

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

THIRTY-THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, March 06, 2025

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate pages Brooke Wright and Ryler Stevicks.

Roll Call: All members present except Sen. Lapka 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 32nd 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 4 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 Leah Aderhold, Patrick Barnett, Chloe Brummett,
7 Kaydence De Haan, Grace Fulkerson, Maximillian Josko, Trenton Policky, AnneClaire Rubish, Ryler
8 Stevicks, and Brooke Wright.

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 4 be adopted.

18 The question being on Sen. Mehlhaff's motion that Senate Page Resolution 4 be adopted.

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), Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten,
23 Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita,
24 Wheeler, and Zikmund

25 Excused: Lapka

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 The Honorable Jon Hansen
30 Speaker of the House of Representatives
31 500 East Capitol Ave.
32 Pierre, SD 57501

33 March 6, 2025

34 Dear Mr. Speaker and Members of the House of Representatives,

35 I respectfully announce that I have signed House Bill 1052. Because of the high level of public
36 interest in this bill in particular and this issue as a whole, I wish to outline my thought process to
37 the legislature and to the people of South Dakota.

38 I am no stranger to discussions about eminent domain and property rights. I've fought for
39 private property rights in this Capitol for over 20 years. When I was a legislator, I was the prime

1 sponsor of legislation that reformed eminent domain to protect property rights. I don't just care
2 about landowners – I am a landowner.

3 I also want to ensure that we keep South Dakota Open for Opportunity. That includes the
4 opportunity for every family, every business owner, and every farmer or rancher to pursue their
5 own American Dream.

6 But those dreams should not be pursued at the expense of others. Freedom ends when it
7 infringes on the freedom of another. And when those situations arise, "governments are instituted
8 among men" to protect the rights of the people.

9 Over the past few years, I've become thoroughly familiar with the details of a carbon dioxide
10 pipeline proposed by Summit Carbon Solutions (Summit). I've had hundreds of conversations about
11 this issue. I've met with all sides and heard all the arguments. I made my decision based on my
12 own consideration of the facts, the policy arguments, legislative history, my own opinions and
13 experience, and my judgment about what is best for South Dakota.

14 South Dakota landowners feel strongly that the threat of involuntary easements for the
15 proposed carbon dioxide pipeline infringes on their freedoms and their property rights. I have said
16 many times that Summit needs to earn back trust from South Dakota landowners. Unfortunately,
17 once trust is lost, it is a difficult thing to regain.

18 One perspective in this debate is that we should not change the rules in the middle of the
19 game, and I agree. However, as of this letter, the proposed carbon dioxide pipeline is still just that
20 – a proposed project. Summit has not yet received their permit from the Public Utilities Commission.

21 HB 1052 does not kill the proposed project. Rather than viewing this legislation as an obstacle
22 to the proposed project, I encourage Summit and others to view it as an opportunity for a needed
23 reset. Voluntary easements for this proposed project will still be able to move forward and are not
24 impacted by HB 1052. In fact, without the threat of eminent domain, the opportunity might finally
25 be available for trust to be rebuilt and for more productive conversations to occur between Summit
26 and South Dakota landowners.

27 We are keeping South Dakota Open for Opportunity, and HB 1052 will not change that. The
28 ethanol industry will remain a crucial part of our state's economy and a key asset as we implement
29 an all-of-the-above energy approach to restore American energy dominance. I am honored to serve
30 as governor of all South Dakotans, and I will continue to support the private property rights of our
31 people, and opportunity for value-added agriculture and our state as a whole.

32 Sincerely,
33 Larry Rhoden
34 Governor

35 cc: The Honorable Tonnis Venhuizen, Lieutenant Governor

36 March 6, 2025

37 Mr. President and Members of the Senate:

38 I have the honor to inform you that on March 6, 2025, I approved Senate Bills 93 and 111,
39 and the same have been deposited in the office of the Secretary of State.

40 Respectfully submitted,
41 Larry Rhoden
42 Governor

1 March 5, 2025

2 The Honorable Tonnis H. Venhuizen
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have appointed Griffin Petersen, of Sully County,
9 Onida, South Dakota, to the State Board of Regents.

10 This appointment is effective March 5, 2025, and shall continue until June 30, 2026.

11 Sincerely,
12 Larry Rhoden
13 Governor

14 The President announced the referral of the appointment to the Committee on Education.

15 **REPORTS OF STANDING COMMITTEES**

16 MR. PRESIDENT:

17 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
18 had under consideration the nomination of Haven Stuck of Pennington County, Rapid City, South
19 Dakota, to the State Brand Board and returns the same with the recommendation that the Senate
20 advise and consent to the confirmation of said reappointment, and that said reappointment having
21 been certified as uncontested, be placed on the consent calendar.

22 Also MR. PRESIDENT:

23 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
24 had under consideration the nomination of Jarrod Johnson of Minnehaha County, Garretson, South
25 Dakota, to the State Brand Board and returns the same with the recommendation that the Senate
26 advise and consent to the confirmation of said appointment.

27 Also MR. PRESIDENT:

28 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
29 had under consideration the nomination of Lyle Spring of Meade County, Union Center, South
30 Dakota, to the State Brand Board and returns the same with the recommendation that the Senate
31 NOT advise and consent to the confirmation of said appointment.

32 Also MR. PRESIDENT:

33 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
34 had under consideration **HB 1165** and returns the same with the recommendation that said bill do
35 pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
3 had under consideration **HB 1213 and 1266** which were deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Tom Pischke, Chair

6 MR. PRESIDENT:

7 The Senate Committee on Appropriations respectfully reports that it has had under
8 consideration **HB 1039** and returns the same with the recommendation that said bill do pass, and
9 having been certified as uncontested, be placed on the consent calendar.

10 Respectfully submitted,
11 Ernie Otten, Chair

12 MR. PRESIDENT:

13 The Committee on Senate Commerce and Energy respectfully reports that it has had under
14 consideration **HB 1007** and returns the same with the recommendation that said bill be amended
15 as follows:

16 1007A

17 On page 1, line 1, of the Introduced bill, delete "permit" and insert " prohibit use of the South
18 Dakota public utilities commission gross receipts tax fund for reimbursement of costs incurred by"

19 On page 1, line 1, of the Introduced bill, after "Commission" delete " to recover reimbursement
20 costs from an applicant in a timely manner"

21 On page 1, line 20, of the Introduced bill, delete " However, the" and insert " The"

22 On page 1, line 22, of the Introduced bill, after "commission." insert "

23 Moneys from the South Dakota public utilities commission gross receipts tax fund, as
24 established in § 49-1A-2, may not be used to reimburse the commission for any additional costs
25 incurred."

26 And that as so amended, **HB 1007** do pass, and having been certified as uncontested, be
27 placed on the consent calendar.

28 Respectfully submitted,
29 Casey Crabtree, Chair

30 MR. PRESIDENT:

31 The Committee on Senate Judiciary respectfully reports that it has had under consideration
32 **HB 1230** and returns the same with the recommendation that said bill be amended as follows:

33 1230A

34 On page 1, line 1, of the Introduced bill, delete " provisions" and insert " a provision"

35 On page 1, line 1, after "to" delete ", and establish the crime of,"

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

2 "

3 **Section 1. That § 22-42-2 be AMENDED:**

4 **22-42-2.** Except as authorized by this chapter or chapter 34-20B, no person may manufacture,
5 distribute, or dispense a substance listed in Schedules I or II; possess with intent to manufacture,
6 distribute, or dispense a substance listed in Schedules I or II; create or distribute a counterfeit
7 substance listed in Schedules I or II; or possess with intent to distribute a counterfeit substance
8 listed in Schedules I or II. A violation of this section is a Class 4 felony. ~~However, a~~

9 A violation of this section is a Class 3 felony if three or more of the following aggravating
10 circumstances apply:

11 (1) The person is in possession of three hundred dollars or more in cash;

12 (2) The person is in possession of a firearm or other weapon pursuant to §§ 22-14-6, 22-
13 14-15, 22-14-15.1, 22-14-15.3, and subdivision 22-1-2(8);

14 (3) The person is in possession of bulk materials used for the packaging of controlled
15 substances;

16 (4) The person is in possession of a pill press;

17 (5) The person is in possession of materials used to manufacture a controlled substance
18 including recipes, precursor chemicals, laboratory equipment, lighting, ventilating or
19 power generating equipment; or

20 ~~(5)~~(6) The person is in possession of drug transaction records or customer lists.

21 A violation of this section is a Class 2 felony if the offense involves four milligrams or more of
22 fentanyl. Unless a higher mandatory sentence applies, a conviction involving four milligrams but
23 fewer than fourteen milligrams of fentanyl shall be punished by a mandatory sentence of at least
24 three years in a state correctional facility. Unless a higher mandatory sentence applies, a conviction
25 involving fourteen milligrams or more of fentanyl shall be punished by a mandatory sentence of at
26 least ten years in a state correctional facility.

27 The distribution of a substance listed in Schedules I or II to a minor is a Class 2 felony. A first
28 conviction under this section shall be punished by a mandatory sentence in a state correctional
29 facility of at least one year, which sentence may not be suspended. Probation, suspended imposition
30 of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory
31 time of incarceration required by this section. A second or subsequent conviction under this section
32 shall be punished by a mandatory sentence in a state correctional facility of at least ten years, which
33 sentence may not be suspended. Probation, suspended imposition of sentence, or suspended
34 execution of sentence may not form the basis for reducing the mandatory time of incarceration
35 required by this section. However, a first conviction for distribution to a minor under this section
36 shall be punished by a mandatory sentence in a state correctional facility of at least five years, which
37 sentence may not be suspended. Probation, suspended imposition of sentence, or suspended
38 execution of sentence may not form the basis for reducing the mandatory time of incarceration
39 required by this section. A second or subsequent conviction for distribution to a minor under this
40 section shall be punished by a mandatory sentence in a state correctional facility of at least fifteen
41 years, which sentence may not be suspended. Probation, suspended imposition of sentence, or
42 suspended execution of sentence, may not form the basis for reducing the mandatory time of
43 incarceration required by this section.

44 Any conviction for, or plea of guilty to, an offense in another state which, if committed in this
45 state, would be a violation of this section, and occurring within fifteen years prior to the date of the
46 violation being charged, must be used to determine if the violation being charged is a second or
47 subsequent offense.

1 Any person who, for consideration, intentionally distributes any controlled substance or
 2 counterfeit substance in violation of this section and another person dies as a direct result of using
 3 that substance is guilty of a Class 2 felony. If three or more of the above aggravating circumstances
 4 apply, the person is guilty of a Class 1 felony. If the substance is fentanyl and the person knew the
 5 substance was fentanyl, the person is guilty of a Class 1 felony. If the decedent is a minor, the
 6 person is guilty of a Class C felony.

7 A civil penalty may be imposed, in addition to any criminal penalty, upon a conviction of a
 8 violation of this section not to exceed ten thousand dollars. A conviction for the purposes of the
 9 mandatory sentence provisions of this chapter is the acceptance by a court of any plea, other than
 10 not guilty, including nolo contendere, or a finding of guilt by a jury or court."

11 And that as so amended, **HB 1230** do pass, and having been certified as uncontested, be
 12 placed on the consent calendar.

13 Also MR. PRESIDENT:

14 The Committee on Senate Judiciary respectfully reports that it has had under consideration
 15 **HB 1239** and returns the same with the recommendation that said bill do pass.

16 Respectfully submitted,
 17 David Wheeler, Chair

18 MR. PRESIDENT:

19 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
 20 under consideration the nomination of Jeremiah Schneider of Lake County, Madison, South Dakota,
 21 to the position of Secretary of the Department of Veterans Affairs and returns the same with the
 22 recommendation that the Senate advise and consent to the confirmation of said appointment.

23 Respectfully submitted,
 24 Larry P. Zikmund, Chair

25 MR. PRESIDENT:

26 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 27 **HB 1130** with the recommendation that said bill be referred to the Committee on Senate without
 28 recommendation.

29 Also MR. PRESIDENT:

30 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 31 **HB 1169** and returns the same with the recommendation that said bill be amended as follows:

32 1169C

33 On page 1, line 11, of the House State Affairs Engrossed bill, after "election" insert ", provided
 34 that the total number of signatures on the petition equals at least ten percent of the total votes cast
 35 for Governor in the last gubernatorial election"

36 On page 1, after line 11, of the House State Affairs Engrossed bill, insert: "

37 **Section 2. That § 2-1-1.1 be AMENDED:**

38 **2-1-1.1.** A petition sponsor shall file, in a physical and electronic format, a petition for an
 39 initiated amendment to the South Dakota Constitution, as it is to be circulated ~~for an initiated~~
 40 ~~amendment to the Constitution must be filed,~~ with the secretary of state, ~~including an electronic~~

1 ~~copy of the petition, prior to circulation for signatures~~ before the petition may be circulated and at
 2 least one year before the next general election at which the initiated amendment to the constitution
 3 is proposed to be submitted to the voters. The petition ~~filing~~ must:

- 4 (1) Contain the full text of the initiated amendment in fourteen-point font;
- 5 (2) ~~Contain~~ Designate the date of the general election at which the initiated amendment is
 6 to be submitted;
- 7 (3) Contain the title and explanation as prepared by the attorney general;
- 8 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition
 9 sponsor that includes the name and address of each petition sponsor; and
- 10 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

11 Each petition circulator shall provide to each ~~person, individual~~ who signs the petition a
 12 circulator handout containing the title and explanation of the initiated amendment to the
 13 Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30;
 14 the name, phone number, and email address of each petition sponsor; and a statement indicating
 15 whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount
 16 the circulator is being paid. The secretary of state ~~shall~~ must approve the circulator handout for
 17 each initiated amendment to the Constitution before the petition is circulated.

18 ~~For any initiated amendment petition, no signature may be obtained~~ A petition for an initiated
 19 amendment to the constitution may not be circulated more than twenty-four months preceding
 20 before the general election that was designated at the time of filing of the full text pursuant to
 21 subdivision (1). Each sheet of the petition must indicate the senatorial district where the signatures
 22 were collected and may contain only signatures from that senatorial district. A sworn affidavit,
 23 signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute
 24 the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of
 25 signatures, must also be filed with the secretary of state. The initiated amendment petition
 26 signatures must be filed with the secretary of state by the first Tuesday in May of a general election
 27 year for the initiated amendment to qualify for submission to the voters at the next general election.

28 The State Board of Elections shall ~~prescribe~~ promulgate rules, pursuant to chapter 1-26,
 29 prescribing the form of the affidavit and the requirements of the petition not otherwise, including
 30 petition size and petition font size for ballot measure language not prescribed in this section specified
 31 by this section."

32 And that as so amended, **HB 1169** do pass.

33 Also MR. PRESIDENT:

34 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 35 **HB 1208** and returns the same with the recommendation that said bill be amended as follows:

36 1208I

37 On page 1, line 1, of the House State Affairs Engrossed bill, delete "provide for registration of
 38 an overseas citizen or" and insert "designate an"

39 On page 1, line 2, of the House State Affairs Engrossed bill, after "box" insert " when applying
 40 to register as a voter or vote by absentee ballot"

41 On page 1, line 2, of the House State Affairs Engrossed bill, delete " national" and insert "
 42 federal"

43 On page 1, line 24, of the House State Affairs Engrossed bill, delete " 12-19" and insert " 12-
 44 4"

1 On page 2, line 1, of the House State Affairs Engrossed bill, after "state" insert " or to vote by
2 absentee ballot,"

3 On page 2, line 5, of the House State Affairs Engrossed bill, delete " national" and insert "
4 federal"

5 On page 2, line 8, of the House State Affairs Engrossed bill, delete " national" and insert "
6 federal"

7 On page 2, line 14, of the House State Affairs Engrossed bill, delete " national" and insert "
8 federal"

9 On page 2, line 15, of the House State Affairs Engrossed bill, delete " "national voter"" and
10 insert " "federal voter""

11 On page 2, line 19, of the House State Affairs Engrossed bill, delete " national" and insert "
12 federal"

13 On page 2, line 20, of the House State Affairs Engrossed bill, delete " national" and insert "
14 federal"

15 On page 2, after line 21, of the House State Affairs Engrossed bill, insert: "

16 **Section 4.** This Act is effective beginning January 1, 2026."

17 And that as so amended, **HB 1208** do pass.

18 Also MR. PRESIDENT:

19 The Committee on Senate State Affairs respectfully reports that it has had under consideration
20 **HB 1135, 1184, and 1256, and HJR 5003** and returns the same with the recommendation that
21 said bills and resolution do pass.

22 Also MR. PRESIDENT:

23 The Committee on Senate State Affairs respectfully reports that it has had under consideration
24 **HB 1264** and returns the same with the recommendation that said bill do pass, and having been
25 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 **HB 1167, 1168, and 1170, and HJR 5006** which were tabled.

29 Respectfully submitted,
30 Jim Mehlhaff, Chair

31 MR. PRESIDENT:

32 The Committee on Legislative Procedure respectfully reports that **SB 15, 25, 37, 66, 76, 77,**
33 **78, 80, 110, 135, 174, and 179** were delivered to his Excellency, the Governor, for his approval
34 at 12:33 p.m., March 6, 2025.

1 Also MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
3 Enrolling has carefully compared **SB 45, 54, 56, 61, 62, 89, 106, 128, 145, 146, 154, 155, 185,**
4 **and 193, and SJR 501** and finds the same correctly enrolled.

5 Respectfully submitted,
6 Chris Karr, Chair

7 **MESSAGES FROM THE HOUSE**

8 MR. PRESIDENT:

9 I have the honor to inform your honorable body that the House has concurred in Senate
10 amendments to **HB 1114, 1131, and 1188.**

11 Also MR. PRESIDENT:

12 I have the honor to return herewith **SB 45, 54, 56, 89, 106, 128, 145, 146, 154, 155, 185,**
13 **and 193, and SJR 501** which have passed the House without change.

14 Also MR. PRESIDENT:

15 I have the honor to inform your honorable body that **SB 163, 175, and 201** were lost on
16 second reading and final passage.

17 Also MR. PRESIDENT:

18 I have the honor to return herewith **SB 91** which has been amended by the House and your
19 concurrence in the amendments is respectfully requested.

20 Respectfully,
21 Patricia Miller, Chief Clerk

22 **MOTIONS AND RESOLUTIONS**

23 Sen. Hulse moved that the Senate do concur in House amendments to **SB 75.**

24 The question being on Sen. Hulse's motion that the Senate do concur in House amendments
25 to **SB 75.**

26 And the roll being called:

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

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

5 Nays: Larson and Smith

6 Excused: Hulse and Lapka

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

9 Sen. Wheeler moved that the Senate do concur in House amendments to **SB 176**.

10 The question being on Sen. Wheeler's motion that the Senate do concur in House amendments
11 to **SB 176**.

12 And the roll being called:

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

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

18 Excused: Hulse and Lapka

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

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

23 Was read the second time.

24 Sen. Karr moved that the Senate do concur in **HCR 6003** as found on page 446 of Senate
25 Journal.

26 The question being on Sen. Karr's motion that **HCR 6003** be concurred in.

27 And the roll being called:

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

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

33 Excused: Lapka

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 President declared the motion carried and **HCR 6003** was concurred in.

1 **HCR 6009**: A CONCURRENT RESOLUTION, Requesting the attorney general to file a lawsuit
2 against the People's Republic of China and related parties to seek damages related to the COVID-
3 19 global pandemic.

4 Was read the second time.

5 Sen. Pischke moved that the Senate do concur in **HCR 6009** as found on page 446 of Senate
6 Journal.

7 And the roll being called:

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

9 Yeas: Beal, Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Marty,
10 Nelson, Perry, Peterson (Sue), Pischke, Voight, and Voita

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

13 Excused: Lapka

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

16 Sen. Pischke announced his intention to reconsider the vote by which **HCR 6009** lost.

17 Sen. Peterson (Sue) moved that the Committee on State Affairs be instructed to deliver
18 **HB 1062** to the floor of the Senate, pursuant to JR 7-7.

19 Which motion was supported and the committee was so instructed.

20 Sen. Mehlhaff moved that **HB 1066, 1235, 1249, and 1259** be deferred to Monday,
21 March 10, 2025, the 34th legislative day.

22 Which motion prevailed.

23 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

25 Local Government on **HB 1143** as found on page 447 of the Senate Journal; also

26 Local Government on **HB 1218** as found on page 448 of the Senate Journal; also

27 State Affairs on **HB 1242** as found on page 446 of the Senate Journal; also

28 Taxation on **HB 1245** as found on page 449 of the Senate Journal; and

29 Education on **HB 1040** as found on page 455 of the Senate Journal be adopted.

30 Which motion prevailed and the reports were adopted.

1 Sen. Karr moved that **HB 1040** be placed on today's calendar pursuant to JR 6F-6.

2 The question being on Sen. Karr's motion that **HB 1040** be placed today's calendar pursuant
3 to JR 6F-6.

4 And the roll being called:

5 Yeas 23, Nays 11, Excused 1, Absent 0

6 Yeas: Beal, Blanc, Carley, Deibert, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr,
7 Kolbeck (Steve), Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke,
8 Vilhauer, Voight, Voita, and Zikmund

9 Nays: Crabtree, Davis, Duhamel, Foster, Larson, Reed, Rohl, Sauder, Schoenfish, Smith, and
10 Wheeler

11 Excused: Lapka

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 President declared the motion prevailed and **HB 1040** was so placed.

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

16 Was read the second time.

17 The question being "Shall **HB 1040** pass?"

18 And the roll being called:

19 Yeas 23, Nays 11, Excused 1, Absent 0

20 Yeas: Beal, Blanc, Carley, Deibert, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr,
21 Kolbeck (Steve), Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke,
22 Vilhauer, Voight, Voita, and Zikmund

23 Nays: Crabtree, Davis, Duhamel, Foster, Larson, Reed, Rohl, Sauder, Schoenfish, Smith, and
24 Wheeler

25 Excused: Lapka

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

28 There being no objection, the Senate reverted to Order of Business No. 4 - Communications
29 and Petitions.

1

COMMUNICATIONS AND PETITIONS

2

March 6, 2025

3

The Honorable Tonnis H. Venhuizen

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

8

Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to

9

your consent, I have the honor to inform you that I have appointed Miles Beacom, of Lincoln County,

10

Sioux Falls, South Dakota, to the State Board of Regents.

11

This appointment is effective April 1, 2025, and shall continue until March 31, 2031.

12

Sincerely,

13

Larry Rhoden

14

Governor

15

The President announced the referral of the appointment to the Committee on Education.

16

March 6, 2025

17

The Honorable Tonnis H. Venhuizen

18

President of the Senate

19

State Capitol

20

Pierre, SD 57501

21

Dear President and Members of the Senate:

22

Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session and subject to your

23

consent, I have the honor to inform you that I have appointed James Dover, of Minnehaha County,

24

Sioux Falls, South Dakota, to the South Dakota Board of Technical Education.

25

This appointment is effective November 1, 2025, and shall continue until October 31, 2028.

26

Sincerely,

27

Larry Rhoden

28

Governor

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The President announced the referral of the appointment to the Committee on Education.

1

REPORTS OF STANDING COMMITTEES

2

MR. PRESIDENT:

3

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1062** and returns the same without recommendation.

4

5

Respectfully submitted,
Jim Mehlhaff, Chair

6

7

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

8

Sen. Rohl requested that **HB 1005** be removed from the Consent Calendar.

9

10

11

HB 1061: FOR AN ACT ENTITLED, An Act to prohibit a health care provider from restricting or denying a parent or guardian's access to certain medical records and other health information of a minor.

12

13

HB 1139: FOR AN ACT ENTITLED, An Act to allow individualized investigative treatments for patients with life-threatening or debilitating diseases or conditions.

14

15

HB 1225: FOR AN ACT ENTITLED, An Act to update and repeal provisions related to the reporting of hospital charge information.

16

17

18

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

19

20

21

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

22

Were read the second time.

23

24

The question being "Shall **HB 1061** pass as amended, and **HB 1139 and 1225** pass, and **HCR 6011 and 6013** be concurred in?"

25

And the roll being called:

26

Yeas 34, Nays 0, Excused 1, Absent 0

27

28

29

30

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

31

Excused: Lapka

32

33

34

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

1

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1116: FOR AN ACT ENTITLED, An Act to repeal a reporting requirement regarding industrial hemp.

3

4

Was read the second time.

5

The question being "Shall **HB 1116** pass as amended?"

6

And the roll being called:

7

Yeas 31, Nays 3, Excused 1, Absent 0

8

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

9

10

11

Nays: Blanc, Carley, and Peterson (Sue)

12

Excused: Lapka

13

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

14

15

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.

16

17

Was read the second time.

18

The question being "Shall **HB 1174** pass?"

19

And the roll being called:

20

Yeas 33, Nays 1, Excused 1, Absent 0

21

Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), 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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Nays: Foster

26

Excused: Lapka

27

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

28

29

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

30

31

Was read the second time.

1 Sen. Wheeler moved that **HB 1204** be laid on the table.

2 And the roll being called:

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

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

8 Excused: Lapka

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 President declared the motion carried and **HB 1204** was tabled.

11 There being no objection, the Senate reverted to Order of Business No. 8 - Motions and
12 Resolutions.

13 **MOTIONS AND RESOLUTIONS**

14 Today, Sen. Pischke announced his intention to reconsider the vote by which **HCR 6009** lost.

15 Sen. Pischke moved that the Senate do now reconsider the vote by which **HCR 6009** lost.

16 Sen. Pischke withdrew his motion to to reconsider the vote by which **HCR 6009** lost.

17 **COMMEMORATIONS**

18 Sen. Kolbeck (Steve) objected to the approval of **SC 815** pursuant to JR 6H-4.

19 The President announced that **SC 815** was disapproved.

20 There being no objection, the Senate reverted to Order of Business No. 8 - Motions and
21 Resolutions.

22 **MOTIONS AND RESOLUTIONS**

23 Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 11:00 a.m. on
24 Monday, March 10, 2025, the 34th legislative day.

25 Which motion prevailed.

26 **SIGNING OF BILLS**

27 The President publicly read the title to

28 **SB 45: FOR AN ACT ENTITLED, An Act to impose a motor vehicle technology fee.**

- 1 **SB 54:** FOR AN ACT ENTITLED, An Act to revise the distribution of revenue from the cigarette
2 tax.
- 3 **SB 56:** FOR AN ACT ENTITLED, An Act to authorize the payment of lease rental obligations to
4 the South Dakota Building Authority by the Bureau of Finance and Management, to make an
5 appropriation therefore, and to declare an emergency.
- 6 **SB 61:** FOR AN ACT ENTITLED, An Act to modify the authority of the Board of Internal Control.
- 7 **SB 62:** FOR AN ACT ENTITLED, An Act to establish mandatory reporting requirements related
8 to improper governmental conduct and crime, and to provide a penalty therefor.
- 9 **SB 89:** FOR AN ACT ENTITLED, An Act to repeal the requirement that judicial officers be listed
10 on a separate nonpolitical ballot.
- 11 **SB 106:** FOR AN ACT ENTITLED, An Act to require an individual be registered as a voter of
12 this state before being eligible to be a petition sponsor for a ballot measure.
- 13 **SB 128:** FOR AN ACT ENTITLED, An Act to amend requirements for an official newspaper.
- 14 **SB 145:** FOR AN ACT ENTITLED, An Act to require legislative approval of real property leases
15 that are necessary for the operation of state government and exceed specified durations or rental
16 payments.
- 17 **SB 146:** FOR AN ACT ENTITLED, An Act to revise provisions on interim transfers and
18 appropriations.
- 19 **SB 154:** FOR AN ACT ENTITLED, An Act to prohibit pharmaceutical manufacturers from
20 interfering in contracts between 340B entities and pharmacies and to provide a penalty therefor.
- 21 **SB 155:** FOR AN ACT ENTITLED, An Act to reduce the amount of net receipts of unclaimed
22 property deposited into the general fund.
- 23 **SB 185:** FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the process by
24 which the qualifications of a registered voter are verified.
- 25 **SB 193:** FOR AN ACT ENTITLED, An Act to allow an applicant to have an interpreter present
26 during the driving portion of a driver license exam.
- 27 **SJR 501:** A JOINT RESOLUTION, Providing legislative approval for a future use water permit
28 application by the Western Dakota Regional Water System.
- 29 **HB 1015:** FOR AN ACT ENTITLED, An Act to increase licensure fees related to the practice of
30 funeral service and cremation.
- 31 **HB 1021:** FOR AN ACT ENTITLED, An Act to modify the annual fee for concentrated animal
32 feeding operations and to establish an application fee.
- 33 **HB 1036:** FOR AN ACT ENTITLED, An Act to establish a minimum combined balance of the
34 budget reserve fund and general revenue replacement fund.
- 35 **HB 1037:** FOR AN ACT ENTITLED, An Act to suspend the tax collection allowance credit for
36 filing returns and remitting taxes electronically.
- 37 **HB 1059:** FOR AN ACT ENTITLED, An Act to clarify the meaning of teleconference for purposes
38 of open meeting requirements.
- 39 **HB 1106:** FOR AN ACT ENTITLED, An Act to require a report regarding refugee resettlement
40 services.

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

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

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

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

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

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

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

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

18 Sen. Kolbeck (Steve) moved that the Senate do now adjourn, which motion prevailed and at
19 3:13 p.m. the Senate adjourned.

20 Peggy Laurenz, Secretary

