JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

EIGHTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, January 23, 2026

The Senate convened at 1:00 p.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 Mallory Wells.

Roll Call: All members present except Sen. Beal 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 7th 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.

12 copies were printed by the South Dakota Legislative Research Council at an estimated cost of $.20 per page.

SENATE PAGE RESOLUTION 1 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; Wipf; and Zikmund

A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the One Hundred First Legislature of the State of South Dakota to Finn Bartlett, Halle Braun, Siene Geigle, Gage Miotke, Madelyn Osthus, Brynn Samson, Brianna Sargent, and Mallory Wells.

WHEREAS, the above named served loyally as pages for the Senate of the One Hundred First Legislative Session; and

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

WHEREAS, the members extend to these young people their wishes for every success in life;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the One Hundred First 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.

Sen. Duhamel moved that Senate Page Resolution 1 be adopted.

The question being on Sen. Duhamel's motion that Senate Page Resolution 1 be adopted.

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas: 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, Wipf, and Zikmund

Excused: Beal

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SJR 501, 502, and 503** and returns the same with the recommendation that said resolutions do pass.

Respectfully submitted,
Jim Mehlhaff, Chair

MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 83** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Randy Deibert, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to transmit herewith **HB 1012, 1013, 1014, 1022, 1023, 1024, and 1054** which have passed the House and your favorable consideration is respectfully requested.

Also MR. PRESIDENT:

I have the honor to transmit herewith **HCR 6003** which has been adopted by the House and your concurrence is respectfully requested.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Karr rose as to his point of order from the 7th legislative day on the President's ruling on the passage of **SB 25**, not being resolved, and that the President is not able to break a tie in a matter when there is final passage involved.

President Venhuizen provided a basis for his ruling.

Sen. Karr appealed the ruling of the President.

And the roll being called:

Yeas 24, Nays 10, Excused 1, Absent 0

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

Nays: Crabtree, Davis, Duhamel, Miskimins, Reed, Rohl, Sauder, Schoenfish, Vilhauer, and Wipf

Excused: Beal

So the question having received an affirmative vote of a majority of the members-elect, the President declared the challenge of the President was sustained.

The President declared the journal should reflect that **SB 25** failed to pass on a vote of 17-17.

Thereby the vote on **SB 25** was as follows:

The question being "Shall **SB 25** pass?"

And the roll being called:

Yeas 17, Nays 17, Excused 1, Absent 0

Yeas: Crabtree, Davis, Deibert, Duhamel, Karr, Kolbeck (Steve), Larson, Mehlhaff, Miskimins, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

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

Excused: Beal

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

Sen. Kolbeck (Steve) announced his intention to reconsider the vote by which **SB 25** lost.

SCR 602: A CONCURRENT RESOLUTION celebrating the sister-state relationship with Taiwan.

Introduced by: **Senator** Zikmund

SCR 603: A CONCURRENT RESOLUTION supporting the secretary of the United States Department of Agriculture in establishing a working group of nutrition experts to determine national standards for foods and beverages purchased with supplemental nutrition assistance program benefits.

Introduced by: **Senator** Karr

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

SCR 604: A CONCURRENT RESOLUTION urging the people of the state of South Dakota to return to the Lord Most High, the Almighty and Uncreate, and plead for His mercy upon the state.

Introduced by: **Senator** Voita

Was read the first time.

HCR 6003: A CONCURRENT RESOLUTION recognizing the importance of conservation and restoration practices in addressing water shortages and forest fire mitigation in the Black Hills, and commending the organizations engaged in this work.

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

HCR 6002 was read on Tuesday, January 20, 2026 and today the President Pro Tem waived the referral to committee pursuant to JR 6D-1, and placed the bill on the calendar of 9th legislative day.

HCR 6005 was read on Wednesday, January 21, 2026 and today the President Pro Tem waived the referral to committee pursuant to JR 6D-1, and placed the bill on the calendar of 9th legislative day.

Sen. Karr moved that **SB 102** be referred from the Senate Committee on Appropriations to the Joint Committee on Appropriations.

Which motion prevailed.

Sen. Mehlhaff moved that **SB 62 and 93** be deferred to Monday, January 26, 2026, the 9th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

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

Education on **SB 85** as found on page 80 of the Senate Journal be adopted.

Which motion prevailed and the report was adopted.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 109: FOR AN ACT ENTITLED, An Act to modify requirements to create a tax increment financing district.

Introduced by: **Senator** Howard

SB 110: FOR AN ACT ENTITLED, An Act to regulate how broadband internet access service providers use customer data.

Introduced by: **Senator** Rohl

SB 111: FOR AN ACT ENTITLED, An Act to require that social media companies provide collected personal data of a user at the user's request and maintain transparent interoperability interfaces.

Introduced by: **Senator** Rohl

Were read the first time.

SB 115: FOR AN ACT ENTITLED, An Act to remove the prohibition pertaining to the shooting of mourning doves located within specific areas.

Introduced by: **Senator** Pischke

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

SB 113: FOR AN ACT ENTITLED, An Act to increase the penalty for preventing practice of religion.

Introduced by: **Senator** Mehlhaff

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

SB 112: FOR AN ACT ENTITLED, An Act to establish a currency based on gold and silver.

Introduced by: **Senator** Carley

SB 114: FOR AN ACT ENTITLED, An Act to provide for the publication of ballot images and the cast vote record of automatic tabulating equipment.

Introduced by: **Senator** Pischke

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

SJR 504: A JOINT RESOLUTION proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, providing for wagering on sporting events via mobile or electronic platform.

Introduced by: **Senator** Crabtree

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

The following bills were read on January 22, 2026, and today the President Pro Tem assigned these bills to committee:

SB 107 was referred to the Committee on Judiciary.

SB 108 was referred to the Committee on State Affairs.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1054: FOR AN ACT ENTITLED, An Act to repeal the creation and budgeting for the Digital Dakota Network.

Was read the first time and referred to the Committee on Commerce and Energy.

HB 1023: FOR AN ACT ENTITLED, An Act to establish requirements and liability protection for registered nurses and licensed practical nurses serving on ambulance crews.

HB 1024: FOR AN ACT ENTITLED, An Act to modify requirements for ambulance operators.

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

HB 1012: FOR AN ACT ENTITLED, An Act to revise and repeal provisions allowing probation for contempt of a custody or visitation decree.

HB 1013: FOR AN ACT ENTITLED, An Act to clarify the purposes permitted for certain offenders to operate a motor vehicle.

HB 1014: FOR AN ACT ENTITLED, An Act to modify the surcharge for a responding party in a forcible entry and detainer action.

HB 1022: FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to the crime victims' compensation program.

Were read the first time and referred to the Committee on Judiciary.

The following bills were read on January 22, 2026, and today the President Pro Tem assigned these bills to committee:

HB 1049 was referred to the Committee on Commerce and Energy.

HB 1016 and **HB 1028** were referred to the Committee on Health and Human Services.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 2: FOR AN ACT ENTITLED, An Act to provide that a firearm silencer is not a controlled weapon.

Was read the second time.

Sen. Crabtree moved that **SB 2** be amended as follows:

2A

On page 4, line 11, of the Introduced bill, delete "2025" and insert "2026"

Which motion prevailed.

The question being "Shall **SB 2** pass as amended?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas: 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, Wipf, and Zikmund

Excused: Beal

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.

SB 26: FOR AN ACT ENTITLED, An Act to revise procurement for highway construction contracts.

Was read the second time.

The question being "Shall **SB 26** pass?"

And the roll being called:

Yeas 31, Nays 3, Excused 1, Absent 0

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

Nays: Blanc, Carley, and Pischke

Excused: Beal

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.

SB 34: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to conducting a municipal or school district election and to declare an emergency.

Was read the second time.

The question being "Shall **SB 34** pass?"

And the roll being called:

Yeas 32, Nays 2, Excused 1, Absent 0

Yeas: Blanc, Crabtree, Davis, Deibert, Duhamel, Foster, 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, Wipf, and Zikmund

Nays: Carley and Grove

Excused: Beal

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

SB 39: FOR AN ACT ENTITLED, An Act to revise provisions relating to industrial hemp.

Was read the second time.

The question being "Shall **SB 39** pass?"

And the roll being called:

Yeas 30, Nays 4, Excused 1, Absent 0

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

Nays: Blanc, Carley, Jensen (Kevin), and Pischke

Excused: Beal

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.

SB 44: FOR AN ACT ENTITLED, An Act to establish investigative subpoena authority to gather business records in certain investigations.

Was read the second time.

The question being "Shall **SB 44** pass as amended?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas: 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, Wipf, and Zikmund

Excused: Beal

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.

SB 63: FOR AN ACT ENTITLED, An Act to establish the state office of apprenticeship within the Department of Labor and Regulation.

Was read the second time.

The question being "Shall **SB 63** pass?"

And the roll being called:

Yeas 31, Nays 3, Excused 1, Absent 0

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

Nays: Carley, Howard, and Pischke

Excused: Beal

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.

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

MOTIONS AND RESOLUTIONS

Sen. Mehlhaff moved that **SB 71** be deferred to Monday, January 26, 2026, the 9th legislative day.

Which motion prevailed.

There being no objection, the Senate proceeded to Order of Business No. 13 - Second Reading of Senate Bills and Joint Resolutions.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 84: FOR AN ACT ENTITLED, An Act to increase thresholds for the value of and eligibility for the partners in education scholarship.

Was read the second time.

Sen. Peterson (Sue) moved that **SB 84** be amended as follows:

84A

On page 1, line 20, of the Introduced bill, remove the overstrikes from " If sufficient funding is available, once"

On page 1, line 21, of the Introduced bill, after "once" delete " Once"

On page 1, line 22, of the Introduced bill, remove the overstrikes from " remains income eligible for three years or if the student is entering high school, until the student graduates high school regardless of household income. After the initial period of income eligibility, a student"

On page 1, line 25, of the Introduced bill, remove the overstrikes from " if the student is a member of a"

On page 1, line 25, of the Introduced bill, after "a" delete " to reapply for and receive an educational scholarship in subsequent years, if the student's"

On page 2, line 1, of the Introduced bill, remove the overstrikes from " whose total annual income in the prior year did"

On page 2, line 1, of the Introduced bill, after "did" delete " income does"

On page 2, line 3, of the Introduced bill, after "lunch" delete " under the national free or reduced-price lunch program"

Which motion prevailed.

The question being "Shall **SB 84** pass as amended?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas: 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, Wipf, and Zikmund

Excused: Beal

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.

Sen. Deibert moved that the Senate do now adjourn, which motion prevailed and at 2:42 p.m. the Senate adjourned.

Peggy Laurenz, Secretary