

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

TWENTY-EIGHTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 26, 2025

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

The prayer was offered by the Chaplain, Rev. Donnell Chambers, followed by the Pledge of Allegiance led by Senate page Chloe Brummett.

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

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 27h day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Chris Karr, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

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

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On page 1, line 5, of the Introduced bill, delete " \$15,000,000" and insert " \$100"

And that as so amended, **SB 6** do pass.

Also MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 16** and returns the same with the recommendation that said bill be amended as follows:

16D

On page 1, line 16, of the Introduced bill, after "appropriated" insert " up to one hundred dollars"

And that as so amended, **SB 16** do pass.

Respectfully submitted,
Ernie Otten, Co-Chair

Respectfully submitted,
Mike Derby, Co-Chair

MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration **HB 1024 and 1196** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Ernie Otten, Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **HB 1124** which was deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **HB 1097** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **HB 1141** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Kevin D. Jensen, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Transportation respectfully reports that it has had under
3 consideration **HB 1265, and HCR 6008** and returns the same with the recommendation that said
4 bill and resolution do pass, be concurred in, and having been certified as uncontested, be placed on
5 the consent calendar.

6 Respectfully submitted,
7 Randy Deibert, Chair

8 MR. PRESIDENT:

9 The Committee on Senate Local Government respectfully reports that it has had under
10 consideration **HB 1154** which was deferred to the 41st Legislative Day.

11 Also MR. PRESIDENT:

12 The Committee on Senate Local Government respectfully reports that it has had under
13 consideration **HB 1157 and 1261** and returns the same with the recommendation that said bills
14 do pass.

15 Also MR. PRESIDENT:

16 The Committee on Senate Local Government respectfully reports that it has had under
17 consideration **HB 1194** and returns the same with the recommendation that said bill do pass, and
18 having been certified as uncontested, be placed on the consent calendar.

19 Respectfully submitted,
20 Tim S. Reed, Chair

21 MR. PRESIDENT:

22 The Committee on Senate State Affairs respectfully reports that it has had under consideration
23 **HB 1001** and returns the same with the recommendation that said bill do pass, and having been
24 certified as uncontested, be placed on the consent calendar.

25 Also MR. PRESIDENT:

26 The Committee on Senate State Affairs respectfully reports that it has had under consideration
27 **HB 1051 and 1067, and HJR 5001 and 5002** and returns the same with the recommendation
28 that said bills and resolutions do pass.

29 Respectfully submitted,
30 Jim Mehlhaff, Chair

31 MR. PRESIDENT:

32 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
33 Enrolling has carefully compared **SB 93 and 111** and finds the same correctly enrolled.

1 Also MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that **SB 72, 84, and 97** were
3 delivered to his Excellency, the Governor, for his approval at 10:52 a.m., February 26, 2025.

4 Respectfully submitted,
5 Chris Karr, Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to return herewith **SB 93 and 111** which have passed the House without
9 change.

10 Also MR. PRESIDENT:

11 I have the honor to transmit herewith **HCR 6011 and 6013** which have been adopted by the
12 House and your concurrence is respectfully requested.

13 Also MR. PRESIDENT:

14 I have the honor to transmit herewith **HB 1005, 1016, 1037, 1039, 1040, 1083, 1085,**
15 **1114, 1115, 1131, 1135, 1204, 1235, 1242, and 1249** which have passed the House and your
16 favorable consideration is respectfully requested.

17 Respectfully,
18 Patricia Miller, Chief Clerk

19 **MOTIONS AND RESOLUTIONS**

20 Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
21 Thursday, February 27, 2025 the 29th legislative day.

22 Which motion prevailed.

23 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

24 The Senate proceeded to the consideration of the executive appointment of Aloysius Rieman
25 of Pennington County, Rapid City, South Dakota, to the South Dakota Ellsworth Development
26 Authority.

27 The question being "Does the Senate advise and consent to the executive appointment of
28 Aloysius Rieman?"

29 And the roll being called:

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

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

5 Excused: Hulse

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

8 The Senate proceeded to the consideration of the executive appointment of Michael Cartney of
 9 Deuel County, Reville, South Dakota, to the South Dakota Ellsworth Development Authority.

10 The question being "Does the Senate advise and consent to the executive appointment of
 11 Michael Cartney?"

12 And the roll being called:

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

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

18 Excused: Hulse

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

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

22 **HB 1083:** FOR AN ACT ENTITLED, An Act to modify the requirements for obtaining an
 23 agricultural processor's lien.

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

25 **HB 1037:** FOR AN ACT ENTITLED, An Act to suspend the tax collection allowance credit for
 26 filing returns and remitting taxes electronically.

27 Was read the first time and referred to the Senate Committee on Appropriations.

28 **HB 1039:** FOR AN ACT ENTITLED, An Act to amend the programs reimbursing a teacher or
 29 school counselor for earning national board certification.

30 **HB 1040:** FOR AN ACT ENTITLED, An Act to reduce the state's contribution to a subsidized
 31 high school dual credit program.

32 Were read the first time and referred to the Committee on Education.

33 **HB 1005:** FOR AN ACT ENTITLED, An Act to modify the requirement for payment of a private
 34 home study by the Department of Social Services.

1 **HB 1016:** FOR AN ACT ENTITLED, An Act to revise provisions related to pharmacy.

2 Were read the first time and referred to the Committee on Health and Human Services.

3 **HB 1115:** FOR AN ACT ENTITLED, An Act to establish the crime of aggravated criminal entry
4 of a motor vehicle with the intent to steal a firearm or firearm silencer, to make offenders ineligible
5 for presumptive probation, and to provide a penalty therefor.

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

7 **HB 1085:** FOR AN ACT ENTITLED, An Act to establish a moratorium on the construction of
8 carbon dioxide pipelines in this state.

9 **HB 1135:** FOR AN ACT ENTITLED, An Act to provide opportunities for South Dakotans.

10 **HB 1204:** FOR AN ACT ENTITLED, An Act to revise the subpoena powers of the Government
11 Operations and Audit Committee.

12 **HB 1242:** FOR AN ACT ENTITLED, An Act to limit the amount of money that a candidate
13 campaign committee, a political action committee, or a political party may accept from an authorized
14 committee of a candidate for federal office.

15 **HB 1249:** FOR AN ACT ENTITLED, An Act to protect landowners from the use of deception,
16 fraud, harassment, intimidation, misrepresentation, or threat, in acquiring easements or easement
17 options.

18 Were read the first time and referred to the Committee on State Affairs.

19 **HB 1235:** FOR AN ACT ENTITLED, An Act to reduce a limit on the annual increases of property
20 tax revenues payable to certain taxing districts, and to subject school districts to a limit on property
21 taxes collected in a year.

22 Was read the first time and referred to the Committee on Taxation.

23 **HB 1114:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purchasing of
24 equipment to support the South Dakota Board of Technical Education.

25 **HB 1131:** FOR AN ACT ENTITLED, An Act to make an appropriation for the restoration,
26 maintenance, and repair of the state capitol.

27 Were read the first time and the President waived the committee referral pursuant to
28 JR 6D-1.

29 **HCR 6011:** A CONCURRENT RESOLUTION, Urging the Trump-Vance administration and Office
30 of Management and Budget to uphold the Reagan administration policy of government-to-
31 government relations with tribal nations.

32 **HCR 6013:** A CONCURRENT RESOLUTION, Supporting the Electoral College, denouncing the
33 National Popular Vote Interstate Compact, and inviting interested states to form the Electoral College
34 Interstate Compact.

35 Were read the first time and referred to the Committee on State Affairs.

1 **HB 1026 and 1092** were read on February 25, 2025 and today the President Pro Tem waived
 2 the referral to committee.

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

5 **HB 1213** was referred to the Committee on Agriculture and Natural Resources.

6 **HB 1036** was referred to the Senate Committee on Appropriations.

7 **HB 1200** was referred to the Committee on Education.

8 **HB 1230** was referred to the Committee on Judiciary.

9 **HB 1167, HB 1168, and HB 1170** were referred to the Committee on State Affairs.

10 The following resolution was read on February 24, 2025, and today the President Pro Tem
 11 assigned this resolution to committee:

12 **HCR 6010** was referred to the Committee on Agriculture and Natural Resources.

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

14 Sen. Howard requested that **HB 1071** be removed from the Consent Calendar.

15 **HB 1079:** FOR AN ACT ENTITLED, An Act to increase the number of off-sale licenses from two
 16 to three in municipalities and counties of one thousand or less.

17 **HB 1080:** FOR AN ACT ENTITLED, An Act to void covenants that prohibit or restrict the
 18 possession or use of firearms and ammunition.

19 **HB 1100:** FOR AN ACT ENTITLED, An Act to clarify which opinions must be included in the
 20 annual judicial opinions report prepared by the Legislative Research Council.

21 **HB 1129:** FOR AN ACT ENTITLED, An Act to provide for the transfer of motor vehicles and
 22 boats upon death.

23 **HB 1133:** FOR AN ACT ENTITLED, An Act to amend bond requirements.

24 The executive reappointment of Patricia Lebrun of Pennington County, Rapid City, SD, to the
 25 South Dakota Science and Technology Authority.

26 The executive reappointment of Roger Musick of Davison County, Mitchell, SD, to the South
 27 Dakota Science and Technology Authority.

28 The executive reappointment of Timothy Donohue of Minnehaha County, Sioux Falls, South
 29 Dakota, to the South Dakota Lottery Commission.

30 Were read the second time.

31 The question being "Shall **HB 1079 and 1080** pass as amended, and **HB 1100, 1129, and**
 32 **1133** pass, and does the Senate advice and consent to the executive reappointments?"

1 And the roll being called:

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

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

7 Excused: Hulse

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

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

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

14 Was read the second time.

15 Sen. Davis moved that **HB 1236** be amended as follows:

16 1236B

17 On page 1, line 22, of the Introduced bill, delete " one-quarter mile" and insert " one thousand
18 foot"

19 On page 1, line 26, of the Introduced bill, delete " one-quarter mile" and insert " one thousand
20 feet"

21 On page 2, line 3, of the Introduced bill, after "feet" delete " one-quarter"

22 On page 2, line 3, of the Introduced bill, delete "mile" and insert " one thousand feet"

23 Which motion prevailed.

24 The question being "Shall **HB 1236** pass as amended?"

25 And the roll being called:

26 Yeas 5, Nays 29, Excused 1, Absent 0

27 Yeas: Carley, Davis, Lapka, Rohl, and Voight

28 Nays: Beal, Blanc, Crabtree, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Jensen (Kevin),
29 Karr, Kolbeck (Steve), Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue),
30 Pischke, Reed, Sauder, Schoenfish, Smith, Vilhauer, Voita, Wheeler, and Zikmund

31 Excused: Hulse

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

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SIGNING OF BILLS

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The President publicly read the title to

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SB 93: FOR AN ACT ENTITLED, An Act to prohibit payment or rebate of insurance deductibles by contractors providing motor vehicle repair services.

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SB 111: FOR AN ACT ENTITLED, An Act to permit a court to order family therapy or reunification therapy in a custody or visitation dispute.

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HB 1044: FOR AN ACT ENTITLED, An Act to authorize the use of a newborn safety device for the voluntary surrender of a newborn and to make clarifying changes.

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HB 1057: FOR AN ACT ENTITLED, An Act to transfer moneys from the South Dakota-bred racing fund to the special racing revolving fund.

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HB 1063: FOR AN ACT ENTITLED, An Act to revise the provisions for preparing a fiscal note for ballot questions.

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HB 1173: FOR AN ACT ENTITLED, An Act to eliminate the cap on assessment amounts for road improvements.

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And signed the same in the presence of the Senate.

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

18

Peggy Laurenz, Secretary

