

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 12, 2023

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by Senate page Catherine Klein.

Roll Call: All members present except Sens. Frye-Mueller and Hunhoff who were 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 2nd 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,
Lee A. Schoenbeck, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

Mr. President:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 41** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
David Wheeler, Chair

Mr. President:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 2 and 6** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also Mr. President:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 52** and returns the same with the recommendation that said bill be amended as follows:

52B

On page 36, line 24, of the Introduced bill, delete "court " and insert "department "

And that as so amended, **SB 52** do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Helene Duhamel, Chair

MOTIONS AND RESOLUTIONS

Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on Friday, January 13, 2023, the 4th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES

Sen. Crabtree moved that the report of the Joint-Select Committee relative to the arrangements for a memorial service for the Ninety-eighth Legislative Session as found on page 4 of the Senate Journal be adopted.

Which motion prevailed.

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

SB 57: FOR AN ACT ENTITLED, An Act to revise the eligibility of alternative instruction students for participation in school district activities.

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Introduced by: **Senator** Maher

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

6

SB 58: FOR AN ACT ENTITLED, An Act to clarify that the special amusement excise tax applies to the sale of amusement devices.

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8

Introduced by: **Senator** Reed

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

10

COMMEMORATIONS

11

SC 801: A LEGISLATIVE COMMEMORATION, Honoring the seventy-fifth anniversary of the Singing Legionnaires of American Legion Post 15 in Sioux Falls.

12

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Introduced by: **Senators** Zikmund, Crabtree, Jack Kolbeck, Reed, Stalzer, and Wiik and **Representatives** Aylward, Chase, Moore, Nelson, Olson, Perry, Pinnow, Reisch, Tordsen, and Venhuizen

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Sen. Klumb moved that the Senate do now adjourn, which motion prevailed and at 1:11 p.m. the Senate adjourned.

17

18

Kay Johnson, Secretary

19

JOINT SESSION

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The Senate convened with the House of Representatives in the House Chamber for the purpose of receiving a message on the State of the Tribes from the Honorable Peter Lengkeek, Chairman, Crow Creek Sioux Tribe. The President of the Senate, Larry Rhoden, presided.

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The opening prayer was delivered by Mr. Arvol Looking Horse, Cheyenne River Sioux Tribe, and Mr. J. Garret Renville, Tribal Chairman, Sisseton Whapeton Sioux Tribe.

24

25

The Secretary of the Senate, Kay Johnson, called the roll of the Senate and the following members were present:

26

27

Beal; Bolin; Bordeaux; Breitling; Castleberry; Crabtree; Davis; Deibert; Diedrich; Duhamel; Foster; Hoffman; Johnson; Klumb; Kolbeck (Jack); Kolbeck (Steve); Larson; Maher; Mehlhaff; Nesiba; Novstrup; Otten (Herman); Pischke; Reed; Rohl; Schoenbeck; Schoenfish; Stalzer; Tobin; Wheeler; Wiik; Wink; Zikmund.

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

3 Arlint; Auch; Aylward; Bahmuller; Blare; Callies; Cammack; Chaffee; Chase; DeGroot; Derby;
4 Deutsch; Donnell; Drury; Duba; Duffy; Emery; Gross; Hansen; Healy; Heermann; Jamison; Jensen
5 (Kevin); Jensen (Phil); Karr; Kassin; Koth; Krohmer; Krull; Kull; Ladner; Lems; Massie; Mills;
6 Moore; Mortenson; Mulally; Mulder; Nelson; Odenbach; Olson; Otten (Ernie); Overweg; Perry;
7 Peterson (Drew); Peterson (Sue); Pinnow; Pourier; Randolph; Rehfeldt; Reimer; Reisch; Sauder;
8 Schaeffbauer; Schneider; Shorma; Sjaarda; Soye; St. John; Stevens; Teunissen; Tordsen;
9 Venhuizen; Wangsness; Weisgram; Wittman; Speaker Bartels.

10 Sen. Crabtree moved that a committee of six on the part of the Senate and a committee of
11 eight on the part of the House be appointed to escort Chairman Lengkeek to the rostrum.

12 Which motion prevailed and the President announced as such committee Sens. Schoenbeck,
13 Crabtree, Nesiba, Foster, Bordeaux, and Rohl on the part of the Senate and Reps. Mortenson,
14 Rehfeldt, Healy, Pourier, St. John, Donnell, Emery, and Tordsen on the part of the House.

15 The Lieutenant Governor, Larry Rhoden, introduced the Honorable Peter Lengkeek, who
16 delivered the State of the Tribes Address.

17 Sen. Crabtree moved that the Joint Session do now dissolve.

18 Which motion prevailed.