

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

TWENTIETH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 08, 2023

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by Senate page Sarah Swier.

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 19th 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 Transportation respectfully reports that it has had under consideration **SB 16** with the recommendation that said bill be referred to the Joint Committee on Appropriations with a Do Pass recommendation.

Also Mr. President:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 148** with the recommendation that said bill be referred to the Joint Committee on Appropriations with a Do Pass recommendation.

Also Mr. President:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 158** with the recommendation that said bill be amended as follows:

158A

On page 1, line 6, of the Introduced bill, after "Dakota" delete " regional"

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

Also Mr. President:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 135** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Joshua Klumb, Chair

Mr. President:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 144** and returns the same with the recommendation that said bill do pass.

Also Mr. President:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 183** 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 200** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Tim Reed, Chair

1 Mr. President:

2 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
3 under consideration **SB 127** which was deferred to the 41st Legislative Day.

4 Also Mr. President:

5 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
6 under consideration **HB 1047 and 1048** and returns the same with the recommendation that said
7 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

8 Respectfully submitted,
9 David Johnson, Chair

10 Mr. President:

11 The Committee on Senate State Affairs respectfully reports that it has had under consideration
12 **SB 139** and returns the same with the recommendation that said bill be amended as follows:

13 139F

14 On page 1, line 1, of the Introduced bill, delete " provisions qualifications" and insert " residency
15 requirements"

16 On page 1, line 7, of the Introduced bill, delete " when absent" and insert " after a period of
17 absence"

18 On page 1, line 20, of the Introduced bill, delete " is" and insert " will be"

19 On page 1, line 21, of the Introduced bill, after "older" insert " on or before the next election"

20 On page 2, line 2, of the Introduced bill, after "thirty" delete " consecutive"

21 On page 2, line 2, of the Introduced bill, delete " immediately" and insert " in the year"

22 On page 2, line 2, of the Introduced bill, delete " the day the person registers to vote" and
23 insert " submitting the registration form"

24 On page 2, line 9, of the Introduced bill, after "residence." delete "Section 4. That § 12-4-5. 4
25 be AMENDED:"

26 On page 2, line 10, of the Introduced bill, after "AMENDED:" delete "12-4-5. 4. Any person
27 registering to vote shall provide the person's valid South Dakota driver license number or a South
28 Dakota nondriver identification number on the voter registration form. If a person does not have a
29 valid South Dakota driver license or a South Dakota nondriver identification number, the person
30 shall provide the last four digits of the person's social security number on the voter registration
31 form.

32 If a person does not have a valid South Dakota driver license, or a South Dakota nondriver
33 identification number, or but has a social security number, the person may only register at the
34 county auditor's office and. The applicant shall provide documentation establishing the applicant's
35 residence for the thirty days immediately prior to the date of application and shall sign a statement
36 verifying the fact that the person does not have a valid South Dakota driver license, a South Dakota
37 nondriver identification number, or a social security number. The statement shall be prescribed by
38 the State Board of Elections

39 If a person does not have a valid South Dakota driver license, a South Dakota nondriver
40 identification number, or a social security number, the person may only register at the county

1 auditor's office. The applicant shall provide documentation establishing the applicant's residence for
 2 the thirty days immediately prior to the date of application and shall sign a statement verifying the
 3 fact that the person does not have a valid South Dakota driver license, a South Dakota nondriver
 4 identification number, or a social security number.

5 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the
 6 statement and the documentation that may be accepted to establish the applicant's residence."

7 On page 3, line 6, of the Introduced bill, after "least" delete " the"

8 On page 3, line 6, of the Introduced bill, delete " immediately" and insert " in the year"

9 And that as so amended, **SB 139** do pass.

10 Also Mr. President:

11 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 12 **SB 160** and returns the same with the recommendation that said bill be amended as follows:

13 160A

14 On page 1, line 15, of the Introduced bill, delete "hand " and insert "manually "

15 On page 1, line 16, of the Introduced bill, delete "hand " and insert "manual "

16 On page 1, line 20, of the Introduced bill, after "ballots." insert " For the purposes of this
 17 section, the term precinct includes vote centers, but does not include any precinct designated as an
 18 absentee precinct."

19 And that as so amended, **SB 160** do pass.

20 Also Mr. President:

21 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 22 **SB 207** and returns the same with the recommendation that said bill be amended as follows:

23 207B

24 On page 1, line 15, of the Introduced bill, delete "A violation of this section is a Class 1
 25 misdemeanor" and insert "It is a Class 1 misdemeanor if the state, an agency of the state, or the
 26 governing body of any county, municipality, or other political subdivision expends one thousand or
 27 more in public funds in violation of this section. It is a Class 6 felony if ten thousand or more in
 28 public funds is expended in violation of this section"

29 And that as so amended, **SB 207** do pass.

30 Also Mr. President:

31 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 32 **SB 166 and 169** which were deferred to the 41st Legislative Day.

33 Also Mr. President:

34 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 35 **SB 171, and SJR 502** and returns the same with the recommendation that said bill and resolution
 36 do pass.

1 Also Mr. President:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration
3 **SCR 605** which was tabled.

4 Respectfully submitted,
5 Casey Crabtree, Chair

6 Mr. President:

7 The Committee on Senate Health and Human Services respectfully reports that it has had
8 under consideration **SB 175, and HB 1080** and returns the same with the recommendation that
9 said bills do pass.

10 Respectfully submitted,
11 Erin Tobin, Chair

12 **MESSAGES FROM THE HOUSE**

13 Mr. President:

14 I have the honor to transmit herewith **HB 1098, 1165, 1184, and 1185** which have passed
15 the House and your favorable consideration is respectfully requested.

16 Also Mr. President:

17 I have the honor to return herewith **SCR 601** in which the House has concurred.

18 Also Mr. President:

19 I have the honor to return herewith **SB 85** which has passed the House without change.

20 Respectfully,
21 Patricia Miller, Chief Clerk

22 **MOTIONS AND RESOLUTIONS**

23 Sen. Crabtree moved that **SB 90** be deferred to Monday, February 13, 2023, the 22nd
24 legislative day.

25 Which motion prevailed.

26 Sen. Crabtree moved that **SB 118** be referred to the Joint Committee on Appropriations.

27 Which motion prevailed.

1 Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
 2 Thursday, February 9, the 21st legislative day.

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Sen. Crabtree moved that the reports of the Standing Committees on
 6 Judiciary on **SB 91** as found on page 212 of the Senate Journal; and
 7 Agriculture and Natural Resources on **SB 142** as found on page 212 of the Senate Journal be
 8 adopted.

9 Which motion prevailed and the reports were adopted.

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

11 **HB 1184:** FOR AN ACT ENTITLED, An Act to revise provisions related to the One-Call
 12 Notification Board.

13 **HB 1185:** FOR AN ACT ENTITLED, An Act to prohibit certain restrictions in employment
 14 contracts.

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

16 **HB 1098:** FOR AN ACT ENTITLED, An Act to revise provisions related to juror compensation.

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

18 **HB 1165:** FOR AN ACT ENTITLED, An Act to modify certain provisions pertaining to absentee
 19 voting.

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

21 **SECOND READING OF CONSENT CALENDAR ITEMS**

22 Sen. Frye-Mueller requested that **SB 76 and 143** be removed from the Consent Calendar.

23 **SB 182:** FOR AN ACT ENTITLED, An Act to establish a uniform method for calculating high
 24 school credit received from completing postsecondary courses.

25 Was read the second time.

26 The question being "Shall **SB 182** pass?"

27 And the roll being called:

28 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

8 **SB 146:** FOR AN ACT ENTITLED, An Act to limit parole for violent offenders.

9 Was read the second time.

10 The question being "Shall **SB 146** pass?"

11 And the roll being called:

12 Yeas 32, Nays 3, Excused 0, Absent 0

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

17 Nays: Bordeaux, Foster, and Wheeler

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

20 **SB 195:** FOR AN ACT ENTITLED, An Act to authorize the redistricting of water development
 21 district director areas by the district's board of directors.

22 Was read the second time.

23 Sen. Bolin moved that **SB 195** be laid on the table.

24 The question being on Sen. Bolin's motion that **SB 195** be laid on the table.

25 And the roll being called:

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

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

31 So the motion having received an affirmative vote of a majority of the members-elect, the
 32 President declared the motion carried and **SB 195** was tabled.

1 **SB 140:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to voter
2 registration.

3 Was read the second time.

4 Sen. Steve Kolbeck moved that **SB 140** be amended as follows:

5 140D

6 On page 1, line 10, of the Senate State Affairs Engrossed bill, after "county" insert " county"

7 On page 1, line 10, of the Senate State Affairs Engrossed bill, after "auditor" delete " of the
8 county in which the applicant resides"

9 On page 4, line 13, of the Senate State Affairs Engrossed bill, after "prepare" delete " and
10 deliver to the county auditor"

11 On page 4, line 17, of the Senate State Affairs Engrossed bill, delete " the" and insert a colon

12 On page 4, line 17, of the Senate State Affairs Engrossed bill, after "the " insert "

13 (1) The "

14 On page 4, line 18, of the Senate State Affairs Engrossed bill, after "identified" insert " as
15 mentally incompetent"

16 On page 4, line 18, of the Senate State Affairs Engrossed bill, delete " and" and insert a
17 semicolon

18 On page 4, line 18, of the Senate State Affairs Engrossed bill, after "and " insert "

19 (2) The "

20 On page 4, line 19, of the Senate State Affairs Engrossed bill, after "system" insert the
21 semicolon

22 On page 4, line 19, of the Senate State Affairs Engrossed bill, after "and" delete " may remove"

23 On page 4, line 19, of the Senate State Affairs Engrossed bill, after "remove " insert "

24 (3) The "

25 On page 4, line 23, of the Senate State Affairs Engrossed bill, after "Health" insert ", the social
26 security death index, the Social Security Administration master death file,"

27 On page 4, line 24, of the Senate State Affairs Engrossed bill, after "System" insert " each
28 month"

29 On page 4, line 24, of the Senate State Affairs Engrossed bill, delete "The county auditor shall
30 remove a" and insert " Any"

31 On page 4, line 25, of the Senate State Affairs Engrossed bill, delete " or" and insert ", as
32 mentally incompetent, or"

33 On page 4, line 26, of the Senate State Affairs Engrossed bill, after "removed" insert " must
34 be removed"

35 On page 5, after line 5, of the Senate State Affairs Engrossed bill, insert: "

1 **Section 13. That § 12-4-34 be AMENDED:**

2 **12-4-34.** If a statute refers to registered voters, it does not include those in the inactive
 3 registration file unless specifically included. ~~However, any~~ Any voter in the inactive registration file
 4 may sign a petition."

5 On page 5, line 21, of the Senate State Affairs Engrossed bill, after "year," delete " each county
 6 auditor shall submit a report to"

7 On page 5, line 22, of the Senate State Affairs Engrossed bill, delete " and" and insert " shall
 8 submit a report to"

9 On page 6, line 20, of the Senate State Affairs Engrossed bill, delete "Each" and insert " Within
 10 fifteen days after the close of each month, each"

11 On page 6, line 26, of the Senate State Affairs Engrossed bill, after "voter." insert "

12 The county auditor shall remove from the master registration list:

13 (1) The names of persons identified as mentally incompetent in accordance with the
 14 information provided pursuant to this section or § 12-4-18;

15 (2) The names of those sentenced to imprisonment in the federal penitentiary system;

16 (3) The names of deceased voters published in an obituary, reported by a county coroner, or
 17 recorded in the death records maintained as vital statistics records by the Department of Health;
 18 and

19 (4) The names of those who are not a citizen of the United States."

20 Which motion prevailed.

21 The question being "Shall **SB 140** pass as amended?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

30 **SB 162:** FOR AN ACT ENTITLED, An Act to revise public meeting requirements.

31 Was read the second time.

32 Sen. Diedrich moved that **SB 162** be amended as follows:

33 162A

34 On page 1, line 18, of the Introduced bill, after "topic" insert " and the total time allowed for
 35 public comment"

1 On page 1, line 21, of the Introduced bill, after "of" insert " meeting in executive session,"
 2 Which motion prevailed.

3 The question being "Shall **SB 162** pass as amended?"

4 And the roll being called:

5 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

13 **HB 1091:** FOR AN ACT ENTITLED, An Act to amend provisions of the insurance statutes
 14 regarding producer recommendations and responsibilities.

15 Was read the second time.

16 The question being "Shall **HB 1091** pass as amended?"

17 And the roll being called:

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

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

23 Nays: Frye-Mueller and Pischke

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

26 Sen. Schoenfish moved that the Senate do now adjourn, which motion prevailed and at
 27 3:04 p.m. the Senate adjourned.

28 Kay Johnson, Secretary