

JOURNAL OF THE HOUSE

ONE HUNDRED FIRST SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 19, 2026

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

The prayer was offered by the Chaplain, Rev. Dr. Joel Allen, followed by the Pledge of Allegiance led by House page Maria Steffensen.

Roll Call: All members present except Reps. Bathke, Czmowski, 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 23rd 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.

1

REPORTS OF STANDING COMMITTEES

2 MR. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that **HB 1030, 1043, 1118, and**
4 **1137** were delivered to his Excellency, the Governor, for his approval at 1:20 p.m., February 19, 2026.

5 Also MR. SPEAKER:

6 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
7 Enrolling has carefully compared **HB 1003, 1019, 1035, and 1201** and finds the same correctly
8 enrolled.

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Respectfully submitted,
Jon Hansen, Chair

11 MR. SPEAKER:

12 The Committee on House State Affairs respectfully reports that it has had under consideration
13 **HB 1196**; which was tabled.

14 Also MR. SPEAKER:

15 The Committee on House State Affairs respectfully reports that it has had under consideration
16 **HB 1246 and 1323**; and returns the same with the recommendation that said bills do pass.

17 Also MR. SPEAKER:

18 The Committee on House State Affairs respectfully reports that it has had under consideration
19 **HB 1278**; and returns the same with the recommendation that said bill be amended as follows:

20 1278C

21 On page 1, line 6, of the Introduced bill, delete " an individual" and insert " a state employee"

22 1278D

23 On the previously adopted amendment (1278C), On page 1, line 14, after "lands," insert " a
24 commissioner with the Public Utilities Commission of the State of South Dakota,"

25 And that as so amended, **HB 1278** do pass.

26 Also MR. SPEAKER:

27 The Committee on House State Affairs respectfully reports that it has had under consideration
28 **HB 1285 and 1301**; which were deferred to the 41st Legislative Day.

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Respectfully submitted,
Scott Odenbach, Chair

31 MR. SPEAKER:

32 The Committee on House Taxation respectfully reports that it has had under consideration
33 **HB 1259** with the recommendation that said bill be referred to the House Committee on
34 Appropriations with a Do Pass recommendation.

1 Also MR. SPEAKER:

2 The Committee on House Taxation respectfully reports that it has had under consideration
3 **HB 1317** with the recommendation that said bill be referred to the Committee on House of
4 Representatives without recommendation.

5 Also MR. SPEAKER:

6 The Committee on House Taxation respectfully reports that it has had under consideration
7 **HB 1281** which was deferred to the 41st Legislative Day.

8 Also MR. SPEAKER:

9 The Committee on House Taxation respectfully reports that it has had under consideration
10 **HB 1307** which was tabled.

11 Respectfully submitted,
12 Aaron Aylward, Chair

13 MR. SPEAKER:

14 The Committee on House Local Government respectfully reports that it has had under
15 consideration **SB 165** and returns the same with the recommendation that said bill do pass.

16 Respectfully submitted,
17 Greg Jamison, Chair

18 MR. SPEAKER:

19 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
20 under consideration **HB 1299** and returns the same with the recommendation that said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
23 under consideration **HCR 6016** and returns the same with the recommendation that said resolution
24 be adopted.

25 Respectfully submitted,
26 Marty Overweg, Chair

27 MR. SPEAKER:

28 The Joint Committee on Appropriations respectfully reports that it has had under consideration
29 **HB 1072** which was tabled.

30 Respectfully submitted, Respectfully submitted,
31 Mike Derby, Co-Chair Ernie Otten, Co-Chair

32 MR. SPEAKER:

33 The Committee on House Transportation respectfully reports that it has had under
34 consideration **HB 1141** which was deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under
3 consideration **SB 26, 27, and 71** and returns the same with the recommendation that said bills do
4 pass, and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Tony Randolph, Chair

7 MR. SPEAKER:

8 The Committee on House Health and Human Services respectfully reports that it has had under
9 consideration **HB 1160** which was deferred to the 41st Legislative Day.

10 Also MR. SPEAKER:

11 The Committee on House Health and Human Services respectfully reports that it has had under
12 consideration **HB 1163 and 1210** and returns the same with the recommendation that said bills
13 do pass.

14 Respectfully submitted,
15 Brian Mulder, Chair

16 **MESSAGES FROM THE SENATE**

17 MR. SPEAKER:

18 I have the honor to return herewith **HB 1003, 1019, 1035, and 1201** which have passed the
19 Senate without change.

20 Also MR. SPEAKER:

21 I have the honor to transmit herewith **SB 224** which has passed the Senate and your favorable
22 consideration is respectfully requested.

23 Respectfully,
24 Peggy Laurenz, Secretary

25 **MOTIONS AND RESOLUTIONS**

26 Rep. Odenbach moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
27 Friday, February 20, 2026, the 25th legislative day.

28 Which motion prevailed.

1

CONSIDERATION OF REPORTS OF COMMITTEES

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

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Education on **HB 1017** as found on page 346 of the House Journal; also

4

Judiciary on **HB 1045** as found on page 352 of the House Journal; also

5

State Affairs on **HB 1275** as found on page 349 of the House Journal; and

6

Commerce and Energy on **HB 1292** as found on page 350 of the House Journal be adopted.

7

Which motion prevailed and the reports were adopted.

8

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

9

SB 224: FOR AN ACT ENTITLED, An Act to provide a rebuttable presumption in favor of joint physical custody of a minor child.

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11

Was read the first time.

12

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

13

HB 1199: FOR AN ACT ENTITLED, An Act to address prior authorization and reporting requirements by utilization review organizations and health carriers.

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HB 1311: FOR AN ACT ENTITLED, An Act to require the reporting of funding given by certain persons and governments to institutions under the control of the Board of Regents and the South Dakota Board of Technical Education.

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SB 73: FOR AN ACT ENTITLED, An Act to revise provisions relating to state financial practices.

19

Were read the second time.

20

The question being "Shall **HB 1199, and SB 73** pass as amended, and **HB 1311** pass?"

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And the roll being called:

22

Yeas 65, Nays 1, Excused 4, Absent 0

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

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Nays: Odenbach

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Excused: Bathke, Czmowski, Pourier, and Soye

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So the bills having received an affirmative vote of a majority of the members-elect, the Speaker declared the bills passed, and the titles were agreed to.

1

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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HB 1254: FOR AN ACT ENTITLED, An Act to exempt any soil amendment used exclusively for agricultural purposes from sales tax, and to modify the definition of a soil amendment.

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Was read the second time.

5

Rep. Heinemann moved that **HB 1254** be amended as follows:

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1254B

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On page 1, line 2, of the House Taxation Engrossed bill, after "tax" delete ", and to modify the definition of a soil amendment"

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On page 1, line 10, of the House Taxation Engrossed bill, after "purposes." delete "Section 2. That § 38-19A-1 be AMENDED:

10

11

"

12

On page 1, line 11, of the House Taxation Engrossed bill, after "AMENDED:" delete "38-19A-1.

13

On page 1, line 11, of the House Taxation Engrossed bill, after "38-19A-1. " delete "Terms as used in this chapter, unless the context otherwise requires, shall mean:

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15

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

17

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(2) "Bulk," nonpackaged form;

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(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;

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

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

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

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(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;

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(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;

34
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(7B) "Microbe," any microbiological organism or mixture of microbiological organisms intended to produce any physical, chemical, biochemical, biological, or other change in the soil;

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(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;

- 1 (9) "Official sample," any sample of a soil amendment taken by the secretary and so
2 designated;
- 3 (10) "Percent," percentage by weight;
- 4 (11) "Registrant," any person who shall register any soil amendments under the provisions of
5 this chapter;
- 6 (12) "Secretary," the secretary of the Department of Agriculture and Natural Resources of the
7 State of South Dakota;
- 8 (13) "Soil amending ingredient," any substance which will improve the physical, chemical, or
9 other characteristic of the soil or improve crop production;
- 10 (14) "Soil amendment," any substance which is intended to improve the physical, chemical, or
11 other characteristics of the soil or improve crop production, except the following: commercial
12 fertilizer, unmanipulated animal manures, unmanipulated vegetable manures, pesticides, lime or
13 lime sludge produced by a water treatment facility, sewage sludge, as defined in § 38-19-1, and
14 compost as defined in § 38-19-1;
- 15 (15) "Soil ingredient form," any ingredient or the chemical compound of an ingredient;
- 16 (16) "Ton," two thousand pounds avoirdupois net weight; and
- 17 (17) "Weight," the weight of that material offered for sale."

18 On page 2, line 25, of the House Taxation Engrossed bill, remove the overstrikes from ", except
19 the following: commercial fertilizer, unmanipulated animal manures, unmanipulated vegetable
20 manures, pesticides, lime or lime sludge produced by a water treatment facility, sewage sludge, as
21 defined in § 38-19-1, and compost as defined in § 38-19-1"

22 Which motion prevailed.

23 The question being "Shall **HB 1254** pass as amended?"

24 And the roll being called:

25 Yeas 65, Nays 1, Excused 4, Absent 0

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

33 Nays: Garcia

34 Excused: Bathke, Czmowski, Pourier, and Soye

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

37 **HB 1138:** FOR AN ACT ENTITLED, An Act to require the licensure of non-medical home care
38 agencies, and to provide a penalty therefor.

39 Was read the second time.

1 Rep. Heermann moved that **HB 1138** be amended as follows:

2 1138C

3 On page 1, line 6, of the House Health and Human Services Engrossed bill, after "individual"
4 insert ", at least eighteen years of age,"

5 On page 1, line 10, of the House Health and Human Services Engrossed bill, after "services"
6 insert " for wages in return for services rendered"

7 On page 1, line 11, of the House Health and Human Services Engrossed bill, after "that" insert
8 ", for compensation and"

9 On page 1, line 15, of the House Health and Human Services Engrossed bill, after "services,""
10 insert " two or more of"

11 On page 1, line 21, of the House Health and Human Services Engrossed bill, after
12 "preparation;" insert " or"

13 On page 1, line 22, of the House Health and Human Services Engrossed bill, after "preparation;

14 (f)" delete "Transportation; or

15 (g) "

16 On page 2, line 28, of the House Health and Human Services Engrossed bill, after "services"
17 insert " during the first six months of employment or during the first six months of a contract for
18 services"

19 Which motion prevailed.

20 The question being "Shall **HB 1138** pass as amended?"

21 And the roll being called:

22 Yeas 41, Nays 25, Excused 4, Absent 0

23 Yeas: Arlint, Bahmuller, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Goodwin,
24 Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Jamison, Kassin, Kolbeck (Jack),
25 Kull, Ladner, Massie, Moore, Mortenson, Muckey, Mulder, Novstrup, Peterson (Drew), Rehfeldt,
26 Reimer, Reisch, Roby, Roe, Shorma, Shubeck, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems,
27 Weisgram, and Wittman

28 Nays: Andera, Auch, Aylward, Baxter, Garcia, Gosch, Hunt, Ismay, Jensen (Phil), Jordan,
29 Jorgenson, Kayser, Lems, Manhart, May, Mulally, Nolz, Odenbach, Overweg, Randolph, Rice,
30 Schaeffbauer, Schwans, Sjaarda, and Speaker Hansen

31 Excused: Bathke, Czmowski, Pourier, and Soye

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

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

36 Was read the second time.

37 The question being "Shall **HB 1220** pass as amended?"

1 And the roll being called:

2 Yeas 40, Nays 25, Excused 5, Absent 0

3 Yeas: Arlint, Bahmuller, DeGroot, Emery, Fitzgerald, Fosness, Goodwin, Greenfield, Halverson,
4 Healy, Heermann, Hughes, Jamison, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems,
5 Massie, Moore, Mortenson, Muckey, Mulder, Peterson (Drew), Randolph, Reimer, Reisch, Roby, Roe,
6 Shorma, Shubeck, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

7 Nays: Andera, Auch, Aylward, Baxter, Derby, Duffy, Garcia, Gosch, Hunt, Ismay, Jensen (Phil),
8 Jordan, Manhart, May, Mulally, Nolz, Novstrup, Odenbach, Overweg, Rehfeldt, Rice, Schaeftbauer,
9 Schwans, Sjaarda, and Speaker Hansen

10 Excused: Bathke, Czmowski, Heinemann, Pourier, and Soye

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

13 **HB 1222:** FOR AN ACT ENTITLED, An Act to prohibit members of the Board of Economic
14 Development from having any interest in moneys from or approved by the Board of Economic
15 Development.

16 Was read the second time.

17 Rep. Lems moved that **HB 1222** be amended as follows:

18 1222D

19 On page 1, line 1, of the Introduced bill, delete " any" and insert " a direct"

20 On page 1, line 5, of the Introduced bill, delete " an" and insert " a direct"

21 On page 1, line 8, of the Introduced bill, after "Development." insert "

22 For purposes of this section, ownership of stock or another equity interest purchased on the
23 open market and held as a passive investment, without the ability to control, influence, or direct the
24 affairs of the entity, does not constitute direct ownership. "

25 Which motion prevailed.

26 The question being "Shall **HB 1222** pass as amended?"

27 And the roll being called:

28 Yeas 29, Nays 36, Excused 5, Absent 0

29 Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Garcia, Gosch, Hughes, Hunt, Ismay,
30 Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, May, Mulally, Nolz, Novstrup, Odenbach,
31 Overweg, Randolph, Rice, Schaeftbauer, Schwans, Shubeck, Sjaarda, and Speaker Hansen

32 Nays: Arlint, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Goodwin, Greenfield,
33 Halverson, Healy, Heermann, Jamison, Kassin, Kolbeck (Jack), Kull, Ladner, Massie, Moore,
34 Mortenson, Muckey, Mulder, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma,
35 Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

36 Excused: Bathke, Czmowski, Heinemann, Pourier, and Soye

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

1 **HB 1089**: FOR AN ACT ENTITLED, An Act to modify the distributions of revenues collected
2 from severance taxation on new permits.

3 Was read the second time.

4 The question being "Shall **HB 1089** pass?"

5 And the roll being called:

6 Yeas 65, Nays 0, Excused 5, Absent 0

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

14 Excused: Bathke, Czmowski, Heinemann, Pourier, and Soye

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

17 **HB 1040**: FOR AN ACT ENTITLED, An Act to revise the child support obligation schedule.

18 Was read the second time.

19 The question being "Shall **HB 1040** pass?"

20 And the roll being called:

21 Yeas 40, Nays 25, Excused 5, Absent 0

22 Yeas: Arlint, Bahmuller, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Greenfield,
23 Halverson, Healy, Heermann, Hughes, Jamison, Kassin, Kolbeck (Jack), Kull, Ladner, Massie, Moore,
24 Mortenson, Muckey, Nolz, Novstrup, Peterson (Drew), Rehfeldt, Reimer, Reisch, Rice, Roby, Roe,
25 Shorma, Shubeck, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

26 Nays: Andera, Auch, Aylward, Baxter, Garcia, Goodwin, Gosch, Hunt, Ismay, Jensen (Phil),
27 Jordan, Jorgenson, Kayser, Lems, Manhart, May, Mulally, Mulder, Odenbach, Overweg, Randolph,
28 Schaeftbauer, Schwans, Sjaarda, and Speaker Hansen

29 Excused: Bathke, Czmowski, Heinemann, Pourier, and Soye

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

32 Rep. Odenbach moved that the balance of the calendar including **SB 3, 20, 55, 72, 75, 116,**
33 **and 129** be deferred to Friday, February 20, 2026, the 25th legislative day.

34 Which motion prevailed.

1

SIGNING OF BILLS

2

The Speaker publicly read the title to

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HB 1003: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the required criminal background investigation of certain school employees.

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HB 1019: FOR AN ACT ENTITLED, An Act to revise provisions regarding pesticide laws.

6

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HB 1035: FOR AN ACT ENTITLED, An Act to modify provisions related to the licensure of public accountants.

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HB 1201: FOR AN ACT ENTITLED, An Act to authorize the use of bingo games, lotteries, and pull-tab devices by booster clubs.

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And signed the same in the presence of the House.

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Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at 4:03 p.m. the House adjourned.

13

Patricia Miller, Chief Clerk

