JOURNAL OF THE HOUSE

ONE HUNDRED FIRST SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 05, 2026

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. James Proctor, followed by the Pledge of Allegiance led by House pages Donovan Shipley and Emma Spring.

Roll Call: All members present except Reps. Arlint and Bathke 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 15th 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.

12 copies were printed by the South Dakota Legislative Research Council at an estimated cost of $.20 per page.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1011 and 1028** and finds the same correctly enrolled.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1016, 1021, 1042, 1047, 1052, 1054, and 1055** were delivered to his Excellency, the Governor, for his approval at 9:22 a.m., February 5, 2026.

Respectfully submitted,
Jon Hansen, Chair

MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1005** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1116** and returns the same with the recommendation that said bill be amended as follows:

1116B

On page 1, line 6, of the Introduced bill, delete " for an audience of" and insert " or suitable for"

On page 1, line 7, of the Introduced bill, delete " sixteen" and insert " fourteen, which is rated, or meets a rating equivalent to the following:

(a) TV-Y, TV-Y7, TV-G, or TV-PG, as set forth by the TV Parental Guidelines Monitoring Board; or

(b) G or PG, as set forth by the Motion Picture Association"

On page 1, line 13, of the Introduced bill, after "operator," insert " satellite television operator or its affiliates,"

On page 1, line 23, of the Introduced bill, delete " identity;" and insert " transition; or"

On page 1, line 24, of the Introduced bill, after "products" delete "; or

(7) Sexual behavior"

And that as so amended, **HB 1116** do pass.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1185** which was tabled.

Respectfully submitted,
Scott Odenbach, Chair

MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1172 and 1186** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1233** and returns the same with the recommendation that said bill be amended as follows:

1233B

On page 1, line 8, of the Introduced bill, after "10-45" insert ", including the application thereof under chapters 10-64 and 10-65"

On page 1, line 9, of the Introduced bill, after "10-46" insert ", including the application thereof under chapters 10-64 and 10-65"

On page 1, line 17, of the Introduced bill, after "10-45D;" insert " and"

On page 1, line 19, of the Introduced bill, after "10-46E" delete ";

(12) The sales tax on remote sellers imposed by chapter 10-64; and

(13) The tax on marketplace providers imposed by chapter 10-65"

And that as so amended, **HB 1233** do pass.

Respectfully submitted,
Aaron Aylward, Chair

MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1001** and returns the same with the recommendation that said bill be amended as follows:

1001G

On page 1, line 7, of the Introduced bill, delete ", if:

(1) The person submits a written request providing the location of the person's own land and the state-owned land, and the timeframe during which the burn will occur, to the associated department secretary or commissioner in control of the state-owned land;

(2) The person has reasonable forces and equipment available to suppress the spread of the fire;

(3) The prescribed burn is for the purposes of controlling or eradicating invasive woody species and grassland management;

(4) The associated department secretary or commissioner in control of the state-owned land consents in writing to the burn as an appropriate land management technique for the state-owned land; and

(5) The person does not violate § 34-35-9 or 34-35-10 during the course of the prescribed burn" and insert ", provided the person submits a written request to the department secretary or commissioner in control of the land and receives consent, in writing, stating that the prescribed burn is an appropriate land management technique.

The written request for consent to utilize prescribed burning of the land must:

(1) Indicate that the purpose for the prescribed burning is to control or eradicate woody species and provide grassland management;

(2) Include a description of the person's land and the state-owned land to be burned; and

(3) Provide the timeframe within which the prescribed burn is to occur.

Written consent provided by the department secretary or a commissioner serves as an authorization by the state, for purposes of § 5-4-15.

A person who receives written consent from the department secretary or a commissioner to burn state-owned land in conjunction with the person's own land shall ensure the availability of reasonable forces and equipment necessary to provide for fire suppression and is responsible for complying with §§ 34-35-9 and 34-35-10, and with all other applicable laws during the prescribed burn"

On page 1, line 21, of the Introduced bill, delete "The person conducting a prescribed burn pursuant to this statute " and insert "A person who receives written consent from the department secretary or a commissioner to burn state-owned land in conjunction with the person's own land "

And that as so amended, **HB 1001** do pass.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1122** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Marty Overweg, Chair

MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1050** which was tabled.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1188** and returns the same with the recommendation that said bill be amended as follows:

1188A

On page 1, line 10, of the Introduced bill, delete " must" and insert " may"

On page 1, line 12, of the Introduced bill, delete " must" and insert " may"

And that as so amended, **HB 1188** do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1189** and returns the same with the recommendation that said bill be amended as follows:

1189A

On page 1, line 10, of the Introduced bill, after "vehicle" insert " and operating with a permit issued under § 32-22-42"

And that as so amended, **HB 1189** do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Tony Randolph, Chair

MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration **HB 1226** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration **HB 1245** and returns the same with the recommendation that said bill be amended as follows:

1245A

On page 1, line 23, of the Introduced bill, after "services" insert " and products transferred electronically"

On page 2, line 2, of the Introduced bill, delete " chapter" and insert " chapters"

On page 2, line 2, of the Introduced bill, after "10-45" insert " and 10-46"

And that as so amended, **HB 1245** do pass.

Respectfully submitted,
Greg Jamison, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith **HB 1011 and 1028** which have passed the Senate without change.

Also MR. SPEAKER:

I have the honor to transmit herewith **SB 15, 32, 88, 89, 100, 107, and 113** which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Peggy Laurenz, Secretary

MOTIONS AND RESOLUTIONS

Rep. Odenbach moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, February 6, 2026, the 17th legislative day.

Which motion prevailed.

Yesterday, Rep. Reimer announced her intention to reconsider the vote by which **HB 1095** lost.

Rep. Reimer moved that the House do now reconsider the vote by which **HB 1095** lost.

The question being on Rep. Reimer's motion to reconsider the vote by which **HB 1095** lost.

And the roll being called:

Yeas 56, Nays 12, Excused 2, Absent 0

Yeas: Andera, Aylward, Bahmuller, Baxter, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Goodwin, Greenfield, Halverson, Healy, Heermann, Heinemann, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Manhart, Massie, Moore, Mortenson, Muckey, 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, and Wittman

Nays: Auch, Garcia, Gosch, Hughes, Jorgenson, Lems, May, Mulally, Mulder, Schaefbauer, Soye, and Speaker Hansen

Excused: Arlint and Bathke

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HB 1095** was up for reconsideration and final passage.

HB 1095: FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the submission of a nominating petition.

Having had its second reading was up for reconsideration and final passage.

Rep. Rehfeldt moved that **HB 1095** be amended as follows:

1095C

On page 1, line 1, of the House State Affairs Engrossed bill, after "petition" delete " and to declare an emergency"

On page 7, line 1, of the House State Affairs Engrossed bill, after "petitions." delete "Section 10. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Which motion prevailed.

The question being "Shall **HB 1095** pass as amended?"

And the roll being called:

Yeas 64, Nays 4, Excused 2, Absent 0

Yeas: Andera, Auch, Aylward, Bahmuller, 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, Manhart, Massie, May, Moore, Mortenson, Muckey, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Rehfeldt, Reimer, Reisch, Rice, Roby, Roe, Schwans, Shorma, Shubeck, Sjaarda, Soye, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

Nays: Lems, Mulally, Schaefbauer, and Speaker Hansen

Excused: Arlint and Bathke

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.

Yesterday, Rep. Hughes announced his intention to reconsider the vote by which **SB 85** lost.

No member moved to reconsider the vote by which **SB 85** lost.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The Speaker declared that **HB 1206** and **HB 1207** were withdrawn at the request of the prime sponsors pursuant to JR 6B-1.1.

The following bill was read on February 2, 2026, and today the Speaker assigned this bill to committee:

HB 1248 was referred to the Committee on Judiciary.

The following bills were read on February 4, 2026, and today the Speaker assigned these bills to committee:

HB 1277, **HB 1299**, and **HB 1310** were referred to the Committee on Agriculture and Natural Resources.

HB 1309 and **HB 1318** were referred to the Committee on Commerce and Energy.

HB 1306, **HB 1311**, and **HB 1325** were referred to the Committee on Education.

HB 1313 was referred to the Committee on Health and Human Services.

HB 1270, **HB 1296**, **HB 1298**, **HB 1300**, **HB 1305**, and **HB 1322** were referred to the Committee on Judiciary.

HB 1320 was referred to the Committee on Local Government.

HB 1285, **HB 1301**, **HB 1302**, **HB 1303**, **HB 1314**, **HB 1316**, and **HB 1324** were referred to the Committee on State Affairs.

HB 1307, **HB 1308**, **HB 1312**, and **HB 1317** were referred to the Committee on Taxation.

HB 1297 and **HB 1321** were referred to the Committee on Transportation.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 88: FOR AN ACT ENTITLED, An Act to clarify the procedure for a potential condemnor to examine real property absent the property owner's permission.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 113: FOR AN ACT ENTITLED, An Act to increase the penalty for preventing practice of religion.

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

SB 15: FOR AN ACT ENTITLED, An Act to create the Developmental Disability Service Delivery Committee.

SB 32: FOR AN ACT ENTITLED, An Act to amend and repeal provisions pertaining to the ballot requirements for certain elections and to declare an emergency.

SB 89: FOR AN ACT ENTITLED, An Act to create a task force to study the provision of emergency medical services as an essential service and the funding thereof.

SB 100: FOR AN ACT ENTITLED, An Act to revise provisions related to trusts.

SB 107: FOR AN ACT ENTITLED, An Act to add licensed and registered child care programs to the definition of community safety zone.

Were read the first time.

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

Rep. Rice requested that **HB 1179** be removed from the Consent Calendar.

Rep. Ismay requested that **HB 1066, 1111, and 1143** be removed from the Consent Calendar.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1112: FOR AN ACT ENTITLED, An Act to modify the definition of an electronic smoking device.

Having had its second reading was up for consideration and final passage.

The question now being on Rep. Mulally's pending motion to amend **HB 1112** as found on page 226 of the House Journal.

Rep. Jordan requested a roll call vote.

Which request was supported.

And the roll being called:

Yeas 42, Nays 26, Excused 2, Absent 0

Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Czmowski, Derby, Fosness, Garcia, Gosch, Heermann, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kull, Lems, Manhart, May, Mortenson, Mulally, Mulder, Nolz, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Rehfeldt, Reisch, Rice, Roe, Schwans, Shubeck, Sjaarda, Soye, Weems, Weisgram, and Speaker Hansen

Nays: DeGroot, Duffy, Emery, Fitzgerald, Goodwin, Greenfield, Halverson, Healy, Heinemann, Hughes, Jamison, Kolbeck (Jack), Ladner, Massie, Moore, Muckey, Novstrup, Reimer, Roby, Schaefbauer, Shorma, Stevens, Uhre-Balk, Van Diepen, Walburg, and Wittman

Excused: Arlint and Bathke

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

The question being "Shall **HB 1112** pass as amended?"

And the roll being called:

Yeas 18, Nays 50, Excused 2, Absent 0

Yeas: Aylward, Baxter, Derby, Garcia, Gosch, Jensen (Phil), Jordan, Kayser, Manhart, Moore, Mulally, Nolz, Novstrup, Rehfeldt, Rice, Schaefbauer, Shorma, and Sjaarda

Nays: Andera, Auch, Bahmuller, Czmowski, DeGroot, Duffy, Emery, Fitzgerald, Fosness, Goodwin, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Jorgenson, Kassin, Kolbeck (Jack), Kull, Ladner, Lems, Massie, May, Mortenson, Muckey, Mulder, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reimer, Reisch, Roby, Roe, Schwans, Shubeck, Soye, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

Excused: Arlint and Bathke

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

HB 1068: FOR AN ACT ENTITLED, An Act to authorize the dispensing of ivermectin and hydroxychloroquine under a written protocol developed by a health care provider, and to provide liability protection therefor.

Was read the second time.

Rep. Mortenson rose to a point of order that Rep. Jensen (Phil) was off topic and should stick to the content of the bill.

The question being "Shall **HB 1068** pass as amended?"

And the roll being called:

Yeas 28, Nays 40, Excused 2, Absent 0

Yeas: Andera, Auch, Aylward, Baxter, Garcia, Gosch, Heinemann, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, Moore, Mulally, Nolz, Novstrup, Odenbach, Randolph, Reimer, Rice, Schaefbauer, Schwans, Sjaarda, Soye, and Speaker Hansen

Nays: Bahmuller, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Goodwin, Greenfield, Halverson, Healy, Heermann, Hughes, Jamison, Kassin, Kolbeck (Jack), Kull, Ladner, Massie, May, Mortenson, Muckey, Mulder, Overweg, Peterson (Drew), Pourier, Rehfeldt, Reisch, Roby, Roe, Shorma, Shubeck, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

Excused: Arlint and Bathke

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

Rep. Odenbach moved that the balance of the calendar including **HB 1208 and SB 10 and 63** be deferred to Friday, February 6, 2026, the 17th legislative day.

The Speaker, being in doubt of the voice vote, called for a division of the House.

The Speaker declared Rep. Odenbach's motion prevailed.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1011: FOR AN ACT ENTITLED, An Act to modify fees charged by the clerk of courts for certain copies of court records.

HB 1028: FOR AN ACT ENTITLED, An Act to establish a criminal background check requirement for multistate licensure under the social work licensure compact.

And signed the same in the presence of the House.

COMMEMORATIONS

HC 8007: A LEGISLATIVE COMMEMORATION recognizing Scouting America Day at the Capitol and celebrating Scouting America for one hundred sixteen years of service to American youth.

Introduced by: **Representative** Soye

Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at 3:23 p.m. the House adjourned.

Patricia Miller, Chief Clerk