

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, March 13, 2025

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate page Willa Stern.

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 36th 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

SIGNING OF BILLS

2

The President publicly read the title to

3

SB 68: FOR AN ACT ENTITLED, An Act to require an individual be a citizen of the United States before being eligible to vote and to provide a penalty therefor.

4

5

SB 91: FOR AN ACT ENTITLED, An Act to revise the requirements for a petition to initiate a measure or constitutional amendment or to refer a law.

6

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HB 1007: FOR AN ACT ENTITLED, An Act to prohibit use of the South Dakota public utilities commission gross receipts tax fund for reimbursement of costs incurred by the Public Utilities Commission.

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HB 1062: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the maintenance and publication of the statewide voter registration file.

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HB 1066: FOR AN ACT ENTITLED, An Act to revise residency requirements for the purposes of voter registration.

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HB 1143: FOR AN ACT ENTITLED, An Act to require that the director of equalization adjust certain agricultural land values.

15

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HB 1169: FOR AN ACT ENTITLED, An Act to modify the signature requirement for a petition to initiate a constitutional amendment.

17

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HB 1208: FOR AN ACT ENTITLED, An Act to designate an individual using the address of a mail forwarding service or post office box when applying to register as a voter or vote by absentee ballot as a federal voter.

19

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HB 1230: FOR AN ACT ENTITLED, An Act to revise a provision related to unauthorized distribution of fentanyl and provide a penalty therefor.

22

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HB 1239: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the restriction of access to obscene materials in a public library or public school library.

24

25

HB 1245: FOR AN ACT ENTITLED, An Act to exempt from the state sales and use tax gross receipts for certain services to a partnership.

26

27

HB 1259: FOR AN ACT ENTITLED, An Act to prohibit unauthorized access to certain multi-occupancy rooms.

28

29

And signed the same in the presence of the Senate.

30

COMMUNICATIONS AND PETITIONS

31

March 11, 2025

32

Mr. President and Members of the Senate:

33

I have the honor to inform you that on March 11, 2025, I approved Senate Bills 8, 34, 37, 44, 46, 52, 79, 99, 123, 140, 154, 167, 170, and 219, and the same have been deposited in the office of the Secretary of State.

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36

Respectfully submitted,

37

Larry Rhoden

38

Governor

1 March 12, 2025

2 Mr. President and Members of the Senate:

3 I have the honor to inform you that on March 12, 2025, I approved Senate Bills 15, 25, 58,
4 59, 60, 61, 62, 63, 66, 76, 77, 78, 80, 83, 110, 116, 135, 144, 145, 146, 155, 174, 179, and 193,
5 and the same have been deposited in the office of the Secretary of State.

6
7 Respectfully submitted,
8 Larry Rhoden
Governor

9 March 12, 2025

10 Lieutenant Governor Tonnis H. Venhuizen
11 President of the Senate
12 500 E. Capitol Ave. Pierre, SD 57501

13 Dear Lieutenant Governor Venhuizen,

14 I write to announce that I have signed Senate Bill 83. We all know someone – a friend, a loved-
15 one, or someone else in our lives – who struggles with chemical dependency. I respect the decision
16 of the legislature to pass this bill, though legislators were narrowly divided on this issue. This was a
17 difficult decision, and I see both sides of the debate. I do have concerns about the impact that this
18 bill will have on public safety in South Dakota, and I recognize that law enforcement groups opposed
19 it. We must find better ways to rehabilitate those who are stuck in addiction and chemical
20 dependency. My signature today cannot be the end of the discussion.

21 We need all three branches of government – the legislature, the executive branch, and the
22 judiciary – to continue working toward solutions. We must expand treatment opportunities for those
23 with substance abuse disorder and make sure that the punishment fits the crime. The Unified Judicial
24 System will assemble a task force this summer to examine resources to South Dakota treatment
25 courts, and my Project Prison Reset will be analyzing the needs of our prison system – a review that
26 must include impact of our laws and criminal penalties on our incarcerated population. That work
27 and more must continue. I'm focused on solutions.

28 I am committed to working closely with all law enforcement groups to carefully monitor the
29 implementation of this law. If we find that it is not achieving the intended outcomes, we will make
30 necessary adjustments. That is the essence of our republican system of government – an ongoing
31 process of innovation and improvement, where we test new ideas, learn from experience, and
32 continuously strive to do better.

33 Individuals struggling with addiction need treatment and support. A felony conviction can
34 create obstacles for the rest of an individual's life. We cannot legislate felony punishments without
35 understanding the gravity of that reality and the lifelong burden of a felony conviction. Labeling
36 individuals stuck in chemical dependency as "felons" makes it harder for them to secure
37 employment, housing, and a stable future.

38 We should focus on getting people into treatment, not into prison. The criminal justice system
39 is not a substitute for rehabilitation, and incarceration does not address the root causes of addiction.
40 Instead, incarceration only increases prison overcrowding. Our current facilities cannot provide
41 adequate rehabilitative services; they currently have a long waitlist for the very programs designed
42 to help South Dakotans recover and reintegrate into society.

43 With the limited availability for rehabilitation at the current State Penitentiary, all we can really
44 do is lock 'em up. By focusing on treatment instead of incarceration, we can help keep families intact
45 and give people a chance at real recovery.

46 Finally, under this law, a third offense will remain a felony, holding accountable those who
47 refuse treatment and disregard opportunities for rehabilitation. By reforming these laws, we can

1 redirect resources toward effective treatment programs, reduce unnecessary incarceration, and help
2 achieve recovery for those struggling with substance abuse disorder.

3 There is more to be said and done on the issue of our criminal justice system and how we help
4 South Dakotans rehabilitate from addiction. Again, I'm focused on solutions, and I appreciate the
5 continued work of both the legislature and our justice system towards those solutions.

6 Sincerely,
7 Larry Rhoden
8 Governor

9 CC: Jon Hansen, Speaker of the House

10 REPORTS OF STANDING COMMITTEES

11 MR. PRESIDENT:

12 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
13 Enrolling has carefully compared **SB 68 and 91** and finds the same correctly enrolled.

14 Also MR. PRESIDENT:

15 The Committee on Legislative Procedure respectfully reports that **SB 6, 14, 73, 176, and 216**
16 were delivered to his Excellency, the Governor, for his approval at 2:55 p.m., March 12, 2025.

17 Respectfully submitted,
18 Chris Karr, Chair

19 MESSAGES FROM THE HOUSE

20 MR. PRESIDENT:

21 I have the honor to inform your honorable body that the House has adopted the report of the
22 Conference Committee on **HB 1218**.

23 Also MR. PRESIDENT:

24 I have the honor to inform your honorable body that the House has adopted the report of the
25 Conference Committee on **SB 68**.

26 Also MR. PRESIDENT:

27 I have the honor to inform your honorable body that the House has adopted the report of the
28 Conference Committee on **SB 91**.

29 Also MR. PRESIDENT:

30 I have the honor to inform your honorable body that the House has failed to adopt the report
31 of the Conference Committee on **SB 113** and no new committee was appointed.

32 Respectfully,
33 Patricia Miller, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2

SENATE PAGE RESOLUTION 5 Introduced by: Senators Beal; Blanc; Carley; Crabtree; Davis; Deibert; Duhamel; Foster; Grove; Hohn; Howard; Hulse; Jensen; Karr; Kolbeck; Lapka; Larson; Marty; Mehlhaff; Miskimins; Nelson; Otten; Perry; Peterson; Pischke; Reed; Rohl; Sauder; Schoenfish; Smith; Vilhauer; Voight; Voita; Wheeler; Zikmund

6

A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the One Hundredth Legislature of the State of South Dakota to James Burma, Carson Glodt, Madisyn Raymond, Spencer Sargent, and Willa Stern.

9

WHEREAS, the above named served loyally as pages for the Senate of the One Hundredth

Legislative Session; and

11

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

12

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 State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each page on this last day of service.

15

16

17

Sen. Mehlhaff moved that Senate Page Resolution 5 be adopted.

18

The question being on Sen. Mehlhaff's motion that Senate Page Resolution 5 be adopted.

19

And the roll being called:

20

Yeas 35, Nays 0, Excused 0, Absent 0

21

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

22

23

24

25

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

26

27

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

28

SB 55: FOR AN ACT ENTITLED, An Act to revise property tax levies for school districts and to revise the state aid to general and special education formulas.

29

30

Was read the second time.

31

The question being "Shall **SB 55** pass as amended?"

32

And the roll being called:

33

Yeas 33, Nays 2, Excused 0, Absent 0

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

5 Nays: Carley and Pischke

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

8 **SB 220:** FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of
9 the legislative, judicial, and executive departments of the state, the current expenses of state
10 institutions, interest on the public debt, and common schools.

11 Was read the second time.

12 The question being "Shall **SB 220** pass?"

13 And the roll being called:

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

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

19 Nays: Carley

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

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

24 **MOTIONS AND RESOLUTIONS**

25 Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
26 Monday, March 31, 2025 the 38th legislative day.

27 Which motion prevailed.

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

1

COMMUNICATIONS AND PETITIONS

2

March 13, 2025

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on March 13, 2025, I approved Senate Bill 216, and the same has been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,

7

Larry Rhoden

8

Governor

9

REPORTS OF STANDING COMMITTEES

10

MR. PRESIDENT:

11

The Committee on Legislative Procedure respectfully reports that **SB 68 and 91** were delivered to his Excellency, the Governor, for his approval at 11:15 a.m., March 13, 2025.

12

13

Respectfully submitted,

14

Chris Karr, Chair

15

MESSAGES FROM THE HOUSE

16

MR. PRESIDENT:

17

I have the honor to transmit herewith **HB 1046** which has passed the House and your favorable consideration is respectfully requested.

18

19

Respectfully,

20

Patricia Miller, Chief Clerk

21

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

22

HB 1046: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2025.

23

24

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

25

26

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

27

HB 1046: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2025.

28

29

Was read the second time.

1 The question being "Shall **HB 1046** pass as amended?"

2 And the roll being called:

3 Yeas 31, Nays 3, Excused 1, Absent 0

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

7 Nays: Deibert, Larson, and Smith

8 Excused: Jensen (Kevin)

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

13 **REPORTS OF STANDING COMMITTEES**

14 MR. PRESIDENT:

15 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
16 Enrolling has carefully compared **SB 55** and finds the same correctly enrolled.

17 Respectfully submitted,
18 Chris Karr, Chair

19 **MESSAGES FROM THE HOUSE**

20 MR. PRESIDENT:

21 I have the honor to return herewith **SB 55 and 220** which have passed the House without
22 change.

23 Respectfully,
24 Patricia Miller, Chief Clerk

25 **SIGNING OF BILLS**

26 The President publicly read the title to

27 **SB 55: FOR AN ACT ENTITLED, An Act to revise property tax levies for school districts and to**
28 **revise the state aid to general and special education formulas.**

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

1 The President publicly read the title to

2 **HB 1046:** FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal
3 year 2025.

4 **HB 1218:** FOR AN ACT ENTITLED, An Act to address the imposition of firearm restrictions on
5 certain employees, officers, volunteers, and other individuals.

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

7 **REPORTS OF STANDING COMMITTEES**

8 MR. PRESIDENT:

9 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
10 Enrolling has carefully compared **SB 220** and finds the same correctly enrolled.

11 Respectfully submitted,
12 Chris Karr, Chair

13 **SIGNING OF BILLS**

14 The President publicly read the title to

15 **SB 220:** FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of
16 the legislative, judicial, and executive departments of the state, the current expenses of state
17 institutions, interest on the public debt, and common schools.

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

19 **REPORTS OF STANDING COMMITTEES**

20 MR. PRESIDENT:

21 The Committee on Legislative Procedure respectfully reports that **SB 55 and 220** were
22 delivered to his Excellency, the Governor, for his approval at 1:10 p.m., March 13, 2025.

23 Respectfully submitted,
24 Chris Karr, Chair

25 Sen. Beal moved that the Senate do now adjourn, which motion prevailed and at 1:20 p.m.
26 the Senate adjourned.

27 Peggy Laurenz, Secretary

28

