

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, March 09, 2023

The Senate convened at 9:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by Senate page Gianna Stangeland.

Roll Call: All members present except Sens. Castleberry and Zikmund 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 36th 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 8, 2023

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on March 8, 2023, I approved Senate Bills 5, 6, 50, 72, 78, 81, 86, 132, 182, 198, and 204, and the same have been deposited in the office of the Secretary of State.

5

6

7

8

9

Respectfully submitted,
Kristi Noem
Governor

10

MESSAGES FROM THE HOUSE

11

Mr. President:

12

I have the honor to inform your honorable body that the House has appointed Representatives Bartels (Chair), Karr, and Lesmeister as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 104**.

13

14

15

16

17

Respectfully,
Patricia Miller, Chief Clerk

18

MOTIONS AND RESOLUTIONS

19

SENATE PAGE RESOLUTION 5 Introduced by: Senators Beal; Bolin; Bordeaux; Breitling; Castleberry; Crabtree; Davis; Deibert; Diedrich; Duhamel; Foster; Frye-Mueller; Hoffman; Hunhoff; Johnson; Klumb; Kolbeck, Jack; Kolbeck, Steve; Larson; Maher; Mehlhaff; Nesiba; Novstrup; Otten, Herman; Pischke; Reed; Rohl; Schoenbeck; Schoenfish; Stalzer; Tobin; Wheeler; Wiik; Wink; Zikmund

20

21

22

23

24

A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-eighth Legislature of the State of South Dakota to Paetyn Cole, Angeth Mayen, Mary Mehlhaff, Emily Robbins, Natalie Severson, and Gianna Stangeland.

25

26

27

WHEREAS, the above named served loyally as pages for the Senate of the Ninety-eighth Legislative Session; and

28

29

WHEREAS, the members of the Ninety-eighth Senate express their most sincere appreciation to these young people for their service to the state; and

30

31

WHEREAS, the members extend to these young people their wishes for every success in life:

32

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-eighth Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each page on this last day of service.

33

34

35

Sen. Mehlhaff moved that Senate Page Resolution 5 be adopted.

36

The question being on Sen. Mehlhaff 's motion that Senate Page Resolution 5 be adopted.

1 And the roll being called:

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

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

7 Excused: Castleberry and Zikmund

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

10 Sen. Hunhoff moved that the Senate do not concur in House amendments to **SB 104** and that
11 a committee of three on the part of the Senate be appointed to meet with a like committee on the
12 part of the House to adjust the differences between the two houses.

13 Which motion prevailed and the President announced as such committee
14 Senators Hunhoff (Chair), Breitling, and Foster.

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

18 Motion failed for lack of a second.

19 There being no objection, the Senate reverted to Order of Business No. 4 - Communications
20 and Petitions.

21 **COMMUNICATIONS AND PETITIONS**

22 March 9, 2023

23 The Honorable Larry Rhoden
24 President of the Senate
25 500 East Capitol Avenue
26 Pierre, SD 57501

27 Dear Mr. President and Members of the Senate,

28 I respectfully return to you Senate Bill 108 with my VETO. Senate Bill 108 is an Act to provide
29 an educational exception to consumption prohibitions for person over eighteen years of age who are
30 required to taste an alcoholic beverage as part of a course. This bill would enable underage South
31 Dakotans to consume alcohol.

32 Senate Bill 108 raises several questions because of flawed language. While the intent may be
33 different, nothing in this bill limits the sale, service, or consumption of alcohol to specific class
34 locations or specific class times. SDCL 35-1-14 allows consumption of alcohol, but then section three
35 attempts to permit taste but not consumption — this creates conflicting language. Such
36 specifications are not necessary under current law, which keeps the drinking age at 21.

37 This flawed language creates potential loopholes that pose problems for law enforcement.
38 Officers encountering underage students with alcohol on their breath or in their system must

1 determine if this exception to underage drinking laws applies before writing a citation. We should
2 respect the work of law enforcement by not needlessly making their jobs any tougher.

3 This legislation amends a statute that we created in 2020, which was carefully crafted to allow
4 alcohol in these classes under a specific set of protections. I signed that legislation because of the
5 key provision preventing students under the age of 21 from participating in courses that produced
6 and consumed alcoholic beverages. To strike this provision after just a couple of years undermines
7 the basic premise of that legislation. I ask the legislature to honor the intent of the 2020 legislative
8 compromise allowing these classes to be created.

9 The sponsors have cited workforce as their reason for bringing this legislation. While I
10 appreciate their acknowledgement that South Dakota has the strongest economy in the nation, I
11 don't believe that allowing underage students to consume alcohol will solve specific workforce issues.
12 Those industries have continued to grow and thrive, both before and after the legislation I signed
13 only three years ago.

14 For these reasons, I oppose Senate Bill 108 and ask that you sustain my VETO.

15 Respectfully submitted,
16 Kristi Noem
17 Governor

18 March 9, 2023

19 Dear Mr. President and Members of the Senate,

20 I respectfully return to you Senate Bill 129 with my VETO. Senate Bill 129 is an Act to include
21 school employees in certain assault provisions and provide a penalty therefor.

22 Current law provides for enhanced penalties when someone is convicted of simple and/or
23 aggravated assault of law enforcement officers while the officer is engaged in the performance of
24 their official duties. This legislation would provide the same enhanced penalty for the assault of
25 public and/or non-public school employees when engaged in school-related activity.

26 This veto does not take away from the appreciation I have for our school employees. They
27 carry the great responsibility of educating and caring for our children, and there's no question they
28 deserve a safe working environment. But unlike school employees, the nature of the work and
29 responsibility of law enforcement makes enhanced penalties a necessity to protect the integrity of
30 our institutions, as law enforcement officers are expressly tasked with risking their lives to protect
31 the public.

32 While anyone who assaults a school employee also needs to be held accountable, our current
33 statute provides that accountability. South Dakota already has a strong and fair criminal justice
34 system, and school districts have robust disciplinary policies tailored to address behavior within their
35 districts. The changes SB 129 makes would open the door for additional occupations to ask for
36 special treatment under the law.

37 Additionally, this legislation has the potential for unintended consequences. For example,
38 "school-related activities" is broad and could encompass situations that extend beyond the intent of
39 the bill. Consider a personal altercation between two teachers during a school day. Because the
40 incident occurred while the employees were engaged in the school-related activity, this legislation
41 would allow for escalated charges for the guilty party. Situations like this would undermine the bill's
42 intent.

43 For these reasons, I oppose Senate Bill 129 and ask that you sustain my veto.

44 Respectfully submitted,
45 Kristi Noem
46 Governor

1 March 9, 2023

2 Mr. President and Members of the Senate:

3 I have the honor to inform you that on March 9, 2023, I approved Senate Bills 8, 18, 33, 42,
4 103, 115, and 176, and the same have been deposited in the office of the Secretary of State.

5 Respectfully submitted,
6 Kristi Noem
7 Governor

8 **REPORTS OF STANDING COMMITTEES**

9 Mr. President:

10 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
11 Enrolling has carefully compared **SB 16 and 59** and finds the same correctly enrolled.

12 Respectfully submitted,
13 Lee A. Schoenbeck, Chair

14 **MESSAGES FROM THE HOUSE**

15 Mr. President:

16 I have the honor to inform your honorable body that the House has adopted the reports of the
17 Conference Committees on **SB 16, 59, and 134**.

18 Respectfully,
19 Patricia Miller, Chief Clerk

20 **MOTIONS AND RESOLUTIONS**

21 Sen. Crabtree moved that the Senate do not concur in House amendments to **SB 112** and that
22 no committee be appointed.

23 The question being on Sen. Crabtree's motion that the Senate do not concur in House
24 amendments to **SB 112** and that no committee be appointed.

25 And the roll being called:

26 Yeas 24, Nays 0, Excused 11, Absent 0

27 Yeas: Beal, Bordeaux, Crabtree, Davis, Deibert, Diedrich, Duhamel, Frye-Mueller, Hoffman,
28 Klumb, Steve Kolbeck, Larson, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl,
29 Schoenbeck, Schoenfish, Stalzer, Tobin, and Wheeler

30 Excused: Bolin, Breitling, Castleberry, Foster, Hunhoff, Johnson, Jack Kolbeck, Maher, Wiik,
31 Wink, and Zikmund

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

1

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

2 Mr. President:

3 The SB 113 A Conference Committee on **SB 113** respectfully reports that it has considered the
4 disagreement of the two houses, and returns the same with the recommendation that said bill be
5 amended as follows:

6

113K

7 On page 1, line 3, of the House State Affairs Engrossed bill, after "Dakota:" delete "Section 1.
8 "

9 On page 1, line 3, of the House State Affairs Engrossed bill, after "1. " delete "The Legislature
10 finds that the Secretary of State has various administrative functions that are necessary to ensure
11 a fair and orderly petition and election process. These functions include but are not limited to
12 sampling signatures to ensure their validity; certifying measures for the ballot; and preparing,
13 printing, and distributing ballots.

14 The Legislature finds that in addition to these administrative functions, it is also essential to
15 provide sufficient time for the resolution of any legal challenges related to the petition circulation
16 process. Such challenges may involve allegations of fraud, forgery, filing of false instruments, or
17 other illegalities, and may be subject to review by both the Circuit Court and the Supreme Court.

18 The Legislature finds that such litigation can be time-consuming and complex, and therefore,
19 it is necessary to allow adequate time for it to be conducted in a thorough and fair manner.

20 Accordingly, the Legislature finds that it is important to establish a clear timeline for the
21 election process and deadline for petition submission that allows for both the Secretary of State's
22 administrative functions and the resolution of any legal challenges.

23 To this end, the Legislature determines that the following time windows are necessary:

24 The Legislature finds that general election day in South Dakota is the Tuesday after the first
25 Monday in November. Therefore, general election day occurs within November 2 to November 8.

26 The Legislature finds that the absentee voting period begins 46 days prior to the general
27 election. Therefore, absentee voting begins within September 17 to September 23.

28 The Legislature finds that the South Dakota Secretary of State requires approximately one
29 month to prepare and print all ballots to be used on general election day. Therefore, the time period
30 for preparing and printing ballots must begin within August 18 to August 24.

31 The Legislature finds that 60 days time is minimally sufficient to accommodate an appeal in
32 the Supreme Court. Therefore, the time window for an appeal in the Supreme Court must begin
33 within June 19 to June 25.

34 The Legislature finds that 60 days time is minimally sufficient to accommodate an action in
35 circuit court to challenge the validity of petition signatures. Therefore, the time window for a circuit
36 court challenge must begin within April 20 to April 26.

37 The Legislature finds that the South Dakota Secretary of State requires approximately 45 days
38 to review petition signatures for validity and certify a measure for the ballot. Therefore, the time
39 window for a circuit court challenge must begin within March 6 to March 12.

40 Therefore, the Legislature finds that the petition submission deadline shall be the second
41 Tuesday in March."

42 On page 3, line 12, of the House State Affairs Engrossed bill, delete " second" and insert " first"

1 On page 3, line 13, of the House State Affairs Engrossed bill, delete " March" and insert " May"

2 On page 4, line 11, of the House State Affairs Engrossed bill, delete " second" and insert " first"

3 On page 4, line 12, of the House State Affairs Engrossed bill, delete " March" and insert " May"

4 On page 4, line 18, of the House State Affairs Engrossed bill, after "shall " insert "promptly "

5 On page 4, line 18, of the House State Affairs Engrossed bill, after "examine " insert "and
6 catalogue "

7 On page 4, line 24, of the House State Affairs Engrossed bill, after "§ 2-1-16 " insert "within
8 five days of completing the examination and cataloguing of the petition signatures "

9 On page 4, line 25, of the House State Affairs Engrossed bill, delete " within thirty days of a"
10 and insert " upon".

11 Respectfully submitted,
12 Casey Crabtree, Chair

Respectfully submitted,
Jon Hansen, Chair

13 Sen. Crabtree moved that the report of the Conference Committee on **SB 113** be adopted.

14 The question being on Sen. Crabtree's motion that the report of the Conference Committee on
15 **SB 113** be adopted.

16 And the roll being called:

17 Yeas 22, Nays 2, Excused 11, Absent 0

18 Yeas: Beal, Bordeaux, Crabtree, Davis, Deibert, Diedrich, Duhamel, Hoffman, Klumb, Steve
19 Kolbeck, Larson, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish,
20 Stalzer, Tobin, and Wheeler

21 Nays: Frye-Mueller and Pischke

22 Excused: Bolin, Breitling, Castleberry, Foster, Hunhoff, Johnson, Jack Kolbeck, Maher, Wiik,
23 Wink, and Zikmund

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 report was adopted.

26 Mr. President:

27 The SB 156 A Conference Committee on **SB 156** respectfully reports that it has considered the
28 disagreement of the two houses, and returns the same with the recommendation that said bill be
29 amended as follows:

30 156H

31 On page 1, line 4, of the House Engrossed bill, delete "\$1,944" and insert "\$50,000,000".

32 Respectfully submitted,
33 Helene Duhamel, Chair

Respectfully submitted,
Hugh M. Bartels, Chair

1 Sen. Duhamel moved that the report of the Conference Committee on **SB 156** be adopted.

2 The question being on Sen. Duhamel's motion that the report of the Conference Committee on
3 **SB 156** be adopted.

4 And the roll being called:

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

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

9 Nays: Bordeaux, Foster, and Frye-Mueller

10 Excused: Castleberry and Zikmund

11 So the motion having received an affirmative vote of a two-thirds majority of the members-
12 elect, the President declared the motion carried and the report was adopted.

13 Mr. President:

14 The SB 134 B Conference Committee on **SB 134** respectfully reports that it has considered the
15 disagreement of the two houses, and returns the same with the recommendation that said bill be
16 amended as follows:

17 1340

18 On the House Health and Human Services Engrossed bill, delete everything after the enacting
19 clause and insert:

20 "

21 **Section 1. That § 34-20G-92 be AMENDED:**

22 **34-20G-92.** ~~The Executive Board of the Legislative Research Council shall appoint an oversight~~
23 ~~committee comprised of: one member of the House of Representatives, one member of the Senate,~~
24 ~~one Division of Criminal Investigation agent, one staff member from the Office of the Attorney~~
25 ~~General, two representatives of law enforcement, one representative from the department, one~~
26 ~~practitioner with experience in medical cannabis issues, one nurse, one board member or principal~~
27 ~~officer of a cannabis testing facility, one person with experience in policy development or~~
28 ~~implementation in the field of medical cannabis, and three qualifying patients consisting of:~~

29 (1) Two members of the Senate;

30 (2) Two members of the House of Representatives;

31 (3) One physician licensed in accordance with chapter 36-4;

32 (4) One physician assistant licensed in accordance with chapter 36-4A;

33 (5) One certified nurse practitioner licensed in accordance with chapter 36-9A;

34 (6) One chief of police for a municipality having a population in excess of fifty-thousand, or a
35 representative of the police department designated by the chief;

36 (7) One sheriff of a county or a representative of the sheriff's office designated by the
37 sheriff;

1 (8) One professional counselor licensed in accordance with chapter 36-32 or one
2 addiction counselor licensed in accordance with chapter 36-34; and

3 (9) One qualifying patient.

4 Each appointee shall serve for a term of two years and may be reappointed.

5 **Section 2. That chapter 34-20G be amended with a NEW SECTION:**

6 Beginning in 2023, and every two years thereafter, the oversight committee shall select from
7 among itself one legislator to serve as the chair and one legislator, from the opposite chamber, to
8 serve as the vice chair.

9 Beginning in 2025, the legislators selected to serve as the chair and vice chair may not be from
10 the same chamber as their immediate predecessors.

11 **Section 3. That § 34-20G-93 be AMENDED:**

12 **34-20G-93.** The oversight committee shall meet at least two times per year for the purpose
13 of evaluating and making recommendations to the Legislature and the department regarding:

14 (1) The ability of qualifying patients in all areas of the state to obtain timely access to
15 high-quality medical cannabis;

16 (2) The effectiveness of the dispensaries and cultivation facilities, individually and
17 together, in serving the needs of qualifying patients, including the provision of educational and
18 support services by dispensaries, the reasonableness of their prices, whether they are generating
19 any complaints or security problems, and the sufficiency of the number operating to serve the state's
20 registered qualifying patients;

21 (3) The effectiveness of the cannabis testing facilities, including whether a sufficient
22 number are operating;

23 (4) The sufficiency of the regulatory and security safeguards contained in this chapter
24 and adopted by the department to ensure that access to and use of cannabis cultivated is provided
25 only to cardholders;

26 (5) Any recommended additions or revisions to the department regulations or this
27 chapter, including relating to security, safe handling, labeling, and nomenclature; and

28 (6) Any research studies regarding health effects of medical cannabis for patients.

29 The oversight committee shall ensure that it seeks relevant input from qualifying patients;
30 designated caregivers; pharmacists; school boards and administrators; parents; municipal
31 representatives; state agencies, including the Department of Health, the South Dakota Division of
32 Criminal Investigation, and the Department of Public Safety; and medical cannabis establishments.

33 .

34 Respectfully submitted,
35 Helene Duhamel, Chair

Respectfully submitted,
Liz May, Chair

36 Sen. Duhamel moved that the report of the Conference Committee on **SB 134** be adopted.

37 The question being on Sen. Duhamel's motion that the report of the Conference Committee on
38 **SB 134** be adopted.

1 And the roll being called:

2 Yeas 28, Nays 5, Excused 2, Absent 0

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

6 Nays: Bordeaux, Foster, Larson, Nesiba, and Wheeler

7 Excused: Castleberry and Zikmund

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

10 Mr. President:

11 The HB 1137 A Conference Committee on **HB 1137** respectfully reports that it has considered
12 the disagreement of the two houses, and returns the same with the recommendation that said bill
13 be amended as follows:

14 1137R

15 On page 1, line 6, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

16 On page 1, line 11, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

17 On page 2, line 4, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

18 On page 2, line 10, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

19 On page 2, line 17, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

20 On page 3, line 5, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

21 On page 3, line 16, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

22 On page 3, line 20, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

23 On page 3, line 27, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

24 On page 4, line 12, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

25 On page 4, line 15, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

26 On page 4, line 20, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

27 On page 4, line 29, of the Senate Engrossed bill, delete " three-tenths" and insert " two tenths"

28 On page 5, line 17, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

29 On page 5, line 20, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

30 On page 5, line 28, of the Senate Engrossed bill, delete " three-tenths" and insert " two-tenths"

31 On page 5, after line 30, of the Senate Engrossed bill, insert: "

32 **Section 17. That § 32-5B-20 be AMENDED:**

1 **32-5B-20.** There is hereby imposed a tax of four and ~~one-half~~ two-tenths percent upon the
2 gross receipts of any person renting a rental vehicle as defined in § 32-5B-19. This tax applies to
3 all vehicles registered in accordance with § 32-5-6, 32-5-8.1, or 32-5-9. Any rental vehicle not
4 licensed in accordance with § 32-5-6, 32-5-8.1, or 32-5-9 is subject to the motor vehicle excise tax
5 in § 32-5B-1.

6 The tax imposed by this section is in addition to any tax levied pursuant to chapter 10-45 or
7 10-46 upon the rental of a rental vehicle. The provisions of chapter 10-45 apply to the administration
8 and enforcement of the tax imposed by this section. The tax imposed by this section is in lieu of the
9 tax levied by § 32-5B-1 on the sales of such motor vehicles. A violation of this section is a Class 1
10 misdemeanor."

11 On page 6, line 13, of the Senate Engrossed bill, delete " 16" and insert " 17"

12 On page 6, line 14, of the Senate Engrossed bill, delete "2025" and insert " 2027".

13 Respectfully submitted, Respectfully submitted,
14 Will Mortenson, Chair Casey Crabtree, Chair

15 Sen. Crabtree moved that the report of the Conference Committee on **HB 1137** be adopted.

16 The question being on Sen. Crabtree's motion that the report of the Conference Committee on
17 **HB 1137** be adopted.

18 And the roll being called:

19 Yeas 31, Nays 2, Excused 2, Absent 0

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

24 Nays: Bordeaux and Nesiba

25 Excused: Castleberry and Zikmund

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

28 Mr. President:

29 The SB 104 A Conference Committee on **SB 104** respectfully reports that it has considered the
30 disagreement of the two houses, and returns the same with the recommendation that said bill be
31 amended as follows:

104C

33 On page 1, line 1, of the House Engrossed bill, delete "reduce certain gross receipts tax rates
34 and a use tax rate, and to repeal a conditional reduction of certain gross receipts tax rates" and
35 insert "reallocate monies in the state treasury for broadband projects and to declare an emergency"

36 On the House Engrossed bill, delete everything after the enacting clause and insert:

37 "

38 **Section 1. That section 1 of chapter 218 of the 2021 Session Laws be AMENDED:**

1 There is hereby appropriated from the general fund the sum of ~~\$75,000,000~~ \$45,000,000 to
2 the Governor's Office of Economic Development, for purposes of expanding broadband throughout
3 the state of South Dakota.

4 **Section 2.** There is hereby appropriated \$30,000,000 from the American Rescue Plan Act
5 State Fiscal Recovery Fund, to the Governor's Office of Economic Development, for the purpose of
6 providing grants for eligible broadband projects in accordance with federal guidance.

7 **Section 3.** The commissioner of the Governor's Office of Economic Development shall approve
8 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

9 **Section 4.** Whereas, this Act is necessary for the support of the state government and its
10 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
11 force and effect from and after its passage and approval."

12 Respectfully submitted,
13 Jean Hunhoff, Chair

Respectfully submitted,
Hugh M. Bartels, Chair

14 Sen. Hunhoff moved that the report of the Conference Committee on **SB 104** be adopted.

15 Sen. Wiik made a substitute motion that the report of the Conference Committee on **SB 104**
16 not be adopted and no new committee be appointed.

17 The question being on Sen. Wiik's motion that the report of the Conference Committee on
18 **SB 104** not be adopted and no new committee be appointed.

19 And the roll being called:

20 Yeas 26, Nays 7, Excused 2, Absent 0

21 Yeas: Beal, Bolin, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Frye-Mueller,
22 Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Maher, Mehlhaff, Novstrup, Herman Otten, Reed,
23 Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, and Wink

24 Nays: Bordeaux, Foster, Hoffman, Hunhoff, Larson, Nesiba, and Pischke

25 Excused: Castleberry and Zikmund

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 President declared the motion carried and the report was not adopted, and no new committee was
28 appointed.

29 Sen. Crabtree moved that the Senate do now recess until 5:00 p.m.

30 Which motion prevailed and at 3:55 p.m., the Senate recessed.

31 **RECESS**

32 The Senate reconvened at 5:00 p.m., the President presiding.

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

3 **REPORTS OF STANDING COMMITTEES**

4 Mr. President:

5 The Joint Committee on Appropriations respectfully reports that it has had under consideration
6 **SB 24** and returns the same with the recommendation that said bill be amended as follows:

7 24B

8 On page 1, line 7, of the Introduced bill, delete " five" and insert " six"

9 On page 1, line 7, of the Introduced bill, delete " ninety-eight and nine-tenths" and insert "
10 eleven and three-tenths"

11 On page 1, line 12, of the Introduced bill, delete " twenty-nine and three-tenths" and insert "
12 thirty-two"

13 On page 1, line 19, of the Introduced bill, delete " eighty-nine and four-tenths" and insert "
14 ninety-five and four-tenths"

15 On page 3, line 21, of the Introduced bill, delete "\$58,544. 13" and insert "\$59,659.25"

16 On page 6, line 23, of the Introduced bill, delete " fifty-five and three-tenths" and insert " fifty-
17 seven and four-tenths"

18 On page 7, line 18, of the Introduced bill, delete " thirty-five and three-tenths" and insert "
19 thirty-seven and four-tenths"

20 On page 7, line 21, of the Introduced bill, delete " \$6,858. 60" and insert " \$6,989.24"

21 On page 7, line 25, of the Introduced bill, delete " \$16,181. 55" and insert " \$16,489.77"

22 On page 7, line 29, of the Introduced bill, delete " \$20,666. 10" and insert " \$21,059.74"

23 On page 7, line 33, of the Introduced bill, delete " \$16,780. 05" and insert " \$17,099.67"

24 On page 8, line 4, of the Introduced bill, delete " \$36,007. 65" and insert " \$36,693.51"

25 On page 8, line 8, of the Introduced bill, delete " \$9,519. 30" and insert " \$9,700.62"

26 On page 9, line 32, of the Introduced bill, delete " \$1. 353" and insert " \$1.374"

27 And that as so amended, **SB 24** do pass.

28 Also Mr. President:

29 The Joint Committee on Appropriations respectfully reports that it has had under consideration
30 **SB 203** which was tabled.

31 Respectfully submitted,
32 Jean Hunhoff, Co-Chair

Respectfully submitted,
Mike Derby, Co-Chair

1 Mr. President:

2 The Joint Committee on Appropriations respectfully reports that it has had under consideration
3 **SB 210** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Jean Hunhoff, Co-Chair

Respectfully submitted,
Mike Derby, Co-Chair

6 **MESSAGES FROM THE HOUSE**

7 Mr. President:

8 I have the honor to inform your honorable body that the House has adopted the report of the
9 Conference Committee on **HB 1137**.

10 Also Mr. President:

11 I have the honor to inform your honorable body that the House has adopted the report of the
12 Conference Committee on **SB 113**.

13 Also Mr. President:

14 I have the honor to inform your honorable body that the House has adopted the report of the
15 Conference Committee on **SB 104**.

16 Also Mr. President:

17 I have the honor to inform your honorable body that the House has failed to adopt the report
18 of the Conference Committee on **SB 156** and no new committee was appointed.

19 Respectfully,
20 Patricia Miller, Chief Clerk

21 **MOTIONS AND RESOLUTIONS**

22 Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 9:00 a.m. on
23 Monday, March 27, 2023, the 38th legislative day.

24 Which motion prevailed.

25 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

26 **SB 210:** FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of
27 the legislative, judicial, and executive departments of the state, the current expenses of state
28 institutions, interest on the public debt, and for common schools.

29 Introduced by: The Joint Committee on Appropriations

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

1

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

SB 24: FOR AN ACT ENTITLED, An Act to revise property tax levies for school districts and to revise the state aid to general and special education formulas.

3

4

Was read the second time.

5

The question being "Shall **SB 24** pass as amended?"

6

And the roll being called:

7

Yeas 32, Nays 0, Excused 3, Absent 0

8

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

12

Excused: Castleberry, Schoenbeck, and Zikmund

13

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

14

15

SB 210: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

16

17

18

Was read the second time.

19

The question being "Shall **SB 210** pass?"

20

And the roll being called:

21

Yeas 29, Nays 3, Excused 3, Absent 0

22

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

23

24

25

Nays: Frye-Mueller, Hoffman, and Pischke

26

Excused: Castleberry, Schoenbeck, and Zikmund

27

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

28

29

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

30

1

REPORTS OF STANDING COMMITTEES

2 Mr. President:

3 The Committee on Legislative Procedure respectfully reports that **SB 16 and 59** were delivered
4 to her Excellency, the Governor, for her approval at 5:50 p.m., March 9, 2023.

5

6

Respectfully submitted,
Lee A. Schoenbeck, Chair

7 Mr. President:

8 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
9 Enrolling has carefully compared **SB 113 and 134** and finds the same correctly enrolled.

10

11

Respectfully submitted,
Lee A. Schoenbeck, Chair

12

MESSAGES FROM THE HOUSE

13 Mr. President:

14 I have the honor to transmit herewith **HB 1049** which has passed the House and your favorable
15 consideration is respectfully requested.

16

17

Respectfully,
Patricia Miller, Chief Clerk

18

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS19 **HB 1049:** FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal
20 year 2023.

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

22

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS23 **HB 1049:** FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal
24 year 2023.

25 Was read the second time.

26 The question being "Shall **HB 1049** pass?"

27 And the roll being called:

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

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

1 Nays: Pischke

2 Excused: Castleberry, Frye-Mueller, Schoenbeck, and Zikmund

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

5 **SIGNING OF BILLS**

6 The President publicly read the title to

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

9 **SB 59:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
10 Education for grants to support career and technical education programs, and to declare an
11 emergency.

12 **SB 113:** FOR AN ACT ENTITLED, An Act to establish and modify provisions related to initiated
13 petitions.

14 **SB 134:** FOR AN ACT ENTITLED, An Act to revise membership of the Medical Marijuana
15 Oversight Committee.

16 **HB 1022:** FOR AN ACT ENTITLED, An Act to make an appropriation for increased costs related
17 to the construction of the new state public health laboratory, and to declare an emergency.

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

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

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

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

25 Mr. President:

26 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
27 Enrolling has carefully compared **SB 24 and 210** and finds the same correctly enrolled.

28
29

Respectfully submitted,
Lee A. Schoenbeck, Chair

1

MESSAGES FROM THE HOUSE

2 Mr. President:

3 I have the honor to return herewith **SB 24 and 210** which have passed the House without
4 change.

5

6

Respectfully,
Patricia Miller, Chief Clerk

7

SIGNING OF BILLS

8 The President publicly read the title to

9 **SB 24:** FOR AN ACT ENTITLED, An Act to revise property tax levies for school districts and to
10 revise the state aid to general and special education formulas.11 **SB 210:** FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of
12 the legislative, judicial, and executive departments of the state, the current expenses of state
13 institutions, interest on the public debt, and for common schools.14 **HB 1049:** FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal
15 year 2023.

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

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

19

REPORTS OF STANDING COMMITTEES

20 Mr. President:

21 The Committee on Legislative Procedure respectfully reports that **SB 24, 113, 134, and 210**
22 were delivered to her Excellency, the Governor, for her approval at 6:59 p.m., March 9, 2023.

23

24

Respectfully submitted,
Lee A. Schoenbeck, Chair25 Sen. Nesiba moved that the Senate do now adjourn, which motion prevailed and at 6:59 p.m.
26 the Senate adjourned.

27

Kay Johnson, Secretary