

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

THIRTIETH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 27, 2023

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

The prayer was offered by the Chaplain, Rev. Emily Munger, followed by the Pledge of Allegiance led by Senate page Dakota Jensen.

Roll Call: All members present except Sen. Larson who was 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 29th 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

January 26, 2023

3

The Honorable Larry Rhoden

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

8

Pursuant to the provisions of Chapter 41-2 of the South Dakota Codified Laws and subject to

9

your consent, I have the honor to inform you that I have reappointed Robert Whitmyre, of Day

10

County, Webster, South Dakota, to the Game, Fish and Parks Commission.

11

This reappointment is effective January 10, 2023, and shall continue until January 10, 2027.

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14

Sincerely,

Kristi Noem

Governor

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The President announced the referral of the reappointment to the Committee on Agriculture

16

and Natural Resources.

17

January 26, 2023

18

The Honorable Larry Rhoden

19

President of the Senate

20

State Capitol

21

Pierre, SD 57501

22

Dear President and Members of the Senate:

23

Pursuant to the provisions of Chapter 41-2 of the South Dakota Codified Laws and subject to

24

your consent, I have the honor to inform you that I have appointed Jim White, of Beadle County,

25

Huron, South Dakota, to the Game, Fish and Parks Commission.

26

This appointment is effective January 19, 2023, and shall continue until January 10, 2025.

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Sincerely,

Kristi Noem

Governor

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The President announced the referral of the appointment to the Committee on Agriculture and

31

Natural Resources.

1 February 22, 2023

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-45 of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have appointed Steven Perkins, of Lincoln
9 County, Sioux Falls, South Dakota, to the South Dakota Board of Education Standards.

10 This appointment is effective February 7, 2023, and shall continue until December 31, 2026.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Education.

15 **REPORTS OF STANDING COMMITTEES**

16 Mr. President:

17 The Senate Committee on Appropriations respectfully reports that it has had under
18 consideration **HB 1127 and 1153** and returns the same with the recommendation that said bills
19 do pass.

20 Respectfully submitted,
21 Jean Hunhoff, Chair

22 Mr. President:

23 The Committee on Senate Taxation respectfully reports that it has had under consideration
24 **HB 1137** with the recommendation that said bill be amended as follows:

25 1137C

26 On page 6, after line 12, of the House Appropriations Engrossed bill, insert: "

27 Section 18. The provisions of this Act are repealed on June 30, 2025, and the Code sections
28 amended by this Act will revert in word and substance to that which existed immediately prior to
29 the effective date of this Act."

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

32 Respectfully submitted,
33 Jim Stalzer, Chair

1 Mr. President:

2 The Committee on Senate Local Government respectfully reports that it has had under
3 consideration **HB 1176** and returns the same with the recommendation that said bill be amended
4 as follows:

5 1176E

6 On page 1, line 6, of the House Commerce and Energy Engrossed bill, after "resolution" insert
7 ", without an election but subject to referendum,"

8 And that as so amended, **HB 1176** do pass.

9 Respectfully submitted,
10 Tim Reed, Chair

11 Mr. President:

12 The Committee on Senate State Affairs respectfully reports that it has had under consideration
13 **HB 1140** and returns the same with the recommendation that said bill do pass, and having been
14 certified as uncontested, be placed on the consent calendar.

15 Also Mr. President:

16 The Committee on Senate State Affairs respectfully reports that it has had under consideration
17 **HB 1200** which was deferred to the 41st Legislative Day.

18 Also Mr. President:

19 The Committee on Senate State Affairs respectfully reports that it has had under consideration
20 **HB 1201** which was tabled.

21 Respectfully submitted,
22 Casey Crabtree, Chair

23 Mr. President:

24 The Committee on Senate Health and Human Services respectfully reports that it has had
25 under consideration **HB 1138, 1154, and 1155** and returns the same with the recommendation
26 that said bills do pass.

27 Also Mr. President:

28 The Committee on Senate Health and Human Services respectfully reports that it has had
29 under consideration **HB 1183 and 1231** and returns the same with the recommendation that said
30 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

31 Also Mr. President:

32 The Committee on Senate Health and Human Services respectfully reports that it has had
33 under consideration **HCR 6002** which was tabled.

34 Respectfully submitted,
35 Erin Tobin, Chair

1 Mr. President:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
3 Enrolling has carefully compared **SB 204** and finds the same correctly enrolled.

4 Respectfully submitted,
5 Lee A. Schoenbeck, Chair

6 Mr. President:

7 The Committee on Legislative Procedure respectfully reports that **SB 19, 25, 56, and 98** were
8 delivered to her Excellency, the Governor, for her approval at 3:20 p.m., February 24, 2023.

9 Respectfully submitted,
10 Lee A. Schoenbeck, Chair

11 Also Mr. President:

12 The Committee on Legislative Procedure respectfully reports that **SB 150** was delivered to her
13 Excellency, the Governor, for her approval at 10:25 a.m., February 27, 2023.

14 Respectfully submitted,
15 Lee A. Schoenbeck, Chair

16 **MESSAGES FROM THE HOUSE**

17 Mr. President:

18 I have the honor to return herewith **SB 8** which has been amended by the House and your
19 concurrence in the amendments is respectfully requested.

20 Also Mr. President:

21 I have the honor to return herewith **SB 204** which has passed the House without change.

22 Also Mr. President:

23 I have the honor to inform your honorable body that the House has concurred in Senate
24 amendments to **HCR 6001**.

25 Respectfully,
26 Patricia Miller, Chief Clerk

27 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

29 Joint Appropriations on **SB 16 and 158** as found on page 341 of the Senate Journal and
30 **SB 161** as found on page 342 of the Senate Journal be adopted.

31 Which motion prevailed and the reports were adopted.

1

SECOND READING OF CONSENT CALENDAR ITEMS

2

Sen. Pischke requested that **HB 1008** be removed from the Consent Calendar.

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

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HB 1108: FOR AN ACT ENTITLED, An Act to revise provisions related to abandoned mobile or manufactured homes.

7

8

HB 1114: FOR AN ACT ENTITLED, An Act to revise the qualifications to be a member of a county recount board.

9

10

HB 1162: FOR AN ACT ENTITLED, An Act to authorize employers to acquire and make available opioid antagonists.

11

12

HB 1175: FOR AN ACT ENTITLED, An Act to update references to the Governor, lieutenant governor, and other persons.

13

Were read the second time.

14

15

The question being "Shall **HB 1108** pass as amended, and **HB 1009, 1114, 1162, and 1175** pass?"

16

And the roll being called:

17

Yeas 34, Nays 0, Excused 1, Absent 0

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

22

Excused: Larson

23

24

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.

25

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

26

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28

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.

29

Was read the second time.

30

The question being "Shall **SB 79** pass as amended?"

31

And the roll being called:

32

Yeas 28, Nays 6, Excused 1, Absent 0

33

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

1 Nays: Bordeaux, Frye-Mueller, Hoffman, Pischke, Rohl, and Wiik

2 Excused: Larson

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

5 **SB 21**: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to the Black
6 Hills National Forest Land and Resource Management Plan revision process and to declare an
7 emergency.

8 Was read the second time.

9 The question being "Shall **SB 21** pass?"

10 And the roll being called:

11 Yeas 33, Nays 1, Excused 1, Absent 0

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

16 Nays: Beal

17 Excused: Larson

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

20 **SB 16**: FOR AN ACT ENTITLED, An Act to make an appropriation to rehabilitate the rail line
21 from the city of Milbank to the city of Sisseton and to declare an emergency.

22 Was read the second time.

23 Sen. Wiik moved that **SB 16** be amended as follows:

24 16C

25 On page 1, line 4, of the Joint Appropriations Engrossed bill, delete " \$1" and insert "
26 \$6,250,000"

27 Which motion prevailed.

28 The question being "Shall **SB 16** pass as amended?"

29 And the roll being called:

30 Yeas 29, Nays 5, Excused 1, Absent 0

31 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
32 Duhamel, Foster, Hunhoff, Klumb, Steve Kolbeck, Maher, Mehlhaff, Nesiba, Novstrup, Herman
33 Otten, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

1 Nays: Frye-Mueller, Hoffman, Johnson, Jack Kolbeck, and Pischke

2 Excused: Larson

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

5 **SB 158**: FOR AN ACT ENTITLED, An Act to make an appropriation to provide funding for major
6 infrastructure projects to support South Dakota airports.

7 Was read the second time.

8 The question being "Shall **SB 158** pass as amended?"

9 And the roll being called:

10 Yeas 30, Nays 4, Excused 1, Absent 0

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

15 Nays: Frye-Mueller, Hoffman, Hunhoff, and Pischke

16 Excused: Larson

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

19 **SB 161**: FOR AN ACT ENTITLED, An Act to make an appropriation to the Office of the Secretary
20 of State for voter roll maintenance, ballot machines, and election security.

21 Was read the second time.

22 Sen. Pischke moved that **SB 161** be amended as follows:

23 161C

24 On page 1, line 2, of the Joint Appropriations Engrossed bill, after "roll " insert "systems and "

25 On page 1, line 2, of the Joint Appropriations Engrossed bill, delete " ballot machines" and
26 insert " voting systems"

27 On page 1, line 6, of the Joint Appropriations Engrossed bill, after "roll " insert "systems and "

28 On page 1, line 6, of the Joint Appropriations Engrossed bill, delete " ballot machines" and
29 insert " voting systems"

30 On page 1, line 9, of the Joint Appropriations Engrossed bill, delete " June 30, 2026" and insert
31 " December 20, 2024"

32 Which motion lost.

1 The question being "Shall **SB 161** pass?"

2 And the roll being called:

3 Yeas 32, Nays 2, Excused 1, Absent 0

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

8 Nays: Frye-Mueller and Pischke

9 Excused: Larson

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

12 **SB 17**: FOR AN ACT ENTITLED, An Act to make appropriations for water and environmental
13 purposes and to declare an emergency.

14 Was read the second time.

15 The question being "Shall **SB 17** pass?"

16 And the roll being called:

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

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

22 Excused: Larson

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

25 **SB 23**: FOR AN ACT ENTITLED, An Act to make an appropriation for the modernization of the
26 state's enterprise resource planning systems and to declare an emergency.

27 Was read the second time.

28 The question being "Shall **SB 23** pass?"

29 And the roll being called:

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

31 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
32 Duhamel, Foster, Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Maher, Mehlhaff, Nesiba,
33 Novstrup, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink,
34 and Zikmund

35 Nays: Frye-Mueller, Hoffman, and Pischke

1 Excused: Larson

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

4 **SB 155:** FOR AN ACT ENTITLED, An Act to create the jail improvement and construction fund
5 for the improvement and construction of jails, to make an appropriation therefor, and to declare an
6 emergency.

7 Was read the second time.

8 The question being "Shall **SB 155** pass as amended?"

9 And the roll being called:

10 Yeas 28, Nays 6, Excused 1, Absent 0

11 Yeas: Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel,
12 Foster, Hoffman, Johnson, Klumb, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed,
13 Rohl, Schoenbeck, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

14 Nays: Beal, Frye-Mueller, Hunhoff, Jack Kolbeck, Steve Kolbeck, and Schoenfish

15 Excused: Larson

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

18 **SB 156:** FOR AN ACT ENTITLED, An Act to make an appropriation of American Rescue Plan
19 Act monies for eligible water projects and to declare an emergency.

20 Was read the second time.

21 The question being "Shall **SB 156** pass as amended?"

22 And the roll being called:

23 Yeas 29, Nays 5, Excused 1, Absent 0

24 Yeas: Bolin, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Frye-Mueller,
25 Hoffman, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Maher, Mehlhaff, Nesiba, Novstrup, Herman
26 Otten, Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

27 Nays: Beal, Bordeaux, Foster, Hunhoff, and Wiik

28 Excused: Larson

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

31 **SB 172:** FOR AN ACT ENTITLED, An Act to make an appropriation for design costs related to
32 the health services center at Black Hills State University–Rapid City, and to declare an emergency.

33 Was read the second time.

34 The question being "Shall **SB 172** pass as amended?"

1 And the roll being called:

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

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

7 Nays: Frye-Mueller, Hoffman, and Pischke

8 Excused: Larson

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 **SB 173:** FOR AN ACT ENTITLED, An Act to make an appropriation for design costs related to
12 the new Lincoln Hall at Northern State University, and to declare an emergency.

13 Was read the second time.

14 The question being "Shall **SB 173** pass as amended?"

15 And the roll being called:

16 Yeas 30, Nays 4, Excused 1, Absent 0

17 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
18 Duhamel, Foster, Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Mehlhaff, Nesiba,
19 Novstrup, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink,
20 and Zikmund

21 Nays: Frye-Mueller, Hoffman, Maher, and Pischke

22 Excused: Larson

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

25 **SB 35:** FOR AN ACT ENTITLED, An Act to make an appropriation to expand laboratory space
26 at the Sanford Underground Research Facility and to declare an emergency.

27 Was read the second time.

28 The question being "Shall **SB 35** pass?"

29 And the roll being called:

30 Yeas 29, Nays 4, Excused 2, Absent 0

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

34 Nays: Foster, Frye-Mueller, Hoffman, and Pischke

35 Excused: Deibert and Larson

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

3 **SB 59:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
4 Education for grants to support career and technical education infrastructure projects, and to declare
5 an emergency.

6 Was read the second time.

7 Sen. Wheeler moved that **SB 59** be amended as follows:

8 59B

9 On page 1, line 6, of the Senate Education Engrossed bill, after "districts " insert "or
10 multidistricts "

11 On page 1, line 10, of the Senate Education Engrossed bill, after "district " insert "or
12 multidistrict "

13 On page 1, line 11, of the Senate Education Engrossed bill, after "districts" insert " or
14 multidistricts"

15 On page 1, line 18, of the Senate Education Engrossed bill, after "district " insert "or
16 multidistrict "

17 On page 1, line 19, of the Senate Education Engrossed bill, after "district" insert " or
18 multidistrict"

19 On page 1, line 22, of the Senate Education Engrossed bill, delete " from July 1, 2023, to" and
20 insert " no later than"

21 Which motion prevailed.

22 The question being "Shall **SB 59** pass as amended?"

23 And the roll being called:

24 Yeas 27, Nays 7, Excused 1, Absent 0

25 Yeas: Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel,
26 Foster, Johnson, Klumb, Steve Kolbeck, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed,
27 Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

28 Nays: Beal, Frye-Mueller, Hoffman, Hunhoff, Jack Kolbeck, Pischke, and Wiik

29 Excused: Larson

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

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

1
2 **HB 1006:** FOR AN ACT ENTITLED, An Act to increase the funding for construction of an addition
3 to the Kinsman Building in Pierre, to make an appropriation therefor, and to declare an emergency.

4 Was read the second time.

5 The question being "Shall **HB 1006** pass?"

6 And the roll being called:

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

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

12 Nays: Frye-Mueller, Hoffman, and Pischke

13 Excused: Larson

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

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

18 Was read the second time.

19 The question being "Shall **HB 1030** pass?"

20 And the roll being called:

21 Yeas 22, Nays 12, Excused 1, Absent 0

22 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Diedrich, Hunhoff, Klumb,
23 Jack Kolbeck, Steve Kolbeck, Nesiba, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer,
24 Tobin, Wheeler, and Wiik

25 Nays: Deibert, Duhamel, Foster, Frye-Mueller, Hoffman, Johnson, Maher, Mehlhaff, Novstrup,
26 Pischke, Wink, and Zikmund

27 Excused: Larson

28 So the bill not having received an affirmative vote of a two-thirds majority of the members-
29 elect, the President declared the bill lost.

30 Sen. Jack Kolbeck announced his intention to reconsider the vote by which **HB 1030** lost.

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

34 Was read the second time.

1 The question being "Shall **HB 1032** pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 1, Excused 1, Absent 0

4 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
5 Duhamel, Foster, Frye-Mueller, Hunhoff, Johnson, 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 Nays: Hoffman

9 Excused: Larson

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

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

14 Was read the second time.

15 The question being "Shall **HB 1196** pass?"

16 And the roll being called:

17 Yeas 29, Nays 5, Excused 1, Absent 0

18 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Diedrich, Duhamel, Foster,
19 Hunhoff, Johnson, Klumb, Jack Kolbeck, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed,
20 Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

21 Nays: Deibert, Frye-Mueller, Hoffman, Steve Kolbeck, and Pischke

22 Excused: Larson

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

25 President Pro Tempore Schoenbeck now presiding.

26 **HB 1215:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the operation
27 of a golf cart on a state or county highway.

28 Was read the second time.

29 The question being "Shall **HB 1215** pass?"

30 And the roll being called:

31 Yeas 18, Nays 16, Excused 1, Absent 0

32 Yeas: Beal, Breitling, Castleberry, Crabtree, Davis, Diedrich, Frye-Mueller, Klumb, Maher,
33 Mehlhaff, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenfish, Tobin, and Wheeler

1 Nays: Bolin, Bordeaux, Deibert, Duhamel, Foster, Hoffman, Hunhoff, Johnson, Jack Kolbeck,
2 Steve Kolbeck, Nesiba, Schoenbeck, Stalzer, Wiik, Wink, and Zikmund

3 Excused: Larson

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

6 President Rhoden now presiding.

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

9 Was read the second time.

10 The question being "Shall **HB 1135** pass as amended?"

11 And the roll being called:

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

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

17 Excused: Larson

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 1007:** FOR AN ACT ENTITLED, An Act to to add emergency medical services personnel to
21 Class B public safety membership of the South Dakota Retirement System.

22 Was read the second time.

23 The question being "Shall **HB 1007** pass as amended?"

24 And the roll being called:

25 Yeas 33, Nays 1, Excused 1, Absent 0

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

30 Nays: Pischke

31 Excused: Larson

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

1 **HB 1124:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the testing of
2 automatic tabulating equipment.

3 Was read the second time.

4 The question being "Shall **HB 1124** pass as amended?"

5 And the roll being called:

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

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

11 Excused: Larson

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

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

16 Was read the second time.

17 The question being "Shall **HB 1165** pass as amended?"

18 And the roll being called:

19 Yeas 30, Nays 4, Excused 1, Absent 0

20 Yeas: Beal, Bolin, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster,
21 Hoffman, Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Maher, Mehlhaff, Novstrup,
22 Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and
23 Zikmund

24 Nays: Bordeaux, Frye-Mueller, Nesiba, and Pischke

25 Excused: Larson

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

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

30 Was read the second time.

31 The question being "Shall **HB 1056** pass?"

32 And the roll being called:

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

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

5 Nays: Bordeaux, Hoffman, and Nesiba

6 Excused: Larson

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

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

11 Was read the second time.

12 Sen. Rohl moved that **HB 1185** be amended as follows:

13 1185F

14 On page 2, line 13, of the House Commerce and Energy Engrossed bill, after "36-4C;

15 (9)" insert "A chiropractor licensed in accordance with chapter 36-5;

16 (10) A dentist licensed in accordance with chapter 36-6A;

17 (11) A podiatrist licensed in accordance with chapter 36-8;

18 (12) "

19 On page 2, line 14, of the House Commerce and Energy Engrossed bill, delete "(10)" and insert
20 "(13)"

21 On page 2, line 15, of the House Commerce and Energy Engrossed bill, delete "(11)" and insert
22 "(14)"

23 On page 2, line 16, of the House Commerce and Energy Engrossed bill, delete "(12)" and insert
24 "(15)"

25 On page 2, line 17, of the House Commerce and Energy Engrossed bill, delete "(13)" and insert
26 "(16)"

27 On page 2, line 18, of the House Commerce and Energy Engrossed bill, delete "(14)" and insert
28 "(17)"

29 On page 2, line 19, of the House Commerce and Energy Engrossed bill, delete "(15)" and insert
30 "(18)"

31 On page 2, line 20, of the House Commerce and Energy Engrossed bill, delete "(16)" and insert
32 "(19)"

33 On page 2, line 21, of the House Commerce and Energy Engrossed bill, delete "(17)" and insert
34 "(20)"

35 On page 2, line 23, of the House Commerce and Energy Engrossed bill, delete "(18)" and insert
36 "(21)"

37 Which motion prevailed.

1 The question being "Shall **HB 1185** pass as amended?"

2 And the roll being called:

3 Yeas 32, Nays 2, Excused 1, Absent 0

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

8 Nays: Duhamel and Schoenbeck

9 Excused: Larson

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 **HB 1148**: FOR AN ACT ENTITLED, An Act to clarify registration and residence requirements
13 for voting at a township meeting.

14 Was read the second time.

15 The question being "Shall **HB 1148** pass as amended?"

16 And the roll being called:

17 Yeas 33, Nays 1, Excused 1, Absent 0

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

22 Nays: Wink

23 Excused: Larson

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 **HB 1209**: FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp.

27 Was read the second time.

28 The question being "Shall **HB 1209** pass as amended?"

29 And the roll being called:

30 Yeas 18, Nays 16, Excused 1, Absent 0

31 Yeas: Bordeaux, Castleberry, Crabtree, Davis, Foster, Hunhoff, Johnson, Klumb, Steve
32 Kolbeck, Maher, Nesiba, Herman Otten, Pischke, Reed, Rohl, Schoenfish, Tobin, and Wheeler

33 Nays: Beal, Bolin, Breitling, Deibert, Diedrich, Duhamel, Frye-Mueller, Hoffman, Jack Kolbeck,
34 Mehlhaff, Novstrup, Schoenbeck, Stalzer, Wiik, Wink, and Zikmund

1 Excused: Larson

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

4 **SIGNING OF BILLS**

5 The President publicly read the title to

6 **SB 204:** FOR AN ACT ENTITLED, An Act to expand critical incident stress management to
7 health care facility personnel providing emergency services.

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

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

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

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

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

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

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

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

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

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

24 **COMMEMORATIONS**

25 **SC 812:** A LEGISLATIVE COMMEMORATION, To honor and celebrate the life of Cecil Richard
26 Wiarda.

27 Introduced by: **Senator** Wiik

28 Sen. Beal moved that the Senate do now adjourn, which motion prevailed and at 4:39 p.m.
29 the Senate adjourned.

30

Kay Johnson, Secretary

