

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 23, 2025

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

The prayer was offered by the Chaplain, Rev. Jeff Lathrop, followed by the Pledge of Allegiance led by Senate page Samuel Valle.

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 6th 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 The oath of office was administered by President Larry Rhoden to Assistant Seargent at Arms
2 Mike Fugitt.

3 Which was subscribed to and placed on file in the office of the Secretary of State.

4 **COMMUNICATIONS AND PETITIONS**

5 November 13, 2024

6 The Honorable Larry Rhoden
7 President of the Senate
8 State Capitol
9 Pierre, SD 57501

10 RE: Re- Appointment of Kirsten K. Aasen to the Board of Pardons and Paroles

11 Dear Mr. President and Members of the Senate:

12 Pursuant to the provisions of Chapter SDCL 24-13-1, and subject to your confirmation, the
13 Court has reappointed Kirsten K. Aasen, an attorney from Rapid City, South Dakota, to the Board
14 of Pardons and Paroles. Accordingly, the Court requests that you submit said appointment to the
15 Senate for Consent

16 We will await your advice as to the Senate's action regarding this appointment. Thank you for
17 your continued cooperation

18 Very truly yours,
19 Shirley A. Jameson-Fergel

20 The President announced the referral of the reappointment to the Committee on Judiciary.

21 **REPORTS OF STANDING COMMITTEES**

22 MR. PRESIDENT:

23 The Committee on Senate Judiciary respectfully reports that it has had under consideration
24 **SB 7** and returns the same with the recommendation that said bill do pass, and having been certified
25 as uncontested, be placed on the consent calendar.

26 Also MR. PRESIDENT:

27 The Committee on Senate Judiciary respectfully reports that it has had under consideration
28 **SB 19** which was tabled.

29 Also MR. PRESIDENT:

30 The Committee on Senate Judiciary respectfully reports that it has had under consideration
31 **SB 37** and returns the same with the recommendation that said bill do pass.

32 Respectfully submitted,
33 David Wheeler, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Education respectfully reports that it has had under consideration
3 **SB 51** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Kyle Schoenfish, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Commerce and Energy respectfully reports that it has had under
8 consideration **SB 25** and returns the same with the recommendation that said bill be amended as
9 follows:

10 25D

11 On page 1, line 6, of the Introduced bill, remove the overstrikes from " and publish"

12 On page 1, line 10, of the Introduced bill, remove the overstrikes from " with the requirements
13 of the 2015"

14 On page 1, line 11, of the Introduced bill, delete " 2015 with the" and insert " 2024"

15 On page 1, line 12, of the Introduced bill, delete " and such" and insert " (January 1, 2024)
16 and any"

17 On page 1, line 12, of the Introduced bill, remove the overstrikes from " and such amendments
18 or revision"

19 On page 1, line 12, of the Introduced bill, after "revision" insert "s,"

20 On page 1, line 13, of the Introduced bill, after "by" delete " rule by"

21 And that as so amended, **SB 25** do pass, and having been certified as uncontested, be placed
22 on the consent calendar.

23 Also MR. PRESIDENT:

24 The Committee on Senate Commerce and Energy respectfully reports that it has had under
25 consideration **SB 66** and returns the same with the recommendation that said bill be amended as
26 follows:

27 66A

28 On page 1, line 13, of the Introduced bill, after "a" insert " firm or"

29 On page 1, line 14, of the Introduced bill, after "concerned." insert " The firm or designee must
30 comply with the requirements of chapter 5-14."

31 And that as so amended, **SB 66** do pass, and having been certified as uncontested, be placed
32 on the consent calendar.

33 Also MR. PRESIDENT:

34 The Committee on Senate Commerce and Energy respectfully reports that it has had under
35 consideration **SB 69** and returns the same with the recommendation that said bill be amended as
36 follows:

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69A

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On page 5, line 3, of the Introduced bill, delete " adviser" and insert " advisor"

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And that as so amended, **SB 69** do pass, and having been certified as uncontested, 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 Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 15 and 41** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

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Respectfully submitted,
Tom Pischke, Chair

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MESSAGES FROM THE HOUSE

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MR. PRESIDENT:

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I have the honor to transmit herewith **HB 1014 and 1056, and HJR 5003** which have passed the House and your favorable consideration is respectfully requested.

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Respectfully,
Patricia Miller, Chief Clerk

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MOTIONS AND RESOLUTIONS

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Sen. Mehlhaff moved that **SB 17** be deferred to Friday, January 24, 2025, the 8th legislative day.

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Which motion prevailed.

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Sen. Rohl moved that the Committee on State Affairs be instructed to deliver **SB 9** to the floor of the Senate, pursuant to JR 7-7.

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Which motion was supported and the committee was so instructed.

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Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, January 24, 2025, the 8th legislative day.

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Which motion prevailed.

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CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Mehlhaff moved that the reports of the Standing Committees on State Affairs on **SB 11** as found on page 70 of the Senate Journal; also Local Government on **SB 20** as found on page 68 of the Senate Journal; also Local Government on **SB 74** as found on page 69 of the Senate Journal be adopted. Which motion prevailed and the reports were adopted.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 88: FOR AN ACT ENTITLED, An Act to increase the amount of exempt proceeds when a homestead is sold or divided by court order.

Introduced by: **Senator** Pischke

SB 89: FOR AN ACT ENTITLED, An Act to repeal the requirement that judicial officers be listed on a separate nonpolitical ballot.

Introduced by: **Senator** Pischke

SB 90: FOR AN ACT ENTITLED, An Act to clarify provisions regarding tax deeds.

Introduced by: **Senator** Deibert

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, requiring a number of signatures on a petition to initiate a constitutional amendment be obtained from each county.

Introduced by: **Senator** Pischke

Were read the first time.

The following bill was read on January 14, 2025, and today the President Pro Tem assigned this bill to committee:

SB 54 was referred to the Committee on Health and Human Services.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1014: FOR AN ACT ENTITLED, An Act to modify provisions related to emergency medical services personnel and to declare an emergency.

HB 1056: FOR AN ACT ENTITLED, An Act to prohibit the preparation, sale, and distribution of certain kratom products and to provide a penalty therefor.

1 **HJR 5003:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
2 election an amendment to the Constitution of the State of South Dakota, requiring that a
3 constitutional amendment receive an affirmative vote of sixty percent of the votes cast before the
4 measure is enacted.

5 Were read the first time.

6 **SECOND READING OF CONSENT CALENDAR ITEMS**

7 **SB 36:** FOR AN ACT ENTITLED, An Act to repeal the oath requirement for an application for a
8 lodging establishment, campground, food service establishment, or mobile food service
9 establishment license.

10 **SB 39:** FOR AN ACT ENTITLED, An Act to revise the description of highways included in the
11 state trunk highway system.

12 Were read the second time.

13 The question being "Shall **SB 36 and 39** pass?"

14 And the roll being called:

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

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

20 Excused: Lapka

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

23 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

24 **SB 2:** FOR AN ACT ENTITLED, An Act to increase civil penalties for commercial driver violations.

25 Was read the second time.

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

27 And the roll being called:

28 Yeas 30, Nays 4, Excused 1, Absent 0

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

1 Nays: Carley, Foster, Pischke, and Voita

2 Excused: Lapka

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

5 **SB 10**:FOR AN ACT ENTITLED, An Act to shorten the time before records of a Governor or a
6 lieutenant governor are opened to the public.

7 Was read the second time.

8 The question being "Shall **SB 10** pass?"

9 And the roll being called:

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

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

15 Excused: Lapka

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

18 **SB 12**:FOR AN ACT ENTITLED, An Act to limit the amount of money that may be loaned to a
19 candidate or political committee.

20 Was read the second time.

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

22 And the roll being called:

23 Yeas 21, Nays 13, Excused 1, Absent 0

24 Yeas: Beal, Crabtree, Davis, Deibert, Duhamel, Foster, Karr, Kolbeck, Larson, Mehlhaff,
25 Miskimins, Otten, Peterson (Sue), Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and
26 Zikmund

27 Nays: Blanc, Carley, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Marty, Nelson, Perry,
28 Pischke, Voight, and Voita

29 Excused: Lapka

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

32 **SB 35**:FOR AN ACT ENTITLED, An Act to modify substances listed on the controlled substances
33 schedule and to declare an emergency.

34 Was read the second time.

1 The question being "Shall **SB 35** pass?"

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

8 Excused: Lapka

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

11 **SB 40**:FOR AN ACT ENTITLED, An Act to revise Department of Transportation regulatory
12 authority regarding aeronautics.

13 Was read the second time.

14 The question being "Shall **SB 40** pass?"

15 And the roll being called:

16 Yeas 32, Nays 2, Excused 1, Absent 0

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

20 Nays: Blanc and Carley

21 Excused: Lapka

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

24 Sen. Crabtree moved that the Senate do now adjourn, which motion prevailed and at
25 2:44 p.m. the Senate adjourned.

26 Peggy Laurenz, Secretary

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JOINT MEMORIAL SERVICE

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Pursuant to the report of the Joint-Select Committee, as found on page 30 of the Senate Journal, the Senate and the House of Representatives met in informal joint session in the House Chamber for the purpose of having a memorial service for deceased former members and reading of the following Joint Memorial Resolution:

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WHEREAS, the Great Ruler of the Universe has ordered a final adjournment in the lives of thirteen former members of the South Dakota Legislature, namely: the *Honorable Arnold M. "Arne" Brown*; the *Honorable James A. "Jim" Burg*; the *Honorable Burton B. "Burt" Elliott*; the *Honorable Arthur "Art" Fryslie*; the *Honorable Dayle D. Hammock*; the *Honorable Tim P. Johnson*; the *Honorable Claire B. Konold*; the *Honorable Jerome "Jerry" Mayer*; the *Honorable Janice K. "Jan" Nicolay*; the *Honorable Dennis R. Pierson*; the *Honorable Bernard "Bernie" Stoeser*; the *Honorable Kenneth D. "Ken" Stofferahn*; and the *Honorable Donald D. Van Etten*.

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WHEREAS, in the lives of all of these eminent public servants there was noted a profound urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but with a consciousness that here in a land of freedom the dignity of the individual is supreme, that justice must be dispensed, and that only by eternal vigilance and unrelenting effort can self-government of a people be preserved; and

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WHEREAS, it is fitting that we humbly honor the memory of those who have thus contributed to the orderly process of government under the Constitution:

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NOW, THEREFORE, BE IT RESOLVED, by the Senate and the House of Representatives of the One-hundredth Session of the Legislature of the State of South Dakota duly convened in recess session in recognition of the useful lives and unflinching devotion to the interests of the State of South Dakota, as well as the rectitude of thought and action and fidelity to the highest principles of American citizenship by these honorable people, that the Senate and the House of Representatives do now pause in their labors out of respect for the memory of their late fellow associates in the functions of government, and note that in their passing, the state they have served so well has suffered a distinct loss, and though their labors have ceased and they have been laid to rest, the people of this great state have benefited greatly from the services rendered by them and they have left upon the sands of time an inspiring record of devotion to their fellow citizens under the guiding hand of Almighty God; and

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BE IT FURTHER RESOLVED, that this Resolution be printed in the journals of the Senate and the House of Representatives of the One-hundredth Session of the Legislature of the State of South Dakota, now assembled this 23rd day of January, 2025, at Pierre, South Dakota.

