

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

EIGHTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 10, 2025

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

The prayer was offered by the Chaplain, Rev. Jeff Lathrop, followed by the Pledge of Allegiance led by Senate pages Sylvia Bohlander and Aubree Dowling.

Roll Call: All members present except Sen. Davis who was excused.

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 17th 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 The oath of office was administered by the President to the following named pages:

2 Sylvia Bohlander, Aubree Dowling, Chloe Heermann, Andrew Johnson, Emma Kilene,
3 Bailey Link, Eliza Potter, Grant Roth, Ella Vandersnick.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **COMMUNICATIONS AND PETITIONS**

6 February 7, 2025

7 Mr. President and Members of the Senate:

8 I have the honor to inform you that on February 7, 2025, I approved Senate Bill 7, and the
9 same has been deposited in the office of the Secretary of State.

10 Respectfully submitted,
11 Larry Rhoden
12 Governor

13 **REPORTS OF STANDING COMMITTEES**

14 MR. PRESIDENT:

15 The Committee on Senate State Affairs respectfully reports that it has had under consideration
16 **SB 92, 94, and 100** and returns the same with the recommendation that said bills do pass.

17 Also MR. PRESIDENT:

18 The Committee on Senate State Affairs respectfully reports that it has had under consideration
19 **SB 91** and returns the same with the recommendation that said bill be amended as follows:

20 91B

21 On page 1, line 24, of the Introduced bill, after "§ 12-27-6." insert "The title to be contained
22 on a petition for an initiated amendment, pursuant to subdivision (3), must be included on both
23 sides of the sheet of paper on which the petition is printed. The title printed on the back side of the
24 petition must be printed in at least sixteen-point font.

25 "

26 On page 3, line 5, of the Introduced bill, after "§ 12-27-6." insert "The title to be contained on
27 a petition for an initiated amendment, pursuant to subdivision (3), must be included on both sides
28 of the sheet of paper on which the petition is printed. The title printed on the back side of the petition
29 must be printed in at least sixteen-point font.

30 "

31 On page 4, line 27, of the Introduced bill, after "affidavit." insert "The title required to be
32 contained on a petition to refer a law, pursuant to subdivision (1), must be included on both sides
33 of the sheet of paper on which the petition is printed. The title printed on the back side of the petition
34 must be printed in at least sixteen-point font.

35 "

1 And that as so amended, **SB 91** do pass, and having been certified as uncontested, be placed
2 on the consent calendar.

3 Also MR. PRESIDENT:

4 The Committee on Senate State Affairs respectfully reports that it has had under consideration
5 **SB 176** and returns the same with the recommendation that said bill be amended as follows:

6 176A

7 On page 1, line 21, of the Introduced bill, after "committee" insert ".

8 Any individual authorized by the committee to conduct an investigation must comply with all
9 applicable state and federal laws regarding confidentiality and any additional restrictions imposed
10 by the committee"

11 And that as so amended, **SB 176** do pass, and having been certified as uncontested, be placed
12 on the consent calendar.

13 Respectfully submitted,
14 Jim Mehlhaff, Chair

15 MR. PRESIDENT:

16 The Committee on Senate Transportation respectfully reports that it has had under
17 consideration **SB 179** and returns the same with the recommendation that said bill be amended as
18 follows:

19 179A

20 On page 1, line 4, of the Introduced bill, delete " an off-road vehicle dealer is not required to
21 purchase a permit or license to attend any two-day seven-day temporary special event location in
22 the county or adjoining the county the dealer is located in outside the county where the dealer's
23 principal place of business is located, provided no other dealer representing the same franchise is
24 located in the county where the event is held. The off-road dealer must be licensed in this state.
25 Any fees or taxes imposed by this title do not apply to any off-road vehicle dealer attending any
26 two-day seven-day temporary special event location pursuant to this section" and insert " a vehicle
27 dealer licensed under this chapter may apply to the department for a special permit to sell or offer
28 to sell an off-road vehicle at an event located outside the county where the dealer's principal place
29 of business is located, if:

30 (1) The event does not exceed seven days;

31 (2) The dealer has a franchise for the off-road vehicle; and

32 (3) No dealer in the county where the event is located has a franchise for the same make of
33 the off-road vehicle.

34 The dealer shall apply for the permit on a form provided by the department. The dealer shall
35 submit the application to the department at least twenty days before the event. If the application
36 satisfies the requirements of this section, the department shall issue a special permit to the dealer.
37 The dealer is not required to pay a fee for the permit.

38 The dealer shall prominently display the permit during the event"

39 And that as so amended, **SB 179** do pass, and having been certified as uncontested, be placed
40 on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Senate Transportation respectfully reports that it has had under
3 consideration **SB 174** and returns the same with the recommendation that said bill do pass, and
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Randy Deibert, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Health and Human Services respectfully reports that it has had
9 under consideration **SB 110** and returns the same with the recommendation that said bill be
10 amended as follows:

11 110A

12 On page 3, line 9, of the Introduced bill, remove the overstrikes from " The supervising physical
13 therapist may delegate responsibility for the supervision of a physical therapist assistant to another
14 physical therapist"

15 On page 3, line 11, of the Introduced bill, remove the overstrikes from the period

16 On page 4, line 4, of the Introduced bill, after "sooner" delete ", while the physical therapist
17 assistant is performing physical therapy procedures and related tasks"

18 And that as so amended, **SB 110** do pass, and having been certified as uncontested, be placed
19 on the consent calendar.

20 Also MR. PRESIDENT:

21 The Committee on Senate Health and Human Services respectfully reports that it has had
22 under consideration **SB 139** which was tabled.

23 Respectfully submitted,
24 Kevin D. Jensen, Chair

25 MR. PRESIDENT:

26 The Senate Committee on Appropriations respectfully reports that it has had under
27 consideration **SB 24, 27, 31, 32, and 46** and returns the same with the recommendation that said
28 bills do pass.

29 Respectfully submitted,
30 Ernie Otten, Chair

31 MR. PRESIDENT:

32 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
33 Enrolling has carefully compared **SB 12** and finds the same correctly enrolled.

1 Also MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that **SB 42 and 43** were delivered
3 to his Excellency, the Governor, for his approval at 10:00 a.m., February 10, 2025.

4 Respectfully submitted,
5 Chris Karr, Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to transmit herewith **HB 1093, 1125, 1142, 1143, and 1176** which have
9 passed the House and your favorable consideration is respectfully requested.

10 Also MR. PRESIDENT:

11 I have the honor to return herewith **SCR 601** in which the House has concurred.

12 Respectfully,
13 Patricia Miller, Chief Clerk

14 **CONSIDERATION OF REPORTS OF COMMITTEES**

15 Sen. Mehlhaff moved that the reports of the Standing Committees on
16 State Affairs on **SB 113** as found on page 203 of the Senate Journal; also
17 Local Government on **SB 129** as found on page 204 of the Senate Journal; also
18 Transportation on **SB 131** as found on page 207 of the Senate Journal; also
19 Taxation on **SB 177** as found on page 202 of the Senate Journal; and
20 Health and Human Services on **SB 133** as found on page 206 of the Senate Journal be adopted.
21 Which motion prevailed and the reports were adopted.

22 Sen. Perry moved that **SB 133** be placed on today's calendar and be immediately considered
23 pursuant to JR 6F-6.

24 The question being on Sen. Perry's motion that **SB 133** be placed on today's calendar and be
25 immediately considered pursuant to JR 6F-6.

26 And the roll being called:

27 Yeas 12, Nays 22, Excused 1, Absent 0

1 Yeas: Blanc, Carley, Grove, Hohn, Howard, Jensen (Kevin), Lapka, Marty, Nelson, Perry,
2 Peterson (Sue), and Voita

3 Nays: Beal, Crabtree, Deibert, Duhamel, Foster, Hulse, Karr, Kolbeck (Steve), Larson,
4 Mehlhaff, Miskimins, Otten, Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,
5 Wheeler, and Zikmund

6 Excused: Davis

7 So the motion not having received an affirmative vote of a majority of the members-elect, the
8 President declared the motion lost.

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

10 The President declared that **SB 209** was withdrawn at the request of the prime sponsor
11 pursuant to JR 6B-1.1.

12 The President declared that **SB 199** changed prime sponsor from Senator Larson to
13 Senator Smith at their request.

14 The following bill was read on January 14, 2025, and the President Pro Tem assigned this bill
15 to committee on February 3, 2025:

16 **SB 49** was referred to the Committee on State Affairs.

17 The following bill was read on January 28, 2025, and the President Pro Tem assigned this bill
18 to committee on February 3, 2025:

19 **HB 1052** was referred to the Committee on State Affairs.

20 The following bill was read on February 3, 2025, and the President Pro Tem assigned this bill
21 to committee on February 3, 2025:

22 **SB 188** was referred to the Committee on State Affairs.

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

24 **HB 1176:** FOR AN ACT ENTITLED, An Act to provide that equine dental maintenance not
25 constitute the practice of veterinary medicine.

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

27 **HB 1093:** FOR AN ACT ENTITLED, An Act to require the board of a school district to hold a
28 bond election at the primary or general election.

29 Was read the first time and referred to the Committee on Education.

30 **HB 1142:** FOR AN ACT ENTITLED, An Act to amend the bond requirement for certain municipal
31 officers.

1 **HB 1143:** FOR AN ACT ENTITLED, An Act to repeal the requirement for an oath or undertaking
2 by an officer of a third class municipality.

3 Were read the first time and referred to the Committee on Local Government.

4 **HB 1125:** FOR AN ACT ENTITLED, An Act to create a share the road bicyclist safety emblem
5 for use on an emblem specialty plate.

6 Was read the first time and referred to the Committee on Transportation.

7 The following bills were read on February 4, 2025, and today the President Pro Tem assigned
8 these bills to committee:

9 **HB 1079** was referred to the Committee on Commerce and Energy.

10 **HB 1015** was referred to the Committee on Health and Human Services.

11 **HB 1047** was read on February 5, 2025 and today the President Pro Tem waived the referral
12 to committee.

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

15 **HB 1061** was referred to the Committee on Health and Human Services.

16 **HB 1094** and **HB 1100** were referred to the Committee on Judiciary.

17 The following bills were read on February 6, 2025, and today the President Pro Tem assigned
18 these bills to committee:

19 **HB 1068** was referred to the Committee on Education.

20 **HB 1071** was referred to the Committee on Health and Human Services.

21 **HB 1080** and **HB 1129** were referred to the Committee on Judiciary.

22 **HB 1126** and **HB 1127** were referred to the Committee on Local Government.

23 **HB 1121** was referred to the Committee on Transportation.

24 The following bills were read on February 7, 2025, and today the President Pro Tem assigned
25 these bills to committee:

26 **HB 1109** and **HB 1118** were referred to the Committee on Agriculture and Natural Resources.

27 **HB 1133** was referred to the Committee on Judiciary.

28 **HB 1106** was referred to the Committee on State Affairs.

1 **HCR 6005** was read on February 5, 2025 and today the President Pro Tem waived the referral
2 to committee.

3 **HCR 6007** was read on February 7, 2025 and today the President Pro Tem waived the referral
4 to committee.

5 **SECOND READING OF CONSENT CALENDAR ITEMS**

6 Sen. Howard requested that **SB 127 and 143** be removed from the Consent Calendar.

7 **SB 171:** FOR AN ACT ENTITLED, An Act to add questions about historical property to seller's
8 disclosure statement.

9 **SB 173:** FOR AN ACT ENTITLED, An Act to revise the process by which a recount may be
10 requested.

11 **HB 1027:** FOR AN ACT ENTITLED, An Act to repeal obsolete provisions pertaining to
12 noncollecting retailers.

13 **HB 1028:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue
14 Code.

15 Were read the second time.

16 The question being "Shall **SB 171** pass as amended, and **SB 173, and HB 1027 and 1028**
17 pass?"

18 And the roll being called:

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

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

24 Excused: Davis

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

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

28 **SB 33:** FOR AN ACT ENTITLED, An Act to make appropriations for water and environmental
29 purposes and to declare an emergency.

30 Was read the second time.

1 The question being "Shall **SB 33** pass?"

2 And the roll being called:

3 Yeas 33, Nays 1, Excused 1, Absent 0

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

8 Nays: Foster

9 Excused: Davis

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

12 **SB 57**: FOR AN ACT ENTITLED, An Act to revise presumptive probation.

13 Was read the second time.

14 The question being "Shall **SB 57** pass as amended?"

15 And the roll being called:

16 Yeas 31, Nays 3, Excused 1, Absent 0

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

20 Nays: Foster, Larson, and Smith

21 Excused: Davis

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 **SB 59**: FOR AN ACT ENTITLED, An Act to revise provisions relating to the delivery, possession
25 with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to
26 provide a penalty therefor.

27 Was read the second time.

28 The question being "Shall **SB 59** pass as amended?"

29 And the roll being called:

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

1 Yeas: Beal, Blanc, Carley, Crabtree, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Hulse,
2 Jensen (Kevin), Karr, Kolbeck (Steve), 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 Excused: Davis

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 **SB 116:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to street racing
9 prohibitions and to provide a penalty therefor.

10 Was read the second time.

11 The question being "Shall **SB 116** pass as amended?"

12 And the roll being called:

13 Yeas 25, Nays 9, Excused 1, Absent 0

14 Yeas: Beal, Blanc, Carley, Crabtree, Grove, Hohn, Howard, Hulse, Karr, Kolbeck (Steve),
15 Lapka, Larson, Marty, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke, Reed, Schoenfish,
16 Smith, Voita, Wheeler, and Zikmund

17 Nays: Deibert, Duhamel, Foster, Jensen (Kevin), Mehlhaff, Rohl, Sauder, Vilhauer, and Voight

18 Excused: Davis

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 **SIGNING OF BILLS**

22 The President publicly read the title to

23 **SB 12:** FOR AN ACT ENTITLED, An Act to limit the amount of money that may be loaned to a
24 candidate or political committee.

25 **HB 1014:** FOR AN ACT ENTITLED, An Act to modify provisions related to emergency medical
26 services personnel and to declare an emergency.

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

28 Sen. Pischke moved that the Senate do now adjourn, which motion prevailed and at 3:11 p.m.
29 the Senate adjourned.

30 Peggy Laurenz, Secretary