

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

SEVENTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 07, 2025

The Senate convened at 1:00 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 Raelie Williams.

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 16th 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 Taxation respectfully reports that it has had under consideration
4 **SB 177** and returns the same with the recommendation that said bill be amended as follows:

5 177B

6 On page 1, line 1, of the Introduced bill, after "sales" insert " and use"

7 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 10-45-47. 1
8 be AMENDED:

9 "

10 On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "10-45-47. 1. "

11 On page 1, line 5, of the Introduced bill, after "10-45-47.1. " delete "The secretary of revenue
12 may promulgate rules pursuant to chapter 1-26 concerning:

13 (1) Licensing, including bonding and filing license applications;

14 (2) The filing of returns and payment of the tax;

15 (3) Determining the application of the tax and exemptions;

16 (4) Taxpayer record-keeping requirements; and

17 (5) Determining auditing methods; and

18 (6) The filing for tax refund applications."

19 On page 1, line 13, of the Introduced bill, after "That" delete " chapter 10-45 be amended
20 with"

21 On page 1, line 13, of the Introduced bill, after "SECTION" insert " be added to chapter 1-16G"

22 On page 1, line 14, of the Introduced bill, delete " 2 to 6" and insert " 1 to 4"

23 On page 2, line 24, of the Introduced bill, after "That" delete " chapter 10-45 be amended
24 with"

25 On page 2, line 24, of the Introduced bill, after "SECTION" insert " be added to chapter 1-16G"

26 On page 2, line 27, of the Introduced bill, delete " this chapter" and insert " chapters 10-45
27 and 10-46, excluding any tax imposed by a municipality"

28 On page 3, line 1, of the Introduced bill, delete " 10-45" and insert " 1-16G"

29 On page 3, line 10, of the Introduced bill, delete " this chapter" and insert " chapters 10-45
30 and 10-46"

31 On page 3, line 11, of the Introduced bill, after "That" delete " chapter 10-45 be amended
32 with"

33 On page 3, line 11, of the Introduced bill, after "SECTION" insert " be added to chapter 1-16G"

1 On page 3, line 13, of the Introduced bill, delete " Department of Revenue" and insert "
2 Governor's Office of Economic Development"

3 On page 3, line 14, of the Introduced bill, delete " section 2" and insert " section 1"

4 On page 3, line 18, of the Introduced bill, after "center." delete "Section 6. That a NEW
5 SECTION be added to chapter 10-45:

6 "

7 On page 3, line 19, of the Introduced bill, after "10-45:" delete "An application for a refund as
8 provided for in this Act must be made at the time and in the manner directed by the Governor's
9 Office of Economic Development and must include information sufficient to permit the Department
10 of Revenue to verify the sales and use taxes paid and the refund status of the sale or use."

11 And that as so amended, **SB 177** do pass.

12 Also MR. PRESIDENT:

13 The Committee on Senate Taxation respectfully reports that it has had under consideration
14 **HB 1027 and 1028** and returns the same with the recommendation that said bills do pass, and
15 having been certified as uncontested, be placed on the consent calendar.

16 Respectfully submitted,
17 Steve Kolbeck, Chair

18 MR. PRESIDENT:

19 The Committee on Senate State Affairs respectfully reports that it has had under consideration
20 **SB 113** and returns the same with the recommendation that said bill be amended as follows:

21 113A

22 On page 1, line 4, of the Introduced bill, after "1-1A:" delete "The liberty of a parent to the
23 nurture, care, custody, and control of the parent's child, including the right to direct the upbringing,
24 education, health care, and mental health of the child, is a fundamental right."

25 On page 1, line 7, of the Introduced bill, delete "All parental rights are exclusively reserved to
26 a parent of a child, without obstruction by or interference from a state agency, political subdivision,
27 or any elected or appointed official or employee of this state or its political subdivisions. These
28 include the right and responsibility to:

29 (1) Direct the upbringing of the child;

30 (2) Direct the moral or religious training of the child;

31 (3) Make all physical and mental healthcare decisions for the child and consent to, or withhold
32 consent for, all physical and mental health care on the child's behalf;

33 (4) Access and review all health information and medical records that relate to the child;

34 (5) Direct the education of the child, including the right to choose public, private, religious,
35 home school, and alternative instruction;

36 (6) Make reasonable choices within the public school system for the education of the child;

37 (7) Access and review all educational records of the child maintained by the school or school
38 district;

1 (8) Have the child excused from school attendance for religious or other purposes; and

2 (9) Participate in parent-teacher organizations and other school organizations.

3 No state agency, political subdivision, or any elected or appointed official or employee of this
4 state or its political subdivisions may infringe upon the fundamental right of a parent, unless the
5 infringement is narrowly tailored to meet a compelling governmental interest by the least restrictive
6 means, as provided by law.

7 This section constitutes a general law of the state within the meaning of S. D. Const. , Article
8 IX, § 2 and supersedes any contrary provision in a home rule charter. Any person aggrieved by a
9 violation of this section may file an action for damages, injunctive relief, or other appropriate redress
10 in circuit court, or may assert such violation as a defense in a judicial or administrative proceeding.
11 The plaintiff, if the prevailing party, may also recover reasonable attorney's fees and costs." and
12 insert "

13 The liberty of a parent to the nurture, care, custody, and control of the parent's child is a
14 fundamental right. An agency or officer of this state or an agency or officer of any political
15 subdivision of this state may not infringe upon the fundamental right of a parent unless the
16 infringement is narrowly tailored to meet a compelling governmental interest by the least restrictive
17 means allowable by law. "

18 And that as so amended, **SB 113** do pass.

19 Also MR. PRESIDENT:

20 The Committee on Senate State Affairs respectfully reports that it has had under consideration
21 **SB 125** which was deferred to the 41st Legislative Day.

22 Also MR. PRESIDENT:

23 The Committee on Senate State Affairs respectfully reports that it has had under consideration
24 **SB 143 and 173** and returns the same with the recommendation that said bills do pass, and having
25 been certified as uncontested, be placed on the consent calendar.

26 Respectfully submitted,
27 Jim Mehlhaff, Chair

28 MR. PRESIDENT:

29 The Committee on Senate Local Government respectfully reports that it has had under
30 consideration **SB 127** and returns the same with the recommendation that said bill do pass, and
31 having been certified as uncontested, be placed on the consent calendar.

32 Also MR. PRESIDENT:

33 The Committee on Senate Local Government respectfully reports that it has had under
34 consideration **SB 129** and returns the same with the recommendation that said bill be amended as
35 follows:

36 129C

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

38 "

39 **Section 1. That § 35-4-2 be AMENDED:**

-
- 1 **35-4-2.** The classes of licenses, with the fee of each class, are as follows:
- 2 (1) Repealed by SL 2018, ch 223, § 13;
- 3 (2) Wholesalers of alcoholic beverages--five thousand dollars;
- 4 (3) Off-sale--not less than three hundred dollars. The renewal fee for the license may not
5 exceed five hundred dollars;
- 6 (4) On-sale--not less than one dollar for each person residing within the municipality as
7 measured by the last preceding federal census. The renewal fee for the license may not
8 exceed fifteen hundred dollars, except as provided in § 35-4-13;
- 9 (5) Off-sale licenses issued to municipalities under local option--not less than two hundred
10 fifty dollars;
- 11 (6) On-sale licenses issued outside municipalities--not less than the amount the nearest
12 municipality to the applicant is charging for a like license. The renewal fee shall be the
13 same as is charged for a like license in the nearest municipality. If the municipality to
14 which the applicant is nearest holds an on-sale license, pursuant to § 35-3-13 and does
15 not charge a specified fee, then the fee shall be the minimum amount that could be
16 charged as if the municipality had not been authorized to obtain on-sale licenses
17 pursuant to § 35-3-13. The renewal fee shall be the same as could be charged for a like
18 license in the nearest municipality;
- 19 (7) Repealed by SL 2018, ch 213, § 46;
- 20 (8) Transportation companies--twenty-five dollars;
- 21 (9) Carrier--one hundred dollars. The fee licenses all conveyances the licensee operates in
22 this state;
- 23 (10) Repealed by SL 2018, ch 213, § 46;
- 24 (11) On-sale dealers at publicly operated airports--two hundred fifty dollars;
- 25 (12) Wine and cider retailers, being both package dealers and on-sale dealers--five hundred
26 dollars;
- 27 (13) Convention facility on-sale--not less than one dollar for each person residing within the
28 municipality as measured by the last preceding federal census. The renewal fee for the
29 license may not exceed fifteen hundred dollars;
- 30 (14) Repealed by SL 2018, ch 224, § 11;
- 31 (15) Wholesalers of malt beverages--four hundred dollars;
- 32 (16) Malt beverage and wine produced by a farm winery licensee, being both package dealers
33 and on-sale dealers--three hundred dollars;
- 34 (17) Repealed by SL 2018, ch 213, § 46;
- 35 (17A) Repealed by SL 2018, ch 213, § 46;
- 36 (18) Repealed by SL 2018, ch 213, § 46;
- 37 (19) Repealed by SL 2018, ch 213, § 46 and ch 222, § 11;
- 38 (20) Repealed by SL 2018, ch 213, § 46;

- 1 (21) Retail on premises manufacturer--two hundred fifty dollars;
- 2 (22) Repealed by SL 2018, ch 223, § 13; and
- 3 (23) Off-sale delivery--one hundred fifty dollars.

4 **Section 2. That § 35-4-13 be AMENDED:**

5 **35-4-13.** If, due to the annexation of territory by any municipality or county, the premises of
 6 an on-sale licensee are transferred from one jurisdiction to another, the licensee may continue to
 7 legally operate until the expiration of the license. After the expiration of the license, the licensee
 8 may apply for renewal of the license to the governing body that has jurisdiction over the licensed
 9 premises. The license application for renewal may not be denied on the grounds that, by the issuance
 10 of the license, more on-sale licenses are in existence than ~~is~~ are permitted by the limitations of this
 11 chapter.

12 If the licensee's premises have been annexed into a municipality of the first class as described
 13 in § 9-2-1, the municipal governing body may, for the first renewal of the on-sale license after the
 14 annexation, set a fee equal to the fee for the most recent on-sale liquor license issued by the
 15 municipality. The municipality of the first class may not impose the increased renewal fee on any
 16 licensee who, at the time the license was initially acquired, paid a fee not less than the municipality
 17 of the first class was charging for an on-sale license.

18 In any subsequent renewal of the license, the renewal fee must not exceed fifteen hundred
 19 dollars, as set in subdivision 35-4-2(4).

20

21 "

22 And that as so amended, **SB 129** do pass, and having been certified as uncontested, be placed
 23 on the consent calendar.

24
 25

Respectfully submitted,
 Tim S. Reed, Chair

26 MR. PRESIDENT:

27 The Committee on Senate Health and Human Services respectfully reports that it has had
 28 under consideration **SB 102 and 118** which were deferred to the 41st Legislative Day.

29 Also MR. PRESIDENT:

30 The Committee on Senate Health and Human Services respectfully reports that it has had
 31 under consideration **SB 133** and returns the same without recommendation.

32
 33

Respectfully submitted,
 Kevin D. Jensen, Chair

34 MR. PRESIDENT:

35 The Committee on Senate Transportation respectfully reports that it has had under
 36 consideration **SB 45** with the recommendation that said bill be referred to the Joint Committee on
 37 Appropriations with a Do Pass recommendation.

1 Also MR. PRESIDENT:

2 The Committee on Senate Transportation respectfully reports that it has had under
3 consideration **SB 132** with the recommendation that said bill be referred to the Joint Committee on
4 Appropriations with a Do Pass recommendation.

5 Also MR. PRESIDENT:

6 The Committee on Senate Transportation respectfully reports that it has had under
7 consideration **SB 131** and returns the same with the recommendation that said bill be amended as
8 follows:

9 131B

10 On page 9, line 5, of the Introduced bill, delete " the next" and insert " on the third"

11 On page 9, after line 29, of the Introduced bill, insert: "

12 **Section 14. That a NEW SECTION be added to chapter 32-3:**

13 If a title is held electronically, no paper title will be printed, except in the following
14 circumstances:

15 (1) The owner is relocating to another state, and there is no electronic system in place to transfer
16 the title electronically between the states;

17 (2) The owner has sold the titled property to a new owner in another state, and there is no
18 electronic system in place to transfer the title electronically between the states; or

19 (3) The owner requests a paper title to be printed and pays the applicable fee under this chapter.

20 The owner is required to submit an application to the department to have the paper title printed
21 pursuant to this section. The application must be in a form prescribed by the department. If the title
22 is subject to a lien, the requirements of § 32-3-70 must be met."

23 And that as so amended, **SB 131** do pass, and having been certified as uncontested, be placed
24 on the consent calendar.

25 Respectfully submitted,
26 Randy Deibert, Chair

27 MR. PRESIDENT:

28 The Committee on Legislative Procedure respectfully reports that **SB 17** was delivered to his
29 Excellency, the Governor, for his approval at 9:00 a.m., February 7, 2025.

30 Also MR. PRESIDENT:

31 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
32 Enrolling has carefully compared **SB 35** and finds the same correctly enrolled.

33 Respectfully submitted,
34 Chris Karr, Chair

MESSAGES FROM THE HOUSE

1

2 MR. PRESIDENT:

3 I have the honor to return herewith **SB 35** which has passed the House without change.

4 Also MR. PRESIDENT:

5 I have the honor to transmit herewith **HB 1106, 1109, 1118, and 1133** which have passed
6 the House and your favorable consideration is respectfully requested.

7 Also MR. PRESIDENT:

8 I have the honor to transmit herewith **HCR 6007** which has been adopted by the House and
9 your concurrence is respectfully requested.10
11Respectfully,
Patricia Miller, Chief Clerk

12

MOTIONS AND RESOLUTIONS13 SENATE PAGE RESOLUTION 2 Introduced by: Senators Beal; Blanc; Carley; Crabtree; Davis;
14 Deibert; Duhamel; Foster; Grove; Hohn; Howard; Hulse; Jensen; Karr; Kolbeck; Lapka; Larson;
15 Marty; Mehlhaff; Miskimins; Nelson; Otten; Perry; Peterson; Pischke; Reed; Rohl; Sauder;
16 Schoenfish; Smith; Vilhauer; Voight; Voita; Wheeler; Zikmund17 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the One-hundredth
18 Legislature of the State of South Dakota to Ava Brown, Esther Burkhalter, Mia Coester, Jackson
19 Faulkner, Danni Kotalik, Elizabeth Meyer, Brianna Sargent, Sakurako Tinant, Allyson Tish, Sheridan
20 Voorhees, and Raelie Williams.21 WHEREAS, the above named served loyally as pages for the Senate of the One-hundredth
22 Legislative Session; and23 WHEREAS, the members of the One-hundredth Senate express their most sincere appreciation
24 to these young people for their service to the state; and

25 WHEREAS, the members extend to these young people their wishes for every success in life:

26 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the One-hundredth Legislature of the
27 State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each
28 page on this last day of service.

29 Sen. Mehlhaff moved that Senate Page Resolution 2 be adopted.

30 The question being on Sen. Mehlhaff's motion that Senate Page Resolution 2 be adopted.

31 And the roll being called:

32 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 (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson,
3 Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,
4 Voita, Wheeler, and Zikmund

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 President declared the motion prevailed.

7 **CONSIDERATION OF REPORTS OF COMMITTEES**

8 Sen. Mehlhaff moved that the reports of the Standing Committees on
9 Judiciary on **SB 57** as found on page 189 of the Senate Journal; also
10 Judiciary on **SB 59** as found on page 189 of the Senate Journal; also
11 Judiciary on **SB 116** as found on page 190 of the Senate Journal; and
12 Commerce and Energy on **SB 171** as found on page 188 of the Senate Journal be adopted.
13 Which motion prevailed and the reports were adopted.

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

15 The President declared that **SB 96** and **SB 184** were withdrawn at the request of the prime
16 sponsors pursuant to JR 6B-1.1.

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

19 **SB 162** and **SB 163** were referred to the Committee on Health and Human Services.

20 **SB 164** was referred to the Committee on State Affairs.

21 **SB 165** was referred to the Committee on Transportation.

22 The following bills were read on February 5, 2025, and today the President Pro Tem assigned
23 these bills to committee:

24 **SB 215** was referred to the Committee on Judiciary.

25 **SB 197**, **SB 198**, **SB 199**, and **SB 204** were referred to the Committee on State Affairs.

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

27 **HB 1106**: FOR AN ACT ENTITLED, An Act to require a report regarding refugee resettlement
28 services.

29 **HB 1109**: FOR AN ACT ENTITLED, An Act to prohibit the manufacture, sale, or distribution of
30 cell-cultured meat in this state, and to provide a penalty therefor.

1 **HB 1118:** FOR AN ACT ENTITLED, An Act to prohibit the award or use of state moneys for the
2 research, production, promotion, sale, or distribution of cell-cultured protein.

3 **HB 1133:** FOR AN ACT ENTITLED, An Act to amend bond requirements.

4 **HCR 6007:** A CONCURRENT RESOLUTION, Recognizing emergency medical services personnel
5 and supporting efforts to acknowledge emergency medical service as an essential public service.

6 Were read the first time.

7 **SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS**

8 **SB 58:** FOR AN ACT ENTITLED, An Act to revise provisions related to human trafficking, to
9 prohibit the obstruction of human trafficking enforcement, and to provide a penalty therefor.

10 **SB 115:** FOR AN ACT ENTITLED, An Act to revise a provision related to sexual contact with a
11 child under eighteen.

12 **SB 128:** FOR AN ACT ENTITLED, An Act to amend requirements for an official newspaper.

13 **SB 135:** FOR AN ACT ENTITLED, An Act to exempt a motor vehicle insurer from a certain title
14 fee.

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

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

19 **HB 1004:** FOR AN ACT ENTITLED, An Act to provide tuition for a student who is placed in a
20 residential treatment center that provides educational programming.

21 **HB 1029:** FOR AN ACT ENTITLED, An Act to update provisions of the South Dakota Retirement
22 System.

23 **HB 1030:** FOR AN ACT ENTITLED, An Act to update the South Dakota Retirement System's
24 member information protection provisions.

25 **HB 1031:** FOR AN ACT ENTITLED, An Act to update the South Dakota Retirement System
26 member identity verification procedures.

27 **HB 1032:** FOR AN ACT ENTITLED, An Act to update a reference to the Internal Revenue Code
28 in South Dakota Retirement System statutes.

29 Were read the second time.

30 The question being "Shall **SB 128 and 135** pass as amended, and **SB 58 and 115, and**
31 **HB 1002, 1003, 1004, 1029, 1030, 1031, and 1032** pass?"

32 And the roll being called:

33 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 (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson,
3 Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,
4 Voita, Wheeler, and Zikmund

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

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

8 **SB 97:** FOR AN ACT ENTITLED, An Act to allow the governing body of a municipality to change
9 the use of municipally owned parkland by ordinance.

10 Was read the second time.

11 The question being "Shall **SB 97** pass?"

12 And the roll being called:

13 Yeas 34, Nays 1, Excused 0, Absent 0

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

18 Nays: Howard

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

21 **SB 161:** FOR AN ACT ENTITLED, An Act to establish a maximum school administrator salary.

22 Was read the second time.

23 The question being "Shall **SB 161** pass?"

24 And the roll being called:

25 Yeas 13, Nays 22, Excused 0, Absent 0

26 Yeas: Beal, Blanc, Carley, Foster, Grove, Hohn, Howard, Karr, Lapka, Marty, Nelson, Peterson
27 (Sue), and Pischke

28 Nays: Crabtree, Davis, Deibert, Duhamel, Hulse, Jensen (Kevin), Kolbeck (Steve), Larson,
29 Mehlhaff, Miskimins, Otten, Perry, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita,
30 Wheeler, and Zikmund

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

33 There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing
34 Committees.

1

REPORTS OF STANDING COMMITTEES

2

MR. PRESIDENT & MR. SPEAKER:

3

The Joint Committee on Appropriations respectfully reports that it has had under consideration

4

SB 33 and returns the same with the recommendation that said bill do pass.

5

Respectfully submitted,

6

Ernie Otten, Co-Chair

Respectfully submitted,

Mike Derby, Co-Chair

7

SIGNING OF BILLS

8

The President publicly read the title to

9

SB 35: FOR AN ACT ENTITLED, An Act to modify substances listed on the controlled substances schedule and to declare an emergency.

10

11

HB 1033: 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.

12

13

And signed the same in the presence of the Senate.

14

Sen. Peterson (Sue) moved that the Senate do now adjourn, which motion prevailed and at 2:03 p.m. the Senate adjourned.

15

16

Peggy Laurenz, Secretary