

# *JOURNAL OF THE SENATE*

## *NINETY-NINTH SESSION*

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THIRD DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, January 11, 2024

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

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by Senate page Addison Huber.

Roll Call: All members present except Sen. Pischke 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 2nd 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 Sen. Nesiba objected to the approval of **HC 8001** pursuant to JR 6H-6.

2 The President announced that **HC 8001** was disapproved.

3 **COMMUNICATIONS AND PETITIONS**

4 June 7, 2023

5 The Honorable Larry Rhoden  
6 President of the Senate  
7 State Capitol  
8 Pierre, SD 57501

9 Dear President and Members of the Senate:

10 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to  
11 your consent, I have the honor to inform you that I have appointed Randall Rasmussen, of Clay  
12 County, Vermillion, South Dakota, to the Board of Regents.

13 This appointment is effective June 6, 2023, and shall continue until March 31, 2028.

14 Sincerely,  
15 Kristi Noem  
16 Governor

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

18 May 1, 2023

19 The Honorable Larry Rhoden  
20 President of the Senate  
21 State Capitol  
22 Pierre, SD 57501

23 Dear President and Members of the Senate:

24 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to  
25 your consent, I have the honor to inform you that I have appointed James Lochner, of Union County,  
26 Dakota Dunes, South Dakota, to the Board of Regents.

27 This appointment is effective April 19, 2023, and shall continue until March 31, 2027.

28 Sincerely,  
29 Kristi Noem  
30 Governor

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

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1 June 20, 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 13-49 of the South Dakota Codified Laws and subject to  
8 your consent, I have the honor to inform you that I have appointed Judith Dittman, of Lake County,  
9 Madison, South Dakota, to the Board of Regents.

10 This appointment is effective June 20, 2023, and shall continue until March 31, 2029.

11 Sincerely,  
12 Kristi Noem  
13 Governor

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

15 June 6, 2023

16 The Honorable Larry Rhoden  
17 President of the Senate  
18 State Capitol  
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to  
22 your consent, I have the honor to inform you that I have appointed Randy Frederick, of Hamlin  
23 County, Hayti, South Dakota, to the Board of Regents.

24 This appointment is effective June 6, 2023, and shall continue until March 31, 2029.

25 Sincerely,  
26 Kristi Noem  
27 Governor

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

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1 May 1, 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 13-49 of the South Dakota Codified Laws and subject to  
8 your consent, I have the honor to inform you that I have appointed Douglas Morrison, of Lincoln  
9 County, Sioux Falls, South Dakota, to the Board of Regents.

10 This appointment is effective April 19, 2023, and shall continue until March 31, 2025.

11 Sincerely,  
12 Kristi Noem  
13 Governor

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

15 April 26, 2023

16 The Honorable Larry Rhoden  
17 President of the Senate  
18 State Capitol  
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session, and subject to your  
22 consent, I have the honor to inform you that I have appointed Dennis Law, of Pennington County,  
23 Wall, South Dakota, to the Board of Technical Education.

24 This appointment is effective April 14, 2023, and shall continue until October 30, 2025.

25 Sincerely,  
26 Kristi Noem  
27 Governor

28 The President announced the referral of the appointment to the Committee on State Affairs.

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1 April 27, 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 Senate Bill 65, 2017 Legislative Session, and subject to your  
8 consent, I have the honor to inform you that I have reappointed Brian Sandvig, of Grant County,  
9 Milbank, South Dakota, to the Board of Technical Education.

10 This reappointment is effective April 19, 2023, and shall continue until October 31, 2025.

11 Sincerely,  
12 Kristi Noem  
13 Governor

14 The President announced the referral of the reappointment to the Committee on State Affairs.

15 October 19, 2023

16 The Honorable Larry Rhoden  
17 President of the Senate  
18 State Capitol  
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session, and subject to your  
22 consent, I have the honor to inform you that I have reappointed Douglas Ekeren, of Yankton County,  
23 Yankton, South Dakota, to the Board of Technical Education.

24 This reappointment is effective September 28, 2023, and shall continue until October 31, 2025.

25 Sincerely,  
26 Kristi Noem  
27 Governor

28 The President announced the referral of the reappointment to the Committee on State Affairs.

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1 October 19, 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 Senate Bill 65, 2017 Legislative Session, and subject to your  
8 consent, I have the honor to inform you that I have reappointed Dana Dykhouse, of Lincoln County,  
9 Sioux Falls, South Dakota, to the Board of Technical Education.

10 This reappointment is effective November 1, 2023, and shall continue until October 31, 2026.

11 Sincerely,  
12 Kristi Noem  
13 Governor

14 The President announced the referral of the reappointment to the Committee on State Affairs.

15 September 29, 2023

16 The Honorable Larry Rhoden  
17 President of the Senate  
18 State Capitol  
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session, and subject to your  
22 consent, I have the honor to inform you that I have reappointed Terry Sabers, of Davison County,  
23 Mitchell, South Dakota, to the Board of Technical Education.

24 This reappointment is effective November 1, 2023, and shall continue until October 31, 2026.

25 Sincerely,  
26 Kristi Noem  
27 Governor

28 The President announced the referral of the reappointment to the Committee on State Affairs.

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1 September 28, 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 Senate Bill 65, 2017 Legislative Session, and subject to your  
8 consent, I have the honor to inform you that I have reappointed Diana VanderWoude, of Minnehaha  
9 County, Sioux Falls, South Dakota, to the Board of Technical Education.

10 This reappointment is effective November 1, 2023, and shall continue until October 31, 2026.

11 Sincerely,  
12 Kristi Noem  
13 Governor

14 The President announced the referral of the reappointment to the Committee on State Affairs.

15 May 22, 2023

16 The Honorable Larry Rhoden  
17 President of the Senate  
18 State Capitol  
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to  
22 your consent, I have the honor to inform you that I have appointed Craig Christianson, of Pennington  
23 County, Rapid City, South Dakota, to the Board of Economic Development.

24 This appointment is effective April 19, 2023, and shall continue until April 19, 2027.

25 Sincerely,  
26 Kristi Noem  
27 Governor

28 The President announced the referral of the appointment to the Committee on Commerce and  
29 Energy.

1 June 27, 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 1-16G of the South Dakota Codified Laws and subject to  
8 your consent, I have the honor to inform you that I have appointed Bradley Moore, of Union County,  
9 Dakota Dunes, South Dakota, to the Board of Economic Development.

10 This appointment is effective June 27, 2023, and shall continue until April 19, 2027.

11 Sincerely,  
12 Kristi Noem  
13 Governor

14 The President announced the referral of the appointment to the Committee on Commerce and  
15 Energy.

16 June 8, 2023

17 The Honorable Larry Rhoden  
18 President of the Senate  
19 State Capitol  
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to  
23 your consent, I have the honor to inform you that I have reappointed Kevin Tetzlaff, of Brookings  
24 County, Brookings, South Dakota, to the Board of Economic Development.

25 This reappointment is effective June 6, 2023, and shall continue until April 19, 2027.

26 Sincerely,  
27 Kristi Noem  
28 Governor

29 The President announced the referral of the reappointment to the Committee on Commerce  
30 and Energy.

31 **REPORTS OF STANDING COMMITTEES**

32 MR. PRESIDENT:

33 The Committee on Senate Education respectfully reports that it has had under consideration  
34 **SB 34** which was deferred to the 41st Legislative Day.

35 Respectfully submitted,  
36 Kyle Schoenfish, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
3 had under consideration **SB 22** and returns the same with the recommendation that said bill do  
4 pass, and having been certified as uncontested, be placed on the consent calendar.

5 Also MR. PRESIDENT:

6 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
7 had under consideration **SB 70** with the recommendation that said bill be referred to the Joint  
8 Committee on Appropriations with a Do Pass recommendation.

9  
10 Respectfully submitted,  
Herman Otten, Chair

11 MR. PRESIDENT:

12 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
13 **SB 24** and returns the same with the recommendation that said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
16 **SB 47** and returns the same with the recommendation that said bill do pass, and having been  
17 certified as uncontested, be placed on the consent calendar.

18  
19 Respectfully submitted,  
Helene Duhamel, Chair

20 MR. PRESIDENT:

21 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
22 consideration **SB 7, 23, 33, 38, and 41** and returns the same with the recommendation that said  
23 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

24  
25 Respectfully submitted,  
David Wheeler, Chair

26 **MESSAGES FROM THE HOUSE**

27 MR. PRESIDENT:

28 I have the honor to transmit herewith **HCR 6001** which has been adopted by the House and  
29 your concurrence is respectfully requested.

30  
31 Respectfully submitted,  
Patricia Miller, Chief Clerk

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**MOTIONS AND RESOLUTIONS**

2

Senator Schoenbeck moved that **SB 51** be referred from the Senate Committee on Appropriations to the Joint Committee on Appropriations.

3

4

Which motion prevailed.

5

Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, January 12, 2024, the 4<sup>th</sup> legislative day.

6

7

Which motion prevailed.

8

**CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES**

9

Sen. Crabtree moved that the report of the Joint-Select Committee relative to the arrangements for a memorial service for the Ninety-ninth Legislative Session as found on page 34 of the Senate Journal be adopted.

10

11

12

Which motion prevailed.

13

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

14

**SB 80:** FOR AN ACT ENTITLED, An Act to improve technology equipment for providers of elderly care and to make an appropriation therefor.

15

16

Introduced by: **Senator** Davis

17

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

18

**SB 79:** FOR AN ACT ENTITLED, An Act to revise provisions related to the possession, distribution, and manufacture of child pornography.

19

20

Introduced by: **Senator** Wheeler

21

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

22

**SB 78:** FOR AN ACT ENTITLED, An Act to provide for an E15 fuel tax refund.

23

Introduced by: **Senator** Crabtree

24

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

25

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

26

**HCR 6001:** A CONCURRENT RESOLUTION, Supporting the Electoral College.

27

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



