

# *JOURNAL OF THE SENATE*

## *ONE HUNDREDTH SESSION*

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THIRD DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, January 16, 2025

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

The prayer was offered by the Chaplain, Father David Hussey, followed by the Pledge of Allegiance led by Senate page Hayley Cunningham.

Roll Call: All members present except Sens. Foster and Miskimins who were 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 2nd 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

**REPORTS OF STANDING COMMITTEES**

2

MR. PRESIDENT:

3

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 30** and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

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Respectfully submitted,  
Casey Crabtree, Chair

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MR. PRESIDENT:

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The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 5** and returns the same with the recommendation that said bill be amended as follows:

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11

5A

12

On page 1, line 1, of the Introduced bill, after "for" delete " satisfied or unsatisfied"

13

On page 1, line 2, of the Introduced bill, after "process" insert ", whether service is completed or not"

14

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On page 1, line 10, of the Introduced bill, delete " satisfied" and insert " service is completed"

16

On page 1, line 12, of the Introduced bill, after "process" insert " to be"

17

On page 1, line 13, of the Introduced bill, after "served" insert " or attempted to be served"

18

On page 3, line 5, of the Introduced bill, delete " are" and insert " must be"

19

And that as so amended, **SB 5** do pass.

20

Respectfully submitted,  
David Wheeler, Chair

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22

**MOTIONS AND RESOLUTIONS**

23

Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, January 17, the 4<sup>th</sup> legislative day.

24

25

Which motion prevailed.

26

**CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES**

27

Sen. Mehlhaff moved that the report of the Joint-Select Committee relative to the arrangements for a memorial service for the One-hundredth Legislative Session as found on page 30 of the Senate Journal be adopted.

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Which motion prevailed.

1

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**FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

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**SB 74:** FOR AN ACT ENTITLED, An Act to require the publication and review of an explanation of the open meeting laws of this state.

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Introduced by: **Senator** Reed

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**SB 75:** FOR AN ACT ENTITLED, An Act to require an indication of United States citizenship status on a motor vehicle operator's license or permit.

6

7

Introduced by: **Senator** Hulse

8

**SJR 503:** 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, clarifying that an individual must be a citizen of the United States to be eligible to vote.

9

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11

Introduced by: **Senator** Howard

12

Were read the first time.

13

The following bills were read on January 14, 2025, and today the President Pro Tem assigned these bills to committee:

14

15

**SB 4** and **SB 48** were referred to the Committee on State Affairs.

16

**COMMEMORATIONS**

17

**SC 801:**A LEGISLATIVE COMMEMORATION, Recognizing and expressing gratitude to South Dakota Wildland Fire and Black Hills volunteer fire departments for their quick response and cooperation on Black Hills wildfires.

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20

Introduced by: **Senator** Deibert

21

President Pro Tempore Karr now presiding.

22

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

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**REPORTS OF STANDING COMMITTEES**

25

MR. PRESIDENT:

26

The Senate Committee on Legislative Procedure respectfully reports that it has had under consideration the Senate rules and recommends that the Senate rules of the Ninety-ninth Legislative Session be adopted as the Senate rules of the One-hundredth Legislative Session with the following changes:

27

28

29

30

**Section 1. That S6-2 be AMENDED:**

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**S6-2. Approval of consent calendar is final disposition.** Notwithstanding Joint Rule 13-4, after allowing a reasonable time for questions from the floor on ~~the bills and resolutions~~ any bill,

32

1 resolution, or nomination on the consent calendar and after permitting the proponents to answer  
 2 the questions, the president of the Senate shall call for a vote on the consent calendar. Approval of  
 3 the consent calendar by a majority of the members-elect of the Senate is considered final disposition  
 4 of all the bills and resolutions on the consent calendar and is confirmation of each nomination on  
 5 the consent calendar.

6 **Section 2. That S7-2.1 be AMENDED:**

7 **S7-2.1. Uncontested nominations on consent calendar.** Each standing committee may  
 8 report an uncontested nomination out of committee with recommendation that it be placed on the  
 9 consent calendar where it shall be subject to Joint Rules 13-2, 13-3, and 13-4, and Senate  
 10 Rule 6-2.

11 **Section 3. That S7-3 be AMENDED:**

12 **S7-3. Motion of advice and consent.** On considering nominations from the Governor, the  
 13 president of the Senate or the member presiding shall put the following question: "Does the Senate  
 14 advise and consent to the executive appointment of (name) ~~pursuant to the executive message as~~  
 15 ~~found on page \_\_\_\_\_ of the Senate Journal?"~~

16  
 17 Respectfully submitted,  
 Chris Karr, Chair

18 MR. PRESIDENT

19 The Joint Committee on Legislative Procedure respectfully reports that it has had under  
 20 consideration the joint rules and recommends that the joint rules of the Ninety-ninth Legislative  
 21 Session be adopted as the joint rules of the One-hundredth Legislative Session with the following  
 22 changes:

23 **Joint Rules: AMENDMENT A**

24 **Section 1. That JR 7-7 be AMENDED:**

25 **7-7. Demand for delivery of bill or resolution to house--"Smoke-out."** Each house may, by a  
 26 motion supported by at least one-third of the members-elect, order ~~its~~ a committee of that house to  
 27 deliver a bill or resolution ~~under its consideration in the committee's possession~~ to that house, if no  
 28 more than three legislative days have passed since the committee reported that the bill or resolution  
 29 was tabled or deferred to the 41st legislative day.

30 ~~If the motion is supported by the vote of one third or more of the members-elect~~ Except as  
 31 provided in Joint Rule 7-7.1, if a house orders a committee to deliver a bill or resolution, the chair of  
 32 the committee shall ~~must~~, not later than the next legislative day, deliver the bill or resolution to the  
 33 house without recommendation in the same form the bill or resolution was in when it was tabled or  
 34 deferred to the 41st legislative day.

35 **Section 2. That JR 7-7.1 be AMENDED:**

36 **7-7.1. Recommendation on a "smoked-out" bill or resolution--~~Committee~~ Optional committee**  
 37 **meeting if all members were not present** ~~recommendation of "smoked-out" bill or resolution.~~ If  
 38 When a bill or resolution is subject to Joint Rule 7-7 and was previously tabled or deferred to the 41st  
 39 legislative day by a committee that ~~does~~ did not have all members of that committee present, ~~and the~~  
 40 ~~bill or resolution is subsequently subject to Joint Rule 7-7~~ when the bill or resolution was considered,

1 the chair may convene a meeting of the committee with all members of the committee present to  
 2 consider ~~whether to recommend~~ returning the bill or resolution to the house with a "Do Pass" or "Do  
 3 Not Pass" on the bill or resolution recommendation. If the committee meets pursuant to this section,  
 4 the committee must consider the bill or resolution in the same form the bill or resolution was in when  
 5 it was tabled or deferred.

6 If a majority of all the members of the committee do not vote in favor of a "Do Pass" or "Do Not  
 7 Pass" recommendation on the bill or resolution under this section, the chair ~~shall~~ must deliver the bill  
 8 or resolution without recommendation in accordance with Joint Rule 7-7.

9 **Section 3. That a NEW SECTION be added to Joint Rules chapter 7:**

10 **7-7.2. Placement of a "smoked-out" bill or resolution on calendar. If a committee votes to**  
 11 **report** a bill or resolution with a "Do Pass" recommendation pursuant to Joint Rule 7-7.1, the bill is  
 12 placed on the house's calendar pursuant to Joint Rule 6F-4 or 6F-5.

13 If the committee votes to report the bill with a "Do Not Pass" recommendation under Joint Rule  
 14 7-7.1, or if the chair delivers the bill or resolution without recommendation, the bill or resolution is  
 15 calendared pursuant to Joint Rule 6F-6.

16 **Section 4. That JR 7-8 be AMENDED:**

17 **7-8. Placement of a "smoked-out" bill or resolution on calendar on the last day for passage.** If  
 18 Joint Rule 7-7 is invoked for a bill or resolution on the last day for passage out of the applicable house,  
 19 the bill or resolution must be delivered to ~~the House of Representatives or Senate~~ that house pursuant  
 20 to Joint Rules 7-7 and 7-7.1, as applicable, on the same legislative day.

21 If the bill or resolution is reported out of committee pursuant to Joint Rule 7-7.1 on the last day  
 22 for passage with a "Do Pass" recommendation, pursuant to Joint Rule 7-7.1, the bill or resolution ~~is~~  
 23 must be placed on that day's calendar, Chapter 6F notwithstanding.

24 If the bill or resolution is reported out under of committee on the last day for passage without  
 25 recommendation, pursuant to Joint Rule 7-7, or out of committee pursuant to Joint Rule 7-7.1 with a  
 26 "Do Not Pass" recommendation, or "without recommendation," pursuant to Joint Rule 7-7.1, the bill  
 27 or resolution is to must be addressed under motions and resolutions and may, by motion approved by  
 28 a majority of the members elect of the House of Representatives or Senate, be placed on that day's  
 29 calendar by a motion approved by the affirmative vote of a majority of the members-elect of the  
 30 house, Chapter 6F notwithstanding.

31 **Joint Rules: AMENDMENT B**

32 **Section 1. That JR 8-1 be AMENDED:**

33 **8-1. Appointment and composition of conference committees.** In every case of disagreement  
 34 between the two houses, if either house requests a conference and appoints a committee for that  
 35 purpose, the other house shall appoint a committee to confer with a like committee of the other  
 36 house upon the subject of the disagreement, and to report back to its house of appointment. ~~Each A~~  
 37 conference committee shall consist is a joint meeting of two committees, each consisting of three  
 38 members of from each house. The members speaker shall appoint the committee from the House of  
 39 Representatives Representative shall be appointed by the speaker of the House and the members. The  
 40 president pro tempore shall appoint the committee from the Senate shall be appointed by the

~~president pro tempore of the Senate. Insofar as possible, members appointed to a conference committees shall committee must be representative of the decision within of the house upon for the issue under consideration.~~

The speaker and the president pro tempore shall each designate one appointed member as a co-chair. The chair position for a conference committee rotates between the Senate and House of Representatives every calendar day the conference committee meets, with the co-chair of the house of origin acting as chair at the first meeting.

**Section 2. That JR 8-1 be AMENDED:**

~~8-2. Conference committee meetings, committee reports, and reports must be germane quorum, and voting. Conference committees shall The presiding officer of the floor session of the house of origin shall announce to that body the time and location of each conference committee meeting. A conference committee must meet in open session, and minutes shall must be taken and prepared in a like manner as provided for in Joint Rule 7-6. A quorum of a conference committee is a majority of the conference committee members from each house. The adoption of any motion offered in a conference committee must be approved by the recorded affirmative vote of at least two conference committee members from each house. The presiding officer of the floor session of the house of origin shall announce to that body the time and location of each conference committee meeting. The co-chairs of each conference committee shall report the results of each meeting to the body in a conference committee report electronically approved by both. The conference committee report must be germane to the title of the bill as submitted to the conference committee. The adoption of any conference committee report must be approved by the recorded affirmative vote of at least two members from each house.~~

**Section 3. That a NEW SECTION be added to Joint Rules chapter 8:**

8-2.1. Conference committee action--Report. Each conference committee co-chair shall electronically approve the conference committee report, which must include the recommendation of the conference committee and be reported to the co-chair's respective house. The conference committee report must be germane to the subject of the bill or resolution as expressed in the title of the bill or resolution, as it was submitted to the conference committee.

**Section 4. That JR 8-3 be AMENDED:**

~~8-3. Final disposition and distribution of report and distribution of reports. Adoption of a conference committee report recommending passage of a bill or adoption of a resolution constitutes final disposition. The vote required to concur in the amendments of the other House or to adopt a conference committee report recommending passage of a bill or resolution is the same as that required for final passage of the bill or resolution taking such bill or resolution as a whole. Before the final vote on the adoption of a conference committee report may be taken, any member of the body may require that the report be made available in electronic form or be distributed in written form to the members of the body, if not available in electronic form.~~

**Section 5. That JR 8-4 be AMENDED:**

~~8-4. Member may move Motion to not appoint a subsequent new conference committee--~~  
**Final disposition.** However, if if a conference committee report is not adopted, any member may move not to appoint a new conference committee. If that motion prevails it constitutes final disposition of ~~that~~ the bill or resolution.

**Joint Rules: AMENDMENT C****Section 1. That JR 17-1 be AMENDED:**

**17-1. Exceptions to deadlines for appropriation bills.** Any general appropriation bill, any bill that amends a prior year's general appropriations bill, or any bill that adjusts school district property tax levies pursuant to an appropriations bill is not subject to the legislative deadlines of C, D, E, H, and I, in this chapter, except that the general appropriation bill requested by the Governor ~~shall be~~ is subject to legislative deadline C.

~~Any~~ Except for a general appropriation bill, any appropriation bill ~~that is not a general appropriation bill, which that~~ is referred to or reported to the floor by the Joint Committee on Appropriations; is subject to the following legislative deadlines, in lieu of the legislative deadlines of D and E, in this chapter:

(1) Last day to move required delivery of bills by a committee to the house of origin: 30th Day;

(2) Last day to pass bills by the house of origin: 31st Day.

**Section 2. That JR 17-2 be AMENDED:**

**17-2. Calendar less than 40 days.** If a Session Calendar is adopted for a period of thirty-five (35) days to thirty-nine (39) days, inclusive, the legislative deadlines set forth in ~~Chapter 17 of the Joint Rules shall be~~ this chapter, including the deadlines for appropriation bills provided in Joint Rule 17-1, are decreased as follows:

(1) ~~Decrease the~~ The deadlines occurring after the 16th day but prior to the 34th day are decreased by one (1) day for every two (2) days ~~by which that~~ the length of the adopted calendar is less than forty (40) days;

(2) ~~Decrease the~~ The deadlines occurring on and after the 34th day are decreased by the same number of days ~~by which that~~ the length of the adopted calendar is less than forty (40) days.

**Joint Rules: AMENDMENT D****Section 1. That JR 3-4 be AMENDED:**

**3-4. Engrossing and enrolling.** The engrossing and enrolling duties of the Legislative Research Council are:

(1) To engross and enroll all bills and resolutions delivered to them;

(2) To provide and supervise secretarial assistance to legislators as requested;

(3) To collect from the secretaries of all standing and special committees the minutes of such committees and retain them in the Legislative Research Council Library; and

(4) To correct clerical errors, with the consent of the code counsel, in any bill or resolution. Clerical errors ~~which that~~ may be corrected are: errors in spelling, errors in numbering sections, errors of omission or commission due to addition or deletion of material, and errors due to copying incorrectly from the most recent statute. The code counsel shall inform the principal sponsor of each correction.

