

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 22, 2025

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Donell Chambers, followed by the Pledge of Allegiance led by Senate page Whitney Martinsen.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 5th 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,
Chris Karr, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 40** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 39** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Randy Deibert, Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 35** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 36** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Kevin D. Jensen, Chair

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 20** and returns the same with the recommendation that said bill be amended as follows:

20B

On page 1, line 4, of the Introduced bill, after "ballot" insert " or optical scan ballot"

On page 1, line 4, of the Introduced bill, after "a" insert " black or blue ink"

On page 1, line 5, of the Introduced bill, after "the" delete ". The voter may mark the ballot with either a cross (x) or check mark (√)"

On page 1, line 7, of the Introduced bill, after "(√)." delete "Section 2. That § 12-18-16. 1 be AMENDED:

"

On page 1, line 8, of the Introduced bill, after "AMENDED:" delete "12-18-16. 1. "

On page 1, line 8, of the Introduced bill, after "12-18-16.1. " delete "If an optical scan ballot is used, the voter may use a pencil or other marking instrument provided must use a pen to mark the voter's choice on the ballot."

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

2 **Section 2. That § 12-18-16.1 be REPEALED.**

3 ~~If an optical scan ballot is used, the voter may use a pencil or other marking instrument~~
 4 ~~provided to mark the voter's choice on the ballot."~~

5 20C

6 On page 1, line 4, of the Introduced bill, after "ballot" insert " or optical scan ballot"

7 On page 1, line 4, of the Introduced bill, after "a" insert " black or blue ink"

8 On page 1, line 4, of the Introduced bill, after "a" insert " ballpoint"

9 On page 1, line 5, of the Introduced bill, after "the" delete ". The voter may mark the ballot
 10 with either a cross (x) or check mark (√)"

11 On page 1, line 7, of the Introduced bill, after "(√)." delete "Section 2. That § 12-18-16. 1 be
 12 AMENDED:

13 "

14 On page 1, line 8, of the Introduced bill, after "AMENDED:" delete "12-18-16. 1. "

15 On page 1, line 8, of the Introduced bill, after "12-18-16.1. " delete "If an optical scan ballot
 16 is used, the voter may use a pencil or other marking instrument provided must use a pen to mark
 17 the voter's choice on the ballot."

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

19 **Section 2. That § 12-18-16.1 be REPEALED.**

20 ~~If an optical scan ballot is used, the voter may use a pencil or other marking instrument~~
 21 ~~provided to mark the voter's choice on the ballot."~~

22 And that as so amended, **SB 20** do pass, and having been certified as uncontested, be placed
 23 on the consent calendar.

24 Also MR. PRESIDENT:

25 The Committee on Senate Local Government respectfully reports that it has had under
 26 consideration **SB 74** and returns the same with the recommendation that said bill be amended as
 27 follows:

28 74A

29 On page 2, line 24, of the Introduced bill, after "state" insert the comma

30 On page 2, line 25, of the Introduced bill, after "must" insert " annually"

31 On page 2, line 26, of the Introduced bill, delete " at the first official" and insert ", during an
 32 official"

33 On page 2, line 26, of the Introduced bill, after "subdivision" delete " each calendar year"

34 On page 2, line 31, of the Introduced bill, after "general." insert "

1 The agency or subdivision must include in the minutes of the official meeting an
2 acknowledgement that the review"

3 On page 2, line 31, of the Introduced bill, after "general." insert " was"

4 On page 2, line 31, of the Introduced bill, after "general." insert " completed."

5 And that as so amended, **SB 74** do pass, and having been certified as uncontested, be placed
6 on the consent calendar.

7 Respectfully submitted,
8 Tim S. Reed, Chair

9 MR. PRESIDENT:

10 The Committee on Senate State Affairs respectfully reports that it has had under consideration
11 **SB 9** which was deferred to the 41st Legislative Day.

12 Also MR. PRESIDENT:

13 The Committee on Senate State Affairs respectfully reports that it has had under consideration
14 **SB 10, 12, and 17** and returns the same with the recommendation that said bills do pass.

15 Also MR. PRESIDENT:

16 The Committee on Senate State Affairs respectfully reports that it has had under consideration
17 **SB 11** and returns the same with the recommendation that said bill be amended as follows:

18 11A

19 On page 1, line 6, of the Introduced bill, after "concert" insert " that is "

20 On page 1, line 7, of the Introduced bill, after "constitution" insert " as an auxiliary
21 organization"

22 On page 1, line 8, of the Introduced bill, delete " that" and insert " if the association or group"

23 On page 2, line 27, of the Introduced bill, after "services" delete " or property"

24 On page 3, line 18, of the Introduced bill, delete " an" and insert " the"

25 On page 3, line 26, of the Introduced bill, delete " any group of persons other than a candidate,
26 public office holder, or political committee" and insert " except for a candidate, public office holder,
27 or political committee, any:

28 (1) Organized or unorganized association; business corporation; limited liability company;
29 nonprofit corporation; limited liability partnership; limited liability limited partnership; limited
30 partnership; partnership; cooperative; trust, except for a trust account representing or containing
31 only a contributor's personal funds; a business trust; association; club; labor union; or collective
32 bargaining organization;

33 (2) Local, state, or national organization to which a labor organization pays membership or per
34 capita fees, based upon its affiliation and membership;

35 (3) Trade or professional association that receives its funds from membership dues or service
36 fees, whether organized inside or outside of the state;

1 (4) Other entity of any kind, except a natural person that is, has been, or could be recognized
2 by law; or

3 (5) Group of persons, acting in concert, that is not a political committee under this chapter"

4 On page 9, line 1, of the Introduced bill, delete " an entity" and insert " a political committee"

5 On page 9, line 1, of the Introduced bill, delete " below" and insert " in this section"

6 On page 10, line 8, of the Introduced bill, delete " an entity" and insert " a political committee"

7 And that as so amended, **SB 11** do pass.

8 Respectfully submitted,
9 Jim Mehlhaff, Chair

10 **MESSAGES FROM THE HOUSE**

11 MR. PRESIDENT:

12 I have the honor to transmit herewith **HB 1001, 1002, 1003, and 1053, and HJR 5001**
13 which have passed the House and your favorable consideration is respectfully requested.

14 Respectfully,
15 Patricia Miller, Chief Clerk

16 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

17 **SB 83:** FOR AN ACT ENTITLED, An Act to revise the penalty and provide treatment for the
18 ingestion of certain controlled substances.

19 Introduced by: **Senator** Grove

20 **SB 84:** FOR AN ACT ENTITLED, An Act to to extend the timeframe for filling a vacancy in a
21 board of county commissioners.

22 Introduced by: **Senator** Nelson

23 **SB 85:** FOR AN ACT ENTITLED, An Act to provide property tax relief to certain senior owners
24 of owner-occupied single-family dwellings.

25 Introduced by: **Senator** Voight

26 **SB 86:** FOR AN ACT ENTITLED, An Act to expand eligibility for the rural recruitment assistance
27 program to include chiropractors and optometrists.

28 Introduced by: **Senator** Davis

29 **SB 87:** FOR AN ACT ENTITLED, An Act to address preauthorization requirements for certain
30 health care services and utilization review requirements for certain health benefit plans.

31 Introduced by: **Senator** Davis

32 Were read the first time.

1 The following bill was read on January 14, 2025, and today the President Pro Tem assigned
2 this bill to committee:

3 **SB 68** was referred to the Committee on State Affairs.

4 The following resolution was read on January 16, 2025, and today the President Pro Tem
5 assigned this resolution to committee:

6 **SJR 503** was referred to the Committee on State Affairs.

7 The following bill was read on January 17, 2025, and today the President Pro Tem assigned
8 this bill to committee:

9 **SB 79** was referred to the Committee on Agriculture and Natural Resources.

10 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

11 **HB 1001:** FOR AN ACT ENTITLED, An Act to update a reference to the Internal Revenue Code
12 for purposes of higher education savings plans.

13 **HB 1002:** FOR AN ACT ENTITLED, An Act to to require that all certified educators to take a
14 course in South Dakota Indian Studies.

15 **HB 1003:** FOR AN ACT ENTITLED, An Act to amend definitions pertaining to the school funding
16 formula.

17 **HB 1053:** FOR AN ACT ENTITLED, An Act to require age verification by websites containing
18 material that is harmful to minors, and to provide a penalty therefor.

19 **HJR 5001:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
20 election an amendment to the Constitution of the State of South Dakota, conditioning the
21 requirement of expanded Medicaid on the level of federal medical assistance.

22 Were read the first time.

23 **SECOND READING OF CONSENT CALENDAR ITEMS**

24 Sen. Voita requested that **SB 2** be removed from the Consent Calendar.

25 **SB 13:** FOR AN ACT ENTITLED, An Act to clarify the enactment and effective date of a measure
26 initiated or referred within a political subdivision.

27 Was read the second time.

28 The question being "Shall **SB 13** pass as amended?"

29 And the roll being called:

30 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,
2 Hulse, Jensen (Kevin), Karr, Kolbeck, Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten,
3 Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita,
4 Wheeler, and Zikmund

5 So the bill having received an affirmative vote of a majority of the members-elect, the President
6 declared the bill passed and the title was agreed to.

7 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

8 **SB 1:**FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier
9 regulations.

10 Was read the second time.

11 Sen. Wheeler moved that **SB 1** be amended as follows:

12 1A

13 On page 1, line 25, of the Introduced bill, after "inclusive," delete " pertaining to"

14 Which motion prevailed.

15 The question being "Shall **SB 1** pass as amended?"

16 And the roll being called:

17 Yeas 35, Nays 0, Excused 0, Absent 0

18 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,
19 Hulse, Jensen (Kevin), Karr, Kolbeck, Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten,
20 Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita,
21 Wheeler, and Zikmund

22 So the bill having received an affirmative vote of a majority of the members-elect, the President
23 declared the bill passed and the title was agreed to.

24 **SJR 501:**A JOINT RESOLUTION, Providing legislative approval for a future use water permit
25 application by the Western Dakota Regional Water System.

26 Was read the second time.

27 The question being "Shall **SJR 501** pass?"

28 And the roll being called:

29 Yeas 31, Nays 4, Excused 0, Absent 0

30 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Hohn, Howard, Hulse, Jensen
31 (Kevin), Karr, Kolbeck, Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue),
32 Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wheeler, and Zikmund

33 Nays: Foster, Grove, Larson, and Smith

34 So the resolution having received an affirmative vote of a majority of the members-elect, the
35 President declared the resolution passed and the title was agreed to.

1 Sen. Beal moved that the Senate do now adjourn, which motion prevailed and at 2:39 p.m.
2 the Senate adjourned.

3

Peggy Laurenz, Secretary