

# *JOURNAL OF THE SENATE*

## *ONE HUNDREDTH SESSION*

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FOURTEENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, February 04, 2025

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Brianna Sargent.

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 13th 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.

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**SIGNING OF BILLS**

The President publicly read the title to

**SB 7:** FOR AN ACT ENTITLED, An Act to prohibit the adoption or implementation of certain policies related to immigration enforcement.

And signed the same in the presence of the Senate.

**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 26 and 50** 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 28** with the recommendation that said bill be referred to the Joint Committee on Appropriations with a Do Pass recommendation.

Respectfully submitted,  
Casey Crabtree, Chair

MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration **SB 109** and returns the same with the recommendation that said bill be amended as follows:

109A

On page 1, line 16, of the Introduced bill, after "program" insert " implemented by the district in which the student was previously enrolled"

On page 1, line 17, of the Introduced bill, delete " do not agree to" and insert " member does not"

On page 1, line 22, of the Introduced bill, delete ", and shall provide the school district with a copy of the student's current section 504 plan, individualized family service plan, or individualized education program" and insert ". The school district shall accept unofficial records provided by the student's parent or guardian pending validation by the official records, pursuant to § 13-53E-1(IV)(A). When the student is enrolled and receives conditional placement, the school district shall take reasonable steps to request the student's official education record from the district in which the student was previously enrolled, pursuant to § 13-53E-1(IV)(B)"

And that as so amended, **SB 109** do pass.

Also MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration **SB 112** which was deferred to the 41st Legislative Day.

Respectfully submitted,  
Kyle Schoenfish, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
3 **SB 8** and returns the same with the recommendation that said bill be amended as follows:

4 8A

5 On page 1, line 7, of the Introduced bill, delete "reckless" and insert "negligent"

6 On page 1, line 13, of the Introduced bill, delete "reckless" and insert "negligent"

7 And that as so amended, **SB 8** do pass.

8 Also MR. PRESIDENT:

9 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
10 **SB 83** and returns the same with the recommendation that said bill be amended as follows:

11 83B

12 On page 1, line 12, of the Introduced bill, delete "may sentence the person to a period of  
13 probation that the court deems best. If probation is ordered, the court must, as a condition of  
14 probation, include" and insert ", in addition to any other sentence, shall order"

15 On page 1, line 15, of the Introduced bill, delete "any recommended course of treatment. The  
16 court may impose other terms and conditions of probation as the court deems best" and insert "  
17 supervised probation using evidence-based sentencing practices, which may include the HOPE  
18 probation program and other programs as established in chapter 16-22"

19 On page 1, line 17, of the Introduced bill, delete "shall sentence" and insert ", in addition to  
20 any other sentence, may sentence"

21 On page 1, line 18, of the Introduced bill, after "of" insert "up to one year in jail, and shall  
22 sentence the person to a period of supervised"

23 On page 1, line 18, of the Introduced bill, delete "that the court deems best. As a condition of  
24 probation, the court shall include" and insert "using evidence-based practices, which may include  
25 the HOPE probation program and other programs as established in chapter 16-22, and order"

26 On page 1, line 20, of the Introduced bill, after "any" insert "other"

27 On page 1, line 20, of the Introduced bill, after "treatment" delete ". The court may impose  
28 other terms and conditions of probation as the court deems best"

29 On page 1, line 21, of the Introduced bill, after "best;" insert "and"

30 On page 1, line 22, of the Introduced bill, delete "five" and insert "ten"

31 On page 1, line 23, of the Introduced bill, after "felony" delete "; and"

32 (4) If the person is an inmate of a state correctional facility, a violation is Class 6 felony"

33 And that as so amended, **SB 83** do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration the  
3 nomination of Myron L. Rau to the Board of Pardons and Parole and returns the same with the  
4 recommendation that the Senate advise and consent to the confirmation of said appointment, and  
5 that said appointment having been certified as uncontested, be placed on the consent calendar.

6 Respectfully submitted,  
7 David Wheeler, Chair

8 MR. PRESIDENT:

9 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
10 Enrolling has carefully compared **SB 1, 2, 7, 13, 39, 40, 41, and 74** and finds the same correctly  
11 enrolled.

12 Respectfully submitted,  
13 Chris Karr, Chair

14 Also MR. PRESIDENT:

15 The Committee on Legislative Procedure respectfully reports that **SB 38** was delivered to his  
16 Excellency, the Governor, for his approval at 8:48 a.m., February 4, 2025.

17 Respectfully submitted,  
18 Chris Karr, Chair

19 **MESSAGES FROM THE HOUSE**

20 MR. PRESIDENT:

21 I have the honor to return herewith **SB 1, 2, 7, 13, 39, 40, 41, and 74** which have passed  
22 the House without change.

23 Also MR. PRESIDENT:

24 I have the honor to transmit herewith **HB 1015 and 1079** which have passed the House and  
25 your favorable consideration is respectfully requested.

26 Respectfully,  
27 Patricia Miller, Chief Clerk

28 **MOTIONS AND RESOLUTIONS**

29 **SCR 602:** A CONCURRENT RESOLUTION, Celebrating the sister-state relationship with Taiwan.

30 Was read the second time.

31 Sen. Zikmund moved that **SCR 602** as found on page 141 of the Senate Journal be adopted.

32 The question being on Sen. Zikmund's motion that **SCR 602** be adopted.

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 motion having received an affirmative vote of a majority of the members-elect, the  
8 President declared the motion carried and **SCR 602** was adopted.

9 **SCR 603:** A CONCURRENT RESOLUTION, Supporting the establishment of a standardized  
10 system to recognize and award academic credit or certification for military service.

11 Was read the second time.

12 Sen. Zikmund moved that **SCR 603** as found on page 141 of the Senate Journal be adopted.

13 The question being on Sen. Zikmund's motion that **SCR 603** be adopted.

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 motion having received an affirmative vote of a majority of the members-elect, the  
21 President declared the motion carried and **SCR 603** was adopted.

22 **SCR 604:** A CONCURRENT RESOLUTION, Supporting the expansion of transportation services  
23 for veterans receiving medical care in this state.

24 Was read the second time.

25 Sen. Zikmund moved that **SCR 604** as found on page 141 of the Senate Journal be adopted.

26 The question being on Sen. Zikmund's motion that **SCR 604** be adopted.

27 And the roll being called:

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

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

33 Nays: Howard

34 So the motion having received an affirmative vote of a majority of the members-elect, the  
35 President declared the motion carried and **SCR 604** was adopted.

1 **HCR 6001**: A CONCURRENT RESOLUTION, Honoring healthcare workers who died and risked  
2 their lives during the COVID-19 pandemic.

3 Sen. Perry moved that the Senate do concur in **HCR 6001** as found on page 143 of Senate  
4 Journal.

5 The question being on Sen. Perry's motion that **HCR 6001** be concurred in.

6 And the roll being called:

7 Yeas 35, Nays 0, Excused 0, Absent 0

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

12 So the motion having received an affirmative vote of a majority of the members-elect, the  
13 President declared the motion carried and **HCR 6001** was concurred in.

14 Sen. Mehlhaff moved that **SB 60** be deferred to Wednesday, February 5, 2025, the 15<sup>th</sup>  
15 legislative day.

16 Which motion prevailed.

17 Sen. Karr moved that **SB 26** be referred to the Senate Committee on Appropriations.

18 Which motion prevailed.

## 19 **CONSIDERATION OF REPORTS OF COMMITTEES**

20 Sen. Mehlhaff moved that the report of the Standing Committee on  
21 State Affairs on **SB 61** as found on page 148 of the Senate Journal be adopted.

22 Which motion prevailed and the report was adopted.

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

24 **SB 192**: FOR AN ACT ENTITLED, An Act to rename the Department of Corrections.

25 Introduced by: **Senator** Smith

26 Was read the first time and referred to the Committee on State Affairs.

27 **SB 191**: FOR AN ACT ENTITLED, An Act to limit annual valuation increases on owner-occupied  
28 single-family dwellings.

29 Introduced by: **Senator** Hulse

30 Was read the first time and referred to the Committee on Taxation.

1 **SB 193:** FOR AN ACT ENTITLED, An Act to allow an applicant to have an interpreter present  
 2 during the written and driving portions of a driver license exam.

3 Introduced by: **Senator** Smith

4 **SB 194:** FOR AN ACT ENTITLED, An Act to classify nicotine products as tobacco products, to  
 5 increase tax rates on cigarettes and tobacco products, to create the healthcare workforce  
 6 development fund, and to make an appropriation therefor.

7 Introduced by: **Senator** Miskimins

8 Were read the first time.

9 The following bill was read on February 3, 2025, and today the President Pro Tem assigned  
 10 this bill to committee:

11 **SB 189** was referred to the Joint Committee on Appropriations.

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

13 **HB 1015:** FOR AN ACT ENTITLED, An Act to increase licensure fees related to the practice of  
 14 funeral service and cremation.

15 **HB 1079:** FOR AN ACT ENTITLED, An Act to increase the number of off-sale licenses from two  
 16 to three in municipalities and counties of one thousand or less.

17 Were read the first time.

18 **SECOND READING OF CONSENT CALENDAR ITEMS**

19 **SB 84:** FOR AN ACT ENTITLED, An Act to to extend the timeframe for filling a vacancy in a  
 20 board of county commissioners.

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

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

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

26 Were read the second time.

27 The question being "Shall **SB 88** pass as amended, and **SB 84, 89, and 90** pass?"

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

8 **SB 72:** FOR AN ACT ENTITLED, An Act to revise the payor of autopsy costs in certain  
9 circumstances.

10 Was read the second time.

11 Sen. Hulse moved that **SB 72** be amended as follows:

12 72C

13 On page 1, line 20, of the Senate Local Government Engrossed bill, delete " in which the crime  
14 occurred" and insert " that paid for the autopsy"

15 On page 1, line 22, of the Senate Local Government Engrossed bill, delete " person's" and  
16 insert " perpetrator's"

17 Which motion prevailed.

18 The question being "Shall **SB 72** pass as amended?"

19 And the roll being called:

20 Yeas 35, Nays 0, Excused 0, 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, Voita,  
24 Wheeler, and Zikmund

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

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

28 Was read the second time.

29 The question being "Shall **SB 103** pass?"

30 And the roll being called:

31 Yeas 13, Nays 22, Excused 0, Absent 0



1 Yeas: Beal, Blanc, Carley, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson, Otten,  
2 Peterson (Sue), Pischke, and Voita

3 Nays: Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Hulse, Kolbeck, Larson,  
4 Mehlhaff, Miskimins, Perry, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Wheeler, and  
5 Zikmund

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

## 8 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

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

11 Was read the second time.

12 The question being "Shall **HB 1033** pass?"

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

23 Was read the second time.

24 The question being "Shall **HB 1034** pass?"

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

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**REPORTS OF STANDING COMMITTEES**

2 MR. PRESIDENT:

3 The Committee on Legislative Procedure respectfully reports that **SB 7** was delivered to his  
4 Excellency, the Governor, for his approval at 2:35 p.m., February 4, 2025.

5

6

Respectfully submitted,  
Chris Karr, Chair

7

**SIGNING OF BILLS**

8 The President publicly read the title to

9 **SB 1:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier  
10 regulations.

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

12 **SB 13:** FOR AN ACT ENTITLED, An Act to clarify the enactment and effective date of a measure  
13 initiated or referred within a political subdivision.

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

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

18 **SB 41:** FOR AN ACT ENTITLED, An Act to clarify the minimum age requirements for a hunting  
19 license.

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

22 And signed the same in the presence of the Senate.

23 Sen. Schoenfish moved that the Senate do now adjourn, which motion prevailed and at  
24 3:31 p.m. the Senate adjourned.

25

Peggy Laurenz, Secretary