

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, March 05, 2025

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

The prayer was offered by the Chaplain, Rev. Russell Jones, followed by the Pledge of Allegiance led by Senate page AnneClaire Rubish.

Roll Call: All members present except Sen. Peterson (Sue) 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 31st 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

March 5, 2025

Mr. President and Members of the Senate:

I have the honor to inform you that on March 5, 2025, I approved Senate Bills 65, 71, and 109, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1085** which was deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1204 and 1249, and HCR 6003 and 6009** and returns the same with the recommendation that said bills and resolutions do pass.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1242** and returns the same with the recommendation that said bill be amended as follows:

1242C

On page 1, line 1, of the House Engrossed bill, after "that" delete " a candidate campaign committee,"

On page 1, line 2, of the House Engrossed bill, after "committee" delete ", or a political party"

On page 1, line 6, of the House Engrossed bill, after "12-27:

A" delete " candidate campaign committee,"

On page 1, line 6, of the House Engrossed bill, after "committee" delete ", or political party"

And that as so amended, **HB 1242** do pass.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HCR 6011 and 6013** and returns the same with the recommendation that said resolutions do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Jim Mehlhaff, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
 3 under consideration **HB 1005, 1061, 1139, and 1225** and returns the same with the
 4 recommendation that said bills do pass, and having been certified as uncontested, be placed on the
 5 consent calendar.

6 Respectfully submitted,
 7 Kevin D. Jensen, Chair

8 MR. PRESIDENT:

9 The Committee on Senate Local Government respectfully reports that it has had under
 10 consideration **HB 1143** and returns the same with the recommendation that said bill be amended
 11 as follows:

12 1143A

13 On page 1, line 1, of the Introduced bill, delete "repeal the requirement for an oath or
 14 undertaking by an officer of a third class municipality" and insert "require that the director of
 15 equalization adjust certain agricultural land values"

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

17 "

18 **Section 1. That § 10-6-130 be AMENDED:**

19 **10-6-130.** All soils ~~must be~~ are divided into classes based on soil classification standards
 20 developed by the United States Department of Agriculture, Natural Resources Conservation Service.
 21 All agricultural land must be categorized as either cropland or noncropland. Soil types with land
 22 capability class I, II, and III must be categorized as cropland and soil types with land capability
 23 classes V, VI, VII, and VIII must be categorized as noncropland. Soil types with land capability class
 24 IV may be categorized by the director of equalization as either cropland or as noncropland. The
 25 director of equalization ~~must~~ shall notify the department by November ~~1~~ first of each year of any
 26 changes to the categorization of the land capability class IV soil types. Beginning with the 2023
 27 assessment year, the total acres of class IV soil types classified as noncropland in a county may
 28 increase a maximum of twenty percent over the total acres of class IV soil types classified as
 29 noncropland in the county in the previous assessment year. The department shall provide each
 30 county with soil ratings for all soil types present in the county. The director of equalization shall
 31 implement the soil ratings and utilize the ratings as the basis for determining the value of each soil
 32 type in the county.

33 The director may make an adjustment to a parcel pursuant to § 10-6-131.

34 Nothing in this section prohibits the department from categorizing soil types with land capability
 35 class I, II or III as noncropland if one or more of the adjustment factors contained in § 10-6-131
 36 affects the productivity of the soil type, and the reasonable, probable use of the soil type that is
 37 physically practical, appropriately supported, financially feasible, and that results in the highest
 38 sustainable use of the land, is not harvesting crops or plants produced.

39 **Section 2. That § 10-6-131 be AMENDED:**

40 **10-6-131.** Before July first each year, the secretary of revenue shall annually provide each
 41 director the agricultural income value for each county as computed pursuant to § 10-6-127. The
 42 director shall annually determine the assessed value of agricultural land. The director may adjust
 43 the assessed value of agricultural land to the extent that one or more of the following factors
 44 negatively affect the productivity of the land:

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- 1 (1) Location;
 - 2 (2) Size;
 - 3 (3) Soil survey statistics;
 - 4 (4) Terrain;
 - 5 (5) Topographical condition;
 - 6 (6) Climate;
 - 7 (7) Accessibility; or
 - 8 (8) Surface obstructions, including shelterbelts.

9 If the director determines that one or more of the factors provided in this section negatively
 10 affects the productivity of the land, the director shall adjust the assessed value of the land.

11 The director shall document each adjustment by using data from sources reasonably related
 12 to the adjustment being made. In addition, the director may use data from comparable sales of
 13 agricultural land to document the adjustment concerning productivity for any of the factors listed in
 14 this section.

15 If the actual use of agricultural land varies from the land use category specified by soil
 16 classification standards, or if any factors listed in this section exist that affect the productivity of the
 17 land, the property owner may request an examination of the land by the director on a form
 18 prescribed by the department. The director shall determine whether to adjust the assessed value of
 19 the agricultural land pursuant to the factors listed in this section.

20 The director shall document all supporting evidence for the adjustment determination. The
 21 director shall provide any adjustment documentation to the department upon request. The director
 22 ~~must~~ shall keep the adjustment documentation in the director's office for the life of the adjustment.

23 For the purposes of this section, ~~the term~~ "shelterbelt" means field shelterbelts, farmstead
 24 windbreaks, wildlife tree plantings, living snow fences, and other tree plantings made specifically
 25 for conservation purposes, but excluding trees planted for ornamental or commercial purposes.

26 "

27 And that as so amended, **HB 1143** do pass, and having been certified as uncontested, be
 28 placed on the consent calendar.

29 Also MR. PRESIDENT:

30 The Committee on Senate Local Government respectfully reports that it has had under
 31 consideration **HB 1218** and returns the same with the recommendation that said bill be amended
 32 as follows:

1218M

34 On page 1, after line 23, of the House Engrossed bill, insert: "

35 **Section 2. That a NEW SECTION be added to chapter 7-18:**

36 Notwithstanding section 1 of this Act or § 7-18A-36, a county may, by any method or means,
 37 prohibit or restrict an individual from lawfully carrying a dangerous weapon, as defined in § 22-1-2,
 38 within a building or facility at which an event is occurring, provided metal detectors are utilized to
 39 screen for any dangerous weapons and armed security personnel are posted at each public
 40 entrance."

41 On page 2, after line 19, of the House Engrossed bill, insert: "

42 **Section 4. That a NEW SECTION be added to chapter 8-4:**

43 Notwithstanding section 3 of this Act or § 8-5-13, a township may, by any method or means,
 44 prohibit or restrict an individual from lawfully carrying a dangerous weapon, as defined in § 22-1-2,

1 within a building or facility at which an event is occurring, provided metal detectors are utilized to
2 screen for any dangerous weapons and armed security personnel are posted at each public
3 entrance."

4 On page 3, after line 6, of the House Engrossed bill, insert: "

5 **Section 6. That a NEW SECTION be added to chapter 9-14:**

6 Notwithstanding section 5 of this Act or § 9-19-20, a municipality may, by any method or
7 means, prohibit or restrict an individual from lawfully carrying a dangerous weapon, as defined in §
8 22-1-2, within a building or facility at which an event is occurring, provided metal detectors are
9 utilized to screen for any dangerous weapons and armed security personnel are posted at each
10 public entrance."

11 1218N

12 On page 1, line 13, of the House Engrossed bill, delete " portion of a building being used to
13 provide court services" and insert " county courthouse, as defined in § 22-14-22"

14 On page 2, line 9, of the House Engrossed bill, delete " portion of a building being used to
15 provide court services" and insert " county courthouse, as defined in § 22-14-22"

16 On page 2, line 29, of the House Engrossed bill, delete " portion of a building being used to
17 provide court services" and insert " county courthouse, as defined in § 22-14-22"

18 And that as so amended, **HB 1218** do pass.

19 Also MR. PRESIDENT:

20 The Committee on Senate Local Government respectfully reports that it has had under
21 consideration **HB 1142 and 1155** which were tabled.

22 Respectfully submitted,
23 Tim S. Reed, Chair

24 MR. PRESIDENT:

25 The Committee on Senate Taxation respectfully reports that it has had under consideration
26 **HB 1235** and returns the same with the recommendation that said bill do pass.

27 Also MR. PRESIDENT:

28 The Committee on Senate Taxation respectfully reports that it has had under consideration
29 **HB 1245** and returns the same with the recommendation that said bill be amended as follows:

30 1245D

31 On page 1, line 1, of the House Taxation Engrossed bill, delete "exclude guaranteed payments
32 made to partners from the definition of gross receipts, and to exempt guaranteed payments made
33 to partners from the state use tax" and insert "exempt from the state sales and use tax gross
34 receipts for certain services to a partnership"

35 On the House Taxation Engrossed bill, delete everything after the enacting clause and insert:

36 "

37 **Section 1. That a NEW SECTION be added to chapter 10-45:**

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MESSAGES FROM THE HOUSE

2

MR. PRESIDENT:

3

I have the honor to return herewith **SB 75 and 176** which have been amended by the House and your concurrence in the amendments is respectfully requested.

4

5

Also MR. PRESIDENT:

6

I have the honor to return herewith **SB 24, 27, 31, 58, 59, 92, and 171** which have passed the House without change.

7

8

Also MR. PRESIDENT:

9

I have the honor to inform your honorable body that the House has concurred in Senate amendments to **HB 1071**.

10

11

Respectfully,
Patricia Miller, Chief Clerk

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13

MOTIONS AND RESOLUTIONS

14

Sen. Mehlhaff moved that the Senate do not concur in House amendments to **SB 62** and that a committee of three on the part of the Senate be appointed to meet with a like committee on the part of the House to adjust the differences between the two houses.

15

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17

Sen. Wheeler moved as a substitute motion that the Senate do concur in House amendments to **SB 62**.

18

19

The question being on Sen. Wheeler's substitute motion that the Senate do concur in House amendments to **SB 62**.

20

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And the roll being called:

22

Yeas 20, Nays 14, Excused 1, Absent 0

23

Yeas: Beal, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hulse, Jensen (Kevin), Kolbeck (Steve), Larson, Miskimins, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and Zikmund

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Nays: Blanc, Carley, Hohn, Howard, Karr, Lapka, Marty, Mehlhaff, Nelson, Otten, Perry, Pischke, Voight, and Voita

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28

Excused: Peterson (Sue)

29

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.

30

31

Sen. Karr moved that the Committee on Education be instructed to deliver **HB 1040** to the floor of the Senate, pursuant to JR 7-7.

32

33

Which motion was supported and the committee was so instructed.

1 Sen. Mehlhaff moved that **HB 1174** be deferred to Thursday, March 6, 2025, the 33rd
2 legislative day.

3 Which motion prevailed.

4 Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
5 Thursday, March 6, 2025, the 33rd legislative day.

6 Which motion prevailed.

7 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

9 State Affairs on **HB 1066** as found on page 430 of the Senate Journal; also

10 State Affairs on **HB 1259** as found on page 430 of the Senate Journal be adopted.

11 Which motion prevailed and the report was adopted.

12 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

13 The Senate proceeded to the consideration of the executive appointment of Jamie Stucky of
14 Lincoln County, Lennox, South Dakota, to the South Dakota Board of Technical Education.

15 The question being "Does the Senate advise and consent to the executive appointment of Jamie
16 Stucky?"

17 And the roll being called:

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

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

23 Excused: Peterson (Sue)

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

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

27 Sen. Carley requested that **HB 1116** be removed from the Consent Calendar.

28 **HB 1008**: FOR AN ACT ENTITLED, An Act to include a hybrid facility as a facility to be regulated
29 by the Public Utilities Commission.

1 **HB 1012:** FOR AN ACT ENTITLED, An Act to clarify the status of the Statewide One-Call
 2 Notification Board as an agency administered by the Department of Public Safety and the duties of
 3 the Board.

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

6 **HB 1096:** FOR AN ACT ENTITLED, An Act to prohibit eligibility for a suspended imposition of
 7 sentence for certain rape offenses.

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

10 The executive reappointment of Brad Greenway of Davison County, Mitchell, South Dakota, to
 11 the South Dakota Board of Technical Education.

12 The executive reappointment of Joy Nelson of Codington County, Watertown, South Dakota,
 13 to the South Dakota Board of Technical Education.

14 The executive reappointment of Kay Schallenkamp of Lawrence County, Spearfish, South
 15 Dakota, to the South Dakota Board of Technical Education.

16 Were read the second time.

17 The question being "Shall **HB 1008, 1083, and 1096** pass as amended, and **HB 1012 and**
 18 **1161** pass, and does the Senate advise and consent to the executive reappointments?"

19 And the roll being called:

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

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

25 Excused: Peterson (Sue)

26 So the bills and reappointments having received an affirmative vote of a majority of the
 27 members-elect, the President declared the bills passed, the titles agreed to, and the reappointments
 28 confirmed.

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

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

32 Was read the second time.

33 The question being "Shall **HB 1041** pass as amended?"

34 And the roll being called:

35 Yeas 34, Nays 0, 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, Larson, Marty, Mehlhaff, Miskimins, Nelson,
 3 Otten, Perry, Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wheeler, and
 4 Zikmund

5 Excused: Peterson (Sue)

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 **HB 1216:** FOR AN ACT ENTITLED, An Act to modify and repeal provisions related to the
 9 Legislative Research Council.

10 Was read the second time.

11 The question being "Shall **HB 1216** pass as amended?"

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 Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson,
 16 Otten, Perry, Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wheeler, and
 17 Zikmund

18 Excused: Peterson (Sue)

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

21 **HB 1238:** FOR AN ACT ENTITLED, An Act to establish protections for a veteran seeking
 22 assistance in a veterans' benefit matter.

23 Was read the second time.

24 The question being "Shall **HB 1238** pass as amended?"

25 And the roll being called:

26 Yeas 25, Nays 8, Excused 2, Absent 0

27 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Hohn, Howard, Hulse, Karr,
 28 Lapka, Marty, Mehlhaff, Otten, Perry, Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer,
 29 Voight, and Wheeler

30 Nays: Foster, Grove, Jensen (Kevin), Kolbeck (Steve), Larson, Miskimins, Nelson, and
 31 Zikmund

32 Excused: Peterson (Sue) and Voita

33 So the bill having received an affirmative vote of a majority of the members-elect, the President
 34 declared the bill passed.

1 The question being on the title.

2 Sen. Carley moved that the title to **HB 1238** be amended as follows:

3 1238D

4 On page 1, line 1, of the House Military and Veterans Affairs Engrossed bill, after "establish"
5 insert " consumer"

6 Which motion lost.

7 The President declared that the title to **HB 1238** was agreed to.

8 There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing
9 Committees.

10 **REPORTS OF STANDING COMMITTEES**

11 MR. PRESIDENT:

12 The Committee on Senate Education respectfully reports that it has had under consideration
13 **HB 1040** and returns the same without recommendation.

14 Respectfully submitted,
15 Kyle Schoenfish, Chair

16 **SIGNING OF BILLS**

17 The President publicly read the title to

18 **SB 24:** FOR AN ACT ENTITLED, An Act to revise provisions relating to the promulgation of
19 rules to set licensing and inspection fees for plumbers and related professions.

20 **SB 27:** FOR AN ACT ENTITLED, An Act to revise provisions relating to licensing fees for
21 cosmetology, esthetics, and nail technology.

22 **SB 31:** FOR AN ACT ENTITLED, An Act to revise amounts for inspection fees for electrical
23 installations.

24 **SB 58:** FOR AN ACT ENTITLED, An Act to revise provisions related to human trafficking, to
25 prohibit the obstruction of human trafficking enforcement, and to provide a penalty therefor.

26 **SB 59:** FOR AN ACT ENTITLED, An Act to revise provisions relating to the delivery, possession
27 with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to
28 provide a penalty therefor.

29 **SB 69:** FOR AN ACT ENTITLED, An Act to revise provisions related to trusts.

30 **SB 92:** FOR AN ACT ENTITLED, An Act to require that the director of the Legislative Research
31 Council and the secretary of state review an initiated measure and determine if the measure
32 embraces more than one subject.

33 **SB 116:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to street racing
34 prohibitions and to provide a penalty therefor.

1 **SB 171:** FOR AN ACT ENTITLED, An Act to add questions about historical property to seller's
2 disclosure statement.

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

5 **HB 1094:** FOR AN ACT ENTITLED, An Act to modify laws regarding school bus safety and to
6 provide a penalty therefor.

7 **HB 1192:** FOR AN ACT ENTITLED, An Act to remove the maximum fee permitted to be charged
8 by a notary.

9 **HB 1195:** FOR AN ACT ENTITLED, An Act to revise a provision related to the termination of
10 parental rights of a child adjudicated abused or neglected.

11 **HB 1196:** FOR AN ACT ENTITLED, An Act to update Uniform Unclaimed Property Act to include
12 provisions related to virtual currency and notice requirements.

13 **HJR 5001:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
14 election an amendment to the Constitution of the State of South Dakota, conditioning the
15 requirement of expanded Medicaid on the level of federal medical assistance.

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

17 **COMMEMORATIONS**

18 **SC 815:** A LEGISLATIVE COMMEMORATION, Honoring Frank Kloucek as the oldest surviving,
19 and longest-tenured Democrat to serve in the South Dakota Legislature.

20 Introduced by: **Senators** Smith and Hohn

21 **SC 816:** A LEGISLATIVE COMMEMORATION, Honoring the life of former United States senator,
22 United States representative, and state legislator Tim Johnson.

23 Introduced by: **Senator** Larson

24 **SC 817:** A LEGISLATIVE COMMEMORATION, Honoring the life of former legislator and
25 educator Jan Nicolay for her service to this state.

26 Introduced by: **Senator** Larson

27 **SC 818:** A LEGISLATIVE COMMEMORATION, Honoring the Hamlin Chargers for their 2024
28 state championship in Class 9AA football.

29 Introduced by: **Senators** Sauder, Crabtree, Perry, and Schoenfish and
30 **Representatives** Emery, Fitzgerald, Jordan, Moore, Reisch, Roe, and Uhre-Balk

31 **SC 819:** A LEGISLATIVE COMMEMORATION, Honoring Blioux River Ranch as the 2024
32 Leopold Conservation Award recipient.

33 Introduced by: **Senator** Sauder

34 Sen. Deibert moved that the Senate do now adjourn, which motion prevailed and at 3:14 p.m.
35 the Senate adjourned.

36 Peggy Laurenz, Secretary