

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, January 27, 2025

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by Senate page Ava Brown.

Roll Call: All members present except Sen. Voita 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 8th 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 the President to the following named pages:

2 Ava Brown, Esther Burkhalter, Mia Coester, Jackson Faulkner, Danni Kotalik, Elizabeth Meyer,
3 Sakurako Tinant, Allyson Tish, Sheridan Voorhees, Raelie Williams

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

5 **COMMUNICATIONS AND PETITIONS**

6 January 27, 2025

7 Representative Jon Hansen, Speaker of the House
8 Senator Chris Karr, President Pro Tempore
9 State Capitol
10 Pierre, SD 57501

11 Dear Mr. Speaker and Mr. President Pro Tempore,

12 I am writing to request under Joint Rule 16-2 that either house call a joint session of the
13 members to convene on Tuesday, January 28, 2025 at 1:30 pm. As I succeed Kristi Noem after her
14 resignation on Saturday, January 25, 2025, I would like the opportunity to address the members as
15 the Governor of the State and share my vision for making South Dakota strong, safe, and free.

16 Thank you for your consideration.

17
18
19

Sincerely,
Larry Rhoden
Governor

20 **REPORTS OF STANDING COMMITTEES**

21 MR. PRESIDENT:

22 The Committee on Senate Transportation respectfully reports that it has had under
23 consideration **SB 46** and returns the same with the recommendation that said bill do pass. and that
24 said bill be referred to the Senate Committee on Appropriations.

25 Also MR. PRESIDENT:

26 The Committee on Senate Transportation respectfully reports that it has had under
27 consideration **SCR 601** and returns the same with the recommendation that said resolution be
28 amended as follows:

29 SCR601A

30 On page 1, line 20, of the Introduced resolution, delete " make" and insert " consider making"

31 On page 1, line 20, of the Introduced resolution, after "and" insert ", if appropriate,"

32 And that as so amended, **SCR 601** do pass, and having been certified as uncontested, be
33 placed on the consent calendar.

34
35

Respectfully submitted,
Randy Deibert, Chair

1

MOTIONS AND RESOLUTIONS

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Sen. Mehlhaff moved that a committee of five be appointed to meet for the purpose of considering the nomination for Lieutenant Governor.

3

4

Which motion prevailed and the President announced as such committee Sens. Karr (Chair), Wheeler, Kolbeck, Blanc, and Larson.

5

6

Sen. Mehlhaff moved that **SB 22 and 51** be deferred to Tuesday, January 28, 2025, the 10th legislative day.

7

8

Which motion prevailed.

9

CONSIDERATION OF REPORTS OF COMMITTEES

10

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

11

State Affairs on **SB 75** as found on page 87 of the Senate Journal; and

12

State Affairs on **SB 9** as found on page 86 of the Senate Journal be adopted.

13

Which motion prevailed and the reports were adopted.

14

Sen. Rohl moved that **SB 9** be placed on the calendar of Tuesday, January 28, 2025, the 10th legislative day pursuant to JR 6F-6.

15

16

And the roll being called:

17

Yeas 16, Nays 18, Excused 1, Absent 0

18

Yeas: Beal, Crabtree, Davis, Duhamel, Foster, Kolbeck, Larson, Miskimins, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and Zikmund

19

20

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

21

22

Excused: Voita

23

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

24

25

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

26

SB 102: FOR AN ACT ENTITLED, An Act to revise provisions related to the practice of physician assistants.

27

28

Introduced by: **Senator** Reed

29

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

1 **SB 99:** FOR AN ACT ENTITLED, An Act to make an appropriation for purchasing, storing, and
2 distributing sexual assault kits.

3 Introduced by: **Senator** Reed

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

5 **SB 104:** FOR AN ACT ENTITLED, An Act to provide for the publication of the cast vote record
6 of automatic tabulating equipment and to make an appropriation therefor.

7 Introduced by: **Senator** Pischke

8 Was read the first time and referred to the Committee on Local Government.

9 **SB 103:** FOR AN ACT ENTITLED, An Act to prohibit the use of voter centers in a county.

10 Introduced by: **Senator** Pischke

11 **SB 105:** FOR AN ACT ENTITLED, An Act to establish election day as a legal holiday.

12 Introduced by: **Senator** Pischke

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

14 **SB 100:** FOR AN ACT ENTITLED, An Act to prohibit the imposition of restrictions on the carrying
15 of a concealed pistol and other items of self-defense while on the campus of a public institution of
16 higher education.

17 Introduced by: **Senator** Voita

18 **SB 101:** FOR AN ACT ENTITLED, An Act to provide a tax credit to limit the taxes due on
19 property over the previous year.

20 Introduced by: **Senator** Howard

21 **SB 106:** FOR AN ACT ENTITLED, An Act to require an individual be registered as a voter of
22 this state before being eligible to be a petition sponsor for a ballot measure.

23 Introduced by: **Senator** Wheeler

24 **SB 107:** FOR AN ACT ENTITLED, An Act to exempt trailer manufacturers and trailer dealers
25 from certain provisions regarding motor vehicle dealer license requirements.

26 Introduced by: **Senator** Wheeler

27 Were read the first time.

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

30 **SB 65** was referred to the Joint Committee on Appropriations.

31 **SB 6, SB 16,** and **SB 56** were referred to the Committee on State Affairs.

1 The following bills were read on January 22, 2025, and today the President Pro Tem assigned
2 these bills to committee:

3 **SB 86** was referred to the Committee on Health and Human Services.

4 **SB 83** was referred to the Committee on Judiciary.

5 **SB 84** was referred to the Committee on Local Government.

6 **SB 85** was referred to the Committee on Taxation.

7 The following bills were read on January 23, 2025, and today the President Pro Tem assigned
8 these bills to committee:

9 **SB 88** was referred to the Committee on Judiciary.

10 **SB 90** was referred to the Committee on Local Government.

11 **SB 89** was referred to the Committee on State Affairs.

12 The following bills were read on January 24, 2025, and today the President Pro Tem assigned
13 these bills to committee:

14 **SB 93** was referred to the Committee on Commerce and Energy.

15 **SB 97** was referred to the Committee on Local Government.

16 **SB 91** and **SB 92** were referred to the Committee on State Affairs.

17 **SB 95** was referred to the Committee on Transportation.

18 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

19 The following bills were read on January 22, 2025, and today the President Pro Tem assigned
20 these bills to committee:

21 **HB 1002**, and **HB 1003** were referred to the Committee on Education.

22 **HB 1053** was referred to the Committee on Judiciary.

23 **HB 1001** was referred to the Committee on State Affairs.

24 The following bill was read on January 23, 2025, and today the President Pro Tem assigned
25 this bill to committee:

26 **HB 1014** was referred to the Committee on Health and Human Services.

1 The following bills were read on January 24, 2025, and today the President Pro Tem assigned
2 this bill to committee:

3 **HB 1022** was referred to the Committee on Agriculture and Natural Resources.

4 **HB 1011** and **HB 1049** were referred to the Committee on Judiciary.

5 **SECOND READING OF CONSENT CALENDAR ITEMS**

6 Sen. Pischke requested that **SB 25** be removed from the Consent Calendar.

7 **SB 42:** FOR AN ACT ENTITLED, An Act to clarify the wholesale purchase price of tobacco
8 products.

9 **SB 43:** FOR AN ACT ENTITLED, An Act to establish a timeframe within which a remote seller
10 and marketplace provider must register and remit sales tax.

11 **SB 66:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to capital
12 improvements of state buildings.

13 **SB 69:** FOR AN ACT ENTITLED, An Act to revise provisions related to trusts.

14 **SB 76:** FOR AN ACT ENTITLED, An Act to repeal reporting and testifying requirements to the
15 committees on health and human services regarding nursing facilities and long-term healthcare
16 needs.

17 **SB 80:** FOR AN ACT ENTITLED, An Act to revise provisions regarding students and trainees
18 engaged in the practice of funeral service.

19 Were read the second time.

20 The question being "Shall **SB 66 and 69** pass as amended, and **SB 42, 43, 76, and 80** pass?"

21 And the roll being called:

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

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

27 Excused: Voita

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

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

31 **SB 11:** FOR AN ACT ENTITLED, An Act to limit the amount of money that a political committee
32 may accept from an inactive candidate campaign committee.

33 Was read the second time.

1 The question being "Shall **SB 11** pass as amended?"

2 And the roll being called:

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

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

7 Nays: Carley, Larson, Pischke, and Smith

8 Excused: Voita

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 **SB 20**:FOR AN ACT ENTITLED, An Act to require a voter use a pen when marking a ballot.

12 Was read the second time.

13 Sen. Carley moved that **SB 20** be amended as follows:

14 20D

15 On page 1, line 5, of the Senate Local Government Engrossed bill, after "black" delete " or
16 blue"

17 Which motion prevailed.

18 The question being "Shall **SB 20** pass as amended?"

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

25 Excused: Voita

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 **SB 23**:FOR AN ACT ENTITLED, An Act to require the secretary of state to publish the numbers
29 pertaining to the collection of signatures on a nominating petition.

30 Was read the second time.

31 Sen. Pischke moved that **SB 23** be amended as follows:

1

23A

2 On page 1, line 8, of the Introduced bill, after "election." delete "Section 2. That a NEW
3 SECTION be added to chapter 12-6:

4 "On page 1, line 9, of the Introduced bill, after "12-6:" delete "Any individual registered as a
5 voter, as provided for in chapter 12-4, may submit an affidavit stating that the numbers published
6 by the secretary of state pursuant to section 1 of this Act, are inaccurate. The affidavit must include
7 an itemized list of the alleged inaccuracies. The affidavit must be submitted to the secretary of state
8 no later than January sixteenth in the year of the election by five p. m. central time. All challenges
9 by the same individual must be included in one affidavit.

10 The decision of the secretary of state regarding a challenge under this section may not be
11 challenged a second time with the secretary of state but may be appealed to the circuit court in
12 Hughes County. An appeal challenging the numbers published by the secretary of state, pursuant
13 to section 1 of this Act, takes precedence over any other case in the circuit court. Any party appealing
14 the circuit court order to the Supreme Court must file a notice of appeal within ten days of the date
15 of the notice of the entry of the circuit court order. A challenge under this section is the sole legal
16 remedy to challenge the numbers published by the secretary of state."

17 Which motion prevailed.

18 The question being "Shall **SB 23** pass as amended?"

19 And the roll being called:

20 Yeas 26, Nays 8, Excused 1, Absent 0

21 Yeas: Beal, Blanc, Carley, Crabtree, Duhamel, Foster, Grove, Hohn, Howard, Hulse, Jensen
22 (Kevin), Karr, Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Perry, Peterson (Sue), Pischke,
23 Rohl, Schoenfish, Vilhauer, Wheeler, and Zikmund

24 Nays: Davis, Deibert, Kolbeck, Otten, Reed, Sauder, Smith, and Voight

25 Excused: Voita

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 Sen. Kolbeck moved that the Senate do now adjourn, which motion prevailed and at 2:48 p.m.
29 the Senate adjourned.

30

Peggy Laurenz, Secretary