

# *JOURNAL OF THE SENATE*

## *ONE HUNDREDTH SESSION*

---

TWENTY-FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, February 20, 2025

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by Senate pages Eliza Potter and Grant Roth.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 23rd 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

**COMMUNICATIONS AND PETITIONS**

2

February 13, 2025

3

The Honorable Tonnis H. Venhuizen

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

8

Pursuant to the provisions of Chapter 41-2 of the South Dakota Codified Laws and subject to

9

your consent, I have the honor to inform you that I have reappointed Julie Bartling, of Gregory

10

County, Gregory South Dakota, to the Game, Fish and Parks Commission.

11

This reappointment is effective February 11, 2025, and shall continue until January 10, 2029.

12

Sincerely,

13

Larry Rhoden

14

Governor

15

The President announced the referral of the reappointment to the Committee on Agriculture

16

and Natural Resources.

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 Brad Greenway, of Davison County, Mitchell, South Dakota, to the South Dakota Board

25

of Technical Education subject to your consent. This reappointment was effective January 23, 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 Brad Greenway to the South Dakota Board

28

of Technical Education.

29

Sincerely,

30

Larry Rhoden

31

Governor

32

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

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 appointed Jamie Stucky, of Lincoln County, Lennox, South Dakota, to the South Dakota Board of  
9 Technical Education subject to your consent. This appointment was effective January 20, 2025 and  
10 shall continue until October 31, 2026. As the current Governor of South Dakota, I am supportive of  
11 this selection and ask for your consideration to confirm Jamie Stucky to the South Dakota Board of  
12 Technical Education.

13 Sincerely,  
14 Larry Rhoden  
15 Governor

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

17 **REPORTS OF STANDING COMMITTEES**

18 MR. PRESIDENT:

19 The Committee on Senate Education respectfully reports that it has had under consideration  
20 **HB 1068** and returns the same with the recommendation that said bill be amended as follows:

21 1068A

22 On page 1, line 2, of the Introduced bill, after "ceremony" insert " and to declare an emergency"

23 On page 1, after line 9, of the Introduced bill, insert: "

24 **Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,  
25 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
26 effect from and after its passage and approval."

27 And that as so amended, **HB 1068** do pass.

28 Also MR. PRESIDENT:

29 The Committee on Senate Education respectfully reports that it has had under consideration  
30 **HB 1093** and returns the same with the recommendation that said bill be amended as follows:

31 1093B

32 On page 1, line 10, of the House Engrossed bill, remove the overstrikes from " at the next  
33 regular"

34 On page 1, line 10, of the House Engrossed bill, delete " regular at an" and insert " primary or  
35 general"

1 On page 1, line 11, of the House Engrossed bill, after "purpose." delete " In even-numbered  
2 years, the election must be held in conjunction with the regular primary or general election. In odd-  
3 numbered years, the question must be placed upon the ballot at a special election called for that  
4 purpose and held on:

5 (1) The first Tuesday after the first Monday in June; or

6 (2) The first Tuesday after the first Monday in November.

7 When the election is held in conjunction with the primary or general election, the expenses and  
8 governmental responsibilities of a combined election must be shared in a manner agreed upon by  
9 the board of the school district and the boards of county commissioners involved."

10 On page 1, line 22, of the House Engrossed bill, delete " the regular or special" and insert "  
11 the primary or general"

12 On page 2, line 1, of the House Engrossed bill, after "question" insert " is"

13 On page 2, line 1, of the House Engrossed bill, delete " an" and insert " a primary"

14 On page 2, line 1, of the House Engrossed bill, after "election" insert " and"

15 On page 2, line 2, of the House Engrossed bill, delete " available" and insert " general"

16 On page 2, line 3, of the House Engrossed bill, after "the" insert " primary"

17 And that as so amended, **HB 1093** do pass.

18 Respectfully submitted,  
19 Kyle Schoenfish, Chair

20 MR. PRESIDENT:

21 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
22 **SB 172** and returns the same with the recommendation that said bill do pass.

23 Also MR. PRESIDENT:

24 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
25 **SB 181** which was tabled.

26 Also MR. PRESIDENT:

27 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
28 **SCR 608** which was deferred to the 41st Legislative Day.

29 Respectfully submitted,  
30 David Wheeler, Chair

31 MR. PRESIDENT:

32 The Senate Committee on Appropriations respectfully reports that it has had under  
33 consideration **SB 126** which was deferred to the 41st Legislative Day.

1 Also MR. PRESIDENT:

2 The Senate Committee on Appropriations respectfully reports that it has had under  
3 consideration **SB 142, 153, and 214** which were tabled.

4 Also MR. PRESIDENT:

5 The Senate Committee on Appropriations respectfully reports that it has had under  
6 consideration **SB 3** and returns the same with the recommendation that said bill be amended as  
7 follows:

8 3A

9 On page 2, line 23, of the Introduced bill, delete " all" and insert " a"

10 On page 2, line 23, of the Introduced bill, delete " requirements" and insert " requirement"

11 On page 2, line 23, of the Introduced bill, after "applicant" insert " for a revocation listed in  
12 subsections (a) to (e), inclusive"

13 On page 4, line 16, of the Introduced bill, after "information. " delete "The individual must also  
14 provide written consent to the department to provide the information."

15 And that as so amended, **SB 3** do pass.

16 Also MR. PRESIDENT:

17 The Senate Committee on Appropriations respectfully reports that it has had under  
18 consideration **SB 70** and returns the same with the recommendation that said bill be amended as  
19 follows:

20 70B

21 On page 1, line 11, of the Introduced bill, delete " seventy-five" and insert " thirty-seven"

22 70C

23 On amendment (70B),

24 On page 1, line 12, after "year." delete "Beginning on July 1, 2026, the maximum amount that  
25 a sparse school district may receive under this section increases annually by the index factor, as  
26 defined in § 13-13-10. 1. "

27 And that as so amended, **SB 70** do pass.

28 Also MR. PRESIDENT:

29 The Senate Committee on Appropriations respectfully reports that it has had under  
30 consideration **SB 144** and returns the same with the recommendation that said bill be amended as  
31 follows:

32 144B

33 On page 1, line 11, of the Introduced bill, delete "The" and insert "Notwithstanding any  
34 provision of this title to the contrary, the"

35 On page 1, line 14, of the Introduced bill, delete " one" and insert " two"

36 On page 1, line 14, of the Introduced bill, after "million " insert "five hundred thousand "

- 1 On page 1, line 16, of the Introduced bill, delete "The" and insert "Notwithstanding any  
2 provision of this title to the contrary, the"
- 3 On page 1, line 17, of the Introduced bill, delete " one" and insert " two"
- 4 On page 1, line 18, of the Introduced bill, after "million" insert " five hundred thousand"
- 5 On page 2, line 2, of the Introduced bill, delete " void and unenforceable" and insert " voidable  
6 in a legal action initiated by the attorney general"
- 7 On page 2, line 2, of the Introduced bill, after "unenforceable." insert "
- 8 The applicability of this section includes any action authorized under this title. "
- 9 On page 2, line 3, of the Introduced bill, after "unenforceable." delete "Section 3. That § 41-  
10 2-21 be AMENDED:
- 11 "
- 12 On page 2, line 4, of the Introduced bill, after "AMENDED:" delete "41-2-21. "
- 13 On page 2, line 4, of the Introduced bill, after "41-2-21. " delete "The Subject to section 2 of  
14 this Act, the Department of Game, Fish and Parks may acquire, by any means or methods as  
15 specified in § 41-2-19, any public or private real property especially desirable for purposes of  
16 establishing public shooting areas or for the purposes of water conservation or recreation, and may  
17 develop and improve the property for such purposes."
- 18 On page 2, line 9, of the Introduced bill, after "purposes." delete "Section 4. That § 41-2-22  
19 be AMENDED:
- 20 "
- 21 On page 2, line 10, of the Introduced bill, after "AMENDED:" delete "41-2-22. "
- 22 On page 2, line 10, of the Introduced bill, after "41-2-22. " delete "The Subject to section 2 of  
23 this Act, the Department of Game, Fish and Parks may establish and operate controlled hunting  
24 areas whenever, in the opinion of the Game, Fish and Parks Commission, the establishment of such  
25 the areas is in the best interest of the people of South Dakota this state."
- 26 On page 2, line 14, of the Introduced bill, after "state." delete "Section 5. That § 41-2-23 be  
27 AMENDED:
- 28 "
- 29 On page 2, line 15, of the Introduced bill, after "AMENDED:" delete "41-2-23. "
- 30 On page 2, line 15, of the Introduced bill, after "41-2-23. " delete "The Subject to section 2 of  
31 this Act, the Department of Game, Fish and Parks shall, if directed by the Game, Fish and Parks  
32 Commission, expend funds for the improvement of wildlife habitat, access to hunting, and access to  
33 fishing or recreation areas on any land, public or private, within the state, notwithstanding the  
34 provisions of § 5-14-10. Any land so improved is open to reasonable use by the public."
- 35 On page 2, line 20, of the Introduced bill, after "public." delete "Section 6. That § 41-2-24 be  
36 AMENDED:
- 37 "
- 38 On page 2, line 21, of the Introduced bill, after "AMENDED:" delete "41-2-24. "

1 On page 2, line 21, of the Introduced bill, after "41-2-24. " delete "The Subject to section 2 of  
2 this Act, the Department of Game, Fish and Parks shall acquire, by gift, purchase, lease, or  
3 condemnation, and shall improve and manage land areas suitable for park purposes in various  
4 portions of the state, so that a comprehensive state park system may be established. The  
5 department may levy and collect service fees for the use of the facilities in the state parks, upon  
6 the conditions as provided in this title. The department may issue its negotiable bonds for such  
7 purposes, and in such the amounts, forms, and upon such the conditions as provided in this title.  
8 The department may cooperate with the United States, with any agency of the United States, and  
9 with any other department or public corporation of this state in such park activities."

10 On page 3, line 1, of the Introduced bill, after "activities." delete "Section 7. That § 41-2-25  
11 be AMENDED:

12 "

13 On page 3, line 2, of the Introduced bill, after "AMENDED:" delete "41-2-25. "

14 On page 3, line 2, of the Introduced bill, after "41-2-25. " delete "The Subject to section 2 of  
15 this Act, the Department of Game, Fish and Parks may make capital improvements that the Game,  
16 Fish and Parks Commission deems necessary or proper for the extension, improvement, or  
17 development of state parks and recreation areas, on all land leased by the department. The  
18 provisions of § 5-14-10 do not apply to this section."

19 On page 3, line 7, of the Introduced bill, after "section." delete "Section 8. That § 41-2-31 be  
20 AMENDED:

21 "

22 On page 3, line 8, of the Introduced bill, after "AMENDED:" delete "41-2-31. "

23 On page 3, line 8, of the Introduced bill, after "41-2-31. " delete "The Subject to section 2 of  
24 this Act, the Department of Game, Fish and Parks may accept, use, and expend any funds directed  
25 to it and provided by any agency of the United States government or provided by any other private  
26 or public sources."

27 On page 3, line 11, of the Introduced bill, after "sources." delete "Section 9. That § 41-2-34.  
28 1 be AMENDED:

29 "

30 On page 3, line 12, of the Introduced bill, after "AMENDED:" delete "41-2-34. 1. "

31 On page 3, line 12, of the Introduced bill, after "41-2-34.1. " delete "An amount equal to thirty-  
32 five percent of the resident small game license revenue shall must be used for the purpose of  
33 restoring the state pheasant and wildlife population. Any land purchased with such funds shall the  
34 moneys must be identified as game production areas. Any such A purchase shall must be from a  
35 willing seller and shall must be approved by the Governor. A purchase is subject to section 2 of this  
36 Act. No acquisition of land made pursuant to this section may be accomplished through the state's  
37 power of eminent domain."

38 On page 3, line 19, of the Introduced bill, after "domain." delete "Section 10. That § 41-2-34.  
39 2 be AMENDED:

40 "

41 On page 3, line 20, of the Introduced bill, after "AMENDED:" delete "41-2-34. 2. "

42 On page 3, line 20, of the Introduced bill, after "41-2-34.2. " delete "The Game, Fish and Parks  
43 Commission shall impose a surcharge in the amount of six dollars on each classification of hunting  
44 licenses issued by the Department of Game, Fish and Parks, with the exception of licenses to take

1 fur-bearing animals, one-day small game licenses, predator/varmint licenses, migratory bird  
2 certification permits, youth deer licenses, youth small game licenses, and mentored youth big game  
3 licenses authorized by § 41-6-81. Of the revenue from the surcharge for each such license, one  
4 dollar shall must be deposited in the animal damage control fund established pursuant to § 40-36-  
5 10; and five dollars shall must be deposited in a special fund known as the South Dakota sportsmen's  
6 access and landowner depredation fund, which is hereby established.

7 Money in the fund is continuously appropriated for the purposes set forth in this section.

8 Fifty percent of the money in the South Dakota sportsmen's access and landowner depredation  
9 fund shall must be available to landowners, pursuant to procedures and amounts to be established  
10 in rules promulgated by the commission, pursuant to chapter 1-26, for purposes of providing hunting  
11 access on the landowners' land and for wildlife depredation and damage management programs.  
12 Fifty percent of the money in the South Dakota sportsmen's access and landowner depredation fund  
13 shall must be available for purposes of acquiring free public hunting access by lease agreement.  
14 Expenditures under this section are subject to section 2 of this Act."

15 On page 4, line 9, of the Introduced bill, after "Act." delete "Section 11. That § 41-2-35 be  
16 AMENDED:

17 "

18 On page 4, line 10, of the Introduced bill, after "AMENDED:" delete "41-2-35. "

19 On page 4, line 10, of the Introduced bill, after "41-2-35. " delete "All moneys in the  
20 Department of Game, Fish and ParksMoneys in the game, fish and parks fund are hereby annually  
21 appropriated to must be budgeted through the general appropriation bill and may be used, together  
22 with any moneys otherwise appropriated, to pay the necessary expenses of effectuating the  
23 purposes of this title. The use of moneys referenced in this section is subject to section 2 of this  
24 Act."

25 On page 4, line 15, of the Introduced bill, after "Act." delete "Section 12. That § 41-4-1 be  
26 AMENDED:

27 "

28 On page 4, line 16, of the Introduced bill, after "AMENDED:" delete "41-4-1. "

29 On page 4, line 16, of the Introduced bill, after "41-4-1. " delete "The Department of Game,  
30 Fish and Parks may acquire or condemn private property, if the property is necessary to carry out  
31 the purposes and intent of this title. If the Game, Fish and Parks Commission deems it necessary to  
32 take or condemn any private property for such purposes, the commission shall by proper must, by  
33 resolution, declare such the necessity, stating the purpose and extent of the action. The commission  
34 shall communicate the resolution to the attorney general, and thereupon the proceedings to take or  
35 condemn the property shall must be conducted as provided by the laws of this state law, in the  
36 name of the state as plaintiff. Any acquisition or condemnation under this section is subject to  
37 section 2 of this Act."

38 On page 4, line 25, of the Introduced bill, after "Act." delete "Section 13. That § 41-4-1. 1 be  
39 AMENDED:

40 "

41 On page 4, line 26, of the Introduced bill, after "AMENDED:" delete "41-4-1. 1. "

42 On page 4, line 26, of the Introduced bill, after "41-4-1.1. " delete "Before the Department of  
43 Game, Fish and Parks purchases any land pursuant to § 41-2-19, 41-2-21, 41-2-24, 41-4-1, or 41-  
44 4-3, the department shall notify the owners of any land, which is located adjacent to the land sought  
45 to be purchased by the department, that the department is seeking to purchase such land. The  
46 notification shall be by publishing department shall publish notice of the same intended purchase



1 once in each legal newspaper of the county in which the property to be purchased is located. The  
2 notification shall be made notice must be published at least thirty days prior to the date of action  
3 by the Game, Fish and Parks Commission authorizing the intended purchase. The notice shall must  
4 include the time and location of the meeting at which the commission's action is expected and  
5 instructions for presenting oral and written comments to the commission. Any purchase under this  
6 section is subject to section 2 of this Act."

7 On page 5, line 6, of the Introduced bill, after "Act." delete "Section 14. That § 41-4-2 be  
8 AMENDED:

9 "

10 On page 5, line 7, of the Introduced bill, after "AMENDED:" delete "41-4-2. "

11 On page 5, line 7, of the Introduced bill, after "41-4-2. " delete "Payment for lands acquired  
12 by eminent domain, including the cost and expenses of condemnation proceedings, shall must be  
13 paid out of the Department of Game, Fish and Parks department of game, fish and parks fund, and  
14 such any part of suchthe fund as may be necessary is hereby appropriated for such the stated  
15 purposes, and the. The state auditor shall issue warrants upon the state treasurer against such the  
16 fund, upon vouchers duly approved by the Game, Fish and Parks Commission. Any payment under  
17 this section is subject to section 2 of this Act."

18 On page 5, line 14, of the Introduced bill, after "Act." delete "Section 15. That § 41-4-3 be  
19 AMENDED:

20 "

21 On page 5, line 15, of the Introduced bill, after "AMENDED:" delete "41-4-3. "

22 On page 5, line 15, of the Introduced bill, after "41-4-3. " delete "Three dollars received from  
23 the sale of each nonresident small game license shall must be placed in a fund to be known as the  
24 land acquisition and development fund. The moneys from this fund shall must be used for the  
25 following purposes:

26 (1) To acquire, subject to the section 2 of this Act, by purchase or lease, real property to be  
27 used primarily for game production. Such The real property shall must remain open for public  
28 hunting;

29 (2) To pay the salary and any necessary expenses of any employee of the Department of  
30 Game, Fish and Parks engaged in the acquisition of such the real property;

31 (3) For improving and maintaining game production areas, subject to the section 2 of this Act;  
32 and

33 (4) For the payment of taxes on public shooting areas.

34 Not more than twenty-five percent of the land acquisition and development fund, after the  
35 payment of taxes, may be used for the administration of the fund or for improving and maintaining  
36 game production areas."

37 On page 5, line 29, of the Introduced bill, after "areas." delete "Section 16. That § 41-4-10 be  
38 AMENDED:

39 "

40 On page 5, line 30, of the Introduced bill, after "AMENDED:" delete "41-4-10. "

41 On page 5, line 30, of the Introduced bill, after "41-4-10. " delete "The Department of Game,  
42 Fish and Parks may acquire by gift or lease, from willing landowners, the right to maintain unused,  
43 terminated, or abandoned section-line rights-of-way as game production areas. This section does

1 not apply to section lines where roads have never been developed. No such interest acquired by the  
2 department may prevent a roadway from being reopened to public travel.

3 Every political subdivision of the state east of the Missouri River, having highways or roadways  
4 under its jurisdiction, may notify the Department of Game, Fish and Parks of any of its developed  
5 rights-of-way that are not being maintained as public highways or roads, and shall cooperate with  
6 the department in acquiring and maintaining such the rights-of-way for use as game production  
7 areas. Any acquisition under this section is subject to section 2 of this Act."

8 On page 6, line 10, of the Introduced bill, after "Act." delete "Section 17. That § 41-17-4 be  
9 AMENDED:

10 "

11 On page 6, line 11, of the Introduced bill, after "AMENDED:" delete "41-17-4. "

12 On page 6, line 11, of the Introduced bill, after "41-17-4. " delete "The Department of Game,  
13 Fish and Parks may, with the approval of the Governor and commissioner of human resources and  
14 administration, purchase, construct, or otherwise acquire, or contract for the feasibility survey,  
15 construction, completion, equipping, or furnishing, of any recreational or parks facility within any  
16 state park or state recreation area, if the Game, Fish and Parks Commission deems the facility to  
17 be necessary and feasible. Any purchase, construction, acquisition, or contract under this section is  
18 subject to section 2 of this Act."

19 On page 6, line 18, of the Introduced bill, after "Act." delete "Section 18. That § 41-17-14 be  
20 AMENDED:

21 "

22 On page 6, line 19, of the Introduced bill, after "AMENDED:" delete "41-17-14. "

23 On page 6, line 19, of the Introduced bill, after "41-17-14. " delete "The total net receipts from  
24 license fees under § 41-17-13 shall must be deposited in the parks and recreation fund established  
25 by § 41-17-21 and be used by the Game, Fish and Parks Commission, subject to section 2 of this  
26 Act, for operating and maintaining the existing state park system as defined in § 41-17-1. 1, in such  
27 a manner as to advance and promote that advances and promotes the tourist industry in South  
28 Dakota this state. No portion of the moneys raised by these fees may be used to purchase land for  
29 park sites."

30 On page 6, line 26, of the Introduced bill, after "sites." delete "Section 19. That § 41-17-14. 1  
31 be AMENDED:

32 "

33 On page 6, line 27, of the Introduced bill, after "AMENDED:" delete "41-17-14. 1. "

34 On page 6, line 27, of the Introduced bill, after "41-17-14.1. " delete "The Department of  
35 Game, Fish and Parks may issue permits for camping in the state park system. The camping permits  
36 shall must be issued according to rules adopted pursuant to § 41-17-1. 1. Fees collected for camping  
37 permits shall must be deposited in the parks and recreation fund established by § 41-17-21. The  
38 funds shall must be used, subject to section 2 of this Act, for development, capital improvement,  
39 operating, and maintaining the state park system, as defined in § 41-17-1. 1. No portion of the  
40 moneys raised by these fees may be used to purchase land for park sites."

41 On page 7, line 3, of the Introduced bill, after "sites." delete "Section 20. That § 41-17-15 be  
42 AMENDED:

43 "

44 On page 7, line 4, of the Introduced bill, after "AMENDED:" delete "41-17-15. "

1 On page 7, line 4, of the Introduced bill, after "41-17-15. " delete "All income realized from  
 2 the collection of park service fees established by rules adopted pursuant to § 41-17-1. 1 shall must  
 3 be deposited in the parks and recreation fund established by § 41-17-21. The income shall may,  
 4 subject to section 2 of this Act, be expended by the Department of Game, Fish and Parks only for  
 5 the improvement and development of the state parks, or in payment of any revenue bond issued  
 6 under the provisions of this chapter."

7 On page 7, line 10, of the Introduced bill, after "chapter." delete "Section 21. That § 41-2-35.  
 8 1 be REPEALED.

9 "

10 On page 7, line 11, of the Introduced bill, after "REPEALED." delete "Notwithstanding any other  
 11 provisions of law, all funds received by the Department of Game, Fish and Parks shall be set forth  
 12 in an informational budget as described in § 4-7-7. 2 and be annually reviewed by the Legislature.  
 13 Nothing in this section affects department control over expenditures of any portion of dedicated  
 14 revenues received by the department."

15 And that as so amended, **SB 144** do pass.

16 Also MR. PRESIDENT:

17 The Senate Committee on Appropriations respectfully reports that it has had under  
 18 consideration **SB 145** and returns the same with the recommendation that said bill be amended as  
 19 follows:

20 145C

21 On page 2, line 13, of the Introduced bill, delete " 2" and insert " 3"

22 On page 2, line 19, of the Introduced bill, after "action." delete "Section 2. That a NEW SECTION  
 23 be added to chapter 1-33:

24 "

25 On page 2, line 20, of the Introduced bill, after "1-33:" delete "The Bureau of Human Resources  
 26 and Administration may not, without legislative consent, enter into or otherwise authorize the lease  
 27 of real property necessary for the operation of state government, if the term of the lease exceeds  
 28 ten years or the amount of rental payments due during the term of the lease exceeds five million  
 29 dollars.

30 In order to receive legislative consent, the commissioner of bureau human resources and  
 31 administration shall:

32 (1) If the legislature is in session, seek the introduction and adoption of a joint resolution  
 33 consenting to the lease; or

34 (2) If the Legislature is in a recess or between legislative sessions, request that  
 35 the Executive Board of the Legislative Research Council review and consent to the terms and  
 36 conditions of the lease.

37 A lease pf real property necessary for the operation of state government may not be divided  
 38 or structured in order to avoid or otherwise defeat the approval threshold established in this section.

39 Any lease entered into in violation of this section is void and unenforceable."

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

41 **Section 2. That a NEW SECTION be added to chapter 1-33:**

1 Terms used in section 3 of this Act mean:

2 (1) "Base rent," the amount paid by the state to a party for the use of real property pursuant  
3 to the terms of a written lease. "Base rent" does not include expenses or lease charges  
4 for taxes, insurance, utilities, maintenance, repairs, common area charges, and  
5 improvements; and

6 (2) "Long-term lease," any proposed real property lease by the state where the initial term  
7 of the lease exceeds a commitment of fifteen years and the base rent due during the  
8 initial term either exceeds \$5,000,000 in total for the rental payments due during the  
9 term of the lease or \$50,000 per month during the term of the lease. "

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

11 **Section 3. That a NEW SECTION be added to chapter 1-33:**

12 Before the Bureau of Human Resources and Administration may enter a long-term lease on  
13 behalf of the state, the Legislature must authorize the proposed long-term lease. The legislative  
14 authorization must be in the form of a concurrent resolution, adopted by both chambers of the  
15 Legislature.

16 To be a valid legislative authorization under this section, the concurrent resolution must only  
17 contain content related to the following:

18 (1) The maximum initial term of the proposed long-term lease;

19 (2) The maximum amount of base rent for the initial term of the proposed long-term lease;

20 (3) A description of the project for which the proposed long-term lease is required; and

21 (4) The county and municipality, if any, where the project is to be located.

22 The Bureau of Human Resources and Administration may not, without receiving legislative  
23 authorization as required by this section, enter or otherwise authorize the lease of real property  
24 necessary for the operation of state government under any long-term lease.

25 A lease of real property for a proposed project at a single site may not be divided or structured  
26 as multiple leases to avoid the requirements of this section.

27 A lease renewal or extension or any amendment to a long-term lease after the initial lease  
28 term ends is excluded from the requirements of this section, if the renewal, extension, or  
29 amendment does not exceed fifteen years and the base rent due resulting from the renewal,  
30 extension, or amendment does not either exceed \$5,000,000 in total for the rental payments due  
31 during the new term or \$50,000 per month during the new term.

32 Any long-term lease entered in violation of this section is voidable in a legal action initiated by  
33 the attorney general. "

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

35 **Section 4. This Act applies to long-term leases entered into on or after July 1, 2025. "**

36 And that as so amended, **SB 145** do pass.

37 Also MR. PRESIDENT:

38 The Senate Committee on Appropriations respectfully reports that it has had under  
39 consideration **SB 146** and returns the same with the recommendation that said bill be amended as  
40 follows:

1

146B

2 On page 1, line 12, of the Introduced bill, delete "(3) "Fund source," general fund, federal fund,  
3 or other fund expenditure authority appropriated in the general appropriation bill;

4 (4)" and insert "(3)"

5 On page 1, line 17, of the Introduced bill, delete "(5)" and insert "(4)"

6 On page 1, line 21, of the Introduced bill, after "institutions;" insert " and"

7 On page 2, line 3, of the Introduced bill, after "plant;" delete "(4)(6) "Program," major services  
8 rendered by a department an agency for a single identifiable purpose as appropriated within a  
9 department an agency budget; and

10 "

11 On page 2, line 5, of the Introduced bill, delete "(7)" and insert "(5)"

12 On page 2, line 11, of the Introduced bill, delete " adoption" and insert " creation"

13 On page 2, line 11, of the Introduced bill, delete " programs" and insert " budget units"

14 On page 3, line 13, of the Introduced bill, delete "An agency may transfer appropriations made  
15 in the general appropriation bill, on a one-time basis, within each budget unit using the same fund  
16 source, in accordance with procedures established by the Bureau of Finance and Management and  
17 only upon written approval of the bureau. Transfers of appropriations between budget units or  
18 between fund sources must be approved by the special committee. Agencies may not transfer  
19 appropriations on a permanent basis except to make pool distributions as approved by the special  
20 committee or to reflect a reorganization pursuant to S. D. Const. , Art. IV, § 8." and insert "Any  
21 transfer of appropriations made in the general appropriation bill may only occur upon approval by  
22 an agency head or designee, in accordance with procedures established by the Bureau of Finance  
23 and Management, and upon approval of the bureau. An agency may transfer appropriations within  
24 a budget unit, on a one-time or ongoing basis, or between budget units within an agency, on a one-  
25 time basis. An agency may transfer appropriations between agencies to reflect a reorganization  
26 pursuant to S.D. Const., Art. IVA, § 8. Transfers of appropriations between budget units within an  
27 agency, on an ongoing basis, or between agencies, on a one-time or ongoing basis, must be  
28 approved by the special committee. Notwithstanding this section, transfers of appropriations  
29 between institutions under the control of the Board of Regents, on a one-time or ongoing basis,  
30 must be approved by the special committee. "

31 On page 3, line 25, of the Introduced bill, delete " authorized by this section" and insert "  
32 requiring approval by the special committee"

33 On page 3, line 27, of the Introduced bill, after "designees." insert " For all other transfers  
34 between budget units, the bureau shall transmit a detailed explanation of the transfer to the special  
35 committee and its designees immediately after approving the transfer. "

36 On page 4, line 19, of the Introduced bill, delete " program line item" and insert " budget unit"

37 On page 4, line 20, of the Introduced bill, delete " other program line items" and insert "  
38 another budget unit"

39 And that as so amended, **SB 146** do pass.

40

Respectfully submitted,

41

Ernie Otten, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
3 consideration **SB 157** and returns the same with the recommendation that said bill be amended as  
4 follows:

5 157B

6 On page 1, line 1, of the Introduced bill, delete "require proof of workers' compensation  
7 insurance for contractors of public improvements and to establish procedures for verifying workers'  
8 compensation coverage and premium payments" and insert "address labor trafficking in South  
9 Dakota"

10 On page 1, line 9, of the Introduced bill, after "insurance" delete ", as provided in title 62"

11 And that as so amended, **SB 157** do pass.

12 Also MR. PRESIDENT:

13 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
14 consideration **SB 200** which was tabled.

15 Also MR. PRESIDENT:

16 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
17 consideration **SCR 606** which was deferred to the 41st Legislative Day.

18 Respectfully submitted,  
19 Casey Crabtree, Chair

20 MR. PRESIDENT:

21 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
22 had under consideration **SB 202** and returns the same with the recommendation that said bill do  
23 pass.

24 Also MR. PRESIDENT:

25 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
26 had under consideration **HB 1095** and returns the same with the recommendation that said bill do  
27 pass, and having been certified as uncontested, be placed on the consent calendar.

28 Respectfully submitted,  
29 Tom Pischke, Chair

30 MR. PRESIDENT:

31 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had  
32 under consideration the nomination of Cory Kestel of Lincoln County, Harrisburg, SD, to the Assistant  
33 Adjutant General, Air and returns the same with the recommendation that the Senate advise and  
34 consent to the confirmation of said appointment.

1 Also MR. PRESIDENT:

2 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had  
3 under consideration **HCR 6002** and returns the same with the recommendation that said resolution  
4 be concurred in.

5 Respectfully submitted,  
6 Larry P. Zikmund, Chair

7 MR. PRESIDENT:

8 The Committee on Legislative Procedure respectfully reports that **SB 47** was delivered to his  
9 Excellency, the Governor, for his approval at 11:10 a.m., February 20, 2025.

10 Respectfully submitted,  
11 Chris Karr, Chair

## 12 MESSAGES FROM THE HOUSE

13 MR. PRESIDENT:

14 I have the honor to transmit herewith **HCR 6008** which has been adopted by the House and  
15 your concurrence is respectfully requested.

16 Also MR. PRESIDENT:

17 I have the honor to transmit herewith **HB 1099, 1124, 1132, 1164, 1196, 1218, 1236,**  
18 **1256, 1259, 1261, and 1264** which have passed the House and your favorable consideration is  
19 respectfully requested.

20 Respectfully,  
21 Patricia Miller, Chief Clerk

## 22 MOTIONS AND RESOLUTIONS

23 Sen. Crabtree moved that the Senate do not concur in House amendments to **SB 25** and that  
24 a committee of three on the part of the Senate be appointed to meet with a like committee on the  
25 part of the House to adjust the differences between the two houses.

26 Which motion prevailed and the President announced as such committee  
27 Senators Crabtree (Chair), Peterson (Sue), and Kolbeck (Steve).

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

29 Sen. Voita moved that the Senate do now reconsider the vote by which **HB 1109** lost.

30 And the roll being called:

31 Yeas 16, Nays 19, Excused 0, Absent 0

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

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

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

7 Sen. Carley moved that the Committee on State Affairs be instructed to deliver **SB 49** to the  
8 floor of the Senate, pursuant to JR 7-7.

9 Which motion was not supported.

10 Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
11 Friday, February 21, 2025 the 25<sup>th</sup> legislative day.

12 Which motion prevailed.

### 13 **CONSIDERATION OF REPORTS OF COMMITTEES**

14 Sen. Mehlhaff moved that the reports of the Standing Committees on  
15 Health and Human Services on **SB 154** as found on page 292 of the Senate Journal; also  
16 Taxation on **SB 178** as found on page 293 of the Senate Journal; and  
17 State Affairs on **SB 198** as found on page 294 of the Senate Journal be adopted.

18 Which motion prevailed and the reports were adopted.

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

20 The President declared that **SB 168** was withdrawn at the request of the prime sponsor  
21 pursuant to JR 6B-1.1.

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

23 **HCR 6008:** A CONCURRENT RESOLUTION, Supporting the effort to bring Amtrak passenger  
24 rail service to the state.

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

26 **HB 1236:** FOR AN ACT ENTITLED, An Act to expand the safety zone within which hunting and  
27 trapping are restricted.

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



- 1        **HB 1196:** FOR AN ACT ENTITLED, An Act to update Uniform Unclaimed Property Act to include  
2 provisions related to virtual currency and notice requirements.
- 3        Was read the first time and referred to the Senate Committee on Appropriations.
- 4        **HB 1099:** FOR AN ACT ENTITLED, An Act to modify the community paramedic endorsement.
- 5        **HB 1124:** FOR AN ACT ENTITLED, An Act to repeal a requirement regarding possession of a  
6 registry card.
- 7        **HB 1132:** FOR AN ACT ENTITLED, An Act to establish provisions for eligibility in the child care  
8 assistance program for certain child care employees.
- 9        Were read the first time and referred to the Committee on Health and Human Services.
- 10       **HB 1218:** FOR AN ACT ENTITLED, An Act to prohibit counties, municipalities, and townships  
11 from imposing firearm restrictions on certain employees, officers, and volunteers.
- 12       **HB 1261:** FOR AN ACT ENTITLED, An Act to provide the board of commissioners with authority  
13 over certain intra-county land uses and construction projects.
- 14       Were read the first time and referred to the Committee on Local Government.
- 15       **HB 1164:** FOR AN ACT ENTITLED, An Act to revise the process for nominating candidates for  
16 lieutenant governor.
- 17       **HB 1256:** FOR AN ACT ENTITLED, An Act to require the inclusion of certain information on a  
18 candidate's nominating petition or on a ballot question petition.
- 19       **HB 1259:** FOR AN ACT ENTITLED, An Act to prohibit unauthorized access to certain multi-  
20 occupancy rooms and to provide a penalty therefor.
- 21       **HB 1264:** FOR AN ACT ENTITLED, An Act to require the disclosure of an outstanding loan  
22 balance on a campaign finance disclosure report.
- 23       Were read the first time and referred to the Committee on State Affairs.
- 24       **HB 1042** was read on February 19, 2025 and today the President Pro Tem waived the referral  
25 to committee pursuant to JR 6D-1.
- 26       The following bills were read on February 19, 2025, and today the President Pro Tem assigned  
27 these bills to committee:
- 28       **HB 1165** was referred to the Committee on Agriculture and Natural Resources.
- 29       **HB 1024** was referred to the Senate Committee on Appropriations.
- 30       **HB 1141** and **HB 1144** were referred to the Committee on Health and Human Services.
- 31       **HB 1157** and **HB 1194** were referred to the Committee on Local Government.
- 32       **HB 1222** and **HJR 5006** were referred to the Committee on State Affairs.

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

2 **HB 1160:** FOR AN ACT ENTITLED, An Act to waive the driver license renewal period for  
3 members of the military and their families, and employees of the state department.

4 Was read the second time.

5 The question being "Shall **HB 1160** pass?"

6 And the roll being called:

7 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

15 **SB 54:** FOR AN ACT ENTITLED, An Act to revise the distribution of revenue from the cigarette  
16 tax.

17 Was read the second time.

18 The question being "Shall **SB 54** pass as amended?"

19 And the roll being called:

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

21 Yeas: Beal, Crabtree, Davis, Deibert, Duhamel, Howard, Hulse, Kolbeck (Steve), Lapka, Marty,  
22 Mehlhaff, Otten, Perry, Pischke, Reed, Rohl, Sauder, Vilhauer, Voight, Voita, and Wheeler

23 Nays: Blanc, Carley, Foster, Grove, Hohn, Jensen (Kevin), Karr, Larson, Miskimins, Nelson,  
24 Peterson (Sue), Schoenfish, Smith, and Zikmund

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

27 **SB 155:** FOR AN ACT ENTITLED, An Act to reduce the amount of net receipts of unclaimed  
28 property deposited into the general fund.

29 Was read the second time.

30 Sen. Howard moved that **SB 155** be amended as follows:

31 155B

32 On page 2, line 25, of the Senate Appropriations Engrossed bill, after "deposit" delete " interest  
33 earned"

1 On page 2, line 25, of the Senate Appropriations Engrossed bill, after "fund" insert " the  
2 distribution amount"

3 On page 2, line 26, of the Senate Appropriations Engrossed bill, delete "Interest earnings" and  
4 insert "Distribution amounts"

5 On page 3, line 11, of the Senate Appropriations Engrossed bill, after "fund. " insert "Until fiscal  
6 year 2031, the distribution must be based on the market value as of each December 31, beginning  
7 with the market value as of December 31, 2025. "

8 On page 3, line 15, of the Senate Appropriations Engrossed bill, after "the " insert "distribution  
9 "

10 Which motion prevailed.

11 The question being "Shall **SB 155** pass as amended?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

20 **SB 175**: FOR AN ACT ENTITLED, An Act to create provisions governing litigation financing.

21 Was read the second time.

22 Sen. Wheeler moved that **SB 175** be amended as follows:

23 175C

24 On page 7, line 13, of the Senate Judiciary Engrossed bill, after "jurisdiction" insert " or an  
25 administrative law judge"

26 On page 7, line 15, of the Senate Judiciary Engrossed bill, after "disclose" delete " and deliver"

27 On page 7, line 16, of the Senate Judiciary Engrossed bill, delete the comma and insert " or"

28 On page 7, line 16, of the Senate Judiciary Engrossed bill, after "proceeding" delete ", claim,  
29 or cause of action"

30 On page 7, line 17, of the Senate Judiciary Engrossed bill, after "representative;" insert " and"

31 On page 7, line 18, of the Senate Judiciary Engrossed bill, after "representative;

32 (2)" delete " The court, agency, or tribunal in which the civil action, administrative proceeding,  
33 claim, or cause of action may be pending; and

34 (3)"

35 On page 7, line 21, of the Senate Judiciary Engrossed bill, delete the comma and insert " or"

- 1 On page 7, line 21, of the Senate Judiciary Engrossed bill, after "proceeding" delete ", claim,  
2 or cause of action"
- 3 On page 7, line 22, of the Senate Judiciary Engrossed bill, delete " exists regardless of whether"  
4 and insert " arises when"
- 5 On page 7, line 23, of the Senate Judiciary Engrossed bill, delete " has commenced" and insert  
6 " is filed in a court of competent jurisdiction or with an administrative agency"
- 7 On page 7, line 24, of the Senate Judiciary Engrossed bill, delete "The " and insert "After filing,  
8 the "
- 9 On page 7, line 26, of the Senate Judiciary Engrossed bill, after "disclose" delete " and deliver"
- 10 On page 7, line 29, of the Senate Judiciary Engrossed bill, delete the comma and insert " or"
- 11 On page 7, line 30, of the Senate Judiciary Engrossed bill, after "proceeding" delete ", claim,  
12 or cause of action"
- 13 On page 7, line 31, of the Senate Judiciary Engrossed bill, delete " regardless of whether" and  
14 insert " after"
- 15 On page 7, line 32, of the Senate Judiciary Engrossed bill, delete " commenced" and insert "  
16 been filed"
- 17 Which motion prevailed.
- 18 The question being "Shall **SB 175** pass as amended?"
- 19 And the roll being called:
- 20 Yeas 35, Nays 0, Excused 0, Absent 0
- 21 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,  
22 Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson,  
23 Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,  
24 Voita, Wheeler, and Zikmund
- 25 So the bill having received an affirmative vote of a majority of the members-elect, the President  
26 declared the bill passed and the title was agreed to.
- 27 **SJR 505:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
28 election an amendment to the Constitution of the State of South Dakota, establishing the trust for  
29 unclaimed property fund.
- 30 Was read the second time.
- 31 Sen. Howard moved that **SJR 505** be amended as follows:
- 32 SJR505A
- 33 On page 1, line 23, of the Introduced resolution, after "property;" delete " or"
- 34 On page 1, line 25, of the Introduced resolution, after "property" insert "; or
- 35 (3) The amount is appropriated by a three-fourths vote of all the members-elect of each house  
36 of the Legislature"

1 Which motion prevailed.

2 The question being "Shall **SJR 505** pass as amended?"

3 And the roll being called:

4 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

### 11 **SIGNING OF BILLS**

12 The President publicly read the title to

13 **HB 1074:** FOR AN ACT ENTITLED, An Act to modify the individuals eligible to sign an affidavit  
14 of homelessness for purposes of obtaining a free copy of a birth certificate.

15 **HB 1075:** FOR AN ACT ENTITLED, An Act to modify the persons eligible to sign an affidavit for  
16 proof of homelessness for purposes of waiving the fee for a nondriver identification card.

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

### 18 **COMMEMORATIONS**

19 **SC 809:** A LEGISLATIVE COMMEMORATION, Honoring Bryan Brewer, Sr., for his visionary  
20 leadership, transformative impact, and unwavering dedication to advancing athletics, academics,  
21 and community empowerment.

22 Introduced by: **Senator** Foster

23 **SC 810:** A LEGISLATIVE COMMEMORATION, Honoring Hannah Heiman of Clark, South Dakota  
24 Girls State Governor, and David Yusten Jr. of Sioux Falls, South Dakota Boys State Governor, and  
25 the South Dakota American Legion and Auxiliary for their sponsorship and coordination of the Girls  
26 State and Boys State programs.

27 Introduced by: **Senators** Zikmund, Crabtree, Deibert, Duhamel, Hulse, Larson, Perry,  
28 Peterson (Sue), Reed, Schoenfish, and Smith and **Representatives** Emery, Greenfield, Heermann,  
29 Kull, Moore, Muckey, Reisch, and Uhre-Balk

30 Sen. Zikmund moved that the Senate do now adjourn, which motion prevailed and at  
31 3:07 p.m. the Senate adjourned.

32 Peggy Laurenz, Secretary

