

# *JOURNAL OF THE SENATE*

## *NINETY-EIGHTH SESSION*

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TWENTY-EIGHTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, February 23, 2023

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Baylie Somsen.

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 27th 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**

2 Mr. President:

3 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
4 **SB 35 and 59** and returns the same with the recommendation that said bills do pass.

5 Also Mr. President:

6 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
7 **SB 63** which was deferred to the 41st Legislative Day.

8 Also Mr. President:

9 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
10 **SB 79** and returns the same with the recommendation that said bill be amended as follows:

11 79A

12 On page 1, line 5, of the Introduced bill, after "of" delete " \$3,500,000"

13 On page 1, line 5, of the Introduced bill, after "\$3,500,000 " insert "\$1 "

14 And that as so amended, **SB 79** do pass.

15 Respectfully submitted,  
16 Jean Hunhoff, Co-Chair

Respectfully submitted,  
Mike Derby, Co-Chair

17 Mr. President:

18 The Committee on Senate Education respectfully reports that it has had under consideration  
19 **HB 1056** and returns the same with the recommendation that said bill do pass.

20 Also Mr. President:

21 The Committee on Senate Education respectfully reports that it has had under consideration  
22 **HB 1191** and returns the same with the recommendation that said bill do pass, and having been  
23 certified as uncontested, be placed on the consent calendar.

24 Respectfully submitted,  
25 Kyle Schoenfish, Chair

26 Mr. President:

27 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
28 consideration **HB 1108** and returns the same with the recommendation that said bill be amended  
29 as follows:

30 1108B

31 On page 2, line 17, of the House Local Government Engrossed bill, after "property" insert "  
32 obtains a title to a mobile home or manufactured home pursuant to § 21-54-17 and"

33 On page 2, line 19, of the House Local Government Engrossed bill, after "disposal" insert ", the  
34 county treasurer shall issue the permit provided by § 32-5-16. 3 without receiving payment of the

1 current year's taxes"

2 And that as so amended, **HB 1108** do pass, and having been certified as uncontested, be  
3 placed on the consent calendar.

4 Also Mr. President:

5 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
6 consideration **HB 1185** and returns the same with the recommendation that said bill do pass.

7 Respectfully submitted,  
8 David Wheeler, Chair

9 Mr. President:

10 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
11 had under consideration **HB 1209** and returns the same with the recommendation that said bill do  
12 pass.

13 Also Mr. President:

14 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
15 had under consideration **HB 1189** and returns the same with the recommendation that said bill do  
16 pass, and having been certified as uncontested, be placed on the consent calendar.

17 Respectfully submitted,  
18 Herman Otten, Chair

19 Mr. President:

20 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
21 Enrolling has carefully compared **SB 150** and finds the same correctly enrolled.

22 Respectfully submitted,  
23 Lee A. Schoenbeck, Chair

24 **MESSAGES FROM THE HOUSE**

25 Mr. President:

26 I have the honor to transmit herewith **HB 1059, 1065, 1127, 1137, 1166, 1167, 1200,**  
27 **and 1201** which have passed the House and your favorable consideration is respectfully requested.

28 Respectfully,  
29 Patricia Miller, Chief Clerk

30 **MOTIONS AND RESOLUTIONS**

31 Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 1:30 p.m. on  
32 Friday, February 24, the 29<sup>th</sup> legislative day.

33 Which motion prevailed.

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**CONSIDERATION OF REPORTS OF COMMITTEES**

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

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Joint Appropriations on **SB 172** as found on page 312 of the Senate Journal and **SB 173** as found on page 313 of the Senate Journal; and

5

State Affairs on **HB 1124 and 1165** as found on page 314 of the Senate Journal be adopted.

6

Which motion prevailed and the reports were adopted.

7

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

8

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**HB 1127:** FOR AN ACT ENTITLED, An Act to make an appropriation to support volunteer fire departments.

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**HB 1166:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to mileage reimbursement.

12

Were read the first time and referred to the Senate Committee on Appropriations.

13

**HB 1059:** FOR AN ACT ENTITLED, An Act to establish a community paramedic endorsement.

14

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**HB 1167:** FOR AN ACT ENTITLED, An Act to annually adjust the rate for community-based providers to one hundred percent of methodology.

16

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

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**HB 1065:** FOR AN ACT ENTITLED, An Act to increase the maximum amount of dollars payable by the state to erect the headstone of a deceased veteran.

19

Was read the first time and referred to the Committee on Military and Veterans Affairs.

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**HB 1200:** FOR AN ACT ENTITLED, An Act to require a percentage of signatures on a petition to initiate a constitutional amendment to be obtained from each legislative district.

22

23

**HB 1201:** FOR AN ACT ENTITLED, An Act to provide for the election of State Brand Board members.

24

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

25

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**HB 1137:** FOR AN ACT ENTITLED, An Act to reduce certain gross receipts tax rates and a use tax rate, and to repeal a conditional reduction of certain gross receipts tax rates.

27

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

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**SECOND READING OF CONSENT CALENDAR ITEMS**

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Sen. Frye-Mueller requested that **HB 1148** be removed from the Consent Calendar.

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**HB 1132:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the duties of the medical marijuana oversight committee.

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**HB 1147:** FOR AN ACT ENTITLED, An Act to provide for the organization of townships or fractions of townships.

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**HB 1150:** FOR AN ACT ENTITLED, An Act to provide a medical cannabis patient a registry identification card fee waiver in certain circumstances.

9

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

10

Were read the second time.

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The question being "Shall **HB 1150 and 1158** pass as amended, and **HB 1132 and 1147** pass?"

13

And the roll being called:

14

Yeas 35, Nays 0, Excused 0, Absent 0

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Yeas: Beal, Bolin, 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, Wiik, Wink, and Zikmund

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

21

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

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**SB 18:** FOR AN ACT ENTITLED, An Act to revise the appropriation for a livestock and equestrian complex at the State Fair, and to declare an emergency.

24

Was read the second time.

25

The question being "Shall **SB 18** pass?"

26

And the roll being called:

27

Yeas 26, Nays 9, Excused 0, Absent 0

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

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Nays: Bordeaux, Deibert, Foster, Frye-Mueller, Brent "B.R." Hoffman, Larson, Maher, Nesiba, and Pischke

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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.

1 **SB 33:** FOR AN ACT ENTITLED, An Act to amend an appropriation for the revised construction  
2 costs of the Mineral Industries Building at the School of Mines and Technology, and to declare an  
3 emergency.

4 Was read the second time.

5 The question being "Shall **SB 33** pass?"

6 And the roll being called:

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

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

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

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

## 15 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

16 **HB 1210:** FOR AN ACT ENTITLED, An Act to modify the use of conservation district special  
17 revenue fund monies and to provide an appropriation therefor.

18 Was read the second time.

19 The question being "Shall **HB 1210** pass as amended?"

20 And the roll being called:

21 Yeas 31, Nays 3, Excused 1, Absent 0

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

26 Nays: Breitling, Hunhoff, and Maher

27 Excused: David Johnson

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

30 **HB 1112:** FOR AN ACT ENTITLED, An Act to modify provisions for a statewide runoff election.

31 Was read the second time.

32 The question being "Shall **HB 1112** pass as amended?"

33 And the roll being called:

34 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 **HB 1029:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the county  
8 zoning and appeals process.

9 Was read the second time.

10 The question being "Shall **HB 1029** pass?"

11 And the roll being called:

12 Yeas 18, Nays 17, Excused 0, Absent 0

13 Yeas: Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Brent "B.R." Hoffman,  
14 Hunhoff, David Johnson, Klumb, Steve Kolbeck, Mehlhaff, Reed, Schoenbeck, Schoenfish, Wheeler,  
15 Wiik, and Wink

16 Nays: Beal, Bolin, Bordeaux, Breitling, Foster, Frye-Mueller, Jack Kolbeck, Larson, Maher,  
17 Nesiba, Novstrup, Herman Otten, Pischke, Rohl, Stalzer, Tobin, and Zikmund

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 **HB 1109:** FOR AN ACT ENTITLED, An Act to modify the occupation tax for business  
21 improvement districts.

22 Was read the second time.

23 The question being "Shall **HB 1109** pass?"

24 And the roll being called:

25 Yeas 19, Nays 16, Excused 0, Absent 0

26 Yeas: Castleberry, Davis, Deibert, Diedrich, Duhamel, Hunhoff, David Johnson, Steve Kolbeck,  
27 Larson, Mehlhaff, Nesiba, Novstrup, Reed, Rohl, Schoenbeck, Schoenfish, Wheeler, Wink, and  
28 Zikmund

29 Nays: Beal, Bolin, Bordeaux, Breitling, Crabtree, Foster, Frye-Mueller, Brent "B.R." Hoffman,  
30 Klumb, Jack Kolbeck, Maher, Herman Otten, Pischke, Stalzer, Tobin, and Wiik

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

33 **HB 1042:** FOR AN ACT ENTITLED, An Act to update additional charges allowed for mailing  
34 decals and plates and to declare an emergency.

35 Was read the second time.

1 The question being "Shall **HB 1042** pass as amended?"

2 And the roll being called:

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

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

8 Nays: Pischke

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

11 **HB 1090**: FOR AN ACT ENTITLED, An Act to modify protections for agricultural operations  
12 from nuisance claims.

13 Was read the second time.

14 Sen. Crabtree moved that **HB 1090** be deferred to Friday, February 24, 2023, the 29<sup>th</sup>  
15 legislative day.

16 Which motion prevailed.

17 **HB 1121**: FOR AN ACT ENTITLED, An Act to expand the definition of a pesticide dealer.

18 Was read the second time.

19 The question being "Shall **HB 1121** pass?"

20 And the roll being called:

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

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

26 Nays: Frye-Mueller and Pischke

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

29 **SIGNING OF BILLS**

30 The President publicly read the title to

31 **SB 150**: FOR AN ACT ENTITLED, An Act to add provisions regarding construction and  
32 maintenance of livestock pipelines on highways.

33 And signed the same in the presence of the Senate.

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1           Sen. Wink moved that the Senate do now adjourn, which motion prevailed and at 3:07 p.m.  
2 the Senate adjourned.

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Kay Johnson, Secretary

