

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 11, 2025

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

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by Senate page Chloe Heermann.

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 18th 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 Legislative Page Emily Nemeč.

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

3 **COMMUNICATIONS AND PETITIONS**

4 February 10, 2025

5 Mr. President and Members of the Senate:

6 I have the honor to inform you that on February 10, 2025, I approved Senate Bills 1, 2, 5, 10,
7 13, 30, 36, 38, 39, 40, and 41, and the same have been deposited in the office of the Secretary of
8 State.

9 Respectfully submitted,
10 Larry Rhoden
11 Governor

12 **REPORTS OF STANDING COMMITTEES**

13 MR. PRESIDENT:

14 The Committee on Senate Education respectfully reports that it has had under consideration
15 **SB 190** and returns the same with the recommendation that said bill be amended as follows:

16 190B

17 On page 1, line 1, of the Introduced bill, after "to " insert "provide school choice through an
18 education tax credit"

19 On page 1, line 13, of the Introduced bill, delete " tuition and school fees for any child enrolled
20 in a nonpublic school, and the purchase of curriculum and other necessary educational materials
21 and resources." and insert ":

22 (1) Tuition;

23 (2) Fees for sports programs and fine arts programs;

24 (3) Textbooks, curricula, and instructional materials and supplies;

25 (4) Educational therapies or tutoring;

26 (5) Registration fees for:

27 (a) Nationally standardized achievement tests;

28 (b) Advanced placement tests;

29 (c) Tests related to postsecondary admission; and

30 (d) Conferences for educational purposes;

31 (6) Transportation services between a student's residence and:

32 (a) The nonpublic school in which the student is enrolled;

1 (b) The institution of higher education at which the student is enrolled; and

2 (c) A location related to the education or the student; and

3 (7) Technological devices, instruments, and equipment necessary for the student to participate
4 in a form of educational pursuit provided in this section."

5 On page 1, line 18, of the Introduced bill, after "exceed" insert " eighty percent of"

6 On page 1, line 23, of the Introduced bill, after "13-13-10.1." insert " After the state share is
7 calculated, the credits will be deducted from the local effort in the district in which the property is
8 located."

9 And that as so amended, **SB 190** do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Education respectfully reports that it has had under consideration
12 **SB 196** and returns the same with the recommendation that said bill be amended as follows:

13 196A

14 On page 1, line 1, of the Introduced bill, delete "to require the display and curricular inclusion
15 of the Woope Sakowin in public schools" and insert "incorporate the Oceti Sakowin Essential
16 Understandings in public school curriculum"

17 On page 1, after line 3, of the Introduced bill, insert: "

18 **Section 1. That § 13-1-51 be AMENDED:**

19 **13-1-51.** The Board of Education Standards ~~may shall~~ promulgate rules, pursuant to chapter
20 1-26, to provide for curriculum and coursework ~~in South Dakota American Indian history and culture~~
21 that incorporates the Oceti Sakowin Essential Understandings and provides an opportunity for all
22 elementary and secondary students to focus on the history, language, culture, and heritage of the
23 nine Indian tribes in this state.

24 In meeting the requirements of this section, the board shall consult with the South Dakota
25 Indian Education Advisory Council."

26 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION
27 be added to chapter 13-24:"

28 On page 1, line 5, of the Introduced bill, after "13-24:" delete "The board of a school district
29 shall display the text of the Woope Sakowin in each classroom in each public school located within
30 the district. The display must be a poster or document that is at least eight inches by fourteen
31 inches. The text of the Woope Sakowin must be the focus of the poster or document and must be
32 printed in large, easily readable font.

33 The text of the Woope Sakowin must be printed with the following or substantially similar
34 language:"

35 On page 1, line 12, of the Introduced bill, after "language:" delete "(1) Wacante Oganake: to
36 help, to share, to give, to be generous;

37 (2) Wowaunsila: pity, compassion;

38 (3) Wowauonihan: to respect, to honor;

39 (4) Wowacintanka: patience and tolerance;

1 (5) Wowahwala: to be humble, to seek humility;

2 (6) Woohitike: to be guided by your principles, discipline, bravery and courage; and

3 (7) Woksape: understanding and wisdom."

4 On page 1, line 19, of the Introduced bill, after "wisdom." delete "Section 2. That a NEW
5 SECTION be added to chapter 13-24:"

6 On page 1, line 20, of the Introduced bill, after "13-24:" delete "The following statements must
7 be displayed near any poster or document listing the Wooke Sakowin pursuant to section 1 of this
8 Act:"

9 On page 1, line 22, of the Introduced bill, after "Act:" delete "(1) The Wooke Sakowin are a
10 set of values that have been a part of Oceti Sakowin teachings since a time predating statehood;

11 (2) The Wooke Sakowin, which means seven laws, have long served as a moral and ethical
12 framework within the Oceti Sakowin community, emphasizing personal responsibility, integrity, and
13 strong family and community values;

14 (3) Rooted in traditions that have guided generations, the Wooke Sakowin teach principles of
15 wisdom, respect, generosity, and perseverance, aligning with ideals of character, self-discipline, and
16 civic responsibility; and

17 (4) The Wooke Sakowin are recognized within this state's educational system through the Oceti
18 Sakowin Essential Understandings."

19 On page 2, line 9, of the Introduced bill, after "Understandings." delete "Section 3. That a NEW
20 SECTION be added to chapter 13-33:"

21 On page 2, line 10, of the Introduced bill, after "13-33:" delete "Each public school district shall
22 include, as part of the district's history and civics curriculum, instruction on the history of the Lakota,
23 Nakota, and Dakota peoples, and the philosophical principles articulated in the Wooke Sakowin
24 displayed pursuant to section 1 of this Act. The instruction must cover:"

25 On page 2, line 14, of the Introduced bill, after "cover:" delete "(1) The Doctrine of Discovery;

26 (2) Tribal treaties, including the 1868 Fort Laramie Treaty; and

27 (3) The Oceti Sakowin tribal constitutions."

28 And that as so amended, **SB 196** do pass.

29 Respectfully submitted,
30 Kyle Schoenfish, Chair

31 MR. PRESIDENT:

32 The Committee on Senate Commerce and Energy respectfully reports that it has had under
33 consideration **SB 108 and 159** which were deferred to the 41st Legislative Day.

34 Also MR. PRESIDENT:

35 The Committee on Senate Commerce and Energy respectfully reports that it has had under
36 consideration the nomination of Josef L. Fiala of Hand County, Miller, SD, to the Commissioner of
37 the Governor's Office of Economic Development and returns the same with the recommendation
38 that the Senate advise and consent to the confirmation of said appointment.

1 Also MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
 3 consideration the nomination of Reed Kessler of Brown County, Aberdeen, SD, to the Board of
 4 Economic Development and returns the same with the recommendation that the Senate advise and
 5 consent to the confirmation of said reappointment, and that said reappointment having been
 6 certified as uncontested, be placed on the consent calendar.

7 Also MR. PRESIDENT:

8 The Committee on Senate Commerce and Energy respectfully reports that it has had under
 9 consideration the nomination of Sharon Casey of Brule County, Chamberlain, SD, to the Board of
 10 Economic Development and returns the same with the recommendation that the Senate advise and
 11 consent to the confirmation of said reappointment, and that said reappointment having been
 12 certified as uncontested, be placed on the consent calendar.

13 Also MR. PRESIDENT:

14 The Committee on Senate Commerce and Energy respectfully reports that it has had under
 15 consideration the nomination of Thomas Jones of Lincoln County, Sioux Falls, SD, to the Board of
 16 Economic Development and returns the same with the recommendation that the Senate advise and
 17 consent to the confirmation of said reappointment, and that said reappointment having been
 18 certified as uncontested, be placed on the consent calendar.

19 Respectfully submitted,
 20 Casey Crabtree, Chair

21 MR. PRESIDENT:

22 The Committee on Senate Judiciary respectfully reports that it has had under consideration
 23 **SB 62** and returns the same with the recommendation that said bill be amended as follows:

24 62A

- 25 On page 1, line 1, of the Introduced bill, after "to" delete " crimes,"
- 26 On page 1, line 2, delete ", and conflicts of interest" and insert " and crime"
- 27 On the Introduced bill, delete everything after the enacting clause and insert:
- 28 "

29 **Section 1. That § 1-56-11 be AMENDED:**

30 **1-56-11.** A state employee who ~~suspects the existence of a conflict of interest, fraud, or theft~~
 31 has reasonable cause to suspect that improper governmental conduct or a crime, as defined in
 32 section 2 of this Act, has occurred shall report the matter ~~immediately to any, of the following:~~

- 33 (1) ~~———— The employee's immediate supervisor;~~
- 34 (2) ~~———— The attorney general's office; or~~
- 35 (3) ~~———— The Department of Legislative Audit pursuant to the requirements set forth in~~
 36 chapter 3-6C.

37 **Section 2. That a NEW SECTION be added to chapter 3-6C:**

38 Terms used in this Act mean:

- 1 (1) "Adverse employment action," constructive or actual discharge, suspension from
2 employment, demotion, transfer, decrease in compensation or benefits, imposition of
3 an unfavorable work schedule, or any other similar reprisal or retaliatory action;
- 4 (2) "Conflict of interest," conduct defined or described in §§ 5-18A-17 to 5-18A-17.6, inclusive,
5 42-7A-27, and 42-7A-28;
- 6 (3) "Crime," a criminal act attempted or committed by misusing a state employee's access,
7 duty, position, or responsibility as a state employee, which constitutes a felony under
8 state law;
- 9 (4) "Good faith report," a report made, without malice, by a reporter, which the reporter
10 has reasonable cause to believe is accurate and true;
- 11 (5) "Improper governmental conduct," any conduct or omission that results in:
- 12 (a) A conflict of interest prohibited by state law;
- 13 (b) Fraud; or
- 14 (c) Theft of moneys or property belonging to or derived from federal, state, or local
15 government sources, constituting a felony;
- 16 (6) "Reasonable cause," a sufficient reason, based on known facts, to assume something is true;
- 17 (7) "Reporter," a state employee who witnesses or has evidence of improper governmental
18 conduct or a crime, and who makes a good faith report of the improper governmental
19 conduct or the crime, to a supervisor or other appropriate authority;
- 20 (8) "Required report," a report required in accordance with section 3 of this Act and pertaining
21 to improper governmental conduct or a crime;
- 22 (9) "State agency," any agency, board, bureau, commission, committee, department,
23 division, or office of this state;
- 24 (10) "State employee," a full-time, part-time, seasonal, or temporary employee of any state
25 agency;
- 26 (11) "Supervisor," a state employee with supervisory authority over one or more state
27 employees;
- 28 (12) "Supervisory authority," the power to, on a regular basis, and with use of independent
29 judgment:
- 30 (a) Hire, lay off, promote, discharge, assign, reward, or discipline another state
31 employee;
- 32 (b) Address, resolve, or review the grievance of another state employee; or
- 33 (c) Effectively recommend any action provided in subsection a or b of this subdivision.

34 **Section 3. That a NEW SECTION be added to chapter 3-6C:**

35 A state employee who, in the regular course of the state employee's duties, has reasonable
36 cause to suspect that another state employee has engaged in improper governmental conduct or a
37 crime shall promptly notify a supervisor.

38 Upon receipt of a reporter's good faith report, a supervisor shall submit information provided
39 by the reporter to the attorney general and auditor-general in a required report pursuant to section
40 4 of this Act.

1 The supervisor shall promptly submit to the attorney general and auditor-general any record,
2 as allowed by law, in the supervisor's custody or control, evidencing the improper governmental
3 conduct or crime.

4 A supervisor who knowingly fails to make a report as required by this section is guilty of a
5 Class 6 felony.

6 A supervisor who knowingly and intentionally fails to submit a record as required by this section
7 is guilty of a Class 6 felony.

8 **Section 4. That a NEW SECTION be added to chapter 3-6C:**

9 A supervisor who must submit a required report pursuant to section 3 of this Act shall prepare
10 the required report in a form prescribed by the attorney general.

11 The reporter shall cooperate with any investigation or inquiry initiated in response to the filing
12 of the required report.

13 Nothing in this section may be construed to prohibit the reporter from filing a complaint
14 pursuant to § 3-24-4.

15 **Section 5. That a NEW SECTION be added to chapter 3-6C:**

16 Each state agency shall adopt a written policy on reporting improper governmental conduct
17 and crime and submitting records evidencing the improper governmental conduct or crime. Each
18 state agency shall notify and inform state employees of the obligations and protections set forth in
19 the provisions of sections 1, 3, and 4 of this Act.

20 **Section 6. That a NEW SECTION be added to chapter 3-6C:**

21 The attorney general shall provide information to the Government Operations and Audit
22 Committee, on an annual basis, regarding the number of reports received pursuant to sections 3
23 and 4 of this Act and the disposition of each report.

24 "

25 And that as so amended, **SB 62** do pass.

26 Also MR. PRESIDENT:

27 The Committee on Senate Judiciary respectfully reports that it has had under consideration
28 **SB 63** and returns the same with the recommendation that said bill be amended as follows:

63A

30 On page 1, line 1, of the Introduced bill, delete " crimes, misconduct, or conflicts of interest"
31 and insert " improper governmental conduct and crime"

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

33 "

34 **Section 1. That a NEW SECTION be added to chapter 3-6C:**

35 Terms used in this Act mean:

36 (1) "Adverse employment action," constructive or actual discharge, suspension from
37 employment, demotion, transfer, decrease in compensation or benefits, imposition of
38 an unfavorable work schedule, or any other similar reprisal or retaliatory action;

- 1 (2) "Conflict of interest," conduct defined or described in §§ 5-18A-17 to 5-18A-17.6, inclusive,
 2 42-7A-27, and 42-7A-28;
- 3 (3) "Crime," a criminal act attempted or committed by misusing a state employee's access,
 4 duty, responsibility, or position as a state employee, which constitutes a felony under
 5 state law;
- 6 (4) "Good faith report," a report made, without malice, by a reporter, which the reporter
 7 has reasonable cause to believe is accurate and true;
- 8 (5) "Improper governmental conduct," any conduct or omission that results in:
- 9 (a) A conflict of interest prohibited by state law;
- 10 (b) Fraud; or
- 11 (c) Theft of moneys or property belonging to or derived from federal, state, or local
 12 government sources, constituting a felony;
- 13 (6) "Reporter," a state employee who witnesses or has evidence of improper governmental
 14 conduct or a crime, and who makes a good faith report of the improper governmental
 15 conduct or the crime, to a supervisor or other appropriate authority;
- 16 (7) "State agency," any agency, board, bureau, commission, committee, department, division,
 17 or office of this state; and
- 18 (8) "State employee," a full-time, part-time, seasonal, or temporary employee of any state
 19 agency.

20 **Section 2. That a NEW SECTION be added to chapter 3-6C:**

21 A reporter who makes a good faith report of improper governmental conduct or crime, or
 22 submits records in support of the good faith report, is immune from any liability, civil or criminal,
 23 which might otherwise be incurred or imposed, and has the same immunity for participation in any
 24 judicial proceeding resulting from the good faith report. The immunity does not extend to a state
 25 employee who participated in the reported improper governmental conduct or crime.

26 **Section 3. That a NEW SECTION be added to chapter 3-6C:**

27 No state agency may take adverse employment action against a reporter because the reporter:

- 28 (1) Made a good faith report of improper governmental conduct or a crime to an appropriate
 29 authority;
- 30 (2) Filed a complaint;
- 31 (3) Instituted or caused to be instituted a proceeding;
- 32 (4) Requested or participated in an audit;
- 33 (5) Testified, or will testify, in a proceeding; or
- 34 (6) Exercised any other right or obligation imposed by this chapter or any law of this state.

35 The provisions of this section do not apply to a state employee who made a report knowing
 36 the report was false or who made a report in a reckless disregard for the truth.

1 **Section 4. That a NEW SECTION be added to chapter 3-6C:**

2 To be eligible for protections under sections 2 and 3 of this Act, a reporter who discloses
3 information about improper governmental conduct or a crime must do so in good faith and upon a
4 reasonable belief that the information disclosed is accurate and true. A disclosure that is made with
5 a reckless disregard for the truth or that the state employee knows or should know is false or
6 malicious is not a good faith report.

7 **Section 5. That a NEW SECTION be added to chapter 3-6C:**

8 A reporter may bring a civil action for a violation of section 2 of this Act in the circuit court of
9 Hughes County against the reporter's supervisor, in the supervisor's official capacity, or the state
10 agency by which the reporter is employed.

11 The court may order any of the following remedies:

- 12 (1) An injunction to restrain continued violation of Section 2 of this Act;
- 13 (2) Reinstatement of the reporter to the same position or, if the position is filled, to an equivalent
14 position;
- 15 (3) Back pay;
- 16 (4) Full reinstatement of fringe benefits and seniority rights; and
- 17 (5) If appropriate and in the interests of justice, an award of attorney's fees and costs.

18 An action may not be brought pursuant to this section more than two years after the violation
19 of section 2 of this Act occurred.

20 A reporter bringing an action under this section may not be required to exhaust existing internal
21 procedures or other administrative remedies.

22 Nothing in this section may be construed to exclude a reporter's remedy pursuant to § 3-6D-
23 22.

24 "

25 And that as so amended, **SB 63** do pass, and having been certified as uncontested, be placed
26 on the consent calendar.

27 Also MR. PRESIDENT:

28 The Committee on Senate Judiciary respectfully reports that it has had under consideration
29 **SB 111** and returns the same with the recommendation that said bill do pass.

30 Respectfully submitted,
31 David Wheeler, Chair

32 MR. PRESIDENT:

33 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
34 had under consideration **SB 114** which was deferred to the 41st Legislative Day.

1 Also MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
3 had under consideration **SB 170** and returns the same with the recommendation that said bill do
4 pass, and having been certified as uncontested, be placed on the consent calendar.

5 Also MR. PRESIDENT:

6 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
7 had under consideration the nomination of Jesse Longbrake of Ziebach County, Dupree, SD, to the
8 State Brand Board and returns the same with the recommendation that the Senate advise and
9 consent to the confirmation of said appointment.

10 Also MR. PRESIDENT:

11 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
12 had under consideration the nomination of Scott Vance of Meade County, Faith, SD, to the State
13 Brand Board and returns the same with the recommendation that the Senate advise and consent to
14 the confirmation of said reappointment.

15 Respectfully submitted,
16 Tom Pischke, Chair

17 MR. PRESIDENT:

18 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
19 Enrolling has carefully compared **SB 29** and finds the same correctly enrolled.

20 Also MR. PRESIDENT:

21 The Committee on Legislative Procedure respectfully reports that **SB 35** was delivered to his
22 Excellency, the Governor, for his approval at 11:03 a.m., February 11, 2025.

23 Respectfully submitted,
24 Chris Karr, Chair

25 **MESSAGES FROM THE HOUSE**

26 MR. PRESIDENT:

27 I have the honor to transmit herewith **HB 1069, 1130, 1154, and 1184** which have passed
28 the House and your favorable consideration is respectfully requested.

29 Also MR. PRESIDENT:

30 I have the honor to inform your honorable body that **SB 51** was lost on second reading and
31 final passage.

32 Also MR. PRESIDENT:

33 I have the honor to return herewith **SB 29** which has passed the House without change.

34 Respectfully,
35 Patricia Miller, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2

HCR 6005: A CONCURRENT RESOLUTION, Encouraging the board of each school district in this state to develop and implement a policy that limits the use of cellular telephones and other electronic communication devices during instructional time.

3

4

Was read the second time.

5

6

Sen. Nelson moved that the Senate do concur in **HCR 6005** as found on page 220 of Senate Journal.

7

8

The question being on Sen. Nelson's motion that **HCR 6005** be concurred in.

9

And the roll being called:

10

Yeas 31, Nays 3, Excused 1, Absent 0

11

12

13

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

14

Nays: Otten, Voita, and Wheeler

15

Excused: Davis

16

17

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **HCR 6005** was concurred in.

18

19

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

20

Was read the second time.

21

22

Sen. Perry moved that the Senate do concur in **HCR 6007** as found on page 220 of Senate Journal.

23

The question being on Sen. Perry's motion that **HCR 6007** be concurred in.

24

And the roll being called:

25

Yeas 34, Nays 0, Excused 1, Absent 0

26

27

28

29

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

30

Excused: Davis

31

32

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **HCR 6007** was concurred in.

33

34

Sen. Mehlhaff moved that **SB 94, 100, and 177** be deferred to Wednesday, February 12, 2025, the 20th legislative day.

35

Which motion prevailed.

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

Sen. Mehlhaff moved that the reports of the Standing Committees on

3

State Affairs on **SB 91** as found on page 214 of the Senate Journal; also

4

State Affairs on **SB 176** as found on page 215 of the Senate Journal; also

5

Health and Human Services on **SB 110** as found on page 216 of the Senate Journal; and

6

Transportation on **SB 179** as found on page 215 of the Senate Journal be adopted.

7

Which motion prevailed and the reports were adopted.

8

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

9

The President declared that **SB 160** and **SB 187** were withdrawn at the request of the prime sponsors pursuant to JR 6B-1.1.

10

11

The President declared that **SB 198** changed prime sponsor from Senator Larson to Senator Mehlhaff at their request.

12

13

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

14

HB 1069: FOR AN ACT ENTITLED, An Act to regulate vapor products, and to provide a penalty therefor.

15

16

HB 1130: FOR AN ACT ENTITLED, An Act to provide permissible dates for municipal and school district elections.

17

18

HB 1154: FOR AN ACT ENTITLED, An Act to change the approval requirement for the construction or expansion of a municipal camping or tourist accommodation facility.

19

20

HB 1184: FOR AN ACT ENTITLED, An Act to amend the deadline for filing a petition to initiate a measure or constitutional amendment.

21

22

Were read the first time.

23

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

24

SB 129: FOR AN ACT ENTITLED, An Act to modify renewal fee requirements for an on-sale liquor licensee whose business premises have been annexed into a municipality of the first class.

25

26

SB 131: FOR AN ACT ENTITLED, An Act to establish an electronic system for vehicle titles.

27

SB 174: FOR AN ACT ENTITLED, An Act to include certain types of vehicles in the abandoned titling process.

28

29

Were read the second time.

30

The question being "Shall **SB 129 and 131** pass as amended, and **SB 174** pass?"

1 And the roll being called:

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

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

7 Excused: Davis

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

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

11 **SB 24:** FOR AN ACT ENTITLED, An Act to revise provisions relating to the promulgation of
12 rules to set licensing and inspection fees for plumbers and related professions.

13 Was read the second time.

14 The question being "Shall **SB 24** pass?"

15 And the roll being called:

16 Yeas 21, Nays 13, Excused 1, Absent 0

17 Yeas: Beal, Deibert, Duhamel, Grove, Hohn, Karr, Kolbeck (Steve), Lapka, Larson, Mehlhaff,
18 Miskimins, Nelson, Otten, Perry, Reed, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and Zikmund

19 Nays: Blanc, Carley, Crabtree, Foster, Howard, Hulse, Jensen (Kevin), Marty, Peterson (Sue),
20 Pischke, Rohl, Voight, and Voita

21 Excused: Davis

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

24 **SB 27:** FOR AN ACT ENTITLED, An Act to revise provisions relating to licensing fees for
25 cosmetology, esthetics, and nail technology.

26 Was read the second time.

27 The question being "Shall **SB 27** pass?"

28 And the roll being called:

29 Yeas 20, Nays 14, Excused 1, Absent 0

1 Yeas: Beal, Crabtree, Deibert, Duhamel, Hohn, Hulse, Kolbeck (Steve), Larson, Mehlhaff,
 2 Miskimins, Otten, Peterson (Sue), Pischke, Reed, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and
 3 Zikmund

4 Nays: Blanc, Carley, Foster, Grove, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson, Perry,
 5 Rohl, Voight, and Voita

6 Excused: Davis

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

9 Sen. Hulse announced her intention to reconsider the vote by which **SB 27** lost.

10 **SB 31:** FOR AN ACT ENTITLED, An Act to revise amounts for inspection fees for electrical
 11 installations.

12 Was read the second time.

13 The question being "Shall **SB 31** pass?"

14 And the roll being called:

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

16 Yeas: Beal, Deibert, Duhamel, Grove, Hohn, Karr, Kolbeck (Steve), Lapka, Larson, Marty,
 17 Mehlhaff, Miskimins, Nelson, Otten, Reed, Sauder, Schoenfish, Smith, Vilhauer, Voight, Wheeler,
 18 and Zikmund

19 Nays: Blanc, Carley, Crabtree, Foster, Howard, Hulse, Jensen (Kevin), Perry, Peterson (Sue),
 20 Pischke, Rohl, and Voita

21 Excused: Davis

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

24 Sen. Kolbeck (Steve) announced his intention to reconsider the vote by which **SB 31** lost.

25 **SB 32:** FOR AN ACT ENTITLED, An Act to revise amounts for licensing fees for the practice of
 26 accountancy.

27 Was read the second time.

28 The question being "Shall **SB 32** pass?"

29 And the roll being called:

30 Yeas 28, Nays 6, Excused 1, Absent 0

1 Yeas: Beal, Crabtree, Deibert, Duhamel, Foster, Grove, Hohn, Hulse, Jensen (Kevin), Karr,
 2 Kolbeck (Steve), Lapka, Larson, Mehlhaff, Miskimins, Nelson, Otten, Perry, Pischke, Reed, Rohl,
 3 Sauder, Schoenfish, Smith, Vilhauer, Voita, Wheeler, and Zikmund

4 Nays: Blanc, Carley, Howard, Marty, Peterson (Sue), and Voight

5 Excused: Davis

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

8 **SB 46:** FOR AN ACT ENTITLED, An Act to specify the funds into which certain boat fees are
 9 deposited.

10 Was read the second time.

11 The question being "Shall **SB 46** pass?"

12 And the roll being called:

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

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

18 Nays: Pischke

19 Excused: Davis

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

22 **SB 92:** FOR AN ACT ENTITLED, An Act to require that the secretary of state review an initiated
 23 measure and determine if the measure embraces more than one subject.

24 Was read the second time.

25 Sen. Hulse moved that **SB 92** be amended as follows:

26 92A

27 On page 1, line 1, of the Introduced bill, after "the" insert " director of the Legislative Research
 28 Council and the"

29 On page 1, after line 3, of the Introduced bill, insert: "

30 **Section 1. That § 12-13-25 be AMENDED:**

31 **12-13-25.** The sponsors of each initiated measure or initiated amendment to the Constitution
 32 shall submit a copy of each version of the initiated measure or initiated amendment to the
 33 Constitution to the director of the Legislative Research Council for review and comment not more
 34 than six months before it may be circulated for signatures under § 2-1-1.1 or 2-1-1.2. The director
 35 shall review each version of the submitted initiated measure or initiated amendment to the
 36 Constitution to determine if the requirements of § 12-13-24 are satisfied and if the initiated measure

1 or initiated amendment to the Constitution may have any impact on revenues, expenditures, or
 2 fiscal liability of the state or its agencies and subdivisions.

3 Unless as otherwise provided under § 12-13-25.2, not more than fifteen workdays following
 4 receipt of an initiated measure or initiated amendment to the Constitution, the director shall provide
 5 written comments on the initiated measure or initiated amendment to the Constitution to the
 6 sponsors of the initiated measure or initiated amendment, the attorney general, and the secretary
 7 of state for the purpose of assisting the sponsors in complying with § 12-13-24. The director's
 8 written comments under this section shall include assistance regarding the substantive content of
 9 the initiated measure or initiated amendment in order to minimize any conflict with existing law and
 10 to ensure the measure's or amendment's effective administration. ~~If the sponsors submit an initiated~~
 11 ~~amendment to the Constitution, the~~

12 ~~The director shall~~ must provide, with the written comments, a written opinion to the sponsors,
 13 the attorney general, and the secretary of state as to ~~whether the initiated amendment embraces:~~

14 (1) If an initiated measure, whether the initiated measure embraces only one subject under
 15 S.D. Const., Art. III, § 21; or

16 (2) If an initiated amendment, whether the initiated amendment:

17 (a) Embraces only one subject under S.D. Const., Art. XXIII, § 1 and whether it is; and

18 (2) Is an amendment under S.D. Const., Art. XXIII, § 1 or a revision under S.D. Const., Art.
 19 XXIII, § 2.

20 The sponsors may, but are not required to, amend the initiated measure or initiated
 21 amendment to the Constitution to comply with the director's comments."

22 Which motion prevailed.

23 The question being "Shall **SB 92** pass as amended?"

24 And the roll being called:

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

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

30 Excused: Davis

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

33 **SB 113:** FOR AN ACT ENTITLED, An Act to provide protections for parental rights.

34 Was read the second time.

35 The question being "Shall **SB 113** pass as amended?"

36 And the roll being called:

37 Yeas 30, Nays 4, Excused 1, Absent 0

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

4 Nays: Deibert, Larson, Smith, and Vilhauer

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 127:** FOR AN ACT ENTITLED, An Act to authorize the expenditure of moneys by a
 9 municipality for the observance of additional holidays.

10 Was read the second time.

11 Sen. Howard moved that **SB 127** be amended as follows:

12 127A

13 On page 1, line 6, of the Introduced bill, remove the overstrikes from " Memorial Day and"

14 On page 1, line 6, of the Introduced bill, delete " and" and insert ", Independence Day,"

15 On page 1, line 6, of the Introduced bill, remove the overstrikes from " Veterans' Day"

16 On page 1, line 6, of the Introduced bill, delete " holidays enumerated in § 1-5-1" and insert
 17 ", Thanksgiving Day, and Christmas Day"

18 Sen. Pischke requested a roll call vote.

19 Which request was supported.

20 And the roll being called:

21 Yeas 14, Nays 20, Excused 1, Absent 0

22 Yeas: Beal, Blanc, Carley, Hohn, Howard, Karr, Lapka, Marty, Nelson, Peterson (Sue), Pischke,
 23 Voight, Voita, and Zikmund

24 Nays: Crabtree, Deibert, Duhamel, Foster, Grove, Hulse, Jensen (Kevin), Kolbeck (Steve),
 25 Larson, Mehlhaff, Miskimins, Otten, Perry, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, and
 26 Wheeler

27 Excused: Davis

28 So the motion not having received an affirmative vote of a majority of the members present,
 29 the President declared the motion lost.

30 The question being "Shall **SB 127** pass?"

31 And the roll being called:

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

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

4 Nays: Carley, Howard, and Pischke

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 143:** FOR AN ACT ENTITLED, An Act to modify the composition and staffing requirements
 9 of the South Dakota-Ireland Trade Commission.

10 Was read the second time.

11 The question being "Shall **SB 143** pass?"

12 And the roll being called:

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

14 Yeas: Beal, Blanc, Carley, Crabtree, Deibert, Duhamel, Foster, Grove, Hohn, Howard, 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 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 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

22 **HB 1047:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse health care
 23 professionals who have complied with the requirements for rural recruitment assistance programs,
 24 and to declare an emergency.

25 Was read the second time.

26 The question being "Shall **HB 1047** pass as amended?"

27 And the roll being called:

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

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

33 Excused: Davis

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

1

SIGNING OF BILLS

2

The President publicly read the title to

3

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

4

5

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

6

7

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

8

9

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

10

11

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

12

13

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

14

15

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

16

17

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

18

19

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

20

21

And signed the same in the presence of the Senate.

22

COMMEMORATIONS

23

SC 808: A LEGISLATIVE COMMEMORATION, Honoring Joelle Simpson of Rapid City as Miss South Dakota.

24

25

Introduced by: **Senator** Hulse

26

Sen. Howard moved that the Senate do now adjourn, which motion prevailed and at 3:23 p.m. the Senate adjourned.

27

28

Peggy Laurenz, Secretary

