JOURNAL OF THE HOUSE

ONE HUNDRED FIRST SESSION

TWENTY-FIRST DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 12, 2026

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

The prayer was offered by the Chaplain, Rev. Yagana Yakubu, followed by the Pledge of Allegiance led by House page Hazel Houghton.

Roll Call: All members present except Reps. Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, 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 20th 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.

COMMUNICATIONS AND PETITIONS

February 11, 2026

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on February 11, 2026, I approved House Bills 1016, 1054, and 1055, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

February 12, 2026

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on February 12, 2026, I approved House Bill 1042, and the same has been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1060 and 1088** were delivered to his Excellency, the Governor, for his approval at 11:10 a.m., February 12, 2026.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1080** and finds the same correctly enrolled.

Respectfully submitted,
Jon Hansen, Chair

MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1286;** and returns the same with the recommendation that said bill be amended as follows:

1286A

On page 1, line 14, of the Introduced bill, delete " the" and insert " a"

On page 1, line 15, of the Introduced bill, delete "Scholarships to postsecondary educational institutions operated by the Board of Regents or the South Dakota Board of Technical Education, provided that the scholarships are for programs that prepare a student for a career field available in this state" and insert " A scholarship for any program that prepares a student for a career field available in this state and is offered through:

(a) A public institution of higher education under the jurisdiction of the Board of Regents or the South Dakota Board of Technical Education; or

(b) A nonpublic or tribal institution of higher education accredited by an accrediting agency recognized by the United States Department of Education"

On page 1, line 20, of the Introduced bill, delete " a" and insert ":

(a) A"

On page 1, line 21, of the Introduced bill, delete the comma and insert ";

(b) An"

On page 1, line 21, of the Introduced bill, after "nonpublic" insert " secondary"

On page 1, line 21, of the Introduced bill, delete ", or" and insert ";

(c) A state agency;

(d) A public"

On page 1, line 21, of the Introduced bill, delete " subject to oversight by" and insert " of higher education under the jurisdiction of"

On page 1, line 23, of the Introduced bill, after "Education;" insert " or

(e) A nonpublic or tribal institution of higher education accredited by an accrediting agency recognized by the United States Department of Education;"

On page 1, line 26, of the Introduced bill, delete " out-of-state workers or projects" and insert ":

(a) Out-of-state projects to this state; or

(b) Out-of-state workers"

On page 3, line 26, of the Introduced bill, delete " recommendation" and insert " agreement"

And that as so amended, **HB 1286** do pass.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1314; HCR 6013;** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1316;** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Scott Odenbach, Chair

MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1031, 1167, and 1216, and HCR 6010** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1192** which was tabled.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1219** and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1108** and returns the same with the recommendation that said bill be amended as follows:

1108A

On page 1, line 1, of the Introduced bill, delete "allow for " and insert "require "

On page 1, line 1, delete " in dismissed protection order cases" and insert " upon dismissal or denial of a petition for a protection order"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That a NEW SECTION be added to chapter 22-19A:

If the court dismisses a petition filed pursuant to § 22-19A-8 without a hearing pursuant to § 22-19A-10, the clerk of court must immediately seal the petition and any supporting documents in the case.

Section 2. That a NEW SECTION be added to chapter 22-19A:

If the court denies a petition filed pursuant to § 22-19A-8 after a hearing pursuant to § 22-19A-10, the court must seal the case upon a finding on the record that the petition was filed with no basis in fact or law and was harassing, frivolous, or abusive in nature.

The court shall notify law enforcement of any sealing order issued pursuant to this section. Upon notification, law enforcement must make any record of the petition nonpublic.

Section 3. That a NEW SECTION be added to chapter 25-10:

If the court dismisses a petition filed pursuant to § 25-10-3 without a hearing held pursuant to § 25-10-4, the clerk of court must immediately seal the petition and any supporting documents in the case.

Section 4. That a NEW SECTION be added to chapter 25-10:

If the court denies a petition filed pursuant to § 25-10-3 without a hearing held pursuant to § 25-10-4, the court must seal the case upon a finding on the record that the petition was filed with no basis in fact or law and was harassing, frivolous, or abusive in nature.

The court shall notify law enforcement of any sealing order issued pursuant to this section. Upon notification, law enforcement must make any record of the petition nonpublic.

Section 5. The Unified Judicial System shall apply the provisions of sections 1 and 3 of this Act retroactively to all court records maintained electronically."

And that as so amended, **HB 1108** do pass.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HCR 6015** and returns the same with the recommendation that said resolution be amended as follows:

HCR6015B

On page 1, line 2, of the Introduced resolution, delete " options for expanding state involvement in the national instant criminal background check system" and insert " the role and function of county boards of mental illness"

On the Introduced resolution, delete everything after the title and insert:

"

WHEREAS, under statute, county boards of mental illness have jurisdiction over applications or petitions for involuntary commitment, for the treatment of involuntarily committed individuals, and for the safekeeping of involuntarily committed individuals; and

WHEREAS, under statute, county boards of mental illness must provide certain information regarding involuntary commitments to the Attorney General for transmittal to the National Instant Criminal Background Check System; and

WHEREAS, the best way to ensure the rights, safety, and security of all citizens is through the identification and implementation of pro-active and collaborative problem-solving measures that can be exercised through legal, public health, and public safety systems;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the One Hundred First Legislature of the State of South Dakota, the Senate concurring therein, that the Executive Board of the Legislative Research Council be encouraged to form an interim legislative committee to study the role of county boards of mental illness, the nature and scope of the boards' authority, the efficacy of existing statutory frameworks governing the voluntary and involuntary commitment processes, and how those existing frameworks can beneficially intersect with the information transmittals potentially available through the national instant criminal background check system; and

BE IT FURTHER RESOLVED, that the study address training available to individuals who serve on county boards of mental health and opportunities for the standardization of such training; and

BE IT FURTHER RESOLVED, that the study involve the perspectives of the Office of the Attorney General, the Unified Judicial System, mental health boards, behavioral health providers, and law enforcement, and that at the conclusion of the study, any findings and recommendations for future legislative action be presented to the Executive Board.

"

HCR6015C

On the previously adopted amendment (HCR6015B), On page 2, line 6, delete " law enforcement" and insert " sheriffs"

And that as so amended, **HCR 6015** do pass.

Respectfully submitted,
Mike Stevens, Chair

MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1218** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1241** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1253** and returns the same with the recommendation that said bill be amended as follows:

1253A

On page 2, line 6, of the Introduced bill, after "property." insert "

An addition to an existing structure affixed to land, which results in an increase in the assessed value of the structure of forty percent or less, does not affect the period over which the intertemporal average value is determined."

And that as so amended, **HB 1253** do pass.

Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration **HB 1254** and returns the same with the recommendation that said bill be amended as follows:

1254A

On page 1, line 2, of the Introduced bill, after "tax" insert ", and to modify the definition of a soil amendment"

On page 1, after line 9, of the Introduced bill, insert: "

Section 2. That § 38-19A-1 be AMENDED:

38-19A-1. Terms as used in this chapter, unless the context otherwise requires, shall mean:

(1) "Brand," any trademark, product name, or other specific designation under which any individual soil amendment is offered for sale;

(2) "Bulk," nonpackaged form;

(3) "Distributing," importing, consigning, manufacturing, producing, compounding, mixing or blending any soil amendment, or offering for sale, selling, bartering, or otherwise supplying any soil amendment in this state;

(4) "Distributor," any person who distributes any soil amendment in this state;

(5) "Investigational allowance," any allowance for variations inherent in the taking, preparation and analysis of an official sample of a soil amendment;

(6) "Label," any display of all written, printed, or graphic matter upon the immediate container or statement accompanying a soil amendment;

(7) "Labeling," any written, printed, or graphic matter, upon or accompanying any soil amendment, or advertisements, brochures, posters, or television or radio announcements used in promoting the sale of such soil amendment;

(7A) "Manipulated manure," any animal or vegetable manure collected or stored in a manner consistent with practices commonly implemented in agricultural production that has been subjected to practices including composting, mechanical dewatering, or pelletizing or altered in any way to change chemical, physical, or biological characteristics;

(7B) "Microbe," any microbiological organism or mixture of microbiological organisms intended to produce any physical, chemical, biochemical, biological, or other change in the soil;

(8) "Minimum percentage," that percentage of soil amendment ingredient that shall be present in a product before the product may be accepted for registration when distributed in any form or manner;

(9) "Official sample," any sample of a soil amendment taken by the secretary and so designated;

(10) "Percent," percentage by weight;

(11) "Registrant," any person who shall register any soil amendments under the provisions of this chapter;

(12) "Secretary," the secretary of the Department of Agriculture and Natural Resources of the State of South Dakota;

(13) "Soil amending ingredient," any substance which will improve the physical, chemical, or other characteristic of the soil or improve crop production;

(14) "Soil amendment," any substance which is intended to improve the physical, chemical, or other characteristics of the soil or improve crop production~~, except the following: commercial fertilizer, unmanipulated animal manures, unmanipulated vegetable manures, pesticides, lime or lime sludge produced by a water treatment facility, sewage sludge, as defined in § 38-19-1, and compost as defined in § 38-19-1~~;

(15) "Soil ingredient form," any ingredient or the chemical compound of an ingredient;

(16) "Ton," two thousand pounds avoirdupois net weight; and

(17) "Weight," the weight of that material offered for sale."

And that as so amended, **HB 1254** do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Aaron Aylward, Chair

MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1168** with the recommendation that said bill be amended as follows:

1168B

On page 1, line 9, of the Introduced bill, delete ":

(a) Enrolled" and insert " enrolled"

On page 1, line 10, of the Introduced bill, after "school" delete "; or

(b) Receiving alternative instruction pursuant to § 13-27-3"

On page 1, line 15, of the Introduced bill, delete "Incurred, " and insert "Only nonpublic school tuition qualifies as an "

On page 1, line 15, of the Introduced bill, delete " expenses" and insert " expense"

On page 1, line 16, of the Introduced bill, after "Act" delete " are:

(1) Tuition;

(2) Fees for sports programs and fine arts programs;

(3) Textbooks, curricula, and instructional materials and supplies;

(4) Educational therapies or tutoring;

(5) Registration fees for:

(a) Nationally standardized achievement tests;

(b) Advanced placement tests;

(c) Tests related to postsecondary admission; and

(d) Conferences for educational purposes;

(6) Transportation services between a student's residence and:

(a) The nonpublic school in which the student is enrolled;

(b) The institution of higher education at which the student is enrolled; and

(c) A location related to the education of the student; and

(7) Technological devices, instruments, and equipment necessary for the student to participate in an educational curriculum or extracurricular activity"

On page 2, line 23, of the Introduced bill, after "information" delete " or the name of the principal alternative instruction provider"

On page 2, line 25, of the Introduced bill, delete "A description and documentation of each eligible education expense" and insert "Verification of the tuition charges by each child's nonpublic school"

On page 2, line 25, of the Introduced bill, after "expense;" insert " and"

On page 2, line 26, of the Introduced bill, after "expense;

(2)" delete "Be verified by:

(a) The school in which each child is enrolled; or

(b) The principal provider of alternative instruction; and

(3) "

And that as so amended said bill be referred to the House Committee on Appropriations with a Do Pass recommendation.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1217** and returns the same with the recommendation that said bill be amended as follows:

1217C

On page 3, line 3, of the Introduced bill, after "organization" insert " or affiliate over another labor organization or an entity governed by chapters 47-22 to 47-28, inclusive"

On page 3, line 4, of the Introduced bill, after "organization;

(7)" delete " Denying any labor organization or entity governed by chapters 47-22 to 47-28, inclusive, access to or use of the public education employer's meetings, events, communications systems, computer systems, facilities, equipment, supplies, or other resources if the public education employer permits similar access to another labor organization or affiliate;

(8)"

On page 3, line 9, of the Introduced bill, after "moneys" insert " to"

On page 3, line 9, of the Introduced bill, delete " expend" and insert " expending"

On page 3, line 11, of the Introduced bill, delete "(9)" and insert "(8)"

On page 3, line 15, of the Introduced bill, delete "A " and insert "To the extent a public education employer is authorized to engage in collective bargaining under chapter 3-18, the "

On page 3, line 18, of the Introduced bill, after "may" insert " be"

On page 3, line 28, of the Introduced bill, after "activities" insert " during working hours,"

On page 4, line 4, of the Introduced bill, delete " representation" and insert " representational"

On page 4, line 13, of the Introduced bill, after "The" insert " civil penalty may be assessed and recovered only in a civil action by the attorney general.

The"

On page 4, line 17, of the Introduced bill, after "general" delete " or the state's attorney for the county in which a violation is alleged to have occurred"

And that as so amended, **HB 1217** do pass.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1325** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Lana J. Greenfield, Chair

MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1287** and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1264** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1267, 1273, and 1294** which were deferred to the 41st Legislative Day.

Respectfully submitted,
Marty Overweg, Chair

MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration **HB 1315** 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 **SB 3** and returns the same with the recommendation that said bill be amended as follows:

3C

On page 1, line 14, of the Senate Local Government Engrossed bill, after "d) Gutter;

(e)" delete "Roof coverings and related weatherproofing components;"

On page 1, line 14, of the Senate Local Government Engrossed bill, after "components;" delete "

(f) "

On page 1, line 16, of the Senate Local Government Engrossed bill, delete "(g)" and insert "(f)"

And that as so amended, **SB 3** do pass.

Also MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration **SB 129** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Greg Jamison, Chair

MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1010** and returns the same with the recommendation that said bill be amended as follows:

1010A

On page 2, line 9, of the Introduced bill, after "to" insert " tap or in some other manner,"

On page 2, line 9, of the Introduced bill, after "device" delete "; or"

On page 2, line 10, of the Introduced bill, after "or" delete "(5) The use of a mobile electronic device held in the hand by an operator while driving any type of agricultural equipment, excluding a truck, provided the agricultural equipment is not designed to exceed twenty-five miles per hour"

And that as so amended, **HB 1010** do pass.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1272** and returns the same with the recommendation that said bill be amended as follows:

1272A

On page 6, line 28, of the Introduced bill, delete " snowmobile trails fund created in § 32-5-9. 2, for the purposes set forth in § 41-19-2" and insert " department of game, fish and parks fund created in § 41-2-34."

On page 7, line 31, of the Introduced bill, delete " snowmobiles trails fund established by § 32-5-9. 2" and insert " department of game, fish and parks fund created in § 41-2-34"

And that as so amended, **HB 1272** do pass.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **HB 1321** which was tabled.

Respectfully submitted,
Tony Randolph, Chair

MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1065, 1151, and 1171** and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1182** and returns the same with the recommendation that said bill be amended as follows:

1182A

On page 1, line 2, of the Introduced bill, after "technology" insert " and to provide a penalty therefor"

On page 1, line 7, of the Introduced bill, after "technology;" insert "

(2) The number of embryos that are subjected to preimplantation genetic testing for:

(a) Aneuploidy;

(b) Monogenic disorders; and

(c) Structural rearrangements;"

On page 1, line 8, of the Introduced bill, delete "(2)" and insert "(3)"

On page 1, line 10, of the Introduced bill, delete "(3)" and insert "(4)"

On page 1, line 14, of the Introduced bill, delete "Compassionate implantation" and insert "Implantation"

On page 1, line 17, of the Introduced bill, delete "(4)" and insert "(5)"

On page 1, line 21, of the Introduced bill, delete "(5)" and insert "(6)"

On page 1, line 24, of the Introduced bill, delete "(6)" and insert "(7)"

On page 1, line 25, of the Introduced bill, delete "(7)" and insert "(8)"

On page 2, line 2, of the Introduced bill, after "department." insert "

The secretary of the Department of Health may impose a civil penalty against an entity for failing to provide the data required by this section. The amount of the civil penalty may not exceed one thousand dollars. The secretary shall forward any civil penalty collected under this section to the state treasurer, for deposit in the general fund."

And that as so amended, **HB 1182** do pass.

Respectfully submitted,
Brian Mulder, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith **HCR 6012** in which the Senate has concurred.

Also MR. SPEAKER:

I have the honor to transmit herewith **SB 116 and 156, and SJR 504** which have passed the Senate and your favorable consideration is respectfully requested.

Also MR. SPEAKER:

I have the honor to transmit herewith **SCR 608** which has been adopted by the Senate and your concurrence is respectfully requested.

Respectfully,
Peggy Laurenz, Secretary

MOTIONS AND RESOLUTIONS

SCR 608: A CONCURRENT RESOLUTION urging collaboration to reduce hunger and food waste in this state under the protections of the 1996 Bill Emerson Good Samaritan Food Donation Act.

Was read the first time.

Rep. Odenbach moved that **HB 1146 and 1148** be deferred to Tuesday, February 17, 2026, the 22nd legislative day.

Which motion prevailed.

Rep. Kull moved that the House do concur in Senate amendments to **HB 1030**.

The question being on Rep. Kull's motion that the House do concur in Senate amendments to **HB 1030**.

And the roll being called:

Yeas 62, Nays 0, Excused 8, Absent 0

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

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Odenbach moved that the reports of the Standing Committees on

Commerce and Energy on **HB 1173** as found on page 290 of the House Journal; also

Health and Human Services on **HB 1250** as found on page 288 of the House Journal; and

Health and Human Services on **HCR 6011** as found on page 289 of the House Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The Speaker declared that **HB 1097**, **HB 1117**, and **HB 1297** were withdrawn at the request of the prime sponsors pursuant to JR 6B-1.1.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 156: FOR AN ACT ENTITLED, An Act to modify the crime of cruelty to an animal and increase the penalty therefor.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SJR 504: A JOINT RESOLUTION proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, providing for wagering on sporting events via mobile or electronic platform.

Was read the first time.

SB 116: FOR AN ACT ENTITLED, An Act to make an appropriation for the design and construction of an indoor athletics facility at Dakota State University and to declare an emergency.

Was read the first time and the Speaker waived the committee referral pursuant to JR 6D-1.

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

HB 1149: FOR AN ACT ENTITLED, An Act to adopt the athletic trainer licensure compact.

Was read the second time.

The question being "Shall **HB 1149** pass?"

And the roll being called:

Yeas 59, Nays 3, Excused 8, Absent 0

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

Nays: Auch, Jensen (Phil), and Jordan

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

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.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1193: FOR AN ACT ENTITLED, An Act to authorize that a county provide a refund of taxes to disabled veterans and surviving spouses under certain property tax relief programs.

Was read the second time.

Rep. Randolph moved that **HB 1193** be amended as follows:

1193C

On page 1, line 1, of the House Taxation Engrossed bill, delete "authorize that a county provide" and insert " modify the provisions for"

On page 1, line 16, of the House Taxation Engrossed bill, after "and" insert ", and the board may abate or refund the difference in taxes in the same manner set forth in chapter 10-18"

On page 1, line 17, of the House Taxation Engrossed bill, after "deadline" insert " due to a pending claim for a permanent and total disability rating through the United States Department of Veteran Affairs"

On page 1, line 17, of the House Taxation Engrossed bill, delete " may" and insert " must"

On page 1, line 17, of the House Taxation Engrossed bill, delete " over a period" and insert " since the effective date of the claim, but"

On page 1, line 18, of the House Taxation Engrossed bill, delete ", pursuant to" and insert ". The abatement or refund of taxes must be made in accordance with"

Which motion prevailed.

The question being "Shall **HB 1193** pass as amended?"

And the roll being called:

Yeas 62, Nays 0, Excused 8, Absent 0

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

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

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.

HB 1258: FOR AN ACT ENTITLED, An Act to require that a property tax bill provide access to a state website providing property tax information.

Was read the second time.

The question being "Shall **HB 1258** pass as amended?"

And the roll being called:

Yeas 60, Nays 2, Excused 8, Absent 0

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

Nays: Reimer and Weems

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

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.

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

Was read the second time.

The question being "Shall **HB 1320** pass as amended?"

And the roll being called:

Yeas 44, Nays 18, Excused 8, Absent 0

Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Baxter, Derby, Fitzgerald, Fosness, Garcia, Greenfield, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kull, Ladner, Lems, Manhart, May, Nolz, Novstrup, Odenbach, Overweg, Randolph, Rice, Roby, Schaefbauer, Schwans, Shorma, Shubeck, Sjaarda, Uhre-Balk, Walburg, Weems, Wittman, and Speaker Hansen

Nays: Czmowski, DeGroot, Duffy, Emery, Halverson, Healy, Kolbeck (Jack), Massie, Muckey, Mulder, Peterson (Drew), Pourier, Reimer, Reisch, Roe, Stevens, Van Diepen, and Weisgram

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

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.

HB 1209: FOR AN ACT ENTITLED, An Act to require employment verification eligibility through the e-verify program and to provide a penalty therefor.

Was read the second time.

The question being "Shall **HB 1209** pass as amended?"

And the roll being called:

Yeas 49, Nays 13, Excused 8, Absent 0

Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Baxter, Czmowski, DeGroot, Duffy, Fitzgerald, Garcia, Greenfield, Halverson, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Manhart, Massie, May, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reimer, Rice, Roby, Roe, Schaefbauer, Schwans, Shubeck, Sjaarda, Walburg, Weisgram, and Speaker Hansen

Nays: Derby, Emery, Fosness, Healy, Muckey, Mulder, Reisch, Shorma, Stevens, Uhre-Balk, Van Diepen, Weems, and Wittman

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

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.

HB 1313: FOR AN ACT ENTITLED, An Act to require education in prenatal human growth and development.

Was read the second time.

Rep. Kayser moved that **HB 1313** be amended as follows:

1313A

On page 1, line 6, of the Introduced bill, delete " department" and insert " board"

Which motion prevailed.

Rep. Emery moved that **HB 1313** be amended as follows:

1313B

On page 1, line 4, of the Introduced bill, after "13-3:" insert "When the South Dakota Board of Education Standards undertakes a revision of the health education standards, in accordance with § 13-3-48, the board shall, after consulting with experts in prenatal human growth and development, incorporate instruction in prenatal human growth and development into the health education standards.

"

On page 1, line 6, of the Introduced bill, delete " department" and insert " South Dakota Board of Education Standards"

On page 1, line 7, of the Introduced bill, delete " a health or science curriculum" and insert " the instruction"

On page 1, line 7, of the Introduced bill, after "curriculum." insert "

The instruction may include:

(1) A high-definition ultrasound video;

(2) A high-quality, computer-generated rendering or animation of the progress of prenatal human development; or

(3) Other comparable education resources that accurately depict prenatal development.

The board of a school district shall ensure that any instruction in prenatal human growth and development provided pursuant to this section is medically accurate, research-based, age appropriate, and aligned with the state-approved health education and science standards promulgated pursuant to § 13-3-43.

Any instruction in prenatal human growth and development must be presented in an objective manner. A school district shall make any instructional materials available for parental review upon request.

Nothing in this section may be construed to require instruction that deviates from the state-approved science standards promulgated pursuant to § 13-3-43."

On page 1, line 8, of the Introduced bill, after "curriculum." delete "Section 2. That a NEW SECTION be added to chapter 13-3:"

On page 1, line 9, of the Introduced bill, after "13-3:" delete "The instruction in prenatal human growth and development required under section 1 of this Act must include:

(1) A high-definition ultrasound video that shows the presence of the brain, heart, and other major organs as they appear at various stages of prenatal development; and

(2) A high-quality, computer-generated rendering or animation, or a high-definition ultrasound video that shows the progress of prenatal human development from fertilization through birth, noting significant moments in the progress of cellular growth and organ development.

Any video or computer-generated rendering or animation shown, as required by this section, must be at least three minutes in length."

On page 1, line 19, of the Introduced bill, after "length." delete "Section 3. That a NEW SECTION be added to chapter 13-3:"

On page 1, line 20, of the Introduced bill, after "13-3:" delete "The age-appropriate, research-based, instruction in prenatal human growth and development required under section 1 of this Act may not include any book, article, outline, handout, video, or other material produced or provided by an entity that:"

On page 1, line 23, of the Introduced bill, after "that:" delete "(1) Performs abortions;

(2) Promotes abortion;

(3) Contracts or subcontracts with an entity that performs abortions or promotes abortion;

(4) Becomes or continues to be affiliated with an entity that performs abortions or promotes abortions; or

(5) Regularly makes referrals to an entity that provides abortions or promotes abortion."

Which motion lost.

The question being "Shall **HB 1313** pass as amended?"

And the roll being called:

Yeas 52, Nays 10, Excused 8, Absent 0

Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Baxter, Czmowski, Duffy, Fitzgerald, Garcia, Greenfield, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Manhart, Massie, May, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reimer, Reisch, Rice, Roby, Roe, Schaefbauer, Schwans, Shorma, Shubeck, Sjaarda, Van Diepen, Walburg, Weems, Weisgram, and Speaker Hansen

Nays: DeGroot, Derby, Emery, Fosness, Halverson, Healy, Muckey, Stevens, Uhre-Balk, and Wittman

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

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.

HB 1198: FOR AN ACT ENTITLED, An Act to require that certain facilities obtain conditional use permits from adjacent political subdivisions.

Was read the second time.

The question being "Shall **HB 1198** pass?"

And the roll being called:

Yeas 21, Nays 41, Excused 8, Absent 0

Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Fitzgerald, Garcia, Greenfield, Hughes, Hunt, Jorgenson, Lems, Massie, May, Nolz, Novstrup, Pourier, Schaefbauer, Schwans, Sjaarda, and Speaker Hansen

Nays: Arlint, Czmowski, DeGroot, Derby, Duffy, Emery, Fosness, Halverson, Healy, Heermann, Heinemann, Ismay, Jamison, Jensen (Phil), Jordan, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Manhart, Muckey, Mulder, Odenbach, Overweg, Peterson (Drew), Randolph, Reimer, Reisch, Rice, Roby, Roe, Shorma, Shubeck, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

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

HB 1238: FOR AN ACT ENTITLED, An Act to protect financial institutions taking action to prevent the financial exploitation of consenting, senior, or vulnerable adults.

Was read the second time.

The question being "Shall **HB 1238** pass?"

And the roll being called:

Yeas 56, Nays 6, Excused 8, Absent 0

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

Nays: Aylward, Ismay, Jensen (Phil), Jordan, Manhart, and Rice

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

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.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 92: FOR AN ACT ENTITLED, An Act to clarify the rights to appeal and refer certain decisions of boards of county commissioners.

Was read the second time.

Rep. Auch moved that **SB 92** be laid on the table.

The question being on Rep. Auch's motion that **SB 92** be laid on the table.

And the roll being called:

Yeas 61, Nays 1, Excused 8, Absent 0

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

Nays: Mulder

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **SB 92** was tabled.

SB 67: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to emergencies and disasters impacting the state and to declare an emergency.

Was read the second time.

The question being "Shall **SB 67** pass?"

And the roll being called:

Yeas 59, Nays 3, Excused 8, Absent 0

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

Nays: Baxter, Jensen (Phil), and Randolph

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 68: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to the suppression of wildfires impacting the state and to declare an emergency.

Was read the second time.

The question being "Shall **SB 68** pass?"

And the roll being called:

Yeas 61, Nays 1, Excused 8, Absent 0

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

Nays: Randolph

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 117: FOR AN ACT ENTITLED, An Act to make an appropriation for the design and construction of a new soccer venue at South Dakota State University and to declare an emergency.

Was read the second time.

The question being "Shall **SB 117** pass?"

And the roll being called:

Yeas 50, Nays 12, Excused 8, Absent 0

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

Nays: Auch, Aylward, Garcia, Hunt, Jensen (Phil), Jordan, Manhart, May, Overweg, Randolph, Rice, and Schaefbauer

Excused: Bathke, Goodwin, Gosch, Moore, Mortenson, Mulally, Rehfeldt, and Soye

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1080: FOR AN ACT ENTITLED, An Act to allow a business owner who is a veteran to display military specialty plates on a noncommercial vehicle registered to the veteran's business and to limit personal liability to the business owner and veteran.

SB 54: FOR AN ACT ENTITLED, An Act to revise the conditions for in-service distributions from the South Dakota deferred compensation plan.

SB 91: FOR AN ACT ENTITLED, An Act to clarify the procedure for petitioning a board of county commissioners for a change to the comprehensive plan or zoning ordinances.

And signed the same in the presence of the House.

Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at 3:19 p.m. the House adjourned.

Patricia Miller, Chief Clerk