

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

THIRTY-FIRST DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 04, 2025

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by Senate pages Maximillian Josko and Trenton Policky.

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 30th day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Chris Karr, Chair

Which motion prevailed.

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COMMUNICATIONS AND PETITIONS

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March 3, 2025

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Mr. President and Members of the Senate:

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I have the honor to inform you that on March 3, 2025, I approved Senate Bills 72, 84, and 97, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,

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Larry Rhoden

8

Governor

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REPORTS OF STANDING COMMITTEES

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MR. PRESIDENT:

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The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **HB 1008 and 1012** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

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Respectfully submitted,

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Casey Crabtree, Chair

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MR. PRESIDENT:

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The Committee on Senate Education respectfully reports that it has had under consideration **HB 1039** with the recommendation that said bill be referred to the Senate Committee on Appropriations with a Do Pass recommendation.

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Also MR. PRESIDENT:

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The Committee on Senate Education respectfully reports that it has had under consideration **HB 1040** which was deferred to the 41st Legislative Day.

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Also MR. PRESIDENT:

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The Committee on Senate Education respectfully reports that it has had under consideration **HB 1200** which was tabled.

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Respectfully submitted,

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Kyle Schoenfish, Chair

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MR. PRESIDENT:

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The Committee on Senate Military and Veterans Affairs respectfully reports that it has had under consideration **HB 1238** and returns the same with the recommendation that said bill do pass.

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1 Also MR. PRESIDENT:

2 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
3 under consideration **HB 1161** and returns the same with the recommendation that said bill do pass,
4 and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Larry P. Zikmund, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Judiciary respectfully reports that it has had under consideration
9 **HB 1174** and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Judiciary respectfully reports that it has had under consideration
12 **HB 1096** and returns the same with the recommendation that said bill do pass, and having been
13 certified as uncontested, be placed on the consent calendar.

14 Also MR. PRESIDENT:

15 The Committee on Senate Judiciary respectfully reports that it has had under consideration
16 **HB 1115** which was deferred to the 41st Legislative Day.

17 Respectfully submitted,
18 David Wheeler, Chair

19 MR. PRESIDENT:

20 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
21 had under consideration **HB 1083 and 1116** and returns the same with the recommendation that
22 said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

23 Also MR. PRESIDENT:

24 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
25 had under consideration **HB 1176, and HCR 6010** which were deferred to the 41st Legislative Day.

26 Respectfully submitted,
27 Tom Pischke, Chair

28 MR. PRESIDENT:

29 The Committee on Senate State Affairs respectfully reports that it has had under consideration
30 the nomination of Jamie Stucky of Lincoln County, Lennox, South Dakota, to the South Dakota Board
31 of Technical Education and returns the same with the recommendation that the Senate advise and
32 consent to the confirmation of said appointment.

33 Also MR. PRESIDENT:

34 The Committee on Senate State Affairs respectfully reports that it has had under consideration
35 the nomination of Kay Schallenkamp of Lawrence County, Spearfish, South Dakota, to the South
36 Dakota Board of Technical Education and returns the same with the recommendation that the Senate

1 advise and consent to the confirmation of said reappointment, and that said reappointment having
2 been certified as uncontested, be placed on the consent calendar.

3 Also MR. PRESIDENT:

4 The Committee on Senate State Affairs respectfully reports that it has had under consideration
5 the nomination of Joy Nelson of Codington County, Watertown, South Dakota, to the South Dakota
6 Board of Technical Education and returns the same with the recommendation that the Senate advise
7 and consent to the confirmation of said reappointment, and that said reappointment having been
8 certified as uncontested, be placed on the consent calendar.

9 Also MR. PRESIDENT:

10 The Committee on Senate State Affairs respectfully reports that it has had under consideration
11 the nomination of Brad Greenway of Davison County, Mitchell, South Dakota, to the South Dakota
12 Board of Technical Education and returns the same with the recommendation that the Senate advise
13 and consent to the confirmation of said reappointment, and that said reappointment having been
14 certified as uncontested, be placed on the consent calendar.

15 Also MR. PRESIDENT:

16 The Committee on Senate State Affairs respectfully reports that it has had under consideration
17 **HB 1062 and 1073** which were deferred to the 41st Legislative Day.

18 Also MR. PRESIDENT:

19 The Committee on Senate State Affairs respectfully reports that it has had under consideration
20 **HB 1066** and returns the same with the recommendation that said bill be amended as follows:

21 1066L

22 On page 1, line 10, of the House State Affairs Engrossed bill, after "may" delete " have"

23 On page 1, line 10, of the House State Affairs Engrossed bill, after "only" insert " be a resident
24 of"

25 On page 1, line 10, of the House State Affairs Engrossed bill, after "place" delete " of residence"

26 On page 1, line 21, of the House State Affairs Engrossed bill, after "person" delete " of"

27 And that as so amended, **HB 1066** do pass.

28 Also MR. PRESIDENT:

29 The Committee on Senate State Affairs respectfully reports that it has had under consideration
30 **HB 1259** and returns the same with the recommendation that said bill be amended as follows:

31 1259B

32 On page 1, line 1, of the House State Affairs Engrossed bill, after "rooms" delete " and to
33 provide a penalty therefor"

34 On page 1, line 7, of the House State Affairs Engrossed bill, after "others" insert ", including a
35 multi-occupancy locker room or shower room"

36 On page 2, line 6, of the House State Affairs Engrossed bill, after "quarters" insert " rented by
37 the public school"

38 On page 2, line 7, of the House State Affairs Engrossed bill, after "males." delete "If a public
39 school student participates in a school or school district sponsored or sanctioned activity occurring

- 1 at a location other than the school in which the student is enrolled, the school must ensure that any
2 multi-occupancy changing room, restroom, or sleeping quarters, located at the site of the activity
3 and available to the student, is designated for use exclusively by females or for use exclusively by
4 males.
- 5 "
- 6 On page 2, line 23, of the House State Affairs Engrossed bill, delete the comma and insert "
7 or"
- 8 On page 2, line 23, of the House State Affairs Engrossed bill, after "restroom" delete ", or
9 sleeping quarters"
- 10 On page 2, line 25, of the House State Affairs Engrossed bill, delete the comma and insert "
11 or"
- 12 On page 2, line 25, of the House State Affairs Engrossed bill, after "restroom" delete ", or
13 shower room"
- 14 On page 2, line 28, of the House State Affairs Engrossed bill, delete " for members of the
15 opposite sex" and insert " by designating each as available for use exclusively by female students
16 or for use exclusively by male students"
- 17 On page 3, line 5, of the House State Affairs Engrossed bill, delete the comma and insert " or"
- 18 On page 3, line 5, of the House State Affairs Engrossed bill, after "restroom" delete ", or shower
19 room"
- 20 On page 3, line 11, of the House State Affairs Engrossed bill, delete " school district" and insert
21 " public school"
- 22 On page 3, line 12, of the House State Affairs Engrossed bill, delete " overnight sleeping
23 accommodations" and insert " changing rooms or sleeping quarters"
- 24 On page 3, line 12, of the House State Affairs Engrossed bill, after "all" insert " multi-occupancy
25 changing rooms and"
- 26 On page 3, line 25, of the House State Affairs Engrossed bill, delete " encountered" and insert
27 " encounters"
- 28 On page 3, line 26, of the House State Affairs Engrossed bill, after "designated" insert " by the
29 public school"
- 30 On page 4, line 10, of the House State Affairs Engrossed bill, after "others" insert ", including
31 a multi-occupancy locker room or shower room"
- 32 On page 4, line 29, of the House State Affairs Engrossed bill, delete " shower room" and insert
33 " sleeping quarters"
- 34 On page 5, line 6, of the House State Affairs Engrossed bill, delete " and" and insert a comma
- 35 On page 5, line 7, of the House State Affairs Engrossed bill, after "rooms" insert ", and sleeping
36 quarters"
- 37 On page 5, line 32, of the House State Affairs Engrossed bill, delete the comma and insert "
38 or"
- 39 On page 5, line 32, of the House State Affairs Engrossed bill, after "restroom" delete ", or
40 shower room"

1 And that as so amended, **HB 1259** do pass.

2 Also MR. PRESIDENT:

3 The Committee on Senate State Affairs respectfully reports that it has had under consideration
4 **HB 1216** and returns the same with the recommendation that said bill do pass.

5 Respectfully submitted,
6 Jim Mehlhaff, Chair

7 MR. PRESIDENT:

8 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
9 Enrolling has carefully compared **SB 15, 25, 37, 66, 76, 77, 78, 80, 110, 135, 174, and 179**
10 and finds the same correctly enrolled.

11 Respectfully submitted,
12 Chris Karr, Chair

13 **MESSAGES FROM THE HOUSE**

14 MR. PRESIDENT:

15 I have the honor to return herewith **SB 62** which has been amended by the House and your
16 concurrence in the amendments is respectfully requested.

17 Also MR. PRESIDENT:

18 I have the honor to inform your honorable body that the House has adopted the report of the
19 Conference Committee on **SB 25**.

20 Also MR. PRESIDENT:

21 I have the honor to inform your honorable body that **SB 192 and 208** were lost on second
22 reading and final passage.

23 Also MR. PRESIDENT:

24 I have the honor to return herewith **SB 15, 37, 61, 66, 76, 77, 78, 80, 110, 135, 174, and**
25 **179** which have passed the House without change.

26 Also MR. PRESIDENT:

27 I have the honor to transmit herewith **HB 1041** which has passed the House and your favorable
28 consideration is respectfully requested.

29 Respectfully,
30 Patricia Miller, Chief Clerk

1

MOTIONS AND RESOLUTIONS

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Sen. Crabtree moved that the Senate do concur in House amendments to **SB 69**.

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The question being on Sen. Crabtree's motion that the Senate do concur in House amendments to **SB 69**.

5

And the roll being called:

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Yeas 35, Nays 0, Excused 0, Absent 0

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

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So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the amendments were concurred in.

13

Sen. Peterson (Sue) moved that the Senate do concur in House amendments to **SB 116**.

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The question being on Sen. Peterson (Sue)'s motion that the Senate do concur in House amendments to **SB 116**.

16

And the roll being called:

17

Yeas 31, Nays 4, Excused 0, Absent 0

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

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Nays: Deibert, Duhamel, Mehlhaff, and Vilhauer

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24

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the amendments were concurred in.

25

CONSIDERATION OF REPORTS OF COMMITTEES

26

Sen. Mehlhaff moved that the report of the Standing Committee on

27

28

Health and Human Services on **HB 1124** as found on page 414 of the Senate Journal be adopted.

29

Which motion prevailed and the report was adopted.

1 Sen. Nelson moved that **HB 1124** be placed on today's calendar pursuant to JR 6F-6.

2 Sen. Rohl rose to a point of order that Sen. Nelson's comments pertain to placing **HB 1124** on
3 today's calendar.

4 The question being on Sen. Nelson's motion that **HB 1124** be placed on today's calendar
5 pursuant to JR 6F-6.

6 And the roll being called:

7 Yeas 17, Nays 18, Excused 0, Absent 0

8 Yeas: Beal, Blanc, Carley, Duhamel, Foster, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty,
9 Mehlhaff, Nelson, Perry, Peterson (Sue), Voight, and Voita

10 Nays: Crabtree, Davis, Deibert, Grove, Hulse, Kolbeck (Steve), Larson, Miskimins, Otten,
11 Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and Zikmund

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

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

15 **HB 1041:** FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions pertaining to
16 the state library and State Library Board.

17 Was read the first time and the President Pro Tem waived the committee referral pursuant to
18 JR 6D-1.

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

20 **HB 1059:** FOR AN ACT ENTITLED, An Act to clarify the meaning of teleconference for purposes
21 of open meeting requirements.

22 **HB 1106:** FOR AN ACT ENTITLED, An Act to require a report regarding refugee resettlement
23 services.

24 **HB 1126:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the compensation
25 of a recount board.

26 **HB 1127:** FOR AN ACT ENTITLED, An Act to require that notice of a county's canvass, post-
27 election audit, and testing of automatic tabulating equipment be posted to the secretary of state's
28 website.

29 Were read the second time.

30 The question being "Shall **HB 1059** pass as amended, and **HB 1106, 1126, and 1127** pass?"

31 And the roll being called:

32 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

8 **HB 1015:** FOR AN ACT ENTITLED, An Act to increase licensure fees related to the practice of
9 funeral service and cremation.

10 Was read the second time.

11 The question being "Shall **HB 1015** pass?"

12 And the roll being called:

13 Yeas 24, Nays 11, Excused 0, Absent 0

14 Yeas: Beal, Blanc, Davis, Deibert, Duhamel, Grove, Jensen (Kevin), Karr, Kolbeck (Steve),
15 Larson, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke, Reed, Sauder,
16 Schoenfish, Smith, Vilhauer, Voight, and Wheeler

17 Nays: Carley, Crabtree, Foster, Hohn, Howard, Hulse, Lapka, Marty, Rohl, Voita, and Zikmund

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

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

21 Was read the second time.

22 The question being "Shall **HB 1016** pass as amended?"

23 And the roll being called:

24 Yeas 27, Nays 8, Excused 0, Absent 0

25 Yeas: Beal, Blanc, Davis, Deibert, Duhamel, Grove, Hohn, Jensen (Kevin), Karr,
26 Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue),
27 Reed, Sauder, Schoenfish, Smith, Vilhauer, Voight, Wheeler, and Zikmund

28 Nays: Carley, Crabtree, Foster, Howard, Hulse, Pischke, Rohl, and Voita

29 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,
30 the President declared the bill passed.

31 The question being on the title.

32 Sen. Reed moved that the title to **HB 1016** be amended as follows:

33

1016C

1 On page 1, line 1, of the House Appropriations Engrossed bill, after "pharmacy" insert " and to
2 increase fees"

3 Which motion prevailed and the title was so amended.

4 **HB 1021:** FOR AN ACT ENTITLED, An Act to modify the annual fee for concentrated animal
5 feeding operations and to establish an application fee.

6 Was read the second time.

7 The question being "Shall **HB 1021** pass as amended?"

8 And the roll being called:

9 Yeas 23, Nays 12, Excused 0, Absent 0

10 Yeas: Beal, Crabtree, Davis, Deibert, Duhamel, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve),
11 Larson, Mehlhaff, Miskimins, Otten, Perry, Peterson (Sue), Reed, Sauder, Schoenfish, Smith,
12 Vilhauer, Voita, Wheeler, and Zikmund

13 Nays: Blanc, Carley, Foster, Grove, Hohn, Howard, Lapka, Marty, Nelson, Pischke, Rohl, and
14 Voight

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

17 **HB 1036:** FOR AN ACT ENTITLED, An Act to establish a minimum combined balance of the
18 budget reserve fund and general revenue replacement fund.

19 Was read the second time.

20 The question being "Shall **HB 1036** pass?"

21 And the roll being called:

22 Yeas 31, Nays 4, Excused 0, Absent 0

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

26 Nays: Deibert, Schoenfish, Smith, and Wheeler

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

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

31 Was read the second time.

1 The question being "Shall **HB 1037** pass as amended?"

2 And the roll being called:

3 Yeas 26, Nays 9, Excused 0, Absent 0

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

7 Nays: Crabtree, Duhamel, Foster, Hulse, Jensen (Kevin), Peterson (Sue), Pischke, Rohl, and
8 Schoenfish

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 **HB 1052:** FOR AN ACT ENTITLED, An Act to prohibit the exercise of eminent domain for a
12 pipeline that carries carbon oxide.

13 Was read the second time.

14 Sen. Wheeler moved that **HB 1052** be amended as follows:

15 1052D

16 On page 1, line 1, of the Introduced bill, delete "prohibit " and insert "limit "

17 On page 1, line 5, of the Introduced bill, delete "Notwithstanding the provisions of any other
18 law, a " and insert "In addition to any other requirement set forth in law, a "

19 On page 1, line 7, of the Introduced bill, after "oxide" insert ", unless the person has obtained
20 a permit from the Public Utilities Commission under chapter 49-41B and voluntarily obtained at least
21 seventy-five percent of the easements needed for the pipeline route in this stat"

22 On page 1, line 7, of the Introduced bill, after "oxide" insert "e."

23 Sen. Jensen (Kevin) rose to a point of order that Sen. Wheeler speak to the amendment 1052D.
24 The President overruled the point of order as latitude was given to other speakers.

25 The President ordered a roll call vote based on the discussion on the motion to amend.

26 The question being on Sen. Wheeler's motion that **HB 1052** be amended with 1052D.

27 And the roll being called:

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

29 Yeas: Beal, Crabtree, Davis, Deibert, Duhamel, Kolbeck (Steve), Mehlhaff, Miskimins, Reed,
30 Sauder, Schoenfish, Vilhauer, Wheeler, and Zikmund

31 Nays: Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka, Larson,
32 Marty, Nelson, Otten, Perry, Peterson (Sue), Pischke, Rohl, Smith, Voight, and Voita

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

1 The question being "Shall **HB 1052** pass?"

2 And the roll being called:

3 Yeas 23, Nays 12, Excused 0, Absent 0

4 Yeas: Blanc, Carley, Deibert, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka,
5 Larson, Marty, Nelson, Otten, Perry, Peterson (Sue), Pischke, Rohl, Smith, Voight, Voita, and
6 Zikmund

7 Nays: Beal, Crabtree, Davis, Duhamel, Kolbeck (Steve), Mehlhaff, Miskimins, Reed, Sauder,
8 Schoenfish, Vilhauer, and Wheeler

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

13 Was read the second time.

14 Sen. Davis moved that **HB 1069** be amended as follows:

15 1069F

16 On page 1, line 1, of the Senate Commerce and Energy Engrossed bill, after "products" delete
17 ", to authorize a new tax,"

18 On page 2, line 14, of the Senate Commerce and Energy Engrossed bill, after "fund" insert "
19 and used for purposes of administering sections 2 to 17, inclusive, of this Act"

20 Which motion prevailed.

21 Sen. Voita moved that **HB 1069** be amended as follows:

22 1069G

23 On page 2, line 21, of the Senate Commerce and Energy Engrossed bill, delete "Prior to selling
24 or offering to sell vapor products in this state, a vapor product distributor shall obtain a certification
25 by the manufacturer of the vapor product stating:

26 (1) The manufacturer, pursuant to 21 U. S. C. § 387j (January 1, 2025), received a marketing
27 granted order for the vapor product from the United States Food and Drug Administration; or

28 (2) The vapor product was marketed in the United States on or before August 8, 2016, and;

29 (a) On or before September 9, 2020, the manufacturer, pursuant to 21 U. S. C. § 387j (January
30 1, 2025), submitted to the United States Food and Drug Administration a premarket tobacco product
31 application for the vapor product and the application was accepted for filing; and

32 (b) The application remains under review by the United States Food and Drug Administration
33 or a final decision on the application has not yet taken effect.

34 A manufacturer who provides any misrepresentation or false statement in any certification
35 pursuant to this section is guilty of a Class 1 misdemeanor.

36 " and insert "A licensed wholesaler, vapor product distributor, or vapor product retailer may
37 not market, advertise, sell, or cause to be sold a vapor product if:

- 1 (1) The container, packaging, or advertising depicts a human, animal, creature, vehicle,
2 cartoon character, toy, emoji, or other artwork intended to appeal to a minor;
- 3 (2) The container, packaging, or advertising imitates trademarks or trade dress of a product
4 that is marketed to minors;
- 5 (3) The container, packaging, or advertising includes an image of a public figure;
- 6 (4) The container or packaging is intentionally designed to disguise that the product is a vapor
7 product;
- 8 (5) The container or packaging contains, includes, or is capable of running or interfacing with
9 video games, mobile games, or interactive software on an integrated electronic screen, digital
10 interface, or external gaming system, or is marketed as having gaming functionality;
- 11 (6) The container or packaging does not contain an ingredients listing displayed on the
12 packaging in at least eight-point type in a visible area on the product;
- 13 (7) The packaging does not meet applicable packaging standards provided by 15 U.S.C. §
14 1472a (January 28, 2016); or
- 15 (8) The packaging does not contain a label that meets the nicotine addictiveness warning
16 statement requirements provided by 21 C.F.R. § 1143.3 (February 25, 2025).
- 17 A violation of this section is a Class 2 misdemeanor."
- 18 On page 3, line 7, of the Senate Commerce and Energy Engrossed bill, after "the" delete "
19 certification"
- 20 On page 3, line 7, of the Senate Commerce and Energy Engrossed bill, after "requirements"
21 delete " pursuant to section 5"
- 22 On page 3, line 7, of the Senate Commerce and Energy Engrossed bill, delete " Act" and insert
23 " chapter"
- 24 On page 3, line 15, of the Senate Commerce and Energy Engrossed bill, delete " a copy of the
25 certification" and insert " all documentation, including all ingredients detailed pursuant to section 5
26 of this Act,"
- 27 On page 3, line 16, of the Senate Commerce and Energy Engrossed bill, after "manufacturer"
28 delete " pursuant to section 5 of this Act"
- 29 On page 3, line 17, of the Senate Commerce and Energy Engrossed bill, after "shall" insert "
30 submit to an inspection of inventory, products, and documentation, and shall"
- 31 On page 3, line 17, of the Senate Commerce and Energy Engrossed bill, delete " the
32 certification" and insert " the documentation"
- 33 Sen. Davis requested a roll call vote.
- 34 And the roll being called:
- 35 Yeas 19, Nays 15, Excused 1, Absent 0

1 Yeas: Beal, Blanc, Carley, Foster, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka, Marty,
2 Mehlhaff, Nelson, Otten, Perry, Peterson (Sue), Pischke, Voita, and Wheeler

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

5 Excused: Voight

6 So the motion having received an affirmative vote of a majority of the members present, the
7 President declared the motion prevailed.

8 Sen. Davis moved that **HB 1069** be laid on the table.

9 And the roll being called:

10 Yeas 27, Nays 7, Excused 1, Absent 0

11 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Howard, Hulse,
12 Jensen (Kevin), Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Perry, Pischke, Reed,
13 Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and Zikmund

14 Nays: Grove, Hohn, Karr, Nelson, Otten, Peterson (Sue), and Voita

15 Excused: Voight

16 So the motion having received an affirmative vote of a majority of the members-elect, the
17 President declared the motion carried and **HB 1069** was tabled.

18 **HB 1132:** FOR AN ACT ENTITLED, An Act to establish provisions for eligibility in the child care
19 assistance program for certain child care employees.

20 Was read the second time.

21 The question being "Shall **HB 1132** pass as amended?"

22 And the roll being called:

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

24 Yeas: Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hulse, Kolbeck (Steve), Larson,
25 Mehlhaff, Miskimins, Perry, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and Zikmund

26 Nays: Beal, Blanc, Carley, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson, Otten,
27 Peterson (Sue), Pischke, and Voita

28 Excused: Voight

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

31 **HB 1164:** FOR AN ACT ENTITLED, An Act to revise the process for nominating candidates for
32 lieutenant governor.

33 Was read the second time.

1 The question being "Shall **HB 1164** pass?"

2 And the roll being called:

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

4 Yeas: Beal, Crabtree, Davis, Deibert, Duhamel, Hohn, Hulse, Karr, Kolbeck (Steve), Larson,
5 Mehlhaff, Miskimins, Otten, Peterson (Sue), Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer,
6 Wheeler, and Zikmund

7 Nays: Blanc, Carley, Foster, Grove, Howard, Jensen (Kevin), Lapka, Marty, Nelson, Perry,
8 Pischke, and Voita

9 Excused: Voight

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

12 **HB 1221**: FOR AN ACT ENTITLED, An Act to make an appropriation for victim services provided
13 by nonprofit organizations.

14 Was read the second time.

15 The question being "Shall **HB 1221** pass as amended?"

16 And the roll being called:

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

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

22 Nays: Carley

23 Excused: Voight

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

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

28 Was read the second time.

29 The question being "Shall **HB 1222** pass as amended?"

30 And the roll being called:

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

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

5 Nays: Larson and Smith

6 Excused: Voight

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 **HB 1232:** FOR AN ACT ENTITLED, An Act to modify requirements relating to the operation of
10 salons and booths and to declare an emergency.

11 Was read the second time.

12 The question being "Shall **HB 1232** pass as amended?"

13 And the roll being called:

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

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

19 Excused: Voight

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

22 **HJR 5002:** A JOINT RESOLUTION, Applying to the United States Congress under Article V of
23 the United States Constitution to call for a convention for proposing an amendment to the
24 constitution establishing congressional term limits.

25 Was read the second time.

26 The question being "Shall **HJR 5002** pass?"

27 And the roll being called:

28 Yeas 25, Nays 10, Excused 0, Absent 0

29 Yeas: Beal, Blanc, Crabtree, Davis, Foster, Grove, Howard, Jensen (Kevin), Karr,
30 Kolbeck (Steve), Marty, Mehlhaff, Miskimins, Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl,
31 Sauder, Schoenfish, Vilhauer, Voight, Wheeler, and Zikmund

32 Nays: Carley, Deibert, Duhamel, Hohn, Hulse, Lapka, Larson, Nelson, Smith, and Voita

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

1

SIGNING OF BILLS

2

The President publicly read the title to

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SB 15: FOR AN ACT ENTITLED, An Act to expand the policy advisory committee for animal damage control.

5

SB 25: FOR AN ACT ENTITLED, An Act to clarify the adoption and use of the plumbing code.

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SB 37: FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to the 911 emergency surcharge and the 911 Coordination Board.

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SB 66: FOR AN ACT ENTITLED, An Act to revise certain provisions related to capital improvements of state buildings.

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SB 76: FOR AN ACT ENTITLED, An Act to repeal reporting and testifying requirements to the committees on health and human services regarding nursing facilities and long-term healthcare needs.

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SB 77: FOR AN ACT ENTITLED, An Act to update terminology related to ambulance operators.

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SB 78: FOR AN ACT ENTITLED, An Act to authorize a change in bullet diameter for use in taking certain animals.

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SB 80: FOR AN ACT ENTITLED, An Act to revise provisions regarding students and trainees engaged in the practice of funeral service.

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SB 110: FOR AN ACT ENTITLED, An Act to revise licensure and supervision requirements for physical therapists and physical therapist assistants.

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SB 135: FOR AN ACT ENTITLED, An Act to exempt a motor vehicle insurer from a certain title fee.

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

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SB 179: FOR AN ACT ENTITLED, An Act to modify requirements for off-road vehicle dealers at special events.

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HB 1001: FOR AN ACT ENTITLED, An Act to update a reference to the Internal Revenue Code for purposes of higher education savings plans.

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

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HB 1026: FOR AN ACT ENTITLED, An Act to make an appropriation for the replacement of the Richmond Lake dam and spillway, for the general maintenance and repair of other state-owned dams, and to declare an emergency.

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HB 1051: FOR AN ACT ENTITLED, An Act to update provisions on the interim legislative oversight of administrative rulemaking.

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HB 1067: FOR AN ACT ENTITLED, An Act to define the term "must."

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HB 1092: FOR AN ACT ENTITLED, An Act to make an appropriation for a student teacher stipend grant program.

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HB 1093: FOR AN ACT ENTITLED, An Act to modify the permissible dates for a school district bond election.

1 **HB 1097:** FOR AN ACT ENTITLED, An Act to establish and modify provisions for the temporary
 2 training of nonresident physicians.

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

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

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

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

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

12 **COMMEMORATIONS**

13 **SC 814:** A LEGISLATIVE COMMEMORATION, Honoring the Estelline-Hendricks Redhawks
 14 women’s gymnastics team as the 2025 Class A gymnastics state champions.

15 Introduced by: **Senators** Sauder, Crabtree, Perry, and Schoenfish and
 16 **Representatives** Emery, Fitzgerald, Heermann, Jordan, Muckey, Reisch, and Roe

17 Sen. Hulse moved that the Senate do now adjourn, which motion prevailed and at 5:27 p.m.
 18 the Senate adjourned.

19 Peggy Laurenz, Secretary