

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

TWENTY-NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 24, 2023

The Senate convened at 1:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Sharon Ball, followed by the Pledge of Allegiance led by Senate page Gabrielle Rebelein.

Roll Call: All members present except Sens. Johnson and Larson 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 28th 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

COMMUNICATIONS AND PETITIONS

2

February 22, 2023

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on February 22, 2023, I approved Senate Bills 9, 10, 11, 12, 13, 14, 15, 37, 71, 73, and 85, and the same have been deposited in the office of the Secretary of State.

5

6

7

Respectfully submitted,
Kristi Noem
Governor

8

9

REPORTS OF STANDING COMMITTEES

10

Mr. President:

11

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 21** and returns the same with the recommendation that said bill do pass.

12

13

14

Also Mr. President:

15

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 60, 121, and 177** which were tabled.

16

17

Respectfully submitted,
Jean Hunhoff, Co-Chair

18

Respectfully submitted,
Mike Derby, Co-Chair

19

Mr. President:

20

The Committee on Senate Retirement Laws respectfully reports that it has had under consideration **HB 1007** and returns the same with the recommendation that said bill do pass.

21

22

Also Mr. President:

23

The Committee on Senate Retirement Laws respectfully reports that it has had under consideration **HB 1008 and 1009** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

24

25

26

Respectfully submitted,
Jim Bolin, Chair

27

28

Mr. President:

29

The Committee on Senate Transportation respectfully reports that it has had under consideration **HB 1215** and returns the same with the recommendation that said bill do pass.

30

31

Respectfully submitted,
Joshua Klumb, Chair

32

1 Mr. President:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
3 under consideration **HB 1135** and returns the same with the recommendation that said bill do pass.

4 Also Mr. President:

5 The Committee on Senate Health and Human Services respectfully reports that it has had
6 under consideration **HB 1162** and returns the same with the recommendation that said bill do pass,
7 and having been certified as uncontested, be placed on the consent calendar.

8 Also Mr. President:

9 The Committee on Senate Health and Human Services respectfully reports that it has had
10 under consideration **HJR 5004** which was deferred to the 41st Legislative Day.

11 Respectfully submitted,
12 Erin Tobin, Chair

13 Mr. President:

14 The Committee on Senate State Affairs respectfully reports that it has had under consideration
15 **HB 1115** which was deferred to the 41st Legislative Day.

16 Also Mr. President:

17 The Committee on Senate State Affairs respectfully reports that it has had under consideration
18 **HB 1114 and 1175** and returns the same with the recommendation that said bills do pass, and
19 having been certified as uncontested, be placed on the consent calendar.

20 Respectfully submitted,
21 Casey Crabtree, Chair

22 Mr. President:

23 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
24 Enrolling has carefully compared **SB 20, 46, 48, 52, 62, 76, 102, 143, 147, 179, 188, and 200**
25 and finds the same correctly enrolled.

26 Respectfully submitted,
27 Lee A. Schoenbeck, Chair

28 **MESSAGES FROM THE HOUSE**

29 Mr. President:

30 I have the honor to transmit herewith **HB 1006, 1030, 1032, and 1196** which have passed
31 the House and your favorable consideration is respectfully requested.

1 Also Mr. President:

2 I have the honor to return herewith **SB 20, 46, 48, 52, 62, 76, 102, 143, 147, 179, 188,**
3 **and 200** which have passed the House without change.

4 Respectfully,
5 Patricia Miller, Chief Clerk

6 **MOTIONS AND RESOLUTIONS**

7 Sen. Crabtree moved that **SB 35, 59, 172, and 173, and HB 1056, 1124, 1148, 1165,**
8 **1185, and 1209** be deferred to Monday, February 27, 2023, the 30th legislative day.

9 Which motion prevailed.

10 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

12 Joint Appropriations on **SB 79** as found on page 326 of the Senate Journal; and

13 Commerce and Energy on **HB 1108** as found on page 326 of the Senate Journal be adopted.

14 Which motion prevailed and the reports were adopted.

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

16 **HB 1006:** FOR AN ACT ENTITLED, An Act to increase the funding for construction of an addition
17 to the Kinsman Building in Pierre, to make an appropriation therefor, and to declare an emergency.

18 **HB 1030:** FOR AN ACT ENTITLED, An Act to make an appropriation for the revised construction
19 costs of the bioproducts facility in Brookings, and to declare an emergency.

20 **HB 1032:** FOR AN ACT ENTITLED, An Act to make an appropriation for the demolition and
21 reconstruction of agricultural-use structures at South Dakota State University, and to declare an
22 emergency.

23 **HB 1196:** FOR AN ACT ENTITLED, An Act to make an appropriation for improving the buildings
24 and grounds of the capitol complex and declare an emergency.

25 Were read the first time and the President waived the committee referral pursuant to JR 6D-1.

26 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

29 **HB 1191:** FOR AN ACT ENTITLED, An Act to clarify the duties of truancy officers.

30 Were read the second time.

1 The question being "Shall **HB 1189 and 1191** pass?"

2 And the roll being called:

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

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

8 Excused: Johnson and Larson

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

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

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

14 Having had its second reading was up for consideration and final passage.

15 Sen. Wheeler moved that **HB 1090** be amended as follows:

16 1090D

17 On page 3, line 3, of the House Agriculture and Natural Resources Engrossed bill, delete " a
18 legal possessor" and insert " an owner"

19 On page 3, line 3, of the House Agriculture and Natural Resources Engrossed bill, after
20 "possessor " insert "or lessee "

21 On page 3, line 8, of the House Agriculture and Natural Resources Engrossed bill, after "federal"
22 delete " environmental"

23 Which motion prevailed.

24 The question being "Shall **HB 1090** pass as amended?"

25 And the roll being called:

26 Yeas 25, Nays 8, Excused 2, Absent 0

27 Yeas: Beal, Bolin, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Hoffman,
28 Hunhoff, Klumb, Jack Kolbeck, Steve Kolbeck, Maher, Mehlhaff, Novstrup, Reed, Rohl, Schoenfish,
29 Stalzer, Tobin, Wheeler, Wiik, and Wink

30 Nays: Bordeaux, Foster, Frye-Mueller, Nesiba, Herman Otten, Pischke, Schoenbeck, and
31 Zikmund

32 Excused: Johnson and Larson

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

SIGNING OF BILLS

1

2 The President publicly read the title to

3 **SB 20:** FOR AN ACT ENTITLED, An Act to authorize the awarding of deobligated grants in
4 accordance with policies of the Board of Water and Natural Resources.5 **SB 46:** FOR AN ACT ENTITLED, An Act to enhance the penalty for petition circulation perjury.6 **SB 48:** FOR AN ACT ENTITLED, An Act to enhance the penalty for attempted first degree
7 murder of a law enforcement officer.8 **SB 52:** FOR AN ACT ENTITLED, An Act to update certain provisions regarding the Department
9 of Corrections and the authority of the Secretary of Corrections.10 **SB 62:** FOR AN ACT ENTITLED, An Act to amend provisions regarding delivery of electronic
11 insurance documents.12 **SB 76:** FOR AN ACT ENTITLED, An Act to provide for licensure by endorsement for certain
13 licensed professionals and occupations.14 **SB 102:** FOR AN ACT ENTITLED, An Act to require the continued maintenance of the official
15 list of candidates prior to an election.16 **SB 143:** FOR AN ACT ENTITLED, An Act to raise the revenue threshold for a required audit of
17 a water development district.18 **SB 147:** FOR AN ACT ENTITLED, An Act to change provisions regarding the appointment of
19 legislators to represent South Dakota in the Streamlined Sales and Use Tax Agreement.20 **SB 179:** FOR AN ACT ENTITLED, An Act to revise provisions related to the South Dakota
21 Science and Technology Authority.22 **SB 188:** FOR AN ACT ENTITLED, An Act to add a provision regarding the use of a designated
23 refrigerant.24 **SB 200:** FOR AN ACT ENTITLED, An Act to authorize participation in contracts by certain board
25 members and employees of water districts.26 **HB 1046:** FOR AN ACT ENTITLED, An Act to provide free tuition at Board of Technical
27 Education institutions for children or spouses of members of the South Dakota National Guard
28 disabled or deceased in the line of duty.29 **HB 1145:** FOR AN ACT ENTITLED, An Act to revise the order of precedence for the right to
30 control the disposition of the remains of a deceased person.31 **HB 1184:** FOR AN ACT ENTITLED, An Act to revise provisions related to the One-Call
32 Notification Board.33 **HB 1222:** FOR AN ACT ENTITLED, An Act to limit the liability of permit and certificate-issuing
34 entities and certified use of force instructors.

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

36 There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing
37 Committees.

1

REPORTS OF STANDING COMMITTEES

2 Mr. President:

3 The Joint Committee on Appropriations respectfully reports that it has had under consideration
4 **SB 16** and returns the same with the recommendation that said bill be amended as follows:

5 16A

6 On page 1, line 4, of the Introduced bill, delete " \$6,250,000" and insert " \$1"

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

8 Also Mr. President:

9 The Joint Committee on Appropriations respectfully reports that it has had under consideration
10 **SB 158** and returns the same with the recommendation that said bill be amended as follows:

11 158B

12 On page 1, line 4, of the Senate Transportation Engrossed bill, delete "\$20,000,000" and insert
13 "\$1"

14 On page 1, line 6, of the Senate Transportation Engrossed bill, after "for" insert " the following"

15 On page 1, line 7, of the Senate Transportation Engrossed bill, delete "(1) Safety-related
16 projects;

17 (2)" and insert "(1)"

18 On page 1, line 8, of the Senate Transportation Engrossed bill, after "removal; " delete "and"

19 On page 1, line 9, of the Senate Transportation Engrossed bill, delete "(3)" and insert "(2)"

20 On page 1, line 9, of the Senate Transportation Engrossed bill, delete the comma and insert "
21 and"

22 On page 1, line 9, of the Senate Transportation Engrossed bill, delete ", and" and insert ";

23 (3) "

24 On page 1, line 9, of the Senate Transportation Engrossed bill, delete " arrival " and insert
25 "Arrival "

26 On page 1, line 10, of the Senate Transportation Engrossed bill, after "terminals" insert "; and

27 (4) Terminal systems eligible for state or federal matching funds"

28 On page 1, after line 10, of the Senate Transportation Engrossed bill, insert: "

29 **Section 2.** The Aeronautics commission may provide advisement to the secretary of the
30 Department of Transportation on determining the awarding of grants from the appropriation
31 provided in section 1 of this Act. "

32 On page 1, after line 12, of the Senate Transportation Engrossed bill, insert: "

33 **Section 4.** Any amounts appropriated in this Act not lawfully expended or obligated shall revert
34 in accordance with the procedures prescribed in chapter 4-8."

1 On page 1, after line 12, of the Senate Transportation Engrossed bill, insert: "

2 **Section 5.** This Act is effective June 26, 2023."

3 And that as so amended, **SB 158** do pass.

4 Also Mr. President:

5 The Joint Committee on Appropriations respectfully reports that it has had under consideration
6 **SB 161** and returns the same with the recommendation that said bill be amended as follows:

7 161A

8 On page 1, line 4, of the Introduced bill, after "\$313,107" insert " and the sum of \$3,000,000
9 in federal fund expenditure authority"

10 And that as so amended, **SB 161** do pass.

11 Also Mr. President:

12 The Joint Committee on Appropriations respectfully reports that it has had under consideration
13 **SB 17, 23, 155, and 156** and returns the same with the recommendation that said bills do pass.

14 Also Mr. President:

15 The Joint Committee on Appropriations respectfully reports that it has had under consideration
16 **SB 38 and 148** which were tabled.

17 Respectfully submitted,
18 Jean Hunhoff, Co-Chair

Respectfully submitted,
Mike Derby, Co-Chair

19 Sen. Mehlhaff moved that the Senate do now adjourn, which motion prevailed and at
20 2:28 p.m. the Senate adjourned.

21 Kay Johnson, Secretary