, of the Senate State Affairs Engrossed bill, delete "If the attorney general deems the complaint meritorious and receives written confirmation from the United States Department of Homeland Security or the United States Department of Justice that an employer has knowingly employed an unauthorized person in violation of federal immigration law, the attorney general may recover a civil penalty of two-thousand dollars for each violation. The attorney general shall forward to the state treasurer for deposit in the general fund any civil penalty recovered pursuant to this section.

An employer who uses the e-verify in good faith and maintains the verification record is not liable for any civil penalty arising from an employee's work authorization. An employer is not liable for the actions of a third-party staffing agency, subcontractor, or labor contractor, unless the employer knowingly participated in a violation." and insert "

If upon investigation the attorney general has reasonable cause to determine that a violation of section 1 of this Act has occurred, the attorney general must commence a civil action in circuit court to recover a civil penalty in the amount of two thousand dollars per unauthorized or unverified employee. The attorney general shall forward any civil penalty collected under this section to the state treasurer for deposit in the general fund.

Nothing in this section prohibits the attorney general from initiating an investigation based on information from any other source. "

On page 2, line 4, of the Senate State Affairs Engrossed bill, delete "Any " and insert "An "

On page 2, line 5, of the Senate State Affairs Engrossed bill, after "evade" insert " a".

Respectfully submitted,
Scott Odenbach, Chair

Respectfully submitted,
Randy Deibert, Chair

MR. SPEAKER:

The SB74 A Conference Committee on **SB 74** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

74C

On page 1, line 4, of the House Appropriations Engrossed bill, delete " \$101" and insert " \$80,854,355"

On page 1, line 6, of the House Appropriations Engrossed bill, delete " \$101" and insert " \$20,613,269".

Respectfully submitted,
Ernie Otten, Chair

Respectfully submitted,
Mike Derby, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the report of the Standing Committee on Joint Legislative Procedure relative to the calendar for the One Hundred Second Legislative Session.

Respectfully,
Peggy Laurenz, Secretary

MOTIONS AND RESOLUTIONS

Rep. Odenbach moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on Thursday, March 12, 2026, the 37th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Odenbach moved that the report of the Standing Committee on Joint Legislative Procedure relative to the calendar for the One Hundred Second Legislative Session as found on page 550 of the House Journal be adopted.

The question being on Rep. Odenbach's motion that the report of the Standing Committee on Joint Legislative Procedure relative to the calendar for the One Hundred Second Legislative Session be adopted.

And the roll being called:

Yeas 61, Nays 5, Excused 4, Absent 0

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

Nays: Gosch, Heermann, Kolbeck (Jack), Mulally, and Reisch

Excused: Bahmuller, Bathke, May, and Soye

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

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

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to adopt the report of the Conference Committee on **HB 1209** and no new committee was appointed.

Respectfully,
Peggy Laurenz, Secretary

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

Rep. Rehfeldt moved that the report of the Conference Committee on **HB 1200** as found on page 556 of the House Journal be adopted.

The question being on Rep. Rehfeldt's motion that the report of the Conference Committee on **HB 1200** be adopted.

And the roll being called:

Yeas 58, Nays 8, Excused 4, Absent 0

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

Nays: Aylward, Baxter, Jensen (Phil), Jordan, Manhart, Mulally, Randolph, and Rice

Excused: Bahmuller, Bathke, May, and Soye

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the motion carried and the report was adopted.

Rep. Kassin moved that the report of the Conference Committee on **SB 74** as found on page 557 of the House Journal be adopted.

The question being on Rep. Kassin's motion that the report of the Conference Committee on **SB 74** be adopted.

And the roll being called:

Yeas 64, Nays 2, Excused 4, Absent 0

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

Nays: Manhart and Schaeftbauer

Excused: Bahmuller, Bathke, May, and Soye

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the motion carried and the report was adopted.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1038: FOR AN ACT ENTITLED, An Act to allow the Public Utilities Commission to assess actual costs to data centers that are customers of public utilities.

HB 1215: FOR AN ACT ENTITLED, An Act to authorize counties and municipalities to issue a license for a cigar bar.

HB 1220: FOR AN ACT ENTITLED, An Act to regulate the sale of nicotine products, and to provide a penalty therefor.

HB 1274: FOR AN ACT ENTITLED, An Act to prohibit the dispensing, distribution, sale, or advertisement of certain articles or things for purposes of an unlawful abortion and provide a criminal and civil penalty therefor.

HB 1320: FOR AN ACT ENTITLED, An Act to revise a provision related to service of process for boards of county commissioners.

SB 39: FOR AN ACT ENTITLED, An Act to revise provisions relating to industrial hemp.

SB 106: FOR AN ACT ENTITLED, An Act to modify the amount required to be set aside for extraordinary expenses incurred in providing special education programs.

SB 119: FOR AN ACT ENTITLED, An Act to create the capitol restoration fund and to transfer moneys thereto.

SB 135: FOR AN ACT ENTITLED, An Act to protect residents from increased utility costs and utility shortages caused by data centers and clarify authority to regulate data centers.

SB 159: FOR AN ACT ENTITLED, An Act to revise requirements pertaining to the minimum age for marriage.

SB 171: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the processing of absentee ballots and to declare an emergency.

SB 221: FOR AN ACT ENTITLED, An Act to regulate the retail sale of nicotine products, and to provide a penalty therefor.

And signed the same in the presence of the House.

Rep. Jamison and Rep. Healy moved that the House do now adjourn, which motion prevailed and at 2:45 p.m. the House adjourned.

Patricia Miller, Chief Clerk