

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

TWENTY-THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 14, 2023

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

The prayer was offered by the Chaplain, Rev. Rachel Byrum, followed by the Pledge of Allegiance led by Senate pages Kinley Kirkley and Katie Sheridan.

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 22nd 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 Sen. Wiik objected to the approval of **SC 810** pursuant to JR 6H-4.

2 The President announced that **SC 810** was disapproved.

3 **REPORTS OF STANDING COMMITTEES**

4 Mr. President:

5 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
6 had under consideration **SB 185** and returns the same with the recommendation that said bill be
7 amended as follows:

8 185A

9 On page 2, line 15, of the Introduced bill, delete the semicolon and insert a comma

10 On page 2, line 15, of the Introduced bill, after "person" delete ", foreign entity, or foreign
11 government, "

12 On page 2, line 17, of the Introduced bill, delete " exceeding one hundred sixty acres" and
13 insert " unless the nonresident alien or foreign person obtains an approval letter pursuant to section
14 13 of this Act and then such acquisition may not exceed one hundred sixty acres"

15 On page 2, line 18, of the Introduced bill, after "is " delete "acquired by devise or inheritance,
16 "

17 On page 2, line 19, of the Introduced bill, after "indebtedness" delete ", or approved by the
18 Committee on Foreign Investment in the United States – South Dakota"

19 On page 2, line 21, of the Introduced bill, after "governments" insert the comma

20 And that as so amended, **SB 185** do pass.

21 Respectfully submitted,
22 Herman Otten, Chair

23 Mr. President:

24 The Committee on Senate Education respectfully reports that it has had under consideration
25 **SB 65** which was deferred to the 41st Legislative Day.

26 Also Mr. President:

27 The Committee on Senate Education respectfully reports that it has had under consideration
28 **SB 129** and returns the same with the recommendation that said bill do pass.

29 Respectfully submitted,
30 Kyle Schoenfish, Chair

31 Mr. President:

32 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
33 under consideration **SB 186** which was tabled.

1 Also Mr. President:

2 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
3 under consideration the nomination of Greg Whitlock of Codington County, Watertown, South
4 Dakota, to the position of Secretary of the Department of Veterans Affairs and returns the same
5 with the recommendation that the Senate advise and consent to the confirmation of said
6 reappointment, and that said reappointment having been certified as uncontested, be placed on the
7 consent calendar.

8 Also Mr. President:

9 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
10 under consideration **HB 1054** and returns the same with the recommendation that said bill do pass,
11 and having been certified as uncontested, be placed on the consent calendar.

12 Also Mr. President:

13 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
14 under consideration **HCR 6003** which was deferred to the 41st Legislative Day.

15 Respectfully submitted,
16 David Johnson, Chair

17 Mr. President:

18 The Committee on Senate Judiciary respectfully reports that it has had under consideration
19 **SB 94** which was tabled.

20 Also Mr. President:

21 The Committee on Senate Judiciary respectfully reports that it has had under consideration
22 **SB 134** and returns the same with the recommendation that said bill be amended as follows:

23 134D

24 On page 1, line 1, of the Introduced bill, delete "increase law enforcement membership on"
25 and insert "revise membership of"

26 On page 1, line 8, of the Introduced bill, after "General, " delete "two representatives of law
27 enforcement, "

28 On page 1, line 9, of the Introduced bill, delete "Unified Narcotics Enforcement Team agent"
29 and insert " member with drug investigation experience"

30 And that as so amended, **SB 134** do pass, and having been certified as uncontested, be placed
31 on the consent calendar.

32 Also Mr. President:

33 The Committee on Senate Judiciary respectfully reports that it has had under consideration
34 **SB 206** and returns the same with the recommendation that said bill be amended as follows:

35 206A

36 On page 2, line 15, of the Introduced bill, after "this" insert " section"

37 And that as so amended, **SB 206** do pass, and having been certified as uncontested, be placed
38 on the consent calendar.

1 Also Mr. President:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **SB 181** and returns the same with the recommendation that said bill do pass.

4 Also Mr. President:

5 The Committee on Senate Judiciary respectfully reports that it has had under consideration
6 **SB 192** which was deferred to the 41st Legislative Day.

7 Respectfully submitted,
8 Helene Duhamel, Chair

9 Mr. President:

10 The Committee on Senate Commerce and Energy respectfully reports that it has had under
11 consideration **SB 120** and returns the same with the recommendation that said bill be amended as
12 follows:

13 120A

14 On page 1, line 5, of the Introduced bill, delete "Ten" and insert "Five"

15 On page 1, line 9, of the Introduced bill, delete " ten" and insert " five"

16 And that as so amended, **SB 120** do pass.

17 Also Mr. President:

18 The Committee on Senate Commerce and Energy respectfully reports that it has had under
19 consideration **SB 194** which was deferred to the 41st Legislative Day.

20 Also Mr. President:

21 The Committee on Senate Commerce and Energy respectfully reports that it has had under
22 consideration the nomination of Michael Houdyshell of Hughes County, Pierre, South Dakota, to the
23 position of Secretary of the Department of Revenue and returns the same with the recommendation
24 that the Senate advise and consent to the confirmation of said appointment.

25 Respectfully submitted,
26 David Wheeler, Chair

27 MESSAGES FROM THE HOUSE

28 Mr. President:

29 I have the honor to transmit herewith **HB 1008, 1009, 1135, 1154, 1155, 1158, 1176,**
30 **1189, and 1193** which have passed the House and your favorable consideration is respectfully
31 requested.

32 Also Mr. President:

33 I have the honor to return herewith **SB 84** which has passed the House without change.

34 Respectfully,
35 Patricia Miller, Chief Clerk

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CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

State Affairs on **SB 40** as found on page 244 of the Senate Journal be adopted.

4

Which motion prevailed and the report was adopted.

5

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

6

HB 1189: FOR AN ACT ENTITLED, An Act to require certain entities owning agricultural land to report foreign beneficial ownership interests.

7

8

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

9

HB 1193: FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial Code.

10

11

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

12

HB 1135: FOR AN ACT ENTITLED, An Act to provide for transparency in the pricing of prescription drugs.

13

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HB 1154: FOR AN ACT ENTITLED, An Act to modify acceptable conduct for practitioners related to medical cannabis.

15

16

HB 1155: FOR AN ACT ENTITLED, An Act to add dental practices as eligible facilities to participate in the rural health care recruitment assistance program.

17

18

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

19

HB 1176: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding on-sale alcoholic beverage licenses for use at municipality-owned facilities.

20

21

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

22

HB 1008: FOR AN ACT ENTITLED, An Act to to revise provisions relating to actuarial terminology used by the South Dakota Retirement System.

23

24

HB 1009: FOR AN ACT ENTITLED, An Act to update and clarify certain provisions relating to the South Dakota Retirement System.

25

26

Were read the first time and referred to the Committee on Retirement Laws.

27

HB 1158: FOR AN ACT ENTITLED, An Act to ban counterfeit airbags.

28

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

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SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

SB 25: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse health care professionals who have complied with the requirements for health care recruitment assistance programs and to declare an emergency.

3

4

Was read the second time.

5

The question being "Shall **SB 25** pass as amended?"

6

And the roll being called:

7

Yeas 33, Nays 2, Excused 0, Absent 0

8

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

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Nays: Frye-Mueller and Pischke

14

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

15

16

SB 108: FOR AN ACT ENTITLED, An Act to provide an educational exception to consumption prohibitions for persons over eighteen years of age who are required to taste an alcoholic beverage as part of a course.

17

18

19

Was read the second time.

20

The question being "Shall **SB 108** pass as amended?"

21

And the roll being called:

22

Yeas 18, Nays 17, Excused 0, Absent 0

23

24

25

Yeas: Bordeaux, Castleberry, Crabtree, Foster, Frye-Mueller, Brent "B.R." Hoffman, David Johnson, Steve Kolbeck, Larson, Maher, Nesiba, Herman Otten, Pischke, Rohl, Schoenbeck, Schoenfish, Tobin, and Wheeler

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27

Nays: Beal, Bolin, Breitling, Davis, Deibert, Diedrich, Duhamel, Hunhoff, Klumb, Jack Kolbeck, Mehlhaff, Novstrup, Reed, Stalzer, Wiik, Wink, and Zikmund

28

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.

29

30

SB 197: FOR AN ACT ENTITLED, An Act to prohibit the spouse of a member of the Legislature from being employed as a private lobbyist.

31

32

Was read the second time.

33

The question being "Shall **SB 197** pass?"

34

And the roll being called:

35

Yeas 22, Nays 13, Excused 0, Absent 0

1 Yeas: Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Brent "B.R."
2 Hoffman, David Johnson, Klumb, Jack Kolbeck, Larson, Maher, Nesiba, Novstrup, Herman Otten,
3 Reed, Rohl, Schoenbeck, Stalzer, and Tobin

4 Nays: Beal, Castleberry, Foster, Frye-Mueller, Hunhoff, Steve Kolbeck, Mehlhaff, Pischke,
5 Schoenfish, Wheeler, Wiik, Wink, and Zikmund

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

8 **SB 103:** FOR AN ACT ENTITLED, An Act to create a pilot program in the Unified Judicial System
9 for risk and lethality assessments for certain persons accused of assault or protection order
10 violations.

11 Was read the second time.

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

13 And the roll being called:

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

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

19 Nays: Pischke

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 HOUSE BILLS AND JOINT RESOLUTIONS**

23 **HB 1101:** FOR AN ACT ENTITLED, An Act to ensure the proper labeling of American Indian
24 arts and crafts.

25 Was read the second time.

26 The question being "Shall **HB 1101** pass?"

27 And the roll being called:

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

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

33 Nays: Foster

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

1

COMMEMORATIONS

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SC 811: A LEGISLATIVE COMMEMORATION, Celebrating the life and accomplishments of Randy Stainbrook.

4

Introduced by: **Senator** Duhamel

5

6

Sen. Bordeaux moved that the Senate do now adjourn, which motion prevailed and at 2:49 p.m. the Senate adjourned.

7

Kay Johnson, Secretary