

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

ELEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 29, 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. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Mia Coester.

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 10th 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

COMMUNICATIONS AND PETITIONS

January 27, 2025

The Honorable Chris Karr
 President Pro Tempore
 State Senate
 The State Capitol
 Pierre, South Dakota 57501

Dear Mr. President Pro Tempore,

I am honored to submit this nomination of Tonnis H. Venhuizen, Sioux Falls, Lincoln County, for the office of Lieutenant Governor of South Dakota. Tonnis H. Venhuizen has demonstrated exemplary leadership and unwavering dedication to public service over his years of service to the people of our state.

I have full confidence that Tonnis H. Venhuizen will serve with honor, diligence, and commitment to the citizens of South Dakota. I respectfully request your favorable consideration of this nomination.

Sincerely,
 Larry Rhoden
 Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 21** which was deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 72** and returns the same with the recommendation that said bill be amended as follows:

72A

On page 1, line 19, of the Introduced bill, delete "If the decedent's death occurred as a result of a crime committed by the decedent, or following the decedent's commission of murder in the first degree, in violation of § 22-16-4, the board may require the estate of the decedent to pay the autopsy costs under this section" and insert "If a perpetrator of a crime dies during the commission of the crime, or the perpetrator commits suicide subsequent to the commission of the crime, the county in which the crime occurred may recover the cost of the autopsy and any other related expenses from the person's estate"

And that as so amended, **SB 72** do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
 Tim S. Reed, Chair

1 MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration
3 **SB 68** and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Senate State Affairs respectfully reports that it has had under consideration
6 **SJR 503** and returns the same with the recommendation that said resolution be amended as
7 follows:

8 SJR503A

9 On page 1, line 12, of the Introduced resolution, remove the overstrikes from "Every "

10 On page 1, line 12, of the Introduced resolution, after "States " delete "Only an"

11 On page 1, line 14, of the Introduced resolution, after "be" insert " is"

12 On page 1, line 14, of the Introduced resolution, remove the overstrikes from " entitled to vote
13 in all elections and upon all questions"

14 On page 1, line 14, of the Introduced resolution, after "questions" delete " may vote in an
15 election or upon a question"

16 On page 1, line 16, of the Introduced resolution, after "felony." insert " An individual who is
17 not a citizen of the United States is disqualified from voting in any election or upon any question
18 submitted to the voters of this state."

19 And that as so amended, **SJR 503** do pass.

20 Respectfully submitted,
21 Jim Mehlhaff, Chair

22 MR. PRESIDENT:

23 The Committee on Senate Health and Human Services respectfully reports that it has had
24 under consideration **SB 54** with the recommendation that said bill be amended as follows:

25 54A

26 On page 1, line 5, of the Introduced bill, delete " two" and insert " three"

27 On page 1, line 9, of the Introduced bill, delete " thirty-two" and insert " thirty-three"

28 And that as so amended said bill be referred to the Joint Committee on Appropriations with a
29 Do Pass as Amended recommendation.

30 Also MR. PRESIDENT:

31 The Committee on Senate Health and Human Services respectfully reports that it has had
32 under consideration **SB 77** and returns the same with the recommendation that said bill do pass,
33 and having been certified as uncontested, be placed on the consent calendar.

34 Respectfully submitted,
35 Kevin D. Jensen, Chair

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to transmit herewith **HB 1008 and 1012** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Mehlhaff moved that **SB 24** and **SB 70** be referred to the Senate Committee on Appropriations.

Which motion prevailed.

Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Thursday, January 30, 2025 the 12th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Mehlhaff moved that the reports of the Standing Committees on Judiciary on **SB 14** as found on page 107 of the Senate Journal; also Judiciary on **SB 64** as found on page 107 of the Senate Journal; also State Affairs on **SB 60** as found on page 106 of the Senate Journal; also Education on **SB 71** as found on page 109 of the Senate Journal; and Commerce and Energy on **SB 81** as found on page 109 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 112: FOR AN ACT ENTITLED, An Act to provide a process by which a parental concern may be submitted to and resolved by a public school.

Introduced by: **Senator** Grove

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

- 1 **SB 115:** FOR AN ACT ENTITLED, An Act to revise a provision related to sexual contact with a
2 child under eighteen.
- 3 Introduced by: **Senator** Hohn
- 4 **SB 116:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to street racing
5 prohibitions and to provide a penalty therefor.
- 6 Introduced by: **Senator** Peterson (Sue)
- 7 Were read the first time and referred to the Committee on Judiciary.
- 8 **SB 113:** FOR AN ACT ENTITLED, An Act to provide protections for parental rights.
- 9 Introduced by: **Senator** Grove
- 10 **SB 114:** FOR AN ACT ENTITLED, An Act to restrict warrantless searches of a taxidermy
11 business.
- 12 Introduced by: **Senator** Pischke
- 13 **SB 117:** FOR AN ACT ENTITLED, An Act to allow a dealer in motor homes or recreational park
14 trailers to construct and operate campsites at a dealership location.
- 15 Introduced by: **Senator** Pischke
- 16 **SB 118:** FOR AN ACT ENTITLED, An Act to direct the Department of Social Services to amend
17 administrative rules allowing graduate students to be eligible for child care assistance.
- 18 Introduced by: **Senator** Davis
- 19 **SB 119:** FOR AN ACT ENTITLED, An Act to repeal capital punishment.
- 20 Introduced by: **Senator** Smith
- 21 **SB 120:** FOR AN ACT ENTITLED, An Act to update the membership of the Animal Industry
22 Board to include a poultry producer.
- 23 Introduced by: **Senator** Wheeler
- 24 **SB 121:** FOR AN ACT ENTITLED, An Act to reduce maximum values for certain property taxes
25 levied on owner-occupied single-family dwellings, and to increase the rates for certain gross receipts
26 taxes and use taxes.
- 27 Introduced by: **Senator** Deibert
- 28 **SB 122:** FOR AN ACT ENTITLED, An Act to restrict the deference given by courts to a state
29 agency's interpretation of a state statute, administrative rule, or policy.
- 30 Introduced by: **Senator** Peterson (Sue)
- 31 **SB 123:** FOR AN ACT ENTITLED, An Act to revise provisions related to forensic medical
32 examinations.
- 33 Introduced by: **Senator** Reed
- 34 Were read the first time.

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

3 **SB 96** was referred to the Committee on Judiciary.

4 **SB 94** was referred to the Committee on State Affairs.

5 The following bill was read on January 27, 2025, and today the President Pro Tem assigned
6 this bill to committee:

7 **SB 106** was referred to the Committee on State Affairs.

8 **SR 701:** A RESOLUTION, Confirming Tonnis H. Venhuizen, Lincoln County, South Dakota, as
9 lieutenant governor of South Dakota pursuant to S.D. Const., Art. IV, § 6.

10 Introduced by: **Senator** Mehlhaff

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

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

13 **HB 1008:** FOR AN ACT ENTITLED, An Act to include a hybrid facility as a facility to be regulated
14 by the Public Utilities Commission.

15 **HB 1012:** FOR AN ACT ENTITLED, An Act to clarify the status of the Statewide One-Call
16 Notification Board as an agency administered by the Department of Public Safety and the duties of
17 the Board.

18 Were read the first time.

19 The following resolution was read on January 23, 2025, and today the President Pro Tem
20 assigned this resolution to committee:

21 **HJR 5003** was referred to the Committee on State Affairs.

22 **SECOND READING OF CONSENT CALENDAR ITEMS**

23 Sen. Deibert requested that **SCR 601** be removed from the Consent Calendar.

24 **SB 34:** FOR AN ACT ENTITLED, An Act to update the roles of the Department of Agriculture
25 and Natural Resources and the Department of Public Safety regarding burning and burn permit
26 issuing authority.

27 The executive reappointment of Kirsten K. Aasen of Rapid City, South Dakota, to the Board of
28 Pardons and Paroles (SJ 76).

29 Were read the second time.

30 The question being "Shall **SB 34** pass, and does the Senate advise and consent to the executive
31 reappointment of Kirsten K. Aasen?"

1 And the roll being called:

2 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

10 **SB 78:** FOR AN ACT ENTITLED, An Act to authorize a change in bullet diameter for use in
11 taking certain animals.

12 Was read the second time.

13 The question being "Shall **SB 78** pass?"

14 And the roll being called:

15 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

22 **SB 79:** FOR AN ACT ENTITLED, An Act to permit the operation of a Class I electric bicycle on
23 the Mickelson Trail.

24 Was read the second time.

25 The question being "Shall **SB 79** pass?"

26 And the roll being called:

27 Yeas 33, Nays 2, Excused 0, Absent 0

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

32 Nays: Crabtree and Rohl

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

1 Sen. Hohn moved that the Senate do now adjourn, which motion prevailed and at 2:49 p.m.
2 the Senate adjourned.

3

Peggy Laurenz, Secretary