

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

THIRTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 07, 2023

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate page Mary Mehlhaff.

Roll Call: All members present except Sen. Castleberry 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 34th 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

March 6, 2023

3

Mr. President and Members of the Senate:

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I have the honor to inform you that on March 6, 2023, I approved Senate Bills 20, 46, 48, 52, 62, 102, 143, 147, 179, 188, and 200, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,
Kristi Noem
Governor

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REPORTS OF STANDING COMMITTEES

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Mr. President:

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The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 4, 51, 53, 70, 89, 120, 141, 160, 168, and 207** and finds the same correctly enrolled.

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Respectfully submitted,
Lee A. Schoenbeck, Chair

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Mr. President:

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The Committee on Legislative Procedure respectfully reports that **SB 17, 21, 23, 35, 55, 69, 140, 145, 180, and 181** were delivered to her Excellency, the Governor, for her approval at 10:00 a.m., March 7, 2023.

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Respectfully submitted,
Lee A. Schoenbeck, Chair

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Mr. President:

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The Committee on Legislative Procedure respectfully reports that **SJR 505** was delivered to her Excellency, the Secretary of State, for her approval at 10:00 a.m., March 7, 2023.

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Respectfully submitted,
Lee A. Schoenbeck, Chair

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REPORTS OF CONFERENCE COMMITTEES

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Mr. President:

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The HB1185 A Conference Committee on **HB 1185** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

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1185H

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On page 2, line 6, of the Senate Engrossed bill, after "36-4A;

- 1 (3)" insert "A paramedic or emergency medical technician licensed in accordance with chapter
2 36-4B;
- 3 (4) A respiratory care practitioner licensed in accordance with chapter 36-4C;
- 4 (5) A chiropractor licensed in accordance with chapter 36-5;
- 5 (6) A dentist licensed in accordance with chapter 36-6A;
- 6 (7) An optometrist licensed in accordance with chapter 36-7;
- 7 (8) A podiatrist licensed in accordance with chapter 36-8;
- 8 (9) A registered nurse authorized to practice in accordance with § 36-9-3;
- 9 (10) A certified registered nurse anesthetist authorized to practice in accordance with § 36-9-
10 3. 1;
- 11 (11) A licensed practical nurse authorized to practice in accordance with § 36-9-4;
- 12 (12) "
- 13 On page 2, line 6, of the Senate Engrossed bill, after "practitioner " insert "or a certified nurse
14 midwife "
- 15 On page 2, line 7, of the Senate Engrossed bill, delete "(4)" and insert
- 16 On page 2, line 7, of the Senate Engrossed bill, after "36-9A;
- 17 (4)" delete "A certified nurse midwife licensed in accordance with chapter 36-9A;"
- 18 On page 2, line 8, of the Senate Engrossed bill, after "36-9A;" delete "(5) A certified registered
19 nurse anesthetist authorized to practice in accordance with § 36-9-3. 1;
- 20 (6) A registered nurse authorized to practice in accordance with § 36-9-3;"
- 21 On page 2, line 11, of the Senate Engrossed bill, delete "(7) A licensed practical nurse
22 authorized to practice in accordance with § 36-9-4;
- 23 (8) A respiratory care practitioner licensed in accordance with chapter 36-4C;
- 24 (9) A chiropractor licensed in accordance with chapter 36-5;
- 25 (10) A dentist licensed in accordance with chapter 36-6A;
- 26 (11) A podiatrist licensed in accordance with chapter 36-8;
- 27 (12)" and insert "(13)A certified professional midwife licensed under 36-9C;
- 28 (14) "
- 29 On page 2, line 17, of the Senate Engrossed bill, delete "(13)" and insert "(15)A nutritionist or
30 dietitian licensed in accordance with chapter 36-10B;
- 31 (16) A pharmacist licensed in accordance with chapter 36-11;
- 32 (17) An audiologist or hearing aid dispenser licensed in accordance with chapter 36-24;
- 33 (18)"

- 1 On page 2, line 18, of the Senate Engrossed bill, delete "(14)" and insert "(19)"
- 2 On page 2, line 19, of the Senate Engrossed bill, delete "(15)" and insert "(20)"
- 3 On page 2, line 20, of the Senate Engrossed bill, delete "(16)" and insert "(21)"
- 4 On page 2, line 21, of the Senate Engrossed bill, delete "(17)" and insert "(22)"
- 5 On page 2, line 21, of the Senate Engrossed bill, after "counselor" insert " or a professional
6 counselor-mental health"
- 7 On page 2, line 22, of the Senate Engrossed bill, delete "(18) A professional counselor-mental
8 health licensed in accordance with chapter 36-32;
- 9 (19)" and insert "(23)"
- 10 On page 2, line 24, of the Senate Engrossed bill, delete "(20)" and insert "(24)"
- 11 On page 2, line 25, of the Senate Engrossed bill, delete "and
12 (21)" and insert "(25)A massage therapist licensed in accordance with chapter 36-35;
13 (26) A genetic counselor licensed in accordance with chapter 36-36;
14 (27)"
- 15 On page 2, line 26, of the Senate Engrossed bill, after "36-37" insert "; and
16 (28) A behavior analyst licensed in accordance with chapter 36-38"
- 17 On page 2, line 28, of the Senate Engrossed bill, after "contract" insert ", entered into on or
18 after July 1, 2023,".

19 Respectfully submitted,
20 Fred Deutsch, Chair

Respectfully submitted,
Erin Tobin, Chair

21 **MESSAGES FROM THE HOUSE**

22 Mr. President:

23 I have the honor to return herewith **SB 51, 53, 70, 89, 141, 168, and 207** which have
24 passed the House without change.

25 Also Mr. President:

26 I have the honor to inform your honorable body that **SB 197** was lost on second reading and
27 final passage.

28 Also Mr. President:

29 I have the honor to return herewith **SB 1, 91, 104, 105, 113, 118, 134, 149, 156, and 174**
30 which have been amended by the House and your concurrence in the amendments is respectfully
31 requested.

1 Also Mr. President:

2 I have the honor to inform your honorable body that the House has concurred in Senate
3 amendments to **HB 1174, 1176, 1239, and 1240**.

4 Also Mr. President:

5 I have the honor to inform your honorable body that the House has failed to concur in Senate
6 amendments to **HB 1094** and no committee was appointed.

7 Also Mr. President:

8 I have the honor to inform your honorable body that the House has adopted the report of the
9 Standing Committee on Joint Legislative Procedure relative to the calendar for the Ninety-ninth
10 Legislative Session.

11 Respectfully,
12 Patricia Miller, Chief Clerk

13 **MOTIONS AND RESOLUTIONS**

14 Sen. Tobin moved that the Senate do concur in House amendments to **SB 67**.

15 The question being on Sen. Tobin's motion that the Senate do concur in House amendments
16 to **SB 67**.

17 And the roll being called:

18 Yeas 30, Nays 3, Excused 2, Absent 0

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

22 Nays: Duhamel, Frye-Mueller, and Pischke

23 Excused: Castleberry and Rohl

24 So the motion having received an affirmative vote of a majority of the members-elect, the
25 President declared the motion carried and the amendments were concurred in.

26 Sen. Tobin moved that the Senate do concur in House amendments to **SB 159**.

27 The question being on Sen. Tobin's motion that the Senate do concur in House amendments
28 to **SB 159**.

29 And the roll being called:

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

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

1 Excused: Castleberry and Rohl

2 So the motion having received an affirmative vote of a majority of the members-elect, the
3 President declared the motion carried and the amendments were concurred in.

4 Sen. Wheeler moved that the Senate do not concur in House amendments to **SB 59** and that
5 a committee of three on the part of the Senate be appointed to meet with a like committee on the
6 part of the House to adjust the differences between the two houses.

7 Which motion prevailed and the President Pro Tempore appointed as such committee
8 Senators Wheeler (Chair), Hunhoff, and Foster.

9 Sen. Johnson moved that the Senate do not concur in House amendments to **SB 40** and that
10 a committee of three on the part of the Senate be appointed to meet with a like committee on the
11 part of the House to adjust the differences between the two houses.

12 Sen. Wiik made a substitute motion that the Senate do not concur in House amendments to
13 **SB 40** and that no committee be appointed.

14 And the roll being called:

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

16 Yeas: Beal, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster, Frye-
17 Mueller, Hoffman, Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher, Novstrup,
18 Pischke, Reed, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

19 Nays: Bolin, Mehlhaff, Nesiba, and Herman Otten

20 Excused: Castleberry and Rohl

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 President declared the motion carried and no committee was appointed.

23 Sen. Frye-Mueller and Sen. Pischke moved for the establishment of a Select Committee on
24 Discipline and Expulsion (Rule S8-1) to investigate the conduct of Sen. Schoenbeck regarding
25 disparaging comments made in both Senate Committees and on the Senate Floor.

26 Motion failed for lack of a second.

27 **CONSIDERATION OF REPORTS OF COMMITTEES**

28 Sen. Schoenbeck moved that the report of the Standing Committee on Joint Legislative
29 Procedures relative to the calendar for the Ninety-ninth Legislative Session as found on page 420 of
30 the Senate Journal be adopted.

31 The question being on Sen. Schoenbeck 's motion that the report of the Standing Committee
32 on Joint Legislative Procedures relative to the calendar for the Ninety-ninth Legislative Session be
33 adopted.

34 And the roll being called:

35 Yeas 30, Nays 3, Excused 2, Absent 0

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

5 Nays: Bolin, Jack Kolbeck, and Pischke

6 Excused: Castleberry and Hunhoff

7 So the motion having received an affirmative vote of a majority of the members-elect, the
8 President declared the motion prevailed.

9 **SIGNING OF BILLS**

10 The President publicly read the title to

11 **SB 4:** FOR AN ACT ENTITLED, An Act to modify a court's authority to commit a habitual juvenile
12 offender to the Department of Corrections.

13 **SB 51:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
14 reimbursement of county expenses in detaining parole violators.

15 **SB 53:** FOR AN ACT ENTITLED, An Act to exempt records regarding jail inmate disciplinary
16 matters from public inspection and copying.

17 **SB 70:** FOR AN ACT ENTITLED, An Act to revise provisions related to courtroom modifications
18 for child witnesses.

19 **SB 89:** FOR AN ACT ENTITLED, An Act to increase the daily maximum award for the alternative
20 care program administered by the Unified Judicial System.

21 **SB 120:** FOR AN ACT ENTITLED, An Act to increase an amount of property value owned by a
22 local industrial development corporation that is exempt from taxation.

23 **SB 141:** FOR AN ACT ENTITLED, An Act to clarify and modernize cremation requirements and
24 procedures.

25 **SB 160:** FOR AN ACT ENTITLED, An Act to establish post-election audits.

26 **SB 168:** FOR AN ACT ENTITLED, An Act to authorize a board of a school district to adopt
27 policies regarding students who are registered sex offenders, and to declare an emergency.

28 **SB 207:** FOR AN ACT ENTITLED, An Act to provide a penalty for the expenditure of public
29 funds to influence the outcome of an election.

30 **HB 1021:** FOR AN ACT ENTITLED, An Act to make an appropriation to the State Conservation
31 Commission and to declare an emergency.

32 **HB 1039:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the payment
33 of tuition for members of the South Dakota National Guard.

34 **HB 1045:** FOR AN ACT ENTITLED, An Act to increase the basic salary schedule for county
35 veterans' service officers.

36 **HB 1053:** FOR AN ACT ENTITLED, An Act to prohibit the issuance of a written certification to
37 a pregnant woman or breastfeeding mother for purposes of medical cannabis use.

1 **HB 1055:** FOR AN ACT ENTITLED, An Act to increase the dollar amount of South Dakota
2 opportunity scholarships.

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

4 **HB 1078:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
5 Human Services for the development and expansion of adult day services programs and to declare
6 an emergency.

7 **HB 1079:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
8 Health to provide grants to support mental health and suicide prevention programs, and to declare
9 an emergency.

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

12 **HB 1123:** FOR AN ACT ENTITLED, An Act to authorize school boards to modify the length of
13 terms for members to allow for holding joint elections.

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

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

18 **HB 1140:** FOR AN ACT ENTITLED, An Act to require the secretary of state to determine if a
19 legislatively proposed constitutional amendment complies with the single subject requirement and
20 is not a constitutional revision.

21 **HB 1153:** FOR AN ACT ENTITLED, An Act to to update travel expenses, moving expenses, and
22 other reimbursements.

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

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

27 **HB 1183:** FOR AN ACT ENTITLED, An Act to authorize the state's participation in the interstate
28 compact on occupational therapy licensure.

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

31 **HB 1231:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to the sealing of
32 adoption records.

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

34 President Pro Tempore Schoenbeck now presiding.

35 There being no objection, the Senate reverted to Order of Business No. 7 - Messages from
36 the House.

1

MESSAGES FROM THE HOUSE

2 Mr. President:

3 I have the honor to inform your honorable body that the House has appointed
4 Representatives Bartels (Chair), Schneider, and Mills as a committee of three on the part of the
5 House to meet with a like committee on the part of the Senate to adjust the differences between
6 the two houses on **SB 59**.

7

8

Respectfully,
Patricia Miller, Chief Clerk

9 Sen. Schoenbeck moved that the Senate do now recess until 2:00 p.m.

10 Which motion prevailed and at 11:47 a.m., the Senate recessed.

11

RECESS

12 The Senate reconvened at 2:00 p.m., the President presiding.

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

15

REPORTS OF STANDING COMMITTEES

16 Mr. President:

17 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
18 Enrolling has carefully compared **SB 67 and 159** and finds the same correctly enrolled.

19

20

Respectfully submitted,
Lee A. Schoenbeck, Chair

21

REPORTS OF CONFERENCE COMMITTEES

22 Mr. President:

23 The HB1141 A Conference Committee on **HB 1141** respectfully reports that it has considered
24 the disagreement of the two houses, and returns the same with the recommendation that the Senate
25 and House do NOT concur with the amendments to **HB 1141** and do NOT appoint a new committee.

26

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Respectfully submitted,
Will Mortenson, Chair

Respectfully submitted,
Casey Crabtree, Chair

28 Mr. President:

29 The HB1022 A Conference Committee on **HB 1022** respectfully reports that it has considered
30 the disagreement of the two houses, and returns the same with the recommendation that said bill
31 be amended as follows:

1 1022D

2 On page 1, line 5, of the Senate Engrossed bill, delete "\$5,000,000" and insert "\$12,800,000"

3 On page 1, line 5, of the Senate Engrossed bill, delete "design, architectural, and engineering
4 services " and insert "cost increases "

5 1022E

6 On the previously adopted amendment (1022D), On page 1, line 1, delete "design " and insert
7 "increased ".

8 Respectfully submitted,
9 Mike Derby, Chair

Respectfully submitted,
Jean Hunhoff, Chair

10 MESSAGES FROM THE HOUSE

11 Mr. President:

12 I have the honor to inform your honorable body that the House has adopted the report of the
13 Conference Committee on **HB 1141**.

14 Also Mr. President:

15 I have the honor to inform your honorable body that the House has failed to concur in Senate
16 amendments to **HB 1137** and has appointed Representatives Mortenson (Chair), Karr, and Bartels
17 as a committee of three on the part of the House to meet with a like committee on the part of the
18 Senate to adjust the differences between the two houses.

19 Respectfully,
20 Patricia Miller, Chief Clerk

21 The President Pro Tempore appointed Senators Crabtree (Chair), Maher, and Nesiba as a
22 committee of three on the part of the Senate to meet with a like committee on the part of the House
23 to adjust the differences between the two houses on **HB 1137**.

24 MOTIONS AND RESOLUTIONS

25 Sen. Tobin moved that the Senate do concur in House amendments to **SB 1**.

26 The question being on Sen. Tobin's motion that the Senate do concur in House amendments
27 to **SB 1**.

28 And the roll being called:

29 Yeas 19, Nays 15, Excused 1, Absent 0

30 Yeas: Bordeaux, Breitling, Crabtree, Davis, Foster, Hunhoff, Johnson, Klumb, Larson, Maher,
31 Nesiba, Herman Otten, Pischke, Reed, Rohl, Schoenfish, Tobin, Wheeler, and Wink

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

1 Excused: Castleberry

2 So the motion having received an affirmative vote of a majority of the members-elect, the
3 President declared the motion carried and the amendments were concurred in.

4 Sen. Reed moved that the Senate do concur in House amendments to **SB 91**.

5 The question being on Sen. Reed's motion that the Senate do concur in House amendments to
6 **SB 91**.

7 And the roll being called:

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

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

13 Nays: Maher

14 Excused: Castleberry

15 So the motion having received an affirmative vote of a majority of the members-elect, the
16 President declared the motion carried and the amendments were concurred in.

17 Sen. Hunhoff moved that the Senate do not concur in House amendments to **SB 105** and that
18 a committee of three on the part of the Senate be appointed to meet with a like committee on the
19 part of the House to adjust the differences between the two houses.

20 Which motion prevailed and the President Pro Tempore appointed as such committee
21 Senators Hunhoff (Chair), Bolin, and Foster.

22 Sen. Crabtree moved that the Senate do not concur in House amendments to **SB 113** and that
23 a committee of three on the part of the Senate be appointed to meet with a like committee on the
24 part of the House to adjust the differences between the two houses.

25 Which motion prevailed and the President Pro Tempore appointed as such committee
26 Senators Crabtree (Chair), Wheeler, and Nesiba.

27 Sen. Tobin moved that the Senate do concur in House amendments to **SB 118**.

28 The question being on Sen. Tobin's motion that the Senate do concur in House amendments
29 to **SB 118**.

30 And the roll being called:

31 Yeas 21, Nays 13, Excused 1, Absent 0

32 Yeas: Bordeaux, Breitling, Crabtree, Davis, Diedrich, Foster, Hunhoff, Johnson, Jack Kolbeck,
33 Steve Kolbeck, Larson, Maher, Nesiba, Reed, Rohl, Schoenbeck, Schoenfish, Tobin, Wheeler, Wink,
34 and Zikmund

35 Nays: Beal, Bolin, Deibert, Duhamel, Frye-Mueller, Hoffman, Klumb, Mehlhaff, Novstrup,
36 Herman Otten, Pischke, Stalzer, and Wiik

1 Excused: Castleberry

2 So the motion having received an affirmative vote of a majority of the members-elect, the
3 President declared the motion carried and the amendments were concurred in.

4 Sen. Duhamel moved that the Senate do concur in House amendments to **SB 134**.

5 Sen. Tobin made a substitute motion that the Senate do not concur in House amendments to
6 **SB 134** and that a committee of three on the part of the Senate be appointed to meet with a like
7 committee on the part of the House to adjust the differences between the two houses.

8 The question being on Sen. Tobin's substitute motion that the Senate do not concur in House
9 amendments to **SB 134** and that a committee of three on the part of the Senate be appointed to
10 meet with a like committee on the part of the House to adjust the differences between the two
11 houses.

12 And the roll being called:

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

14 Yeas: Bordeaux, Breitling, Crabtree, Davis, Foster, Hunhoff, Jack Kolbeck, Steve Kolbeck,
15 Larson, Maher, Nesiba, Herman Otten, Pischke, Reed, Rohl, Schoenfish, Tobin, and Wheeler

16 Nays: Beal, Bolin, Deibert, Diedrich, Duhamel, Frye-Mueller, Hoffman, Johnson, Klumb,
17 Mehlhaff, Novstrup, Schoenbeck, Stalzer, Wiik, Wink, and Zikmund

18 Excused: Castleberry

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 President declared the motion prevailed.

21 Sen. Hunhoff moved that the Senate do not concur in House amendments to **SB 149** and that
22 a committee of three on the part of the Senate be appointed to meet with a like committee on the
23 part of the House to adjust the differences between the two houses.

24 Which motion prevailed and the President Pro Tempore appointed as such committee
25 Senators Hunhoff (Chair), Breitling, and Bolin.

26 Sen. Duhamel moved that the Senate do not concur in House amendments to **SB 156** and that
27 a committee of three on the part of the Senate be appointed to meet with a like committee on the
28 part of the House to adjust the differences between the two houses.

29 Which motion prevailed and the President Pro Tempore appointed as such committee
30 Senators Duhamel (Chair), Hunhoff, and Deibert.

31 Sen. Herman Otten moved that the Senate do concur in House amendments to **SB 174**.

32 The question being on Sen. Herman Otten's motion that the Senate do concur in House
33 amendments to **SB 174**.

34 And the roll being called:

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

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

5 Excused: Castleberry

6 So the motion having received an affirmative vote of a majority of the members-elect, the
7 President declared the motion carried and the amendments were concurred in.

8 Sen. Wiik moved that the Senate do not concur in House amendments to **SB 16** and that a
9 committee of three on the part of the Senate be appointed to meet with a like committee on the
10 part of the House to adjust the differences between the two houses.

11 Which motion prevailed and the President Pro Tempore appointed as such committee
12 Senators Wiik (Chair), Bordeaux, and Bolin.

13 ANNOUNCEMENTS

14 The President Pro Tempore appointed Senators Duhamel (Chair), Tobin, and Steve Kolbeck as
15 a committee of three on the part of the Senate to meet with a like committee on the part of the
16 House to adjust the differences between the two houses on **SB 134**.

17 CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

18 Sen. Tobin moved that the report of the Conference Committee on **HB 1185** as found on page
19 442 of the Senate Journal be adopted.

20 The question being on Sen. Tobin's motion that the report of the Conference Committee on
21 **HB 1185** be adopted.

22 And the roll being called:

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

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

28 Nays: Duhamel and Schoenbeck

29 Excused: Castleberry

30 So the motion having received an affirmative vote of a majority of the members-elect, the
31 President declared the motion carried and the report was adopted.

32 CONSIDERATION OF EXECUTIVE APPOINTMENTS

33 The Senate proceeded to the consideration of the executive appointment of Jim White of Beadle
34 County, Huron, South Dakota, to the Game, Fish and Parks Commission.

1 The question being "Does the Senate advise and consent to the executive appointment of Jim
2 White pursuant to the executive message as found on page 344 of the Senate Journal?"

3 And the roll being called:

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

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

9 Nays: Pischke

10 Excused: Castleberry and Frye-Mueller

11 So the question having received an affirmative vote of a majority of the members-elect, the
12 President declared the appointment confirmed.

13 The Senate proceeded to the consideration of the executive appointment of Steven Perkins of
14 Lincoln County, Sioux Falls, South Dakota, to the South Dakota Board of Education Standards.

15 The question being "Does the Senate advise and consent to the executive appointment of
16 Steven Perkins pursuant to the executive message as found on page 345 of the Senate Journal?"

17 And the roll being called:

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

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

23 Nays: Davis and Reed

24 Excused: Castleberry

25 So the question having received an affirmative vote of a majority of the members-elect, the
26 President declared the appointment confirmed.

27 The Senate proceeded to the consideration of the executive appointment of Vaughn Beck, to
28 the Board of Pardons and Paroles.

29 The question being "Does the Senate advise and consent to the executive appointment of
30 Vaughn Beck pursuant to the executive message as found on page 296 of the Senate Journal?"

31 And the roll being called:

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

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

37 Excused: Castleberry

1 So the question having received an affirmative vote of a majority of the members-elect, the
2 President declared the appointment confirmed.

3 The Senate proceeded to the consideration of the executive reappointment of Steve Westra of
4 Minnehaha County, Sioux Falls, South Dakota, to the position of Commissioner of the Governor's
5 Office of Economic Development.

6 The question being "Does the Senate advise and consent to the executive reappointment of
7 Steve Westra pursuant to the executive message as found on page 88 of the Senate Journal?"

8 And the roll being called:

9 Yeas 27, Nays 6, Excused 2, Absent 0

10 Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Davis, Diedrich, Duhamel, Foster, Hunhoff,
11 Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher, Nesiba, Novstrup, Herman Otten, Reed,
12 Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

13 Nays: Deibert, Hoffman, Johnson, Mehlhaff, Pischke, and Rohl

14 Excused: Castleberry and Frye-Mueller

15 So the question having received an affirmative vote of a majority of the members-elect, the
16 President declared the reappointment confirmed.

17 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

18 The Senate proceeded to the consideration of the executive reappointment of Robert Whitmyre
19 of Day County, Webster, South Dakota, to the Game, Fish and Parks Commission.

20 The question being "Does the Senate advise and consent to the executive reappointment of
21 Robert Whitmyre pursuant to the executive message as found on page 344 of the Senate Journal?"

22 And the roll being called:

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

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

28 Nays: Pischke

29 Excused: Castleberry and Frye-Mueller

30 So the question having received an affirmative vote of a majority of the members-elect, the
31 President declared the reappointment confirmed.

32 There being no objection, the Senate reverted to Order of Business No. 7 - Messages from
33 the House.

1

MESSAGES FROM THE HOUSE

2 Mr. President:

3 I have the honor to inform your honorable body that the House has adopted the report of the
4 Conference Committee on **HB 1022**.

5 Also Mr. President:

6 I have the honor to inform your honorable body that the House has adopted the report of the
7 Conference Committee on **HB 1185**.

8 Also Mr. President:

9 I have the honor to inform your honorable body that the House has appointed
10 Representatives Hansen (Chair), Wangsness, and Stevens as a committee of three on the part of
11 the House to meet with a like committee on the part of the Senate to adjust the differences between
12 the two houses on **SB 113**.

13 Also Mr. President:

14 I have the honor to inform your honorable body that the House has appointed
15 Representatives Karr (Chair), Mulder, and Duba as a committee of three on the part of the House
16 to meet with a like committee on the part of the Senate to adjust the differences between the two
17 houses on **SB 105**.18
19Respectfully,
Patricia Miller, Chief Clerk20 Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 9:00 a.m. on
21 Wednesday, March 8, 2023, the 36th legislative day.

22 Which motion prevailed.

23

SIGNING OF BILLS

24 The President publicly read the title to

25 **SB 67**: FOR AN ACT ENTITLED, An Act to revise provisions related to emergency and
26 involuntary commitment for alcohol and drug abuse.27 **SB 159**: FOR AN ACT ENTITLED, An Act to revise provisions regarding vehicle warranty claims.

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

29 Sen. Diedrich moved that the Senate do now adjourn, which motion prevailed and at 3:34 p.m.
30 the Senate adjourned.

31

Kay Johnson, Secretary