

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 21, 2025

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Father David Hussey, followed by the Pledge of Allegiance led by Senate page Ella Vandersnick.

Roll Call: All members present except Sens. Foster and Hohn who were 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 24th 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 SENATE PAGE RESOLUTION 3 Introduced by: Senators Beal; Blanc; Carley; Crabtree; Davis;
2 Deibert; Duhamel; Foster; Grove; Hohn; Howard; Hulse; Jensen; Karr; Kolbeck; Lapka; Larson;
3 Marty; Mehlhaff; Miskimins; Nelson; Otten; Perry; Peterson; Pischke; Reed; Rohl; Sauder;
4 Schoenfish; Smith; Vilhauer; Voight; Voita; Wheeler; Zikmund

5 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the One Hundredth
6 Legislature of the State of South Dakota to Sylvia Bohlander, Aubree Dowling, Chloe Heermann,
7 Andrew Johnson, Alek Kilene, Bailey Link, Emily Nemecek, Audrey Patterson, Eliza Potter, Grant Roth,
8 and Ella Vandersnick.

9 WHEREAS, the above named served loyally as pages for the Senate of the One Hundredth
10 Legislative Session; and

11 WHEREAS, the members of the One Hundredth Senate express their most sincere appreciation
12 to these young people for their service to the state; and

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

14 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the One Hundredth Legislature of the
15 State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each
16 page on this last day of service.

17 Sen. Mehlhaff moved that Senate Page Resolution 3 be adopted.

18 The question being on Sen. Mehlhaff's motion that Senate Page Resolution 3 be adopted.

19 And the roll being called:

20 Yeas 33, Nays 0, Excused 2, Absent 0

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

25 Excused: Foster and Hohn

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

28 **COMMUNICATIONS AND PETITIONS**

29 February 13, 2025

30 The Honorable Tonnis H. Venhuizen
31 President of the Senate
32 State Capitol
33 Pierre, SD 57501

34 Dear President and Members of the Senate:

35 Pursuant to the provisions of Chapter 5-12 of the South Dakota Codified Laws and subject to
36 your consent, I have the honor to inform you that I have reappointed Julie Bartling, of Gregory
37 County, Gregory, South Dakota, to the South Dakota Building Authority.

1 This reappointment is effective February 11, 2025, and shall continue until January 15, 2029.

2 Sincerely,
3 Larry Rhoden
4 Governor

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

7 REPORTS OF STANDING COMMITTEES

8 MR. PRESIDENT:

9 The Senate Committee on Appropriations respectfully reports that it has had under
10 consideration **SB 136, 137, and 138, and HB 1057 and 1063** and returns the same with the
11 recommendation that said bills do pass.

12 Respectfully submitted,
13 Ernie Otten, Chair

14 MR. PRESIDENT:

15 The Committee on Senate State Affairs respectfully reports that it has had under consideration
16 **SB 188** and returns the same with the recommendation that said bill be amended as follows:

17 188A

18 On page 1, line 16, of the Introduced bill, after "employment;

19 (3)" insert "The individual is receiving care at a nursing facility, assisted living center, or
20 hospital;

21 (4) "

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

23 On page 1, line 21, of the Introduced bill, remove the overstrikes from "Absentee voting shall
24 begin neither earlier nor later than"

25 On page 1, line 21, of the Introduced bill, delete " shall begin neither earlier nor later than"
26 and insert " by mail begins"

27 On page 1, line 21, of the Introduced bill, remove the overstrikes from " forty-six days prior to
28 the election including any voter identified as being covered by the"

29 On page 1, line 23, of the Introduced bill, after "1973ff-1)" delete "Absentee voting begins
30 fifteen days before the election for an individual who meets the qualifications listed in subdivisions
31 12-19-1(1) and 12-19-1(2).

32 Absentee voting begins forty-six days before the election for an individual who is an absent
33 uniformed voter or overseas voter, as defined by § 20310 of the"

34 On page 2, line 6, of the Introduced bill, delete " between ten and ninety" and insert " at least
35 three business"

- 1 On page 2, line 12, of the Introduced bill, after "birth;
2 (4)" delete " The applicant's social security number;"
3 On page 2, line 13, of the Introduced bill, after "number;" delete "(5)"
4 On page 2, line 14, of the Introduced bill, delete "(6)" and insert "(5)"
5 On page 2, line 15, of the Introduced bill, delete "(7)" and insert "(6)"
6 On page 3, line 7, of the Introduced bill, after "12-19-2.1. " delete "At any time"
7 On page 3, line 7, of the Introduced bill, delete " between ten and ninety " and insert "Beginning
8 fifteen"
9 On page 3, line 9, of the Introduced bill, delete " day" and insert " Friday"
10 And that as so amended, **SB 188** do pass.

11 Also MR. PRESIDENT:

12 The Committee on Senate State Affairs respectfully reports that it has had under consideration
13 **SB 216** and returns the same with the recommendation that said bill be amended as follows:

14 216A

15 On page 1, line 1, of the Introduced bill, delete " tax assessments" and insert ", to limit
16 increases in certain property tax revenues, and revise eligibility requirements for a property tax
17 assessment freeze"

18 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. This section will
19 limit or reduce the growth in the assessed value of owner-occupied property tax assessments."

20 On page 1, after line 5, of the Introduced bill, insert: "

21 **Section 1. That a NEW SECTION be added to chapter 10-6:**

22 For taxes payable in 2027, 2028, 2029, 2030, and 2031, the total assessed value of all property
23 in a county with an owner-occupied single-family dwelling classification, as defined in § 10-13-39,
24 may not increase more than three percent over the total assessed value of all property in the county
25 with an owner-occupied single-family dwelling classification in the prior year, except as otherwise
26 provided in this section.

27 A county may further increase the total assessed value of all property with an owner-occupied
28 single-family dwelling classification by an amount equal to the assessed value of all new
29 improvements made to owner-occupied single-family dwellings or property reclassified to the owner-
30 occupied single-family dwelling classification in the county in the prior year, subject to the limitations
31 provided in § 10-13-35.

32 Notwithstanding the provisions of this section, a county must adjust the total assessed value
33 of all property with an owner-occupied single-family dwelling classification pursuant to § 10-6-121.
34 "

35 On page 1, after line 5, of the Introduced bill, insert: "

36 **Section 2. That § 10-13-35 be AMENDED:**

37 **10-13-35.** This section does not apply to school districts. ~~For taxes payable in 1997, and each~~
38 ~~year thereafter, the~~ The total amount of revenue payable from taxes on real property within a taxing
39 district, excluding the levy pursuant to § 10-13-36, may increase no more than the lesser of three

1 percent or the index factor, as defined in § 10-13-38, over the amount of revenue payable from
 2 taxes on real property in the preceding year, excluding the amount of taxes levied pursuant to § 10-
 3 13-36.

4 After applying the index factor, a taxing district may increase the revenue payable from taxes
 5 on real property above the limitations provided by this section by no more than the lesser of two
 6 percent or the percentage increase of value resulting from any improvements or change in use of
 7 real property, annexation, minor boundary changes, and any adjustments in taxation of property
 8 separately classified and subject to statutory adjustments and reductions under chapters 10-4, 10-
 9 6, 10-6A, and 10-6B, except § 10-6-113, only if assessed the same as property of equal value.

10 A taxing district may increase the revenue it receives from taxes on real property above the
 11 limit provided by this section for taxes levied to pay the principal, interest, and redemption charges
 12 on any bonds ~~issued after January 1, 1997~~, which are subject to referendum, scheduled payment
 13 increases on bonds ~~and~~, for a levy directed by the order of a court for the purpose of paying a
 14 judgment against such taxing district, or upon the termination of a tax increment financing district
 15 pursuant to § 11-9-46. Any taxing district created after the effective date of this section is exempt
 16 from the limitation provided by this section for a period of two years immediately following its
 17 creation.

18 For purposes of this section, an increase in value resulting from an improvement made to an
 19 owner-occupied single-family dwelling does not include additions to, or improvements of, existing
 20 structures affixed to land that result in an increase in value of forty percent or less to the owner-
 21 occupied single-family dwelling."

22 On page 1, after line 5, of the Introduced bill, insert: "

23 **Section 3. That § 13-16-7 be AMENDED:**

24 **13-16-7.** The school board of any school district of this state may at the board's discretion
 25 authorize an annual levy of a tax not to exceed three dollars per thousand dollars of taxable valuation
 26 on the taxable valuation of the district for the capital outlay fund for assets as defined by § 13-16-
 27 6 or for the district's obligations under a resolution, lease-purchase agreement, capital outlay
 28 certificate, or other arrangement with the Health and Educational Facilities Authority. Taxes collected
 29 pursuant to the levy may be irrevocably pledged by the school board to the payment of principal of
 30 and interest on installment purchase contracts or capital outlay certificates entered into or issued
 31 pursuant to § 13-16-6 or 13-16-6.2 or lease-purchase agreements or other arrangement with the
 32 Health and Educational Facilities Authority and, so long as any capital outlay certificates are
 33 outstanding, installment agreement payments, lease-purchase agreements, or other arrangements
 34 are unpaid, the school board of any district may be compelled by mandamus or other appropriate
 35 remedy to levy an annual tax sufficient to pay principal and interest thereon, but not to exceed the
 36 three dollars per thousand dollars of taxable valuation in any year authorized to be levied hereby.

37 The total amount of revenue payable from the levy provided in this section may not increase
 38 annually by more than the lesser of three percent or the index factor, as defined in § 10-13-38,
 39 over the maximum amount of revenue that could have been generated from the taxes payable in
 40 2016. Starting with taxes payable in 2021, the total amount of revenue payable from the levy
 41 provided in this section may not increase annually by more than three percent over the amount of
 42 revenue that could have been raised in the prior year. After applying three percent, a school district
 43 may increase the revenue payable from taxes on real property above the limitations provided by
 44 this section by no more than the lesser of two percent or the percentage increase of value resulting
 45 from any improvements or change in use of real property, annexation, minor boundary changes,
 46 and any adjustments in taxation of real property separately classified and subject to statutory
 47 adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-113, only
 48 if assessed the same as property of equal value. A school district may increase the revenue the
 49 district receives from taxes on real property above the limit provided by this section for taxes levied
 50 to pay the principal, interest, and redemption charges on any bonds issued after January 1, 2009,
 51 which are subject to referendum, scheduled payment increases on bonds ~~and~~, for a levy directed by
 52 the order of a court for the purpose of paying a judgment against the school district, or upon the
 53 termination of a tax increment financing district pursuant to § 11-9-46. Any school district created

1 or reorganized after January 1, 2016, is exempt from the limitation provided by this section for a
2 period of two years immediately following the district's creation.

3 In no year may the annual tax levy provided in this section exceed three dollars per thousand
4 dollars of taxable valuation of the school district for the current year.

5 For purposes of this section, an increase in value resulting from an improvement made to an
6 owner-occupied single-family dwelling does not include additions to, or improvements of, existing
7 structures affixed to land that result in an increase in value of forty percent or less to the owner-
8 occupied single-family dwelling."

9 On page 1, after line 5, of the Introduced bill, insert: "

10 **Section 4. That § 10-6A-2 be AMENDED:**

11 **10-6A-2.** Any person making an application under the provisions of this chapter is entitled to
12 a real property tax assessment freeze upon the person's single-family dwelling if the person:

- 13 (1) Has a household income of less than ~~thirty-five~~ fifty-five thousand dollars if the household
14 is a single-member household or the person has a household income of less than ~~forty-~~
15 ~~five~~ sixty-five thousand dollars if the household is a multiple-member household; and
- 16 (2) Has been ~~a property owner~~ an owner of an owner-occupied single-family dwelling and a
17 resident of South Dakota for at least ~~one year~~ five years; and
- 18 (3) Has resided for at least two hundred days of the previous calendar year in the single-
19 family dwelling; and
- 20 (4) Has established a base year.

21 The surviving spouse of a person who has previously qualified is entitled to the real property
22 tax assessment freeze if the surviving spouse meets the other conditions of this chapter.

23 Beginning on January 1, ~~2023~~ 2026, the household income listed in subdivision (1) of this
24 section shall increase annually by the index factor. The index factor is the annual percentage change
25 in the consumer price index for urban wage earners and clerical workers as computed by the Bureau
26 of Labor Statistics of the United States Department of Labor for the year before the year immediately
27 preceding the year of adjustment or the annual percentage change in federal social security
28 payments for the preceding year, whichever is greater."

29 On page 1, after line 5, of the Introduced bill, insert: "

30 **Section 5. That § 10-6A-3 be AMENDED:**

31 **10-6A-3.** This chapter does not apply to a single-family dwelling with a full and true market
32 value of ~~three~~ five hundred thousand dollars or more unless the applicant has received the freeze
33 on assessments in a preceding year on the single-family dwelling. Beginning on January 1, ~~2023~~
34 2026, the eligibility qualification value of the single-family dwelling provided in this section shall be
35 annually increased by an index factor. The index factor is the annual percentage change in the
36 consumer price index for urban wage earners and clerical workers as computed by the Bureau of
37 Labor Statistics of the United States Department of Labor for the year before the year immediately
38 preceding the year of adjustment or the annual percentage change in federal social security
39 payments for the preceding year, whichever is greater."

40 216B

41 On page 1, line 1, of the Introduced bill, delete " tax assessments" and insert ", limit increases
42 in certain property tax revenues, and revise eligibility requirements for a property tax assessment
43 freeze"

1 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. This section will
2 limit or reduce the growth in the assessed value of owner-occupied property tax assessments."

3 On page 1, after line 5, of the Introduced bill, insert: "

4 **Section 1. That a NEW SECTION be added to chapter 10-6:**

5 For taxes payable in 2027, 2028, 2029, 2030, and 2031, the total assessed value of all property
6 in a county with an owner-occupied single-family dwelling classification, as defined in § 10-13-39,
7 may not increase more than three percent over the total assessed value of all property in the county
8 with an owner-occupied single-family dwelling classification in the prior year, except as otherwise
9 provided in this section.

10 A county may further increase the total assessed value of all property with an owner-occupied
11 single-family dwelling classification by an amount equal to the assessed value of all new
12 improvements made to owner-occupied single-family dwellings or property reclassified to the owner-
13 occupied single-family dwelling classification in the county in the prior year.

14 Notwithstanding the provisions of this section, a county must adjust the total assessed value
15 of all property with an owner-occupied single-family dwelling classification pursuant to § 10-6-121.
16 "

17 On page 1, after line 5, of the Introduced bill, insert: "

18 **Section 2. That § 10-13-35 be AMENDED:**

19 **10-13-35.** This section does not apply to school districts. ~~For taxes payable in 1997, and each~~
20 ~~year thereafter, the~~ The total amount of revenue payable from taxes on real property within a taxing
21 district, excluding the levy pursuant to § 10-13-36, may increase no more than the lesser of three
22 percent or the index factor, as defined in § 10-13-38, over the amount of revenue payable from
23 taxes on real property in the preceding year, excluding the amount of taxes levied pursuant to § 10-
24 13-36.

25 After applying the index factor, a taxing district may increase the revenue payable from taxes
26 on real property above the limitations provided by this section by no more than the lesser of two
27 percent or the percentage increase of value resulting from any improvements or change in use of
28 real property, annexation, minor boundary changes, and any adjustments in taxation of property
29 separately classified and subject to statutory adjustments and reductions under chapters 10-4, 10-
30 6, 10-6A, and 10-6B, except § 10-6-113, only if assessed the same as property of equal value.

31 A taxing district may increase the revenue it receives from taxes on real property above the
32 limit provided by this section for taxes levied to pay the principal, interest, and redemption charges
33 on any bonds ~~issued after January 1, 1997,~~ which are subject to referendum, scheduled payment
34 increases on bonds ~~and,~~ for a levy directed by the order of a court for the purpose of paying a
35 judgment against ~~such the~~ taxing district, upon the termination of a tax increment financing district
36 pursuant to § 11-9-46, or upon the application of any discretionary formula to real property pursuant
37 to § 10-6-137. Any taxing district created after the effective date of this section is exempt from the
38 limitation provided by this section for a period of two years immediately following its creation.

39 For purposes of this section, an increase in value resulting from an improvement made to an
40 owner-occupied single-family dwelling does not include additions to, or improvements of, existing
41 structures affixed to land that result in an increase in value of forty percent or less to the owner-
42 occupied single-family dwelling."

43 On page 1, after line 5, of the Introduced bill, insert: "

44 **Section 3. That § 13-16-7 be AMENDED:**

45 **13-16-7.** The school board of any school district of this state may at the board's discretion
46 authorize an annual levy of a tax not to exceed three dollars per thousand dollars of taxable valuation

1 on the taxable valuation of the district for the capital outlay fund for assets as defined by § 13-16-
 2 6 or for the district's obligations under a resolution, lease-purchase agreement, capital outlay
 3 certificate, or other arrangement with the Health and Educational Facilities Authority. Taxes collected
 4 pursuant to the levy may be irrevocably pledged by the school board to the payment of principal of
 5 and interest on installment purchase contracts or capital outlay certificates entered into or issued
 6 pursuant to § 13-16-6 or 13-16-6.2 or lease-purchase agreements or other arrangement with the
 7 Health and Educational Facilities Authority and, so long as any capital outlay certificates are
 8 outstanding, installment agreement payments, lease-purchase agreements, or other arrangements
 9 are unpaid, the school board of any district may be compelled by mandamus or other appropriate
 10 remedy to levy an annual tax sufficient to pay principal and interest thereon, but not to exceed the
 11 three dollars per thousand dollars of taxable valuation in any year authorized to be levied hereby.

12 The total amount of revenue payable from the levy provided in this section may not increase
 13 annually by more than the lesser of three percent or the index factor, as defined in § 10-13-38,
 14 over the maximum amount of revenue that could have been generated from the taxes payable in
 15 2016. Starting with taxes payable in 2021, the total amount of revenue payable from the levy
 16 provided in this section may not increase annually by more than three percent over the amount of
 17 revenue that could have been raised in the prior year. After applying three percent, a school district
 18 may increase the revenue payable from taxes on real property above the limitations provided by
 19 this section by no more than the lesser of two percent or the percentage increase of value resulting
 20 from any improvements or change in use of real property, annexation, minor boundary changes,
 21 and any adjustments in taxation of real property separately classified and subject to statutory
 22 adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-113, only
 23 if assessed the same as property of equal value. A school district may increase the revenue the
 24 district receives from taxes on real property above the limit provided by this section for taxes levied
 25 to pay the principal, interest, and redemption charges on any bonds issued after January 1, 2009,
 26 which are subject to referendum, scheduled payment increases on bonds ~~and~~ for a levy directed by
 27 the order of a court for the purpose of paying a judgment against the school district, upon the
 28 termination of a tax increment financing district pursuant to § 11-9-46, or upon the application of
 29 any discretionary formula to real property pursuant to § 10-6-137. Any school district created or
 30 reorganized after January 1, 2016, is exempt from the limitation provided by this section for a period
 31 of two years immediately following the district's creation.

32 In no year may the annual tax levy provided in this section exceed three dollars per thousand
 33 dollars of taxable valuation of the school district for the current year.

34 For purposes of this section, an increase in value resulting from an improvement made to an
 35 owner-occupied single-family dwelling does not include additions to, or improvements of, existing
 36 structures affixed to land that result in an increase in value of forty percent or less to the owner-
 37 occupied single-family dwelling."

38 On page 1, after line 5, of the Introduced bill, insert: "

39 **Section 4. That § 10-6A-2 be AMENDED:**

40 **10-6A-2.** Any person making an application under the provisions of this chapter is entitled to
 41 a real property tax assessment freeze upon the person's single-family dwelling if the person:

- 42 (1) Has a household income of less than ~~thirty-five~~ fifty-five thousand dollars if the household
 43 is a single-member household or the person has a household income of less than ~~forty-~~
 44 ~~five~~ sixty-five thousand dollars if the household is a multiple-member household; ~~and~~
- 45 (2) Has been ~~a property owner~~ an owner of an owner-occupied single-family dwelling and a
 46 resident of South Dakota for at least ~~one year~~ five years, unless the person has received
 47 the assessment freeze in the previous year; ~~and~~
- 48 (3) Has resided for at least two hundred days of the previous calendar year in the single-
 49 family dwelling; and
- 50 (4) Has established a base year.

1 The surviving spouse of a person who has previously qualified is entitled to the real property
2 tax assessment freeze if the surviving spouse meets the other conditions of this chapter.

3 Beginning on January 1, ~~2023~~ 2026, the household income listed in subdivision (1) of this
4 section ~~shall~~ must increase annually by the index factor. The index factor is the annual percentage
5 change in the consumer price index for urban wage earners and clerical workers as computed by
6 the Bureau of Labor Statistics of the United States Department of Labor for the year before the year
7 immediately preceding the year of adjustment or the annual percentage change in federal social
8 security payments for the preceding year, whichever is greater."

9 On page 1, after line 5, of the Introduced bill, insert: "

10 **Section 5. That § 10-6A-3 be AMENDED:**

11 **10-6A-3.** This chapter does not apply to a single-family dwelling with a full and true market
12 value of ~~three~~ five hundred thousand dollars or more unless the applicant has received the freeze
13 on assessments in a preceding year on the single-family dwelling. Beginning on January 1, ~~2023~~
14 2026, the eligibility qualification value of the single-family dwelling provided in this section shall be
15 annually increased by an index factor. The index factor is the annual percentage change in the
16 consumer price index for urban wage earners and clerical workers as computed by the Bureau of
17 Labor Statistics of the United States Department of Labor for the year before the year immediately
18 preceding the year of adjustment or the annual percentage change in federal social security
19 payments for the preceding year, whichever is greater."

20 And that as so amended, **SB 216** do pass.

21 Also MR. PRESIDENT:

22 The Committee on Senate State Affairs respectfully reports that it has had under consideration
23 **SJR 504** which was tabled.

24 Respectfully submitted,
25 Jim Mehlhaff, Chair

26 MR. PRESIDENT:

27 The Committee on Senate Transportation respectfully reports that it has had under
28 consideration **HB 1173** and returns the same with the recommendation that said bill do pass, and
29 having been certified as uncontested, be placed on the consent calendar.

30 Respectfully submitted,
31 Randy Deibert, Chair

32 MR. PRESIDENT:

33 The Committee on Senate Health and Human Services respectfully reports that it has had
34 under consideration **SB 163, and HB 1044** and returns the same with the recommendation that
35 said bills do pass.

36 Respectfully submitted,
37 Sydney Davis, Vice-Chair

1 MR. PRESIDENT:

2 The Committee on Senate Local Government respectfully reports that it has had under
3 consideration **SB 193** and returns the same with the recommendation that said bill be amended as
4 follows:

5 193A

6 On page 1, line 8, of the Introduced bill, remove the overstrikes from " and"

7 On page 1, line 9, of the Introduced bill, after "English" delete "; and

8 (4) Allow an applicant who is a native speaker of any language other than English to bring an
9 interpreter to translate the written knowledge exam while the applicant is testing, provided the
10 applicant is solely responsible for recruiting the interpreter and paying the interpreter's fees"

11 On page 1, line 15, of the Introduced bill, after "applicant" insert " who is a native speaker of
12 any language other than English"

13 193B

14 On page 1, line 1, of the Introduced bill, delete " written and driving portions" and insert "
15 driving portion"

16 On page 1, line 8, of the Introduced bill, remove the overstrikes from " and"

17 On page 1, line 9, of the Introduced bill, after "English" delete "; and

18 (4) Allow an applicant who is a native speaker of any language other than English to bring an
19 interpreter to translate the written knowledge exam while the applicant is testing, provided the
20 applicant is solely responsible for recruiting the interpreter and paying the interpreter's fees"

21 On page 1, line 15, of the Introduced bill, after "applicant" insert " who is a native speaker of
22 any language other than English"

23 193C

24 On the previously adopted amendment (193B), On page 1, line 16, after "provided" insert "
25 the interpreter is approved by the department and"

26 And that as so amended, **SB 193** do pass.

27 Respectfully submitted,
28 Tim S. Reed, Chair

29 MR. PRESIDENT:

30 The Committee on Senate Taxation respectfully reports that it has had under consideration
31 **SB 121** which was deferred to the 41st Legislative Day.

32 Also MR. PRESIDENT:

33 The Committee on Senate Taxation respectfully reports that it has had under consideration
34 **SB 169** and returns the same with the recommendation that said bill be amended as follows:

35 169B

36 On page 1, line 1, of the Introduced bill, after "require" delete " that taxing districts hold"

1 On page 1, line 1, delete " when increasing property tax revenues relative to the previous year"
2 and insert " prior to a vote to impose an excess tax levy"

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

4 "

5 **Section 1. That a NEW SECTION be added to chapter 10-12:**

6 At least ten days in advance of a vote to impose an excess tax levy pursuant to §§ 10-12-43
7 or 10-12-43.1, the board of the school district shall publish, in a newspaper of general circulation
8 within the district, notice of its intent to impose an excess tax levy. The notice must include:

9 (1) The maximum amount under consideration in excess of the limitations applicable to the
10 school district;

11 (2) The amount allowed to be imposed without an excess tax levy; and

12 (3) The date, time, and location of the public hearing at which the board will vote to impose an
13 excess tax levy.

14 If the board of the district maintains a website, the notice must be published on the website,
15 at least ten days in advance of the public hearing.

16 The board of the school district shall, at the public hearing, provide taxpayers with an
17 opportunity to comment on the excess tax levy.

18 **Section 2. That a NEW SECTION be added to chapter 10-13:**

19 At least ten days in advance of a vote to impose an excess tax levy pursuant to § 10-13-36,
20 the governing body of a taxing district shall publish, in a newspaper of general circulation within the
21 district, notice of its intent to impose an excess tax levy. The notice must include:

22 (1) The maximum amount under consideration in excess of the limitations applicable to the
23 taxing district;

24 (2) The amount allowed to be imposed without an excess tax levy; and

25 (3) The date, time, and location of the public hearing at which the governing body will vote to
26 impose an excess tax levy.

27 If the governing body of the district maintains a website, the notice must be published on the
28 website, at least ten days in advance of the public hearing.

29 The governing body of the district shall, at the public hearing, provide taxpayers with an
30 opportunity to comment on the excess tax levy.

31 "

32 And that as so amended, **SB 169** do pass.

33 Also MR. PRESIDENT:

34 The Committee on Senate Taxation respectfully reports that it has had under consideration
35 **SB 191** and returns the same with the recommendation that said bill be amended as follows:

36 191A

37 On page 1, line 2, of the Introduced bill, after "dwellings" insert " and nonagricultural property"

1 191B

2 On page 2, line 23, of the Introduced bill, after "addition" insert " to,"

3 On page 2, line 23, of the Introduced bill, delete " to" and insert " of,"

4 On page 2, line 24, of the Introduced bill, after "addition" insert " to,"

5 On page 2, line 24, of the Introduced bill, delete " to" and insert " of,"

6 On page 2, line 28, of the Introduced bill, delete "The renovation of existing structures does
7 not constitute an addition or expansion of the property." and insert "For purposes of this section,
8 the increase in taxable value from improvements to owner occupied property does not include
9 additions to, or improvements of, existing structures affixed to the land if the improvements result
10 in an increased valuation of forty percent or less of the current valuation."

11 And that as so amended, **SB 191** do pass.

12 Also MR. PRESIDENT:

13 The Committee on Senate Taxation respectfully reports that it has had under consideration
14 **SB 207** which was tabled.

15 Respectfully submitted,
16 Steve Kolbeck, Chair

17 MR. PRESIDENT:

18 The Joint Committee on Appropriations respectfully reports that it has had under consideration
19 **SB 44, 52, and 99** and returns the same with the recommendation that said bills do pass.

20 Respectfully submitted, Respectfully submitted,
21 Ernie Otten, Co-Chair Mike Derby, Co-Chair

22 MR. PRESIDENT:

23 The Committee on Senate State Affairs respectfully reports that it has had under consideration
24 **SB 147, 150, and 152** and returns the same with the recommendation that said bills do pass, and
25 having been certified as uncontested, be placed on the consent calendar.

26 Also MR. PRESIDENT:

27 The Committee on Senate State Affairs respectfully reports that it has had under consideration
28 **SB 148, 149, and 151** which were tabled.

29 Also MR. PRESIDENT:

30 The Committee on Senate State Affairs respectfully reports that it has had under consideration
31 **SB 186** which was deferred to the 41st Legislative Day.

32 Also MR. PRESIDENT:

33 The Committee on Senate State Affairs respectfully reports that it has had under consideration
34 **SB 201** and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration
3 **SR 702** and returns the same with the recommendation that said resolution be amended as follows:

4 SR702A

5 On page 2, line 11, of the Introduced resolution, after "that" delete the colon

6 On page 2, line 12, of the Introduced resolution, delete "(1) The " and insert "the "

7 On page 2, line 18, of the Introduced resolution, after "and" delete "(2) The President of United
8 States, on behalf of the United States, issue a formal statement of reconciliation to the Dakota tribes
9 affected by the Sioux-Dakota Removal Act; and"

10 And that as so amended, **SR 702** do pass.

11 Respectfully submitted,
12 Jim Mehlhaff, Chair

13 MR. PRESIDENT:

14 The Committee on Legislative Procedure respectfully reports that **SB 33** was delivered to his
15 Excellency, the Governor, for his approval at 11:30 a.m., February 21, 2025.

16 Respectfully submitted,
17 Chris Karr, Chair

18 **MESSAGES FROM THE HOUSE**

19 MR. PRESIDENT:

20 I have the honor to transmit herewith **HB 1161, 1174, 1239, 1245, and 1265** which have
21 passed the House and your favorable consideration is respectfully requested.

22 Also MR. PRESIDENT:

23 I have the honor to return herewith **SCR 607** in which the House has concurred.

24 Also MR. PRESIDENT:

25 I have the honor to transmit herewith **HCR 6003** which has been adopted by the House and
26 your concurrence is respectfully requested.

27 Respectfully,
28 Patricia Miller, Chief Clerk

29 **MOTIONS AND RESOLUTIONS**

30 **HCR 6002:** A CONCURRENT RESOLUTION, Urging the United States Congress and the
31 President of the United States to remove the requirement of a project labor agreement for federal
32 construction projects.

1 Was read the second time.

2 Sen. Zikmund moved that the Senate do concur in **HCR 6002** as found on page 319 of Senate
3 Journal.

4 The question being on Sen. Zikmund's motion that **HCR 6002** be concurred in.

5 And the roll being called:

6 Yeas 31, Nays 2, Excused 2, Absent 0

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

10 Nays: Larson and Smith

11 Excused: Foster and Hohn

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 President declared the motion carried and **HCR 6002** was concurred in.

14 Sen. Mehlhaff moved that **SB 178** be deferred to Monday, February 24, 2025, the 26th
15 legislative day.

16 Which motion prevailed.

17 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

19 Education on **HB 1068** as found on page 307 of the Senate Journal; also

20 Education on **HB 1093** as found on page 307 of the Senate Journal; also

21 Senate Appropriations on **SB 3** as found on page 309 of the Senate Journal; also

22 Senate Appropriations on **SB 70** as found on page 309 of the Senate Journal; also

23 Senate Appropriations on **SB 144** as found on page 309 of the Senate Journal; also

24 Senate Appropriations on **SB 145** as found on page 315 of the Senate Journal; also

25 Senate Appropriations on **SB 146** as found on page 316 of the Senate Journal; and

26 Commerce and Energy on **SB 157** as found on page 318 of the Senate Journal be adopted.

27 Which motion prevailed and the reports were adopted.

1

CONSIDERATION OF EXECUTIVE APPOINTMENTS

2

The Senate proceeded to the consideration of the executive appointment of Cory Kestel of Lincoln County, Harrisburg, South Dakota, to the position of Assistant Adjutant General, Air.

3

4

The question being "Does the Senate advise and consent to the executive appointment of Cory Kestel?"

5

6

And the roll being called:

7

Yeas 33, Nays 0, Excused 2, Absent 0

8

9

10

11

Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Grove, 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

12

Excused: Foster and Hohn

13

14

So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.

15

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

16

17

HB 1161: FOR AN ACT ENTITLED, An Act to allow additional forms to verify military service for a veteran designation on a commercial driver license or commercial learner's permit.

18

19

HB 1174: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the rights and obligations of a father of a child born to an unmarried mother.

20

21

HB 1239: FOR AN ACT ENTITLED, An Act to revise certain affirmative defenses to dissemination of material harmful to minors and obscenity offenses.

22

23

24

HB 1245: FOR AN ACT ENTITLED, An Act to exclude guaranteed payments made to partners from the definition of gross receipts, and to exempt guaranteed payments made to partners from the state use tax.

25

26

HB 1265: FOR AN ACT ENTITLED, An Act to establish provisions related to the sharing of information with the national marrow donor program.

27

28

HCR 6003: A CONCURRENT RESOLUTION, To provide for an interim study regarding property tax reduction and preservation of the American dream to own a home.

29

Were read the first time.

30

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

31

32

HB 1095: FOR AN ACT ENTITLED, An Act to extend the area in which a director for an irrigation district may reside.

33

Was read the second time.

34

The question being "Shall **HB 1095** pass?"

1 And the roll being called:

2 Yeas 33, Nays 0, Excused 2, Absent 0

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

7 Excused: Foster and Hohn

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

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

11 **SB 154:** FOR AN ACT ENTITLED, An Act to prohibit pharmaceutical manufacturers from
12 interfering in contracts between 340B entities and pharmacies and to provide a penalty therefor.

13 Was read the second time.

14 The question being "Shall **SB 154** pass as amended?"

15 And the roll being called:

16 Yeas 30, Nays 3, Excused 2, Absent 0

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

20 Nays: Blanc, Carley, and Kolbeck (Steve)

21 Excused: Foster and Hohn

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

24 **SB 172:** FOR AN ACT ENTITLED, An Act to provide a rebuttable presumption in favor of joint
25 physical custody of a minor child.

26 Was read the second time.

27 The question being "Shall **SB 172** pass?"

28 And the roll being called:

29 Yeas 20, Nays 13, Excused 2, Absent 0

1 Yeas: Beal, Blanc, Carley, Crabtree, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve),
2 Lapka, Marty, Nelson, Perry, Pischke, Rohl, Schoenfish, Voight, Voita, Wheeler, and Zikmund

3 Nays: Davis, Deibert, Duhamel, Grove, Larson, Mehlhaff, Miskimins, Otten, Peterson (Sue),
4 Reed, Sauder, Smith, and Vilhauer

5 Excused: Foster and Hohn

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 198:** FOR AN ACT ENTITLED, An Act to establish conditions a prospective condemnor must
9 satisfy before commencing condemnation proceedings.

10 Was read the second time.

11 Sen. Carley rose to a point of order pursuant to JR 5-14 pertaining to the amendment in
12 committee not being germane to the title of the bill.

13 The President ruled against Sen. Carley's point of order.

14 Sen. Carley moved that **SB 198** be amended as follows:

15 198D

16 On page 1, line 1, of the Senate State Affairs Engrossed bill, delete "establish conditions a
17 prospective condemnor must satisfy before commencing condemnation proceedings" and insert
18 "enhance environmental conservation in South Dakota"

19 On the Senate State Affairs Engrossed bill, delete everything after the enacting clause and
20 insert:

21 "

22 **Section 1.** The Legislature shall enhance environmental conservation in South Dakota.

23 "

24 Sen. Carley requested a roll call vote.

25 Which request was supported.

26 And the roll being called:

27 Yeas 12, Nays 21, Excused 2, Absent 0

28 Yeas: Blanc, Carley, Grove, Howard, Lapka, Marty, Nelson, Perry, Peterson (Sue), Pischke,
29 Voight, and Voita

30 Nays: Beal, Crabtree, Davis, Deibert, Duhamel, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve),
31 Larson, Mehlhaff, Miskimins, Otten, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and
32 Zikmund

33 Excused: Foster and Hohn

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

1 The question being "Shall **SB 198** pass as amended?"

2 And the roll being called:

3 Yeas 17, Nays 16, Excused 2, Absent 0

4 Yeas: Beal, Crabtree, Davis, Deibert, Duhamel, Karr, Kolbeck (Steve), Larson, Mehlhaff,
5 Miskimins, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Wheeler, and Zikmund

6 Nays: Blanc, Carley, Grove, Howard, Hulse, Jensen (Kevin), Lapka, Marty, Nelson, Otten,
7 Perry, Peterson (Sue), Pischke, Smith, Voight, and Voita

8 Excused: Foster and Hohn

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

11 Sen. Mehlhaff announced his intention to reconsider the vote by which **SB 198** lost.

12 **SB 202**: FOR AN ACT ENTITLED, An Act to create the water infrastructure development fund.

13 Was read the second time.

14 The question being "Shall **SB 202** pass?"

15 And the roll being called:

16 Yeas 21, Nays 12, Excused 2, Absent 0

17 Yeas: Crabtree, Davis, Deibert, Duhamel, Hulse, Jensen (Kevin), Kolbeck (Steve), Lapka,
18 Larson, Miskimins, Perry, Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,
19 Wheeler, and Zikmund

20 Nays: Beal, Blanc, Carley, Grove, Howard, Karr, Marty, Mehlhaff, Nelson, Otten, Peterson
21 (Sue), and Voita

22 Excused: Foster and Hohn

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

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

28 Was read the second time.

29 The question being "Shall **HB 1042** pass as amended?"

30 And the roll being called:

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

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

5 Nays: Carley

6 Excused: Foster and Hohn

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

9 **SIGNING OF BILLS**

10 The President publicly read the title to

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

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

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

16 Sen. Blanc moved that the Senate do now adjourn, which motion prevailed and at 3:08 p.m.
17 the Senate adjourned.

18 Peggy Laurenz, Secretary

