

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

EIGHTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, January 20, 2023

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

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate page Kathryn Volk.

Roll Call: All members present except Sens. Foster and Schoenbeck 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 7th 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.

1

REPORTS OF STANDING COMMITTEES

2 Mr. President:

3 The Committee on Senate Transportation respectfully reports that it has had under
4 consideration **SB 15** and returns the same with the recommendation that said bill do pass, and
5 having been certified as uncontested, be placed on the consent calendar.

6 Also Mr. President:

7 The Committee on Senate Transportation respectfully reports that it has had under
8 consideration **SB 31** and returns the same with the recommendation that said bill do pass.

9
10Respectfully submitted,
Joshua Klumb, Chair

11 Mr. President:

12 The Committee on Senate Health and Human Services respectfully reports that it has had
13 under consideration **SB 9 and 10** and returns the same with the recommendation that said bills do
14 pass, and having been certified as uncontested, be placed on the consent calendar.

15
16Respectfully submitted,
Erin Tobin, Chair

17 Mr. President:

18 The Committee on Senate Local Government respectfully reports that it has had under
19 consideration **SB 56** and returns the same with the recommendation that said bill be amended as
20 follows:

21

56A

22 On page 1, line 4, of the Introduced bill, delete " forty" and insert " twenty"

23

56D

24 On page 1, line 4, of the Introduced bill, delete " forty" and insert " twenty"

25 On page 1, line 19, of the Introduced bill, after "12-12-1." delete "Section 2. That chapter 7-6
26 be amended with a NEW SECTION:

27

"

28 On page 1, line 20, of the Introduced bill, after "SECTION:" delete "The petition required to
29 relocate a county seat under § 7-6-4 must contain:

30 (1) The municipality proposed for relocation; and

31 (2) A statement that addresses the:

32 (a) Proposed timeline for relocation; and

33 (b) Estimated cost to the county for relocating county buildings, facilities, and employees, that
34 are required by law to be at the county seat."

1 On page 2, line 1, of the Introduced bill, after "seat." delete "Section 3. That § 7-6-5 be
2 AMENDED:"

3 On page 2, line 2, of the Introduced bill, after "AMENDED:" delete "7-6-5. The board of county
4 commissioners shall prescribe the form of the ballots to be used at said the election for the change
5 of relocating the county seat shall be in such form as the board of county commissioners shall
6 prescribe, and such. The ballots shall must be separate from the ballots cast and used for the election
7 of state, county, and other officers and shall must be received and deposited in a separate ballot
8 box. If the proposition question to change relocate the county seat is ratified approved by two-thirds
9 three-fourths of the votes cast, then the municipality specified in the petition shall be the county
10 seat. The votes cast shall must be returned, canvassed, and certified as provided by law for the
11 return of votes at any the general election."

12 On page 2, line 11, of the Introduced bill, after "election." delete "Section 4. That § 7-6-6 be
13 AMENDED:"

14 On page 2, line 12, of the Introduced bill, after "AMENDED:" delete "7-6-6. If, upon a canvass
15 of the votes cast as provided in § 7-6-5 any municipality shall not have received the vote as required
16 by the Constitution, the question of the change of the location of relocating the county seat shall is
17 not approved by three-fourths of the votes cast, the question may not again be submitted before
18 the expiration of for four years from the date of the election."

19 On page 2, line 17, of the Introduced bill, after "election." delete "Section 5. That § 7-6-7 be
20 AMENDED:"

21 On page 2, line 18, of the Introduced bill, after "AMENDED:" delete "7-6-7. It shall be the duty
22 of the If the question to relocate the county seat is approved by the voters as specified in § 7-6-5,
23 the county officers whose offices are required by law to be kept at the county seat, to shall remove
24 their respective offices, files, records, office fixtures, furniture, and all other property pertaining to
25 their offices to the county seat designated by the voters within thirty days one year after such county
26 seat shall have been designated by the voters under the provisions of the date of an election held
27 under this chapter or the end of any recount, certiorari proceeding, or election contest, whichever
28 is latest."

29 And that as so amended, **SB 56** do pass.

30 Respectfully submitted,
31 Tim Reed, Chair

32 Mr. President:

33 The Committee on Senate State Affairs respectfully reports that it has had under consideration
34 **SB 69** and returns the same with the recommendation that said bill do pass.

35 Also Mr. President:

36 The Committee on Senate State Affairs respectfully reports that it has had under consideration
37 **SB 68** and returns the same with the recommendation that said bill do pass, and having been
38 certified as uncontested, be placed on the consent calendar.

39 Respectfully submitted,
40 Casey Crabtree, Chair

1

MESSAGES FROM THE HOUSE

2 Mr. President:

3 I have the honor to transmit herewith **HCR 6001 and 6003** which have been adopted by the
4 House and your concurrence is respectfully requested.

5 Also Mr. President:

6 I have the honor to transmit herewith **HB 1003, 1005, 1033, 1036, 1056, 1057, 1062,**
7 **1063, and 1064** which have passed the House and your favorable consideration is respectfully
8 requested.

9

10

Respectfully,
Patricia Miller, Chief Clerk

11

MOTIONS AND RESOLUTIONS12 SENATE PAGE RESOLUTION 1 Introduced by: Senators Beal; Bolin; Bordeaux; Breitling;
13 Castleberry; Crabtree; Davis; Deibert; Diedrich; Duhamel; Foster; Frye-Mueller; Hoffman; Hunhoff;
14 Johnson; Klumb; Kolbeck, Jack; Kolbeck, Steve; Larson; Maher; Mehlhaff; Nesiba; Novstrup; Otten,
15 Herman; Pischke; Reed; Rohl; Schoenbeck; Schoenfish; Stalzer; Tobin; Wheeler; Wiik; Wink;
16 Zikmund17 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-eighth
18 Legislature of the State of South Dakota to Noah Comes, Dustin Hermansen, Catherine Klein,
19 Zouhera Mahamed, Kimberly Mousseau, Benjamin Schaal, Mariah Stone, Katheryn Volk.20 WHEREAS, the above named served loyally as pages for the Senate of the Ninety-eighth
21 Legislative Session; and22 WHEREAS, the members of the Ninety-eighth Senate express their most sincere appreciation
23 to these young people for their service to the state; and

24 WHEREAS, the members extend to these young people their wishes for every success in life:

25 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-eighth Legislature of the
26 State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each
27 page on this last day of service.

28 Sen. Reed moved that Senate Page Resolution 1 be adopted.

29 The question being on Sen. Reed 's motion that Senate Page Resolution 1 be adopted.

30 And the roll being called:

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

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

36 Excused: Foster and Schoenbeck

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

3 **HCR 6001:** A CONCURRENT RESOLUTION, To study a potential optional educational path.

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

5 **HCR 6003:** A CONCURRENT RESOLUTION, Encouraging the Executive Board of the Legislature
6 to authorize the interim legislative study of long-term care services for veterans regardless of
7 disability ratings and to develop long-term care plans for VA-operated purchased and subsidized
8 long-term care services.

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

10 Sen. Wheeler moved that **SCR 602** be referred from the Committee on State Affairs to the
11 Committee on Health and Human Services.

12 Which motion prevailed.

13 Sen. Crabtree moved that the Consideration of the Judicial Appointment of Patricia A. Meyers
14 be deferred to Monday, January 23, 2023, the 9th legislative day.

15 Which motion prevailed.

16 Sen. Crabtree moved that **SB 47** be deferred to Monday, January 23, 2023, the 9th legislative
17 day.

18 Which motion prevailed.

19 Sen. Crabtree moved that **SB 54** be deferred to Tuesday, January 24, 2023, the 10th legislative
20 day.

21 Which motion prevailed.

22 **CONSIDERATION OF REPORTS OF COMMITTEES**

23 Sen. Crabtree moved that the reports of the Standing Committees on

24 Commerce and Energy on **SB 11** as found on page 65 of the Senate Journal; and

25 Judiciary on **SB 46** as found on page 64 of the Senate Journal be adopted.

26 Which motion prevailed and the reports were adopted.

1

CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS

2

The Senate proceeded to the consideration of the executive reappointment of Brock Brown of Hamlin County, Lake Norden, South Dakota, to the State Board of Regents.

3

4

The question being "Does the Senate advise and consent to the executive reappointment of Brock Brown pursuant to the executive message as found on page 48 of the Senate Journal?"

5

6

And the roll being called:

7

Yeas 33, Nays 0, Excused 2, Absent 0

8

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

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Excused: Foster and Schoenbeck

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So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

14

15

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

16

SB 79: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game, Fish and Parks to improve and repair infrastructure around Hiddenwood Lake and to declare an emergency.

17

18

19

Introduced by: **Senator** Breitling

20

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

21

SB 76: FOR AN ACT ENTITLED, An Act to provide for licensure by endorsement for certain licensed professionals and occupations.

22

23

Introduced by: **Senator** Stalzer

24

SB 77: FOR AN ACT ENTITLED, An Act to reinstate the restricted real estate broker's license for auctioneers and revise real estate licensing.

25

26

Introduced by: **Senator** Novstrup

27

SB 81: FOR AN ACT ENTITLED, An Act to repeal outdated sections regarding enhanced concealed carry permit requirements.

28

29

Introduced by: **Senator** Stalzer

30

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

1 **SB 78:** FOR AN ACT ENTITLED, An Act to create the South Dakota Board of Physical Therapy
2 and make an appropriation therefor.

3 Introduced by: **Senator** Davis

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

5 **SB 80:** FOR AN ACT ENTITLED, An Act to amend the requirements to be a legal newspaper.

6 Introduced by: **Senator** Wheeler

7 Was read the first time and referred to the Committee on Local Government.

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

9 **HB 1005:** FOR AN ACT ENTITLED, An Act to update certain citations to federal regulations
10 regarding pipeline safety inspections.

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

12 **HB 1056:** FOR AN ACT ENTITLED, An Act to modify the limit of consecutive terms for members
13 of the Board of Technical Education.

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

15 **HB 1063:** FOR AN ACT ENTITLED, An Act to require the Unified Judicial System to assemble
16 a task force to address barriers to services for emerging adults involved in the justice system in
17 South Dakota.

18 **HB 1064:** FOR AN ACT ENTITLED, An Act to require the Unified Judicial System to assemble
19 a task force to address the provision of legal services to indigent parties within the South Dakota
20 court system.

21 Were read the first time and referred to the Committee on Judiciary.

22 **HB 1057:** FOR AN ACT ENTITLED, An Act to allow for the appointment of county coroner by
23 all counties.

24 Was read the first time and referred to the Committee on Local Government.

25 **HB 1003:** FOR AN ACT ENTITLED, An Act to repeal provisions requiring prison or jail cost
26 estimates and to declare an emergency.

27 **HB 1062:** FOR AN ACT ENTITLED, An Act to clarify the convening of recount boards for primary
28 elections.

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

1 **HB 1033:** FOR AN ACT ENTITLED, An Act to provide for the uniform administration of tobacco
2 products taxes.

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

4 **HB 1036:** FOR AN ACT ENTITLED, An Act to increase civil penalties for commercial driver's
5 license holders and motor carriers.

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

7 **SECOND READING OF CONSENT CALENDAR ITEMS**

8 Sen. Bordeaux requested that **SB 20** be removed from the Consent Calendar.

9 **SB 42:** FOR AN ACT ENTITLED, An Act to modify power of attorney requirements for certain
10 vehicle transfer authorizations.

11 Was read the second time.

12 The question being "Shall **SB 42** pass?"

13 And the roll being called:

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

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

19 Excused: Foster and Schoenbeck

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

23 **SB 30:** FOR AN ACT ENTITLED, An Act to revise the criteria for remote sellers who must remit
24 sales tax.

25 Was read the second time.

26 The question being "Shall **SB 30** pass?"

27 And the roll being called:

28 Yeas 30, Nays 3, Excused 2, Absent 0

29 Yeas: Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel,
30 Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher,
31 Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Rohl, Schoenfish, Stalzer, Tobin, Wheeler, Wiik,
32 Wink, and Zikmund

1 Nays: Beal, Frye-Mueller, and Pischke

2 Excused: Foster and Schoenbeck

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

5 Sen. Stalzer moved that the Senate do now adjourn, which motion prevailed and at 1:30 p.m.
6 the Senate adjourned.

7 Kay Johnson, Secretary

