

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, January 28, 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. Russell Jones, followed by the Pledge of Allegiance led by Senate page Esther Burkhalter.

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 9th 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 Pro Tempore Karr to Legislative Page Brianna
2 Sargent.

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

4 **COMMUNICATIONS AND PETITIONS**

5 January 22, 2025

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

10 Dear President and Members of the Senate:

11 Pursuant to the provisions of Chapter 24-13 of the South Dakota Codified Laws and subject to
12 your consent, I have the honor to inform you that I have appointed Myron L. Rau to the South
13 Dakota Board of Pardons and Parole.

- 14 Enclosed is a copy of the following:
15 1. The Statement of Financial Interest
16 2. Senate Confirmation Information
17 3. Oath
18 4. The January 3, 2025, letter of appointment

19 This appointment is effective January 18, 2025, and will expire on January 15, 2029.

20 Sincerely,
21 Marty Jackley
22 Attorney General

23 The President Pro Tem announced the referral of the appointment to the Committee on
24 Judiciary.

25 **REPORTS OF STANDING COMMITTEES**

26 MR. PRESIDENT:

27 The Committee on Senate State Affairs respectfully reports that it has had under consideration
28 **SB 60** and returns the same with the recommendation that said bill be amended as follows:

29 60B

30 On page 1, line 12, of the Introduced bill, after "sovereignty." insert "Agency" does not include
31 a political subdivision as defined § 1-25-12. "

32 And that as so amended, **SB 60** do pass.

33 Respectfully submitted,
34 Jim Mehlhaff, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **SB 14** and returns the same with the recommendation that said bill be amended as follows:

4 14A

5 On page 1, line 12, of the Introduced bill, remove the overstrikes from "(4) "

6 On page 1, line 13, of the Introduced bill, after "elk " insert "Is livestock, as defined in § 21-
7 61-1, "

8 On page 1, line 13, of the Introduced bill, remove the overstrikes from "with a value of less
9 than or equal to two thousand five hundred dollars"

10 On page 3, line 25, of the Introduced bill, delete " conducting any of the activities prohibited
11 by this section" and insert " committing criminal trespass as set forth in chapter 22-35"

12 And that as so amended, **SB 14** do pass.

13 Also MR. PRESIDENT:

14 The Committee on Senate Judiciary respectfully reports that it has had under consideration
15 **SB 64** and returns the same with the recommendation that said bill be amended as follows:

16 64B

17 On page 1, line 6, of the Introduced bill, delete "Manslaughter in the first degree, as defined
18 in § 22-16-15" and insert "First degree murder, as defined in § 22-16-4;

19 (2) Second degree murder, as defined in § 22-16-7"

20 On page 1, line 7, of the Introduced bill, delete "(2)" and insert "(3)"

21 On page 1, line 8, of the Introduced bill, delete "(3)" and insert "(4)"

22 On page 1, line 8, of the Introduced bill, after "-19-1;

23 (3)" insert "An act of terrorism, as defined in § 22-8-12;

24 (5) Manslaughter in the first degree, as defined in § 22-16-15;

25 (6) "

26 On page 1, line 8, of the Introduced bill, after "§ 22-22-1;" delete "

27 (4) Rape in the second degree, as defined in § 22-22-1;"

28 On page 1, line 10, of the Introduced bill, delete "(5)" and insert "(7)"

29 On page 1, line 10, of the Introduced bill, after "-22-1;

30 (5)" insert "Attempted first degree murder of a law enforcement officer, as defined in § 22-4-
31 3;

32 (8) Aggravated kidnapping in the second degree, as defined in § 22-19-1. 1;

33 (9) Rape in the second degree, as defined in § 22-22-1;

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- 1 (10) "
- 2 On page 1, line 11, of the Introduced bill, delete "(6)" and insert "(11)"
- 3 On page 1, line 12, of the Introduced bill, delete "(7)" and insert "(12)"
- 4 On page 1, line 15, of the Introduced bill, delete "(8)" and insert "(13)"
- 5 On page 1, line 16, of the Introduced bill, delete "(9)" and insert "(14)"
- 6 On page 1, line 18, of the Introduced bill, delete "(10)" and insert "(15)"
- 7 On page 1, line 19, of the Introduced bill, delete "(11)" and insert "(16)"
- 8 On page 1, line 20, of the Introduced bill, delete "(12)" and insert "(17)"
- 9 On page 1, line 20, of the Introduced bill, remove the overstrikes from " and"
- 10 On page 1, line 21, of the Introduced bill, delete "(13)" and insert "(18)"
- 11 On page 1, line 21, of the Introduced bill, after "§ 22-49-2" delete ";
- 12 (14) An act of terrorism, as defined in § 22-8-12;
- 13 (15) Aggravated kidnapping in the second degree, as defined in § 22-19-1. 1;
- 14 (16) First degree murder, as defined in § 22-16-4; and
- 15 (17) Attempted first degree murder of a law enforcement officer, as defined in § 22-4-3"
- 16 On page 2, line 19, of the Introduced bill, after "§ 22-19-1.1;" delete "
- 17 (5) Second degree robbery, as defined in § 22-30-6;
- 18 "
- 19 On page 2, line 21, of the Introduced bill, remove the overstrikes from "(5)"
- 20 On page 2, line 21, of the Introduced bill, after "22-30-6;
- 21 (5)" delete "(6)"
- 22 On page 2, line 22, of the Introduced bill, remove the overstrikes from "(6)"
- 23 On page 2, line 22, of the Introduced bill, after "22-32-3;
- 24 (6)" delete "(7)"
- 25 On page 2, line 23, of the Introduced bill, remove the overstrikes from "(7)"
- 26 On page 2, line 23, of the Introduced bill, after "22-10-1;
- 27 (7)" delete "(8)"
- 28 On page 2, line 24, of the Introduced bill, remove the overstrikes from "(8)"
- 29 On page 2, line 24, of the Introduced bill, after "22-16-20;
- 30 (8)" insert " Second degree robbery, as defined in § 22-30-6;

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And that as so amended, **SB 64** do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration the nomination of Kirsten K. Aasen of Rapid City, South Dakota, to the Board of Pardons and Paroles and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment, and that said reappointment having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
David Wheeler, Chair

MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration **SB 70** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration **SB 71** and returns the same with the recommendation that said bill be amended as follows:

71A

On page 2, line 5, of the Introduced bill, after "child" insert the comma

On page 2, line 5, of the Introduced bill, delete " at least five years old" and insert " not younger than five or older than six"

On page 2, line 6, of the Introduced bill, after "September," insert " or any child who, by the first day of September, is at least six years old,"

71B

On the previously adopted amendment (71A), On page 2, line 29, after "Corrections;" insert " or"

And that as so amended, **SB 71** do pass.

Respectfully submitted,
Kyle Schoenfish, Chair

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 24, 31, and 32** and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 81** and returns the same with the recommendation that said bill be amended as follows:

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81A

On page 1, line 5, of the Introduced bill, after "to" insert " a new"

On page 1, line 5, of the Introduced bill, delete " 51A-17" and insert " in title 37"

On page 3, line 20, of the Introduced bill, after "to" insert " a new"

On page 3, line 20, of the Introduced bill, delete " 51A-17" and insert " in title 37"

On page 3, line 26, of the Introduced bill, after "to" insert " a new"

On page 3, line 26, of the Introduced bill, delete " 51A-17" and insert " in title 37"

On page 3, line 31, of the Introduced bill, after "to" insert " a new"

On page 3, line 31, of the Introduced bill, delete " 51A-17" and insert " in title 37"

On page 4, line 15, of the Introduced bill, after "to" insert " a new"

On page 4, line 15, of the Introduced bill, delete " 51A-17" and insert " in title 37"

On page 4, line 23, of the Introduced bill, after "to" insert " a new"

On page 4, line 23, of the Introduced bill, delete " 51A-17" and insert " in title 37"

On page 5, line 3, of the Introduced bill, after "to" insert " a new"

On page 5, line 3, of the Introduced bill, delete " 51A-17" and insert " in title 37"

On page 5, line 26, of the Introduced bill, after "to" insert " a new"

On page 5, line 26, of the Introduced bill, delete " 51A-17" and insert " in title 37"

And that as so amended, **SB 81** do pass.

Respectfully submitted,
Casey Crabtree, Chair

MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 34** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 78 and 79** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Tom Pischke, Chair

1

MESSAGES FROM THE HOUSE

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MR. PRESIDENT:

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I have the honor to transmit herewith **HB 1004, 1007, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1044, 1051, 1052, 1059, 1067, 1074, and 1075** which have passed the House and your favorable consideration is respectfully requested.

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Respectfully,
Patricia Miller, Chief Clerk

8

MOTIONS AND RESOLUTIONS

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Sen. Mehlhaff moved that **SB 31** and **SB 32** be referred to the Senate Committee on Appropriations.

11

Which motion prevailed.

12

CONSIDERATION OF REPORTS OF COMMITTEES

13

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

14

Transportation on **SCR 601** as found on page 98 of the Senate Journal be adopted.

15

Which motion prevailed and the report was adopted.

16

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

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18

SB 108: FOR AN ACT ENTITLED, An Act to reduce the megawattage requirement for energy conversion facilities governed by chapter 49-41B.

19

Introduced by: **Senator** Nelson

20

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

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23

SB 109: FOR AN ACT ENTITLED, An Act to permit a school district to implement a new or revised section 504 plan, individualized family service plan, or individualized education program for a student who is the child of an active-duty member of the United States armed forces.

24

Introduced by: **Senator** Duhamel

25

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

26

27

SB 110: FOR AN ACT ENTITLED, An Act to revise licensure and supervision requirements for physical therapists and physical therapist assistants.

28

Introduced by: **Senator** Davis

29

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

1 **SB 111:** FOR AN ACT ENTITLED, An Act to permit a court to order family therapy or
2 reunification therapy in a custody or visitation dispute.

3 Introduced by: **Senator** Reed

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

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

7 **SJR 504** was referred to the Committee on State Affairs.

8 The following bills were read on January 27, 2025, and today the President Pro Tem assigned
9 these bills to committee:

10 **SB 101** was referred to the Committee on Taxation.

11 **SB 107** was referred to the Committee on Transportation.

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

13 **HB 1007:** FOR AN ACT ENTITLED, An Act to permit the Public Utilities Commission to recover
14 reimbursement costs from an applicant in a timely manner.

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

16 **HB 1004:** FOR AN ACT ENTITLED, An Act to provide tuition for a student who is placed in a
17 residential treatment center that provides educational programming.

18 Was read the first time and referred to the Committee on Education.

19 **HB 1027:** FOR AN ACT ENTITLED, An Act to repeal obsolete provisions pertaining to
20 noncollecting retailers.

21 **HB 1028:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue
22 Code.

23 **HB 1029:** FOR AN ACT ENTITLED, An Act to update provisions of the South Dakota Retirement
24 System.

25 **HB 1030:** FOR AN ACT ENTITLED, An Act to update the South Dakota Retirement System's
26 member information protection provisions.

27 **HB 1031:** FOR AN ACT ENTITLED, An Act to update the South Dakota Retirement System
28 member identity verification procedures.

29 **HB 1032:** FOR AN ACT ENTITLED, An Act to update a reference to the Internal Revenue Code
30 in South Dakota Retirement System statutes.

31 **HB 1033:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
32 emergencies and disasters impacting the state and to declare an emergency.

1 **HB 1034:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to the
 2 suppression of wildfires impacting the state and to declare an emergency.

3 **HB 1044:** FOR AN ACT ENTITLED, An Act to authorize the use of a newborn safety device for
 4 the voluntary surrender of a newborn and to make clarifying changes.

5 **HB 1051:** FOR AN ACT ENTITLED, An Act to update provisions on the interim legislative
 6 oversight of administrative rulemaking.

7 **HB 1052:** FOR AN ACT ENTITLED, An Act to prohibit the exercise of eminent domain for a
 8 pipeline that carries carbon oxide.

9 **HB 1059:** FOR AN ACT ENTITLED, An Act to clarify the meaning of teleconference for purposes
 10 of open meeting requirements.

11 **HB 1067:** FOR AN ACT ENTITLED, An Act to define the term "must."

12 **HB 1074:** FOR AN ACT ENTITLED, An Act to modify the individuals eligible to sign an affidavit
 13 of homelessness for purposes of obtaining a free copy of a birth certificate.

14 **HB 1075:** FOR AN ACT ENTITLED, An Act to modify the persons eligible to sign an affidavit for
 15 proof of homelessness for purposes of waiving the fee for a nondriver identification card.

16 Were read the first time.

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

18 **SB 22:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the submission of a
 19 nominating petition.

20 Was read the second time.

21 Sen. Mehlhaff moved that **SB 22** be amended as follows:

22 22B

23 On page 2, line 9, of the Introduced bill, delete " thirty-first" and insert " first"

24 Which motion prevailed.

25 The question being "Shall **SB 22** pass as amended?"

26 And the roll being called:

27 Yeas 18, Nays 17, Excused 0, Absent 0

28 Yeas: Beal, Blanc, Carley, Davis, Deibert, Duhamel, Hohn, Jensen (Kevin), Kolbeck, Lapka,
 29 Mehlhaff, Miskimins, Otten, Perry, Pischke, Vilhauer, Voight, and Zikmund

30 Nays: Crabtree, Foster, Grove, Howard, Hulse, Karr, Larson, Marty, Nelson, Peterson (Sue),
 31 Reed, Rohl, Sauder, Schoenfish, Smith, Voita, and Wheeler

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

1 **SB 25:** FOR AN ACT ENTITLED, An Act to clarify the Plumbing Commission's rulemaking
2 authority to set standards for plumbing and plumbing systems.

3 Was read the second time.

4 The question being "Shall **SB 25** pass as amended?"

5 And the roll being called:

6 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

13 **SB 51:** FOR AN ACT ENTITLED, An Act to require the display and curricular inclusion of the
14 Ten Commandments and other documents.

15 Was read the second time.

16 Sen. Foster moved that **SB 51** be amended as follows:

17 51E

18 On page 1, line 1, of the Introduced bill, after "Commandments" insert " or Woope Sakowin"

19 On page 1, line 5, of the Introduced bill, delete "The " and insert "Except as otherwise provided
20 in section 2 of this act, the "

21 On page 1, after line 21, of the Introduced bill, insert: "

22 **Section 2. That a NEW SECTION be added to chapter 13-24:**

23 The board of a school district may, by resolution, substitute the text of the Woope Sakowin for
24 the Ten Commandments required in section 1 of this Act. The display must be a poster or document
25 that is at least eight inches by fourteen inches. The text of the Woope Sakowin must be the focus
26 of the poster or document and must be printed in large, easily readable font.

27 The text of the Woope Sakowin must be printed with the following or substantially similar
28 language:

29 (1) Wacante Oganake: to help, to share, to give, to be generous;

30 (2) Wowausila: pity, compassion;

31 (3) Wowauonihan: to respect, to honor;

32 (4) Wowacintanka: patience and tolerance;

33 (5) Wowahwala: to be humble, to seek humility;

34 (6) Woohitike: to be guided by your principles, discipline, bravery and courage; and

35 (7) Woksape: understanding and wisdom."

1 On page 2, after line 21, of the Introduced bill, insert: "

2 **Section 4. That a NEW SECTION be added to chapter 13-24:**

3 If the board of a school district substitutes the text of the Woope Sakowin for the Ten
 4 Commandments, the following statements must be displayed near any poster or document listing
 5 the Woope Sakowin, pursuant to section 2 of this Act:

6 (1) The Woope Sakowin are a set of values that have been a part of Oceti Sakowin teachings
 7 since a time predating statehood;

8 (2) The Woope Sakowin, which means seven laws, have long served as a moral and ethical
 9 framework within the Oceti Sakowin community, emphasizing personal responsibility,
 10 integrity, and strong family and community values;

11 (3) Rooted in traditions that have guided generations, the Woope Sakowin teach principles of
 12 wisdom, respect, generosity, and perseverance, aligning with ideals of character, self-
 13 discipline, and civic responsibility; and

14 (4) The Woope Sakowin are recognized within this state's educational system through the Oceti
 15 Sakowin Essential Understandings."

16 On page 2, line 24, of the Introduced bill, after "Independence," insert " Doctrine of Discovery,
 17 Tribal Treaties, the 1868 Fort Laramie Treaty,"

18 On page 2, line 26, of the Introduced bill, delete " 2" and insert " 3"

19 On page 2, line 26, of the Introduced bill, after "Act" insert " or the Woope Sakowin, as provided
 20 for in sections 2 and 4 of this Act"

21 On page 2, line 30, of the Introduced bill, after "Commandments" insert " or Woope Sakowin"

22 On page 2, line 33, of the Introduced bill, after "1" delete ", 2,"

23 On page 2, line 33, of the Introduced bill, after "Act" insert " or sections 2 and 4 of this Act"

24 On page 3, line 1, of the Introduced bill, after "1" delete ", 2,"

25 On page 3, line 1, of the Introduced bill, after "Act" insert " or sections 2 and 4"

26 On page 3, line 17, of the Introduced bill, after "Rights;" insert "

27 (5) The Oceti Sakowin Tribal Constitutions;"

28 On page 3, line 18, of the Introduced bill, delete "(5)" and insert "(6)"

29 On page 3, line 21, of the Introduced bill, delete "(6)" and insert "(7)"

30 Which motion lost.

31 Sen. Wheeler moved that **SB 51** be amended as follows:

32 51D

33 On page 3, after line 29, of the Introduced bill, insert: "

34 **Section 6. That § 13-24-24 be AMENDED:**

1 **13-24-24.** For any lawsuit brought or any complaint filed against a school district, an employee
 2 of a school district, the board of a school district, or a member thereof as a result of a school district
 3 displaying the national motto of the United States in accordance with § 13-24-23, or the Ten
 4 Commandments in accordance with section 1 of this Act, the attorney general shall provide legal
 5 representation at no cost to the school district, employee, school board, or member of the school
 6 board.

7 In addition to the expenses of representation, the state shall assume financial responsibility
 8 for any other related expense incurred by the school district, an employee, the board, or member
 9 thereof, including any award for monetary damages, attorney's fees, and costs for which the school
 10 district, an employee, the board, or a member thereof would be otherwise responsible."

11 Which motion prevailed.

12 The question being "Shall **SB 51** pass as amended?"

13 And the roll being called:

14 Yeas 18, Nays 17, Excused 0, Absent 0

15 Yeas: Beal, Blanc, Carley, Crabtree, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Marty,
 16 Mehlhaff, Nelson, Perry, Peterson (Sue), Pischke, Voight, and Voita

17 Nays: Davis, Deibert, Duhamel, Foster, Kolbeck, Lapka, Larson, Miskimins, Otten, Reed, Rohl,
 18 Sauder, Schoenfish, Smith, Vilhauer, Wheeler, and Zikmund

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

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

23 Was read the second time.

24 The question being "Shall **SB 75** pass as amended?"

25 And the roll being called:

26 Yeas 32, Nays 3, Excused 0, Absent 0

27 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Grove, Hohn, Howard, Hulse,
 28 Jensen (Kevin), Karr, Kolbeck, Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson
 29 (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wheeler, and Zikmund

30 Nays: Foster, Larson, and Smith

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

33 Sen. Lapka moved that the Senate do now adjourn, which motion prevailed and at 4:00 p.m.
 34 the Senate adjourned.

35 Peggy Laurenz, Secretary

JOINT SESSION

1
2 The Senate convened with the House of Representatives in the House Chamber for the
3 purpose of receiving a message from the Governor, Larry Rhoden. The President Pro Tempore of
4 the Senate, Chris Karr, presided.

5 The following prayer was delivered by Rev. Craig Wexler, Pierre/Fort Pierre Ministerial
6 Association, Pierre, South Dakota:

7 *Hebrews 13:17 "Obey your leaders and submit to them, for they are keeping watch over your*
8 *souls, as those who will have to give an account. Let them do this with joy and not with groaning,*
9 *for that would be of no advantage to you."*

10 Most merciful God, we lift up our leadership this day. We give thanks for Kristi Noem as she
11 has served us these past years, and we pray for her wisdom and guidance in her new role with
12 Homeland Security. Give her a courageous heart—a compassionate heart—and wisdom to know
13 what demands are coming from the world, and what demands are coming from your divine will.
14 Grant peace and protection over her family as well.

15 Oh, Lord, we now lift up Larry Rhoden, as he takes the lead in governing our great state. As
16 the baton is passed into his hands, may he hold it firmly with courage and wisdom—may he be
17 guided by your insights and discernment. May he build bridges with those he will encounter each
18 day from here and into the future, and may he uphold the security of our foundations set by brave
19 leaders of the past—foundations of Godly values, proper moral compasses, listening ears towards
20 the voices of the many, and a steady grasp on knowing what changes may still be needed, and
21 discernment towards the things that should never change. Help him to do it with joy—never with
22 groaning. Let everything he does, be to the benefit of your divine will. In your holiest name we pray,
23 Amen.

24 The Secretary of the Senate, Peggy Laurenz, called the roll of the Senate and the following
25 members were present:

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

30 The Chief Clerk of the House of Representatives, Patricia Miller, called the roll of the House and
31 the following members were present:

32 Andera, Arlint, Auch, Aylward, Bahmuller, Bathke, Baxter, DeGroot, Derby, Duffy, Emery,
33 Fitzgerald, Garcia, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes,
34 Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kull, Ladner, Lems,
35 Manhart, Massie, May, Moore, Mortenson, Muckey, Mulally, Mulder, Nolz, Novstrup, Odenbach,
36 Overweg, Peterson (Drew), Pourier, Randolph, Reder, Rehfeldt, Reimer, Reisch, Rice, Roby, Roe,
37 Schaeffbauer, Schwans, Shorma, Sjaarda, Soye, Stevens, Uhre-Balk, Van Diepen, Vasgaard,
38 Venhuizen, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

39 Sen. Mehlhaff moved that a committee of five on the part of the Senate and a committee of
40 six on the part of the House be appointed to escort the Honorable Larry Rhoden, Governor of the
41 State of South Dakota, to the rostrum.

42 Which motion prevailed and the President announced as such committee Sens. Mehlhaff,
43 Perry, Larson, Smith, and Beal on the part of the Senate, and Reps. Lems, Odenbach, Overweg,
44 Healy, Emery, and Bahmuller on the part of the House.

45 President Pro Tempore Karr introduced the Honorable Larry Rhoden, who delivered his address
46 to the Legislature.

1 The Sergeant at Arms announced the arrival of the Honorable Larry Rhoden, who was escorted
2 to the rostrum.

3 **GOVERNOR RHODEN'S ADDRESS TO THE JOINT SESSION**

4 Mr. Speaker, Mr. President, Supreme Court Justices, Constitutional officers, members of the
5 House and Senate, and my fellow South Dakotans:

6 It is truly an honor to stand before you today as your governor.

7 Before I begin today, I'd like to say, "thank you," on behalf of our state, to Secretary Kristi
8 Noem. Kristi has served our state for eighteen years – in the State House, in Congress, and as our
9 governor. She worked hard and did great things for our state. And it was my great honor to serve
10 with her. She is helping President Trump make America safe again. We are proud of her and wish
11 her well in that important job. She is still working for us – keeping our nation safe. Please join me
12 in a round of applause to thank Governor Noem.

13 Today is a new day, and I'm starting out in a new job. It might surprise you to know this: even
14 though I served as lieutenant governor for six years, not everyone knows about the lieutenant
15 governor. I'd like to take some time to share some things you might not know about me.

16 Most importantly I'd like you to meet my family, many of whom are here today. My son Cody
17 is here with his wife Liz and their two kids, Tally and Josie. My son Tristen is here with his wife Kalen
18 and their daughter Birkin. My sons Jesse and Reggie are here. So is my twin sister Lorie, my brother
19 Dan, and his wife Kathy. And we have many other extended family members here.

20 My wife Sandy is here today, as well. She and I have been married for almost 44 years. All of
21 us are able to serve because of the support of our loved ones. I wouldn't be standing here today
22 without her constant support and encouragement. Sandy is going to be a great first lady for our
23 state. Please help me welcome Sandy!

24 My roots are in South Dakota. I was born here, and I will die here.

25 I'm a fourth-generation South Dakotan. My father's grandfather, Allen Rhoden, came to
26 western South Dakota in 1907. He came to an area in Meade County called Chalkbutte. Union
27 Center, where I live, wasn't founded until 15 or 20 years after that. It was a four- or five-day trip
28 to Sturgis for a load of lumber, so they built a three-room sod house and a sod barn. His son, John,
29 who would be my grandfather, homesteaded two miles southeast of Union Center. My older brother,
30 also named John, is now on that original homestead. My mother was a Murphy. I'm a fifth-generation
31 South Dakotan on her side. Her family came west on horses and wagons. They homesteaded in the
32 Two Rivers area, about 20 miles west of Union Center. Some of the original foundations of my
33 family's homesteads still stand today.

34 My dad was named Allen after his grandfather. He and my mom, Mildred, raised five kids. My
35 twin sister, Lorie, and I are the fourth and fifth. Mom and Dad taught us the importance of faith in
36 Jesus Christ. And church is still central in my life. They weren't rich by any stretch. But they made
37 sacrifices to send three of us kids to Sunshine Bible Academy near Miller. They wanted our schooling
38 to be centered around our faith and our values.

39 My parents also taught us the value of work. Hard work is part of life on the ranch. Even today,
40 I'm still happiest when I'm working with my hands. It's how I relax. When I get home, I head out
41 to the shop and start welding. I make branding irons, custom tools for ranching, and other things.
42 I like to think about a plan, get it done, and see the fruits of my labor. There's value in working to
43 create something from start to finish.

1 Work ethic is central to what it means to be a South Dakotan. Work is a gift, not a punishment.
2 We should all treat it that way. I will be asking my Cabinet to review all of our social welfare
3 programs. When we offer services and assistance, we should make sure that we encourage people
4 to work – to earn their own way – if they can. With the passage of Amendment F last November,
5 my Department of Social Services will work with the Trump Administration to get the ball rolling on
6 work requirements for recipients of Medicaid Expansion. Everyone needs a hand-up now and then.
7 But we can't make these programs a way of life. And SD Career Link will be available to these folks
8 to help them find the career of their dreams.

9 We make and keep South Dakota Strong when we work together. Growing up in rural South
10 Dakota, you also learn about the importance of community. We are rugged and fiercely independent
11 – but we look out for our neighbors. Service is a big part of our lives.

12 Service in the military has always been a big part of my family. According to my great
13 grandmother's biography, my great-great-great grandfather came to America as aide-de-camp to
14 General Lafayette. He fought in the Revolutionary War. He came with four brothers who all died in
15 the Revolution. My grandfather, John, served in World War I. He fought in the Meuse-Argonne
16 offensive, the largest and deadliest campaign in the history of the United States Army. My dad
17 served in World War II and fought at the Battle of the Bulge. Two of my brothers served in the
18 Army, one of them in Vietnam. That service mentality continues to my kids – My son Cody was a
19 Black Hawk pilot. I'm proud of him for continuing the family legacy and serving our nation.

20 So when I came of age, I also felt called to serve. I signed up for the South Dakota National
21 Guard and served for six years. As a former Guardsman, it is a great honor to serve as Commander-
22 in-Chief of the South Dakota National Guard.

23 I've also been active in my community around Union Center – I'm sure that's true for all of
24 you in your own communities. I've been a leader in our church. I served on the board at our local
25 Cenex. For several years, I coached women's softball and boys' basketball. And I still sing bass in a
26 men's quartet.

27 I served five years on the Meade County school board. In fact, after I got in the Legislature, I
28 said many times that it was the only excuse I could come up with to get off the school board!

29 We've got quite a few first-time legislators this year, and I know how you feel. I still remember
30 my first year in the State House in 2001. It was Bill Janklow's last two years as governor, and I got
31 to learn from House leaders like Matt Michels and Bill Peterson. My seat was over there where Rep.
32 Keri Weems is sitting today. In fact, I served in the House with her a couple of years later.

33 When I became majority leader in 2005, I was very intimidated by the long-time
34 appropriations chair, Jim Putnam. He had so much knowledge and experience. But I learned from
35 him, and we became close friends.

36 I focused on some tough issues as a legislator: property taxes, tax cuts, property rights,
37 protecting the outdoors, and the Second Amendment – a lot of the same issues we'll be talking
38 about this year. My focus has always been to keep South Dakota strong... safe... and free.

39 That's my goal as your governor. And I want to work with you towards those goals. I want to
40 keep South Dakota strong – strong families, strong businesses, and strong institutions. We will
41 continue to care for families as they start and grow. That means taking care of both mothers and
42 their children. And it means helping to rebuild families that are struggling. Sandy and I have been
43 proud to work with Stronger Families Together to recruit more foster families across the state.
44 Strong businesses pay strong wages and will help their employees put food on the table. Strong
45 institutions protect our values and our way of life.

46 I want to keep South Dakota safe – with low crime and respect for law enforcement. My
47 philosophy is that the best way to fight crime is to hire more officers, not to increase penalties.
48 Increasing penalties just means we have to build even more prisons. I will support the Trump
49 Administration's efforts to secure our border. I want our families to feel safe in their homes. I want
50 our kids to be safe playing outside. That's the South Dakota I grew up in – let's keep it that way.

1 And I want to keep South Dakota free. I am very proud that we are the freest state in a nation
2 built on the principle of freedom. In South Dakota, we trust our people to make their own decisions
3 and lead their lives as they see fit. We proved that this approach works. Freedom led to our strong
4 economy. Freedom led to record visitors and new residents. And freedom will continue to be our
5 calling card as long as I am governor.

6 I'm working with my Cabinet, my staff, and some legislators on policies to make South Dakota
7 strong, safe, and free. I will be announcing some of those items in the coming days.

8 I am a common-sense conservative. In fact, I consistently ranked as one of South Dakota's
9 most conservative legislators. I believe that our rights come from God, not from government. Our
10 Creator endowed us with unalienable rights to life, liberty, and the pursuit of happiness – and life
11 comes first. I am pro-life. I'm pro-2nd Amendment. I believe that government is best when it is
12 limited. And I trust our people to exercise their personal freedoms.

13 I've been involved in plenty of tough debates in this chamber and in the Senate chamber.
14 Serving here, you learn to deal with all kinds of people. In our state legislature, we can have tough
15 debates, even strong disagreements, and still walk out of the building each day as friends. I'm very
16 proud of that fact.

17 One of the pillars of my administration will be civility. I want South Dakota to show how politics
18 can and should be conducted. My first year here was 24 years ago. When you look back on your
19 time here, ten or twenty years from now, I bet you won't remember bill numbers or votes. But you
20 will remember the people you served with. You will remember the difference that you made in
21 people's lives. So let's pledge to be civil and work with each other.

22 We have plenty of tough issues to work on this year.

23 There is a lot of concern about property taxes. That's an issue I've worked on ever since I
24 came to Pierre. I will convene leadership in the House, the Senate, and other interested parties to
25 sit down with me and find solutions.

26 I'm aware that eminent domain is a hot issue this session. I'm no stranger to this discussion.
27 I've fought for private property rights in this Capitol for over 20 years. In 2006, I was the prime
28 sponsor of legislation that reformed eminent domain in South Dakota (HB 1080). That legislation
29 passed the Senate unanimously and passed the House with only 1 dissenting vote. When we work
30 together and consider all perspectives, we can do great work for the people of South Dakota.
31 Extremist environmental policies from Washington are not good for South Dakota – or for our nation.
32 South Dakota must continue to be a state that respects landowners and ag producers. We are the
33 stewards of the land who work day in and day out to put food on the table for us and the world.

34 I don't just care about farmers and ranchers. I am a rancher. I don't just care about
35 landowners. I am a landowner. And when my time in this office is done, I'll be going back to that
36 ranch.

37 Until you've worked the land under the scorching heat, carried calves inside through bitter
38 snowstorms in the middle of the night, helped neighbors when the need arises, or have been
39 humbled in times when you yourself needed help, you may not fully understand what it's like to be
40 a steward of the land.

41 The good Lord has blessed my wife Sandy and me with a ranch – a home that I wouldn't trade
42 for anything. He's blessed us with good health. Most importantly, He's blessed us with a wonderful
43 family.

44 Our land in South Dakota is a land of opportunity.

45 When we protect opportunity in South Dakota, we pave the way for better jobs for my children
46 and grandchildren – and yours. Those opportunities might be on the farm and ranch, in a small
47 town, or in a big city. Our kids should be free to pursue their dreams – whether they wear a welding
48 helmet, scrubs, or a suit when they go to work.

1 To protect opportunity for all, South Dakota must have fair and predictable regulations for
2 business. We shouldn't change the rules in the middle of the game. South Dakota can be open for
3 business, and we can offer a fair shake for every family. We should make sure our young people
4 can stay here and work in a fulfilling career field. If we get this right, we can protect our property
5 rights and provide opportunities for our kids and grandkids.

6 Every South Dakota student should have the opportunity to get the right education for their
7 needs. Like Governor Noem, I support Leader Odenbach and Leader Mehlhaff's bill to create
8 Education Savings Accounts. And I will work to make sure that neither public schools nor homeschool
9 families are harmed by this initiative.

10 This year, we are in a tough budget situation, especially when it comes to ongoing money.
11 Governor Noem's budget, like every governor's budget, is a starting point. I will not be offering a
12 separate budget proposal, but I do want to be part of an open budget conversation with you. I know
13 there is concern about some specifics in the budget proposal. I will work with our budget office to
14 try to restore some of those cuts. But we have to remember that, unless our revenue improves, this
15 is a zero-sum game. Budgeting is about priorities. Every dollar we add means a dollar that has to
16 be cut somewhere else.

17 We can find ways to make government more efficient. Like many of you, I am concerned about
18 the size and scope of the federal government. I fully support President Trump's new Department of
19 Government Efficiency. In South Dakota, we are blessed with a very limited government. But we
20 can always do better. I have directed my Cabinet to review each of their agencies and identify
21 potential efficiencies. I have also asked them to provide me with options to bring to the Trump
22 Administration to make our interactions with the federal government more efficient. The federal
23 government needs to get smaller and let us take care of our own affairs. I trust that President Trump
24 will make that happen.

25 We also need to take action on the prison. I just walked through the old penitentiary a couple
26 of weeks ago, and it needs to go. It's gothic inside. It looks like it hasn't changed in decades. There
27 are rooms with concrete crumbling from the ceiling. We are double-bunking in cells built for one
28 person. I know there are strong feelings about the plan to build a new prison. I want to work through
29 that with you. But this is way overdue. We've had the foresight to set money aside for the new
30 facility. By paying cash, we will avoid hundreds of millions in interest, fees, and debt service
31 payments. This is the year to finish the job.

32 As a former legislator, I remember how frustrating it could be when communication broke
33 down between the Governor's Office and the legislature. I promise you that I'm not going to let that
34 happen. If you have a question or a concern about something, I'd be happy to try to schedule a
35 meeting. If I can't be available, someone on my Cabinet or staff will be. Let's sit down and talk it
36 out. I can explain where I'm coming from, and I can hear where you're coming from. I want to work
37 with you, not against you. My administration will be open: that includes legislative inquiries and
38 subpoenas.

39 That goes for the public, as well. And it goes for the press. Another pillar of my administration
40 will be openness and responsiveness. I'm not going to be hard to find. We have the obligation to
41 protect the privacy of individuals, but we also have a responsibility to be open about the operations
42 of government.

43 In that same spirit of openness, I want to extend a renewed hand to our tribes. A couple
44 weeks ago, Chairman Renville echoed Governor Noem's words, "Today, let's reset. Today, let's
45 rebuild." I could not agree more. We've had our ups and downs over the years, but I am asking our
46 tribal leaders to make a fresh start with me.

47 Before Governor Noem left office, the Flandreau Santee Sioux Tribe passed a resolution to
48 welcome her back to the reservation and hung their flag in the Rotunda the next day. This is a great
49 first step to rebuild trust on behalf of all South Dakotans.

50 You know, it's hard to believe how much things have changed during my time in Pierre. When
51 I first came here, I had a flip phone. To this day, I kind of wish I'd never signed up for texting. My
52 first plan was 25 cents per text. A certain representative named Kristi Noem would periodically send

1 me a text just to run up my bill. All it said was "Cha Ching." I didn't have a keyboard, just the
2 number keys. So replying was a real pain in the neck. Looking back though, that wasn't all bad. It
3 forced me to stop and think before I spoke. That's what you are going to get with me: I'm going to
4 think before I speak; I'm going to be honest and direct – maybe sometimes a little too direct!

5 There's one more thing I want to talk to you about today. Now that I've moved into the
6 Governor's Office, I must appoint a new lieutenant governor. But I am not going to make that
7 announcement today. I want to make the best possible selection for our state. Here is what I am
8 looking for in the person that I select:

9 This individual must be loyal and honest – to me and to the people of South Dakota. My choice
10 for Lieutenant Governor must share my commitment to keep South Dakota strong, safe, and free.
11 He or she must be a strong partner who will provide me with wisdom, counsel, and help steer us in
12 the right direction. And he or she must be ready to take over in the event I am no longer able to
13 serve as Governor – it's happened before!

14 I want to make a selection who recognizes that "Under God, the People Rule." My lieutenant
15 governor must be worthy of our tremendous people.

16 In closing, it is my great honor to serve as your governor. I would like to make one request
17 of each of you – and of every South Dakotan. Please pray for me and for my family. We all work
18 hard and try to do our best, but we are nothing without the help of the Good Lord.

19 I am looking forward to working with you in the Legislature, and to getting out and around the
20 state to hear from our great people. Let's work together this year. Let's keep South Dakota strong,
21 safe, and free.

22 Thank you. And may God continue to bless the great state of South Dakota.

23 Sen. Mehlhaff moved that the Joint Session do now dissolve.

24 Which motion prevailed.