

# *JOURNAL OF THE SENATE*

## *ONE HUNDREDTH SESSION*

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TWENTY-THIRD DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, February 19, 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 Audrey Patterson.

Roll Call: All members present except Sen. Jensen (Kevin) 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 22nd day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Chris Karr, Chair

Which motion prevailed.

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**COMMUNICATIONS AND PETITIONS**

2

February 18, 2025

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Mr. President and Members of the Senate:

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I have the honor to inform you that on February 18, 2025, I approved Senate Bills 12, 29, and 35, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,

7

Larry Rhoden

8

Governor

9

January 31, 2025

10

The Honorable Tonnis H. Venhuizen

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President of the Senate

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State Capitol

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Pierre, SD 57501

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Dear President and Members of the Senate:

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Pursuant to the provisions of Section 42-7A-17 of the South Dakota Codified Laws Governor Kristi Noem reappointed Timothy Donohue, of Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Lottery Commission subject to your consent. This reappointment was effective January 21, 2025 and shall continue until January 1, 2028. As the current Governor of South Dakota, I am supportive of this selection and ask for your consideration to confirm Timothy Donohue to the South Dakota Lottery Commission.

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Sincerely,

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Larry Rhoden

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Governor

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The President announced the referral of the reappointment to the Committee on Commerce and Energy.

25

26

January 31, 2025

27

The Honorable Tonnis H. Venhuizen

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President of the Senate

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State Capitol

30

Pierre, SD 57501

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Dear President and Members of the Senate:

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Pursuant to the provisions of Chapter 41-2 of the South Dakota Codified Laws Governor Kristi Noem reappointed James White, of Beadle County, Huron, South Dakota, to the Game, Fish and Parks Commission subject to your consent. This reappointment was effective January 20, 2025 and shall continue until January 10, 2029. As the current Governor of South Dakota, I am supportive of

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1 this selection and ask for your consideration to confirm James White to the Game, Fish and Parks  
2 Commission.

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4 Sincerely,  
5 Larry Rhoden  
Governor

6 The President announced the referral of the reappointment to the Committee on Agriculture  
7 and Natural Resources.

8 January 31, 2025

9 The Honorable Tonnis H. Venhuizen  
10 President of the Senate  
11 State Capitol  
12 Pierre, SD 57501

13 Dear President and Members of the Senate:

14 Pursuant to the provisions of Chapter 1-16J of the South Dakota Codified Laws Governor Kristi  
15 Noem appointed Aloysius Rieman, of Pennington County, Rapid City, South Dakota, to the South  
16 Dakota Ellsworth Development Authority subject to your consent. This appointment was effective  
17 January 22, 2025 and shall continue until January 15, 2029. As the current Governor of South  
18 Dakota, I am supportive of this selection and ask for your consideration to confirm Aloysius Rieman  
19 to the South Dakota Ellsworth Development Authority.

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21 Sincerely,  
22 Larry Rhoden  
Governor

23 The President announced the referral of the appointment to the Committee on Commerce and  
24 Energy.

25 January 31, 2025

26 The Honorable Tonnis H. Venhuizen  
27 President of the Senate  
28 State Capitol  
29 Pierre, SD 57501

30 Dear President and Members of the Senate:

31 Pursuant to the provisions of Chapter 1-16J of the South Dakota Codified Laws Governor Kristi  
32 Noem appointed Michael Cartney, of Deuel County, Reville, South Dakota, to the South Dakota  
33 Ellsworth Development Authority subject to your consent. This appointment was effective  
34 January 20, 2025 and shall continue until January 15, 2029. As the current Governor of South  
35 Dakota, I am supportive of this selection and ask for your consideration to confirm Michael Cartney  
36 to the South Dakota Ellsworth Development Authority.

37  
38 Sincerely,  
39 Larry Rhoden  
Governor

1 The President announced the referral of the appointment to the Committee on Commerce and  
2 Energy.

3 January 31, 2025

4 The Honorable Tonnis H. Venhuizen  
5 President of the Senate  
6 State Capitol  
7 Pierre, SD 57501

8 Dear President and Members of the Senate:

9 Pursuant to the provisions of Chapter 1-45 of the South Dakota Codified Laws Governor Kristi  
10 Noem reappointed Linda Olsen, of Ziebach County, Dupree, South Dakota, to the South Dakota  
11 Board of Education Standards subject to your consent. This reappointment was effective  
12 January 20, 2025 and shall continue until December 31, 2028. As the current Governor of South  
13 Dakota, I am supportive of this selection and ask for your consideration to confirm Linda Olsen, to  
14 the South Dakota Board of Education Standards.

15 Sincerely,  
16 Larry Rhoden  
17 Governor

18 The President announced the referral of the reappointment to the Committee on Education.

19 January 31, 2025

20 The Honorable Tonnis H. Venhuizen  
21 President of the Senate  
22 State Capitol  
23 Pierre, SD 57501

24 Dear President and Members of the Senate:

25 Pursuant to the provisions of Chapter 1-45 of the South Dakota Codified Laws Governor Kristi  
26 Noem reappointed Jean Moulton, of Codington County, Watertown, South Dakota, to the South  
27 Dakota Board of Education Standards subject to your consent. This reappointment was effective  
28 January 21, 2025 and shall continue until December 31, 2028. As the current Governor of South  
29 Dakota, I am supportive of this selection and ask for your consideration to confirm Jean Moulton to  
30 the South Dakota Board of Education Standards.

31 Sincerely,  
32 Larry Rhoden  
33 Governor

34 The President announced the referral of the reappointment to the Committee on Education.

1 January 31, 2025

2 The Honorable Tonnis H. Venhuizen  
3 President of the Senate  
4 State Capitol  
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session Governor Kristi Noem  
8 reappointed Kay Schallenkamp, of Lawrence County, Spearfish, South Dakota, to the South Dakota  
9 Board of Technical Education subject to your consent. This reappointment was effective January 21,  
10 2025 and shall continue until October 31, 2027. As the current Governor of South Dakota, I am  
11 supportive of this selection and ask for your consideration to confirm Kay Schallenkamp to the South  
12 Dakota Board of Technical Education.

13 Sincerely,  
14 Larry Rhoden  
15 Governor

16 The President announced the referral of the reappointment to the Committee on State Affairs.

17 January 31, 2025

18 The Honorable Tonnis H. Venhuizen  
19 President of the Senate  
20 State Capitol  
21 Pierre, SD 57501

22 Dear President and Members of the Senate:

23 Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session Governor Kristi Noem  
24 reappointed Joy Nelson, of Codington County, Watertown, South Dakota, to the South Dakota Board  
25 of Technical Education subject to your consent. This reappointment was effective January 17, 2025  
26 and shall continue until October 31, 2027. As the current Governor of South Dakota, I am supportive  
27 of this selection and ask for your consideration to confirm Joy Nelson to the South Dakota Board of  
28 Technical Education.

29 Sincerely,  
30 Larry Rhoden  
31 Governor

32 The President announced the referral of the reappointment to the Committee on State Affairs.

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**REPORTS OF STANDING COMMITTEES**

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MR. PRESIDENT:

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The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 180** which was deferred to the 41st Legislative Day.

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Respectfully submitted,  
David Wheeler, Chair

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MR. PRESIDENT:

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The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 195** with the recommendation that said bill be amended as follows:

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195A

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On page 1, line 3, of the Introduced bill, delete " \$1" and insert " \$825,000"

12

And that as so amended said bill be referred to the Joint Committee on Appropriations with a Do Pass recommendation.

13

14

Also MR. PRESIDENT:

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The Committee on Senate Transportation respectfully reports that it has had under consideration **HB 1160** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

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Respectfully submitted,  
Arch Beal, Vice-Chair

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MR. PRESIDENT:

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The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 154** and returns the same with the recommendation that said bill be amended as follows:

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154A

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On page 1, line 1, of the Introduced bill, after "manufacturers " delete "and wholesale drug distributors"

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27

On page 5, line 8, of the Introduced bill, after "2025);" insert " and"

28

On page 5, line 10, of the Introduced bill, after "2025)" delete "; and"

29

On page 5, line 11, of the Introduced bill, after "and" delete "(6) "Wholesale distributor," the same as set forth in § 36-11A-25"

30

31

On page 5, line 13, of the Introduced bill, delete "Neither a" and insert a latin capital letter a

32

On page 5, line 13, of the Introduced bill, after "manufacturer " delete "nor a wholesale distributor"

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On page 5, line 13, of the Introduced bill, after "may" insert " not"

1 On page 5, line 17, of the Introduced bill, after "manufacturer " delete "or a wholesale"

2 On page 5, line 18, of the Introduced bill, after "wholesale " delete "distributor "

3 On page 5, line 19, of the Introduced bill, after "manufacturer " delete "or a wholesale"

4 On page 5, line 20, of the Introduced bill, after "wholesale " delete "distributor "

5 On page 5, line 23, of the Introduced bill, delete "Neither a" and insert a latin capital letter a

6 On page 5, line 23, of the Introduced bill, after "manufacturer" delete " nor a wholesale  
7 distributor"

8 On page 5, line 23, of the Introduced bill, after "may" insert " not"

9 On page 5, line 31, of the Introduced bill, after "manufacturer " delete "or wholesale distributor  
10 "

11 And that as so amended, **SB 154** do pass.

12 Also MR. PRESIDENT:

13 The Committee on Senate Health and Human Services respectfully reports that it has had  
14 under consideration **SB 158** which was deferred to the 41st Legislative Day.

15 Respectfully submitted,  
16 Sydney Davis, Vice-Chair

17 MR. PRESIDENT:

18 The Committee on Senate Taxation respectfully reports that it has had under consideration  
19 **SB 178** and returns the same with the recommendation that said bill be amended as follows:

20 178A

21 On page 1, line 1, of the Introduced bill, after "on" insert " aviation gasoline and"

22 On page 1, line 9, of the Introduced bill, delete " six" and insert " seven"

23 On page 1, line 10, of the Introduced bill, delete " six" and insert " seven"

24 And that as so amended, **SB 178** do pass.

25 Also MR. PRESIDENT:

26 The Committee on Senate Taxation respectfully reports that it has had under consideration  
27 **SB 85, 101, 141, 194, and 213** which were tabled.

28 Respectfully submitted,  
29 Steve Kolbeck, Chair

30 MR. PRESIDENT:

31 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
32 **SB 49** which was deferred to the 41st Legislative Day.

1 Also MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
 3 **SB 198** and returns the same with the recommendation that said bill be amended as follows:

4 198A

5 On page 1, line 1, of the Introduced bill, delete "enhance environmental conservation in South  
 6 Dakota" and insert "establish conditions a prospective condemnor must satisfy before commencing  
 7 condemnation proceedings"

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

9 "

10 **Section 1. That § 21-35-1 be AMENDED:**

11 **21-35-1.** In all cases where any person, group, or corporation, public or private, including the  
 12 owners of water rights, ditches, flumes, reservoirs, and mining property under the provisions of the  
 13 laws of Congress, invested with the privilege of taking or damaging private property for public use,  
 14 in making, constructing, repairing, or using any work or improvement allowed by law, shall  
 15 determine to exercise ~~such the~~ privilege, ~~it the~~ prospective condemnor shall file a petition in the  
 16 circuit court for the county in which the property to be taken or damaged is situated, praying that  
 17 the just compensation to be made for ~~such the~~ property may be ascertained by a jury.

18 A petition may not be filed pursuant to this chapter until the condemnor has complied with the  
 19 requirements of sections 2 to 5, inclusive, of this Act.

20 **Section 2. That a NEW SECTION be added to chapter 21-35:**

21 Before any prospective condemnor, as described in § 21-35-1, may initiate condemnation  
 22 proceedings pursuant to this chapter, the condemnor shall engage in good faith mediation with any  
 23 affected property owner in an attempt to reach a mutually agreeable resolution regarding the  
 24 property proposed to be taken or damaged.

25 The condemnor shall provide the property owner written notice of the condemnor's intent to  
 26 acquire an interest in the property at least ninety days before commencement of any condemnation  
 27 proceeding pursuant to this chapter.

28 The condemnor shall pay any cost associated with the mediation.

29 **Section 3. That a NEW SECTION be added to chapter 21-35:**

30 The notice required in section 2 of this Act must contain:

31 (1) The prospective condemnor's full legal name, phone number, and primary address;

32 (2) A detailed description of the property proposed to be taken or damaged;

33 (3) A request for mediation in accordance with chapter 19-13A;

34 (4) A list of at least three proposed mediators; and

35 (5) A statement that the affected property owner has fifteen days to either:

36 (a) Select one of the mediators proposed by the condemnor; or

37 (b) Propose an alternate mediator agreeable to both parties.



1 **Section 4. That a NEW SECTION be added to chapter 21-35:**

2 Mediation, as required in section 2 of this Act, must be conducted within sixty days of the  
3 affected property owner's receipt of the notice pursuant to sections 2 and 3 of this Act, unless the  
4 parties agree to extend the time for mediation.

5 The mediator shall facilitate discussions to explore alternatives to condemnation, including  
6 alternative routes within the confines of the applicable permit, as required in section 5 of this Act,  
7 and increased compensation.

8 If mediation results in a voluntary agreement between the parties, the mediator must facilitate  
9 preparation of a written settlement agreement, which upon execution by the parties is binding and  
10 enforceable.

11 If mediation does not result in an agreement, the mediator must issue a written confirmation  
12 of mediation completion to be filed with the court upon commencement of any condemnation  
13 proceeding pursuant to this chapter.

14 If the property owner refuses to participate in mediation, then upon commencement of a  
15 condemnation proceeding pursuant to this chapter, the prospective condemnor, as described in §  
16 21-35-1, must submit an affidavit to the court documenting the condemnor's efforts, and the  
17 property owner's refusal, to participate in mediation.

18 **Section 5. That a NEW SECTION be added to chapter 21-35:**

19 If a project for which property is proposed to be taken or damaged requires a permit under  
20 chapter 49-41B, a prospective condemnor must obtain the permit from the Public Utilities  
21 Commission before commencement of any condemnation proceeding pursuant to this chapter.

22 "

23 And that as so amended, **SB 198** do pass.

24 Also MR. PRESIDENT:

25 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
26 **SJR 505** and returns the same with the recommendation that said resolution do pass.

27 Respectfully submitted,  
28 Jim Mehlhaff, Chair

29 MR. PRESIDENT:

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

32 Respectfully submitted,  
33 Chris Karr, Chair

34 **MESSAGES FROM THE HOUSE**

35 MR. PRESIDENT:

36 I have the honor to return herewith **SB 25** which has been amended by the House and your  
37 concurrence in the amendments is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to return herewith **SCR 604** in which the House has concurred.

3 Also MR. PRESIDENT:

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

5 Also MR. PRESIDENT:

6 I have the honor to transmit herewith **HB 1024, 1042, 1141, 1144, 1157, 1165, 1194,**  
 7 **and 1222, and HJR 5006** which have passed the House and your favorable consideration is  
 8 respectfully requested.

9  
 10 Respectfully,  
 Patricia Miller, Chief Clerk

11 **MOTIONS AND RESOLUTIONS**

12 Sen. Mehlhaff moved that **SB 175** be deferred to Thursday, February 20, 2025, the 24<sup>th</sup>  
 13 legislative day.

14 Which motion prevailed.

15 **CONSIDERATION OF REPORTS OF COMMITTEES**

16 Sen. Mehlhaff moved that the reports of the Standing Committees on  
 17 Senate Appropriations on **SB 54** as found on page 274 of the Senate Journal; also  
 18 Senate Appropriations on **SB 155** as found on page 274 of the Senate Journal be adopted.

19 Which motion prevailed and the reports were adopted.

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

21 **HB 1024:** FOR AN ACT ENTITLED, An Act to amend certain fees collected by the secretary of  
 22 state.

23 **HB 1042:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of  
 24 historical exhibits at the Cultural Heritage Center.

25 **HB 1141:** FOR AN ACT ENTITLED, An Act to provide an exception for employers to acquire  
 26 and distribute opioid antagonists that are available over the counter.

27 **HB 1144:** FOR AN ACT ENTITLED, An Act to adopt the dietitian licensure compact.

28 **HB 1157:** FOR AN ACT ENTITLED, An Act to amend the maximum fee limit due when applying  
 29 for a county drainage permit.

30 **HB 1165:** FOR AN ACT ENTITLED, An Act to provide a means by which an agricultural producer  
 31 may request an automatic refund of an assessment on crops.

1 **HB 1194:** FOR AN ACT ENTITLED, An Act to authorize the cooperation of counties for purposes  
2 of operating an office of county director of equalization.

3 **HB 1222:** FOR AN ACT ENTITLED, An Act to expand the authorized carrying, possession, and  
4 storage of a concealed pistol.

5 **HJR 5006:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
6 election amendments to the Constitution of the State of South Dakota, requiring an intervening  
7 general election before consideration of an initiated constitutional amendment or initiated measure  
8 having the same subject as a previously rejected initiated amendment or measure.

9 Were read the first time.

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

11 **SB 120:** FOR AN ACT ENTITLED, An Act to update the membership of the Animal Industry  
12 Board to include a poultry producer.

13 **SB 166:** FOR AN ACT ENTITLED, An Act to clarify that a digital network is not subject to a  
14 cause of action based on the doctrine of product liability.

15 **SB 215:** FOR AN ACT ENTITLED, An Act to remove the prohibition against a landowner having  
16 an easement on the landowner's property.

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

19 Were read the second time.

20 The question being "Shall **SB 120 and 215, and HB 1118** pass as amended, and **SB 166**  
21 pass?"

22 And the roll being called:

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

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

28 Excused: Jensen (Kevin)

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

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

32 **SB 26:** FOR AN ACT ENTITLED, An Act to reduce employer contribution rates and increase the  
33 administrative fee rate for reemployment assistance.

34 Was read the second time.

1 The question being "Shall **SB 26** pass?"

2 And the roll being called:

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

4 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,  
5 Hulse, 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 Excused: Jensen (Kevin)

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

11 **SB 28:** FOR AN ACT ENTITLED, An Act to revise provisions relating to licensing fees and license  
12 renewal dates for the practice of barbering and to declare an emergency.

13 Was read the second time.

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

15 And the roll being called:

16 Yeas 32, Nays 2, Excused 1, Absent 0

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

20 Nays: Foster and Rohl

21 Excused: Jensen (Kevin)

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

24 **SB 65:** FOR AN ACT ENTITLED, An Act to provide for the sale of certain real estate located in  
25 Pennington County and to provide for the deposit of the proceeds.

26 Was read the second time.

27 The question being "Shall **SB 65** pass as amended?"

28 And the roll being called:

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

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

5 Excused: Jensen (Kevin)

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 123:** FOR AN ACT ENTITLED, An Act to revise provisions related to forensic medical  
 9 examinations.

10 Was read the second time.

11 Sen. Reed moved that **SB 123** be amended as follows:

12 123B

13 On page 3, line 3, of the Introduced bill, after "physician" insert ", physician assistant, nurse  
 14 practitioner, or sexual assault nurse examiner"

15 On page 3, line 5, of the Introduced bill, after "physician" insert ", physician assistant, nurse  
 16 practitioner, or nurse examiner,"

17 On page 3, line 5, of the Introduced bill, after "clinic" insert the comma

18 On page 3, line 5, of the Introduced bill, after "may" delete " not"

19 On page 3, line 8, of the Introduced bill, after "physician" insert ", physician assistant, nurse  
 20 practitioner, or sexual assault nurse examiner"

21 On page 3, line 10, of the Introduced bill, after "physician" insert ", physician assistant, nurse  
 22 practitioner, or nurse examiner,"

23 On page 3, line 10, of the Introduced bill, after "clinic" insert the comma

24 On page 3, line 10, of the Introduced bill, after "may" delete " not"

25 On page 3, line 27, of the Introduced bill, after "the" insert " attending"

26 On page 3, line 27, of the Introduced bill, after "physician" insert ", physician assistant, nurse  
 27 practitioner, or sexual assault nurse examiner"

28 Which motion prevailed.

29 The question being "Shall **SB 123** pass as amended?"

30 And the roll being called:

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

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

5 Excused: Jensen (Kevin)

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 185:** FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the process by  
 9 which the address qualifications of a registered voter are verified.

10 Was read the second time.

11 Sen. Hulse moved that **SB 185** be amended as follows:

12 185C

13 On page 1, line 6, of the Senate State Affairs Engrossed bill, delete " a" and insert " to"

14 On page 1, line 7, of the Senate State Affairs Engrossed bill, after "challenge" delete " of"

15 On page 1, line 8, of the Senate State Affairs Engrossed bill, after "correction" insert " filed  
 16 pursuant to this section"

17 On page 1, line 10, of the Senate State Affairs Engrossed bill, after "§ 12-4-18;" insert " or"

18 On page 1, line 11, of the Senate State Affairs Engrossed bill, after "deceased" delete the  
 19 semicolon

20 On page 1, line 12, of the Senate State Affairs Engrossed bill, after "deceased;" delete "(3)  
 21 Has voted or has registered to vote in another state; or

22 (4) Is a resident of this state, pursuant to § 12-1-4"

23 On page 1, after line 13, of the Senate State Affairs Engrossed bill, insert: "

24 **Section 2. That a NEW SECTION be added to chapter 12-4:**

25 An application for the correction of any precinct registration list or to challenge the right to  
 26 vote of any registered voter may be filed by the secretary of state, the auditor of the county where  
 27 the challenged voter is registered, or any other individual who is registered as a voter in the same  
 28 county where the challenged voter is registered, not later than the ninetieth day before the day of  
 29 a primary, runoff, special, or general election. The application for correction filed pursuant to this  
 30 section may only challenge whether a voter:

31 (1) Has voted or has registered to vote in another state; or

32 (2) Is a resident of this state, pursuant to § 12-1-4."

33 On page 1, line 18, of the Senate State Affairs Engrossed bill, after "1" insert " or 2"

34 On page 2, line 4, of the Senate State Affairs Engrossed bill, after "1" insert " or 2"

35 On page 2, line 6, of the Senate State Affairs Engrossed bill, after "affidavit." insert " The State  
 36 Board of Elections shall promulgate rules, pursuant to chapter 1-26, establishing the form of the

1 affidavit and the documentation that must be included with the affidavit as evidence of the voter's  
2 qualifications."

3 On page 2, line 8, of the Senate State Affairs Engrossed bill, after "challenge." insert " An  
4 individual who intentionally makes public any information that is confidential, pursuant to this  
5 section, is guilty of a Class 2 misdemeanor."

6 On page 2, line 10, of the Senate State Affairs Engrossed bill, delete " 2" and insert " 3"

7 On page 2, line 11, of the Senate State Affairs Engrossed bill, delete " is" and insert " raises"

8 On page 2, line 12, of the Senate State Affairs Engrossed bill, after "a" delete " nonforwardable,  
9 return-if-undeliverable address"

10 On page 2, line 13, of the Senate State Affairs Engrossed bill, after "application." insert " The  
11 verification request must be sent by forwardable mail in compliance with the National Voter  
12 Registration Act, 52 U. S. C. §§ 20501 to 20511, inclusive (January 1, 2025)."

13 On page 2, line 14, of the Senate State Affairs Engrossed bill, delete " fourteen" and insert "  
14 thirty"

15 On page 2, line 14, of the Senate State Affairs Engrossed bill, after "days" insert " of the  
16 postmark date"

17 On page 2, line 18, of the Senate State Affairs Engrossed bill, delete "If the voter fails to  
18 produce documentation sufficient to demonstrate the voter's qualifications, the " and insert "The "

19 On page 2, line 19, of the Senate State Affairs Engrossed bill, delete " the individual's voter"  
20 and insert " a voter's"

21 On page 2, line 19, of the Senate State Affairs Engrossed bill, after "registration" insert " if the  
22 voter:

23 (1) Fails to produce documentation sufficient to demonstrate the voter's qualifications; and

24 (2) Has not voted or appeared to vote in an election during the period between:

25 (a) The date that the verification request was sent; and

26 (b) The day after the first general election following the date of the verification request"

27 On page 2, line 20, of the Senate State Affairs Engrossed bill, after "to" delete " subdivision  
28 (3) or (4) of"

29 On page 2, line 21, of the Senate State Affairs Engrossed bill, delete " 1" and insert " 2"

30 On page 2, line 21, of the Senate State Affairs Engrossed bill, after "election." insert "

31 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, establishing the  
32 process by which a county auditor must research a registered voter to establish the validity of a  
33 challenge."

34 On page 2, line 23, of the Senate State Affairs Engrossed bill, delete " 3" and insert " 4"

35 On page 2, line 27, of the Senate State Affairs Engrossed bill, delete " 2" and insert " 3"

36 On page 3, line 5, of the Senate State Affairs Engrossed bill, delete " 2" and insert " 3"

37 Which motion prevailed.

1 The question being "Shall **SB 185** pass as amended?"

2 And the roll being called:

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

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

8 Nays: Foster

9 Excused: Jensen (Kevin)

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

12 **SB 208:** FOR AN ACT ENTITLED, An Act to amend provisions pertaining to a school district's  
13 proposed opt out, capital outlay certificate, or other agreement.

14 Was read the second time.

15 Sen. Peterson (Sue) moved that **SB 208** be amended as follows:

16 208D

17 On page 2, line 21, of the Senate Education Engrossed bill, delete " at least sixty percent of  
18 the total number" and insert " a majority"

19 On page 2, line 22, of the Senate Education Engrossed bill, after "of" insert " the"

20 Which motion prevailed.

21 The question being "Shall **SB 208** pass as amended?"

22 And the roll being called:

23 Yeas 19, Nays 15, Excused 1, Absent 0

24 Yeas: Beal, Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Karr, Lapka, Marty, Mehlhaff,  
25 Nelson, Otten, Peterson (Sue), Pischke, Voight, Voita, and Zikmund

26 Nays: Crabtree, Davis, Deibert, Duhamel, Kolbeck (Steve), Larson, Miskimins, Perry, Reed,  
27 Rohl, Sauder, Schoenfish, Smith, Vilhauer, and Wheeler

28 Excused: Jensen (Kevin)

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

31 **SCR 605:** A CONCURRENT RESOLUTION, Promoting a resilient and healthy Black Hills forest  
32 through active forest management and retention of the current forest products industry.

33 Was read the second time.



1 The question being "Shall **SCR 605** be adopted?"

2 And the roll being called:

3 Yeas 32, Nays 2, Excused 1, Absent 0

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

7 Nays: Foster and Smith

8 Excused: Jensen (Kevin)

9 So the motion having received an affirmative vote of a majority of the members-elect, the  
10 President declared the motion carried and **SCR 605** was adopted.

11 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

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

14 Was read the second time.

15 The question being "Shall **HB 1053** pass as amended?"

16 And the roll being called:

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

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

22 Excused: Jensen (Kevin)

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

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

27 Was read the second time.

28 The question being "Shall **HB 1109** pass as amended?"

29 And the roll being called:

30 Yeas 17, Nays 17, Excused 1, Absent 0

1 Yeas: Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Karr, Lapka, Marty, Nelson, Otten,  
2 Perry, Peterson (Sue), Pischke, Voight, and Voita

3 Nays: Beal, Crabtree, Davis, Deibert, Duhamel, Kolbeck (Steve), Larson, Mehlhaff, Miskimins,  
4 Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and Zikmund

5 Excused: Jensen (Kevin)

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

8 Sen. Voita announced her intention to reconsider the vote by which **HB 1109** lost.

9 **SIGNING OF BILLS**

10 The President publicly read the title to

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

13 **HB 1056:** FOR AN ACT ENTITLED, An Act to prohibit the preparation, sale, and distribution of  
14 certain kratom products and to provide a penalty therefor.

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

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

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

20 Sen. Larson moved that the Senate do now adjourn, which motion prevailed and at 3:41 p.m.  
21 the Senate adjourned.

22 Peggy Laurenz, Secretary