

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 18, 2023

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

The prayer was offered by the Chaplain, Pastor TJ Carlson, followed by the Pledge of Allegiance led by Senate page Benji Schaal.

Roll Call: All members present except Sen. Wiik 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 5th 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.

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REPORTS OF STANDING COMMITTEES

Mr. President:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 1 and 27** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Erin Tobin, Chair

Mr. President:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 19** 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 Taxation respectfully reports that it has had under consideration **SB 26, 29, and 30** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Jim Stalzer, Chair

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to transmit herewith **HB 1004 and 1012** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Senator Schoenbeck moved to amend the permanent rules of the Senate as adopted on Tuesday, January 17, 2023, the 5th legislative day as follows:

S8-1. Select Committee on Discipline and Expulsion. Any two Senators may by written motion first delivered to the president pro tempore move for the establishment of a Select Committee on Discipline and Expulsion to investigate the conduct of any other Senator. Upon being seconded, the motion is debatable, and passage of the motion requires a majority vote of the members-elect. The Select Committee on Discipline and Expulsion shall be composed of nine members of the Senate. The chair and vice chair of the select committee shall be chosen by the president pro tempore and may not both be members of the same political party. The other seven

1 members of the select committee shall be chosen by the president pro tempore in consultation with
2 the majority leader and the minority leader. ~~No more than five members may be of the same political~~
3 ~~party.~~ The party makeup of the select committee shall be proportional to the party make up of the
4 Senate.

5 The question being on Sen. Schoenbeck's motion to amend the permanent rules of the Senate
6 as adopted on Tuesday, January 17, 2023, the 5th legislative day.

7 And the roll being called:

8 Yeas 32, Nays 2, Excused 1, Absent 0

9 Yeas: Beal, Bolin, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster,
10 Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck,
11 Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck, Schoenfish,
12 Stalzer, Tobin, Wheeler, Wink, and Zikmund

13 Nays: Bordeaux and Larson

14 Excused: Wiik

15 So the motion having received an affirmative vote of a two-thirds majority of the members-
16 elect, the President declared the motion prevailed.

17 **CONSIDERATION OF REPORTS OF COMMITTEES**

18 Sen. Crabtree moved that the report of the Standing Committee on

19 Judiciary on **SB 54** as found on page 53 of the Senate Journal be adopted.

20 Which motion prevailed and the report was adopted.

21 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

22 **SB 70:** FOR AN ACT ENTITLED, An Act to revise provisions related to courtroom modifications
23 for child witnesses.

24 Introduced by: **Senator** Reed

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

26 **SB 68:** FOR AN ACT ENTITLED, An Act to modify the approval process for certain out-of-state
27 travel and related costs by a legislative member.

28 Introduced by: **Senator** Schoenbeck

29 **SB 69:** FOR AN ACT ENTITLED, An Act to modify the composition of the State-Tribal Relations
30 Committee.

31 Introduced by: **Senator** Schoenbeck

1 **SJR 502:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
 2 election amendments to the Constitution of the State of South Dakota revising and establishing
 3 certain constitutional provisions regarding the lieutenant governor and the presiding officers of the
 4 Senate and House of Representatives.

5 Introduced by: **Senator** Schoenbeck

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

7 **SB 71:** FOR AN ACT ENTITLED, An Act to authorize other fuel taxes to be included in the state’s
 8 International Fuel Tax Agreement collections.

9 Introduced by: **Senator** Klumb

10 Was read the first time and referred to the Committee on Transportation.

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

12 **HB 1012:** FOR AN ACT ENTITLED, An Act to repeal the annual grievance reporting
 13 requirements for health carriers.

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

15 **HB 1004:** FOR AN ACT ENTITLED, An Act to update a reference to the Internal Revenue Code
 16 for purposes of higher education savings plans.

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

18 **SECOND READING OF CONSENT CALENDAR ITEMS**

19 **SB 22:** FOR AN ACT ENTITLED, An Act to streamline examination reports.

20 **SB 43:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding money
 21 transmission.

22 Were read the second time.

23 The question being "Shall **SB 22 and 43** pass?"

24 And the roll being called:

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

26 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
 27 Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck,
 28 Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl,
 29 Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

30 Excused: Wiik

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

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SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

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SB 53: FOR AN ACT ENTITLED, An Act to exempt records regarding jail inmate disciplinary matters from public inspection and copying.

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Was read the second time.

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The question being "Shall **SB 53** pass?"

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And the roll being called:

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Yeas 30, Nays 4, Excused 1, Absent 0

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Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

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Nays: Foster, Frye-Mueller, Brent "B.R." Hoffman, and Pischke

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Excused: Wiik

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

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SB 52: FOR AN ACT ENTITLED, An Act to update certain provisions regarding the Department of Corrections and the authority of the Secretary of Corrections.

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Was read the second time.

19

The question being "Shall **SB 52** pass as amended?"

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And the roll being called:

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Yeas 33, Nays 1, Excused 1, Absent 0

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Yeas: Beal, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

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Nays: Bolin

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Excused: Wiik

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

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There being no objection, the Senate reverted to Order of Business No. 9 - Consideration of Reports of Committees.

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CONSIDERATION OF REPORTS OF COMMITTEES

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Sen. Schoenbeck moved that the report of the Standing Committee on Joint Legislative Procedure as found on page 48 of the Senate Journal be adopted.

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The question being on Sen. Schoenbeck's motion that the report of the Standing Committee on Joint Legislative Procedure as found on page 48 of the Senate Journal be adopted.

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And the roll being called:

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Yeas 27, Nays 6, Excused 2, Absent 0

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Yeas: Beal, Bolin, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Brent "B.R." Hoffman, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Maher, Mehlhaff, Novstrup, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

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Nays: Bordeaux, Foster, Frye-Mueller, Larson, Nesiba, and Pischke

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Excused: Hunhoff and Wiik

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So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried.

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Sen. Jack Kolbeck moved that the Senate do now adjourn, which motion prevailed and at 2:57 p.m. the Senate adjourned.

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Kay Johnson, Secretary