

# *JOURNAL OF THE SENATE*

## *ONE HUNDREDTH SESSION*

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THIRTEENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Monday, February 03, 2025

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

The prayer was offered by the Chaplain, Pastor Jarvis Wipf, followed by the Pledge of Allegiance led by Senate page Elizabeth Meyer.

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 12th 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.

1

**REPORTS OF STANDING COMMITTEES**

2 MR. PRESIDENT:

3 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
4 **SB 53** which was tabled.

5 Also MR. PRESIDENT:

6 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
7 **SB 61** and returns the same with the recommendation that said bill be amended as follows:

8 61E

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

10 "

11 **Section 1. That § 1-56-1 be AMENDED:**12 **1-56-1.** Terms used in this chapter mean:

- 13 (1) "Board," the State Board of Internal Control;
- 14 (2) "Code of conduct," a set of ethical principles and guidelines that constitutes appropriate  
15 behavior within ~~an organization~~ a state agency;
- 16 (3) "Internal control," a process that integrates the plans, activities, policies, attitudes,  
17 procedures, systems, resources, and efforts of ~~an organization~~ a state agency and that  
18 is designed to provide reasonable assurance that the ~~organization~~ state agency will  
19 achieve its objectives and missions and to detect and prevent financial malfeasance;
- 20 (4) "Internal control office," the individual designated by each state agency to oversee the  
21 implementation, monitoring, and reporting of internal control systems in accordance  
22 with the board's guidelines and standards;
- 23 (5) "Pass-through grant," a grant awarded by a federal entity to the state entity a state agency  
24 and transferred or passed to a sub-recipient by the state;
- 25 (5)(6) "State agency," the Legislature, any constitutional officer, the Unified Judicial System  
26 Board of Regents, and any department, division, bureau, board, commission,  
27 committee, authority, or agency of the State of South Dakota under the authority of the  
28 Governor;
- 29 (6) "Sub-recipient," an entity that expends a pass-through grant.

30 **Section 2. That § 1-56-2 be AMENDED:**

31 **1-56-2.** There is hereby created a State Board of Internal Control that consists of ~~seven~~  
32 ~~members. Three members shall represent:~~

- 33 (1) Four individuals representing state agencies under the control of the Governor and shall be,  
34 appointed by the Governor. Each member appointed by the Governor shall serve a  
35 three-year term. However, the initial appointments shall be for staggered terms. The  
36 remaining members shall be the;
- 37 (2) The commissioner of the Bureau of Finance and Management, the who serves as the chair;
- 38 (3) The state auditor, a; and

1 ~~(4) An individual appointed by the executive director of the Board of Regents-administrator's~~  
2 ~~designee, and a member appointed by the Chief Justice of the Supreme Court.~~

3 ~~Each individual appointed by the Governor serves a three-year term, provided that the initial~~  
4 ~~appointments are for staggered terms. Any four of the seven members constitutes a quorum. The~~  
5 ~~commissioner of the Bureau of Finance and Management shall be chair of the board.~~

6 **Section 3. That § 1-56-3 be AMENDED:**

7 **1-56-3.** The board may promulgate rules, pursuant to chapter 1-26, to implement, manage,  
8 and provide oversight of a system of internal control in accordance with internal control standards.

9 **Section 4. That § 1-56-6 be AMENDED:**

10 **1-56-6.** The board shall ~~establish and maintain:~~

11 (1) ~~Guidelines~~ Establish and maintain guidelines for an effective system of internal control  
12 to be implemented by state agencies that is in accordance with internal control  
13 standards;

14 (2) ~~A~~ Establish and maintain a code of conduct for use by state agencies ~~excluding the~~  
15 ~~Unified Judicial System; and;~~

16 (3) ~~A conflict of interest~~ Establish and maintain a conflict-of-interest policy for use by state  
17 agencies ~~excluding the Unified Judicial System;~~

18 (4) Evaluate and test the effectiveness of internal controls in state agencies;

19 (5) Access all relevant records, data, and documents from state agencies to carry out the board's  
20 responsibilities; and

21 (6) Review and assess whether internal controls are working as intended and make  
22 recommendations for improvements.

23 ~~The Unified Judicial System may implement the code of conduct and conflict of interest policy~~  
24 ~~in accordance with the code of judicial conduct and employee policies utilized within the Unified~~  
25 ~~Judicial System.~~

26 **Section 5. That § 1-56-8 be AMENDED:**

27 **1-56-8.** Each state agency shall designate an internal control officer. The internal control  
28 officer shall ensure the agency complies with the provisions of this chapter. Two or more agencies  
29 may agree to designate a single individual as the internal control officer for the agencies participating  
30 in the agreement. The board shall make available to each internal control officer guidelines and  
31 standards that the state agency shall implement and comply. The board may take other actions as  
32 necessary to carry out the purpose and intent of this chapter.

33 **Section 6. That a NEW SECTION be added to chapter 1-56:**

34 Each state agency shall conduct an annual review of the agency's documented risk and control  
35 matrix to assess the adequacy and effectiveness of the agency's internal controls and risk mitigation  
36 strategies.

37 Following the review, each state agency shall submit the results to the Board of Internal  
38 Control, including any updates to the agency's risk and control matrix.

39 **Section 7.** On July 1, 2025, the term of the individual appointed to the State Board of Internal  
40 Control by the chief justice of the Supreme Court expires."

41 And that as so amended, **SB 61** do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
3 **SB 103** and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
6 **SB 89** and returns the same with the recommendation that said bill do pass, and having been  
7 certified as uncontested, be placed on the consent calendar.

8 Respectfully submitted,  
9 Jim Mehlhaff, Chair

10 MR. PRESIDENT:

11 The Committee on Senate Local Government respectfully reports that it has had under  
12 consideration **SB 84 and 90** and returns the same with the recommendation that said bills do pass,  
13 and having been certified as uncontested, be placed on the consent calendar.

14 Respectfully submitted,  
15 Tim S. Reed, Chair

16 MR. PRESIDENT:

17 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
18 Enrolling has carefully compared **SB 5, 10, 30, and 36** and finds the same correctly enrolled.

19 Respectfully submitted,  
20 Chris Karr, Chair

21 **MESSAGES FROM THE HOUSE**

22 MR. PRESIDENT:

23 I have the honor to return herewith **SB 5, 10, 30, and 36** which have passed the House  
24 without change.

25 Also MR. PRESIDENT:

26 I have the honor to transmit herewith **HB 1072 and HJR 5002** which have passed the House  
27 and your favorable consideration is respectfully requested.

28 Respectfully,  
29 Patricia Miller, Chief Clerk

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**MOTIONS AND RESOLUTIONS**

2

3

Sen. Mehlhaff moved that **SB 60** be deferred to Tuesday, February 4, 2025, the 14<sup>th</sup> legislative day.

4

Which motion prevailed.

5

**CONSIDERATION OF REPORTS OF COMMITTEES**

6

Sen. Mehlhaff moved that the report of the Standing Committee on

7

Judiciary on **SB 88** as found on page 132 of the Senate Journal be adopted.

8

Which motion prevailed and the report was adopted.

9

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

10

11

**SB 187:** FOR AN ACT ENTITLED, An Act to prohibit political subdivisions from interfering with immigration enforcement.

12

Introduced by: **Senator** Jensen (Kevin)

13

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

14

15

**SB 185:** FOR AN ACT ENTITLED, An Act to amend the process by which the address of a registered voter is verified.

16

Introduced by: **Senator** Hulse

17

**SB 186:** FOR AN ACT ENTITLED, An Act to establish standard time in this state.

18

Introduced by: **Senator** Perry

19

Were read the first time and referred to the Committee on State Affairs.

20

**SB 188:** FOR AN ACT ENTITLED, An Act to amend eligibility to vote by absentee ballot.

21

Introduced by: **Senator** Blanc

22

23

24

**SB 189:** FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

25

Introduced by: The Senate Committee on Appropriations at the request of the Governor

26

**SB 190:** FOR AN ACT ENTITLED, An Act to establish an education property tax credit program.

27

Introduced by: **Senator** Carley

28

Were read the first time.

1 The following bills were read on January 30, 2025, and today the President Pro Tem assigned  
2 these bills to committee:

3 **SB 170** was referred to the Committee on Agriculture and Natural Resources.

4 **SB 157, SB 159, and SB 171** were referred to the Committee on Commerce and Energy.

5 **SB 136, SB 137, SB 138, SB 142, SB 144, SB 145, SB 146, SB 153, SB 155, and SB 183**  
6 were referred to the Senate Committee on Appropriations.

7 **SB 161 and SB 168** were referred to the Committee on Education.

8 **SB 139, SB 154, and SB 158** were referred to the Committee on Health and Human Services.

9 **SB 140, SB 156, SB 160, SB 166, SB 172, SB 175, SB 180, and SB 181** were referred to  
10 the Committee on Judiciary.

11 **SB 167** was referred to the Committee on Local Government.

12 **SB 143, SB 147, SB 148, SB 149, SB 150, SB 151, SB 152, SB 173, SB 176, SB 182,**  
13 and **SJR 505** were referred to the Committee on State Affairs.

14 **SB 141, SB 169, SB 177, SB 178, and SJR 506** were referred to the Committee on Taxation.

15 **SB 174, SB 179, and SB 184** were referred to the Committee on Transportation.

16 **SCR 602, 603, and 604** were read on January 30, 2025 and today the President Pro Tem  
17 waived referral to committee pursuant to JR 6D-1.

#### 18 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

19 **HB 1072:** FOR AN ACT ENTITLED, An Act to modernize provisions relating to water  
20 development districts.

21 Was read the first time and referred to the Committee on Local Government.

22 **HJR 5002:** A JOINT RESOLUTION, Applying to the United States Congress under Article V of  
23 the United States Constitution to call for a convention for proposing an amendment to the  
24 constitution establishing congressional term limits.

25 Was read the first time and referred to the Committee on State Affairs.

26 The following resolution was read on January 22, 2025, and today the President Pro Tem  
27 assigned this resolution to committee:

28 **HJR 5001** was referred to the Committee on State Affairs.

29 The following bill was read on January 23, 2025, and today the President Pro Tem assigned  
30 this bill to committee:

31 **HB 1056** was referred to the Committee on Health and Human Services.

1 The following bill was read on January 24, 2025, and today the President Pro Tem assigned  
2 this bill to committee:

3 **HB 1023** was referred to the Committee on Judiciary.

4 **HB 1033 and 1034** were read on January 28, 2025 and today the President Pro Tem waived  
5 the referral to committee pursuant to JR 6D-1.

6 The following bills were read on January 28, 2025, and today the President Pro Tem assigned  
7 these bills to committee:

8 **HB 1074** and **HB 1075** were referred to the Committee on Education.

9 **HB 1044** was referred to the Committee on Health and Human Services.

10 **HB 1051, HB 1059, and HB 1067** were referred to the Committee on State Affairs.

11 **HB 1027** and **HB 1028** were referred to the Committee on Taxation.

12 The following bills were read on January 29, 2025, and today the President Pro Tem assigned  
13 these bills to committee:

14 **HB 1008** and **HB 1012** were referred to the Committee on Commerce and Energy.

15 The following bills were read on January 30, 2025, and today the President Pro Tem assigned  
16 these bills to committee:

17 **HB 1062** and **HB 1073** were referred to the Committee on State Affairs.

18 **HCR 6001** was read on January 30, 2025 and today the President Pro Tem waived the referral  
19 to committee pursuant to JR 6D-1.

## 20 **SECOND READING OF CONSENT CALENDAR ITEMS**

21 Sen. Hulse requested that **SB 72** be removed from the Consent Calendar.

22 **SB 29:** FOR AN ACT ENTITLED, An Act to amend provisions regarding the Division of Insurance  
23 and the former Division of Securities operating fund.

24 **SB 47:** FOR AN ACT ENTITLED, An Act to clarify eligibility for licensure as a video lottery  
25 operator.

26 **SB 93:** FOR AN ACT ENTITLED, An Act to prohibit payment or rebate of insurance deductibles  
27 by contractors providing motor vehicle repair services.

28 **HB 1011:** FOR AN ACT ENTITLED, An Act to revise provisions related to the stenographic  
29 recording of certain proceedings.

30 **HB 1022:** FOR AN ACT ENTITLED, An Act to prohibit the misbranding of any cell-cultured  
31 protein product.

1 **HB 1049:** FOR AN ACT ENTITLED, An Act to update the official code of laws.

2 Were read the second time.

3 The question being "Shall **SB 29, 47, and 93, and HB 1011, 1022, and 1049** pass?"

4 And the roll being called:

5 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

## 12 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

13 **SB 67:** FOR AN ACT ENTITLED, An Act to establish the state office of apprenticeship within the  
14 Department of Labor and Regulation.

15 Was read the second time.

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

17 And the roll being called:

18 Yeas 14, Nays 21, Excused 0, Absent 0

19 Yeas: Crabtree, Davis, Deibert, Duhamel, Kolbeck, Larson, Miskimins, Reed, Rohl, Sauder,  
20 Schoenfish, Smith, Vilhauer, and Wheeler

21 Nays: Beal, Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka,  
22 Marty, Mehlhaff, Nelson, Otten, Perry, Peterson (Sue), Pischke, Voight, Voita, and Zikmund

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

25 **SB 68:** FOR AN ACT ENTITLED, An Act to require an individual be a citizen of the United States  
26 before being eligible to vote and to provide a penalty therefor.

27 Was read the second time.

28 Sen. Carley moved that **SB 68** be amended as follows:

29 68D

30 On page 1, line 12, of the Introduced bill, after "state" delete the period

31 On page 1, line 13, of the Introduced bill, after "state." delete "A violation of this section is a  
32 Class 5 felony"

33 On page 1, after line 13, of the Introduced bill, insert: "



**Section 2. That § 12-26-3 be AMENDED:**

~~12-26-3. Any person who, at the time of requesting his name to be registered as a voter, or who at the time of offering his vote at any election, knowingly makes any false statement or employs any false representation to procure his name to be registered or his vote to be received, is guilty of a Class 2 misdemeanor. A false statement or representation made or used in the presence and to the knowledge of a person requesting his name to be registered, or offering his vote, is to be deemed made by himself if it appears that it was made or used in support of his claim to be registered or to vote, that he knew it to be false and that he allowed it to pass uncontradicted.~~

An individual is guilty of a Class 6 felony if the individual:

(1) Knowingly makes a false statement or representation to register as a voter or cast a ballot at an election; or

(2) Is in the presence of and knowingly allows another individual to make a false statement or representation to register as a voter or cast a ballot at an election."

On page 1, after line 13, of the Introduced bill, insert: "

**Section 3. That § 12-26-4 be AMENDED:**

~~12-26-4. Any person knowing himself not to be a qualified voter who votes or offers to vote at any election is guilty of a Class 2 misdemeanor.~~

An individual is guilty of a Class 6 felony if the individual:

(1) Knows that the individual is not a qualified voter of this state; and

(2) Votes or offers to vote at any election held in this state."

On page 1, after line 13, of the Introduced bill, insert: "

**Section 4. That § 12-26-7 be AMENDED:**

~~12-26-7. A person who impersonates a registered voter and, as such, offers to vote at any election, is guilty of a Class 5 felony.~~

An individual is guilty of a Class 6 felony if the individual:

(1) Impersonates a registered voter; and

(2) Votes or offers to vote at any election held in this state."

On page 1, after line 13, of the Introduced bill, insert: "

**Section 5. That § 12-26-8 be AMENDED:**

~~12-26-8. A person who votes more than once at any election or who offers to vote after having once voted, either in the same or in another election precinct in South Dakota or elsewhere, is guilty of a Class 6 felony.~~

An individual is guilty of a Class 6 felony if the individual:

(1) After having voted in this state, votes or offers to vote in the same or in another election precinct in this state; or

(2) After having voted in another state or territory, votes or offers to vote in this state."

1 Which motion prevailed.

2 The question being "Shall **SB 68** pass as amended?"

3 And the roll being called:

4 Yeas 32, Nays 3, Excused 0, Absent 0

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

8 Nays: Beal, Larson, and Smith

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

11 **SB 82:** FOR AN ACT ENTITLED, An Act to require an official declaration of war or other  
12 Congressional action before the South Dakota National Guard may be deployed by the federal  
13 government.

14 Was read the second time.

15 The question being "Shall **SB 82** pass?"

16 And the roll being called:

17 Yeas 6, Nays 29, Excused 0, Absent 0

18 Yeas: Carley, Foster, Howard, Marty, Pischke, and Voita

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

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

24 **SJR 503:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
25 election an amendment to the Constitution of the State of South Dakota, clarifying that an individual  
26 must be a citizen of the United States to be eligible to vote.

27 Was read the second time.

28 The question being "Shall **SJR 503** pass as amended?"

29 And the roll being called:

30 Yeas 33, Nays 2, Excused 0, Absent 0

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

5 Nays: Larson and Smith

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

8 **SIGNING OF BILLS**

9 The President publicly read the title to

10 **SB 5:** FOR AN ACT ENTITLED, An Act to permit a sheriff to charge a fee for service of process,  
11 whether service is completed or not.

12 **SB 10:** FOR AN ACT ENTITLED, An Act to shorten the time before records of a Governor or a  
13 lieutenant governor are opened to the public.

14 **SB 30:** FOR AN ACT ENTITLED, An Act to remove outdated provisions within the insurance  
15 code.

16 **SB 36:** FOR AN ACT ENTITLED, An Act to repeal the oath requirement for an application for a  
17 lodging establishment, campground, food service establishment, or mobile food service  
18 establishment license.

19 And signed the same in the presence of the Senate.

20 Sen. Vilhauer moved that the Senate do now adjourn, which motion prevailed and at 3:32 p.m.  
21 the Senate adjourned.

22

Peggy Laurenz, Secretary

