

# *JOURNAL OF THE SENATE*

## *NINETY-NINTH SESSION*

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FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, January 12, 2024

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Russell Jones, followed by the Pledge of Allegiance led by Senate page Gabriyelle Irving.

Roll Call: All members present except Sens. Bolin, Foster, Novstrup, Pischke, 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 3rd 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 July 28, 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 Article IV, Section 9, of the Constitution of the South Dakota  
9 Codified Laws and subject to your consent, I have the honor to inform you that I have appointed  
10 Mark Morrell, of Minnehaha County, Brandon, South Dakota, to the position of Adjutant General of  
11 the South Dakota National Guard.

12 This appointment is effective August 5, 2023.

13  
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Sincerely,  
Kristi Noem  
Governor

16 The President announced the referral of the appointment to the Committee on Military and  
17 Veterans Affairs.

18 June 5, 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 Article IV, Section 9, of the Constitution of the South Dakota  
25 Codified Laws and subject to your consent, I have the honor to inform you that I have appointed  
26 Chris Schilken, of Codington County, Watertown, South Dakota, to the position of Commissioner of  
27 the Governor's Office of Economic Development.

28 This appointment is effective June 1, 2023.

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Sincerely,  
Kristi Noem  
Governor

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

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1 December 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 Article IV, Section 9, of the Constitution of the South Dakota  
8 Codified Laws and subject to your consent, I have the honor to inform you that I have appointed  
9 Robert Perry, of Pennington County, Rapid City, South Dakota, to the position of Secretary of the  
10 Department of Public Safety.

11 This appointment is effective September 22, 2023.

12 Sincerely,  
13 Kristi Noem  
14 Governor

15 The President announced the referral of the appointment to the Committee on Judiciary.

16 July 26, 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 Article IV, Section 9, of the Constitution of the South Dakota  
23 Codified Laws and subject to your consent, I have the honor to inform you that I have appointed  
24 Chas D. Olson, of Hughes County, Pierre, South Dakota, to the position of Executive Director of the  
25 South Dakota Housing Development Authority.

26 This appointment is effective July 26, 2023.

27 Sincerely,  
28 Kristi Noem  
29 Governor

30 The President announced the referral of the appointment to the Committee on Commerce and  
31 Energy.

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**REPORTS OF STANDING COMMITTEES**

2

MR. PRESIDENT:

3

The Joint Committee on Legislative Procedure respectfully reports that it has had under consideration the joint rules and recommends that the joint rules of the Ninety-eighth Legislative Session be adopted as the joint rules of the Ninety-ninth Legislative Session with the following changes:

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**JOINT RULES: AMENDMENT (A)**

8

**Section 1. That JR 1-1 be AMENDED:**

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**1-1. Presiding officers.** The presiding officer of the Senate is the president pro tempore and the presiding officer of the House of Representatives is the speaker. For purposes of the Senate floor sessions, the president of the Senate is the presiding officer of the floor session and shall preside. For purposes of the House floor sessions, the speaker is the presiding officer of the floor session and shall preside. ~~The presiding officer of each house~~ For each chamber's floor session, the presiding officer of the floor session shall take the chair on every legislative day at the hour to which that-house chamber adjourned at the last sitting.

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**Section 2. That JR 1-3 be AMENDED:**

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**1-3. Questions of order.** The presiding officer of each-house chamber's floor session shall decide all questions of order, subject to a motion of appeal, by a majority of the members present. No member may speak more than once on an appeal without the consent of a majority of the members present.

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**Section 3. That JR 1-4 be AMENDED:**

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**1-4. Recognition of members for remarks.** When a member desires to speak, that member shall respectfully address the presiding officer of the floor session. When the presiding officer recognizes the member, that member is entitled to the floor. The member first to address the presiding officer shall speak first. If two or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.

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**Section 4. That JR 1-6 be AMENDED:**

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**1-6. Questions on the floor.** If a member wishes to ask a question of another member, that member shall courteously do so through the presiding officer of the floor session and with the consent of the member to whom the question is addressed. Any question addressed to a member shall relate to a question before the body and shall be concisely asked for the sole purpose of obtaining information. No question may reflect upon the character or conduct of any official, contain argument or debate, or inquire about the course a member proposes to follow.

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**Section 5. That JR 1-7 be AMENDED:**

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**1-7. Call to order.** If a member is called to order, that member shall remain silent until the presiding officer of the floor session determines whether the member is in order. The decision of the presiding officer is subject to a motion of appeal.

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**Section 6. That JR 1-8 be AMENDED:**

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**1-8. Signing of legislative documents** ~~by presiding officer.~~ The presiding officer of each house president pro tempore and the speaker shall sign all concurrent resolutions and

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1 commemorations that are approved by the Legislature. The president pro tempore and the speaker  
2 shall sign all writs, warrants, and subpoenas issued by the house over which the officer presides.

3 **Section 7. That JR 1-9 be AMENDED:**

4 **1-9. Those permitted to speak to the body.** No person other than a member of a house  
5 may speak upon any subject before the house unless a member makes a motion to allow another  
6 person to speak and the members present unanimously consent. However, the speaker of the  
7 House and the president pro tempore of the Senate may allow any person other than a member  
8 of the body to speak subject to advance notice to the majority and minority leaders. A motion  
9 objecting to the decision of the ~~presiding officer shall require~~ speaker or the president pro tempore  
10 requires a majority vote of the members-elect.

11 **Section 8. That JR 1A-1 be AMENDED:**

12 **1A-1. Preservation of decorum.** The presiding officer of each ~~house chamber's floor~~  
13 session shall preserve order and decorum and, in the case of disturbance or disorderly conduct,  
14 may order the galleries or lobbies to be cleared.

15 **Section 9. That JR 1A-10 be AMENDED:**

16 **1A-10. ~~Presiding Officer's power~~Power to maintain order.** The presiding officer of a  
17 floor session may have any member temporarily removed in order to preserve order and decorum.

18 **Section 10. That JR 2-1 be AMENDED:**

19 **2-1. Those permitted on the floor during session.** In addition to current legislators, only  
20 the following persons are entitled to the floor of the House of Representatives or Senate during  
21 sessions: justices of the Supreme Court or persons who are or have been Governor, Lieutenant  
22 Governor, or members of the Congress of the United States from South Dakota; current legislative  
23 employees; news reporters; and former members of the South Dakota Legislature, except those  
24 who are registered lobbyists or those currently serving in any elective state or local office other  
25 than Governor or Lieutenant Governor. However, these persons may not be on the floor if acting  
26 in a manner to influence legislation. No other person may be admitted to the Senate floor without  
27 consent of the ~~presiding officer~~ president pro tempore. No other person may be admitted to the  
28 House floor without the consent of the speaker.

29 **Section 11. That JR 2-3 be AMENDED:**

30 **2-3. Procedure after a call of the house.** When a call of the house is ordered, the doors  
31 ~~shall~~ must be closed and the absentees noted. No member may leave the room until permission is  
32 given by the presiding officer of the floor session, the sergeant at arms' report is received and  
33 acted upon, or the house is adjourned. Until the sergeant at arms' report is received, proceedings  
34 under the call may not be suspended except by two-thirds of the members present.

35 **Section 12. That JR 3-2 be AMENDED:**

36 **3-2. Duties of the secretary of the Senate and chief clerk of the House.** The secretary  
37 of the Senate and chief clerk of the House of Representatives are responsible to the president pro  
38 tempore of the Senate or the speaker of the House, respectively. Their duties are:

- 39 (1) To supervise the keeping of a daily journal, the engrossing and enrolling, and the handling of  
40 bills and resolutions;
- 41 (2) To assist the calendar committee in the preparation of a daily calendar listing  
42 motions and resolutions, committee reports to be introduced, and bills and joint  
43 resolutions ready for second reading, and to assist the calendar committee in  
44 preparation of a daily consent calendar;

1 (3) To sign the certificate of origin of all bills passed by the Legislature;

2 (4) To attest ~~to the signature signing~~ of the ~~presiding officer~~ to all bills, memorials,  
3 resolutions, commemorations, writs, warrants, and subpoenas issued by the house;

4 (5) To deliver to the secretary of state at the close of each session the journals and all books, bills,  
5 documents, resolutions, and papers in possession of the Legislature; to preserve one true copy of  
6 each printed bill, joint resolution, and concurrent resolution of each legislative session; to attach  
7 the copy together with a signed certificate that it is a true and complete copy of each printed bill,  
8 joint resolution, and concurrent resolution of the legislative session; and to file such certified copies  
9 with the secretary of state within ten days after adjournment of the Legislature; and

10 (6) To perform all other acts appertaining to the office as may be required by the house or its  
11 presiding officer.

12 **Section 13. That JR 5-1 be AMENDED:**

13 **5-1. Entertainment of motions.** No motion may be entertained and debated until it is  
14 seconded. Following the second of a debatable motion, the presiding officer of a floor session shall  
15 first recognize the member making the motion.

16 **Section 14. That JR 5-2 be AMENDED:**

17 **5-2. Restatement and reading of motions.** When a motion is made and seconded, ~~it shall~~  
18 ~~be restated~~ by the presiding officer of the floor session shall restate the motion, and, if requested  
19 by the presiding officer or a member, ~~shall be~~ the motion must be displayed electronically or reduced  
20 to writing and read aloud.

21 **Section 15. That JR 5-2.2 be AMENDED:**

22 **5-2.2. Withdrawal of motions.** After a motion is stated by the presiding officer of the floor  
23 session, it may not be withdrawn without unanimous consent of the members present.

24 **Section 16. That JR 5-9 be AMENDED:**

25 **5-9. Division of the question.** Any member may call for a division of the question. The  
26 presiding officer of the floor session shall divide the question if it contains questions so distinct  
27 that, one being taken away, the rest may stand as a separate proposition. A member may not call  
28 for the division of a bill.

29 **Section 17. That JR 5-12 be AMENDED:**

30 **5-12. Failure to make timely motion for reconsideration.** If any member has given  
31 notice of intent to move for reconsideration and does not move for reconsideration before the  
32 stated deadline, the presiding officer of the floor session shall immediately state that any member  
33 may move for reconsideration.

34 **Section 18. That JR 6B-1.1 be AMENDED:**

35 **6B-1.1. Withdrawal of bills and resolutions.** The provisions of 6B-1 and 6D-1  
36 notwithstanding, prior to the first committee hearing in the house of origin, the prime sponsor of  
37 any bill or resolution may withdraw any bill or resolution in the house of origin with the approval  
38 of the ~~presiding officer~~ president pro tempore for a Senate bill or Senate resolution and the speaker  
39 for a House bill or House resolution. The presiding officer of the floor session shall then declare  
40 the bill or resolution formally withdrawn and ~~shall~~ order that an entry be made in the bill status-~~se~~  
41 system stating the bill or resolution has been withdrawn.

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1 **Section 19. That JR 6C1.1 be AMENDED:**

2 **6C-1.1. Request for fiscal note or prison or jail population cost estimate by any**  
3 **member.** A fiscal note or prison or jail population cost estimate may be requested by:

- 4 (1) ~~The presiding officer~~ president pro tempore or the speaker when a bill, amendment, or  
5 resolution is introduced;
- 6 (2) The chair of the standing committee possessing the bill, amendment, or resolution;
- 7 (3) A majority vote of the standing committee possessing the bill, amendment, or resolution; or
- 8 (4) A legislator, if the legislator is supported by a vote of one-fifth of the body before the second  
9 reading of the bill or resolution.

10 **Section 20. That JR 6C-2 be AMENDED:**

11 **6C-2. Deferral of bills without fiscal note.** The bill or resolution for which a fiscal note  
12 has been requested ~~shall~~ must include a notation of the requirement on the Legislative Research  
13 Council ~~internet site~~ website for the bill or resolution. The completed fiscal note ~~shall be displayed~~  
14 must be published on the Legislative Research Council ~~internet site~~ website before the bill or  
15 resolution may be placed on the second reading calendar. However, the presiding officer of a floor  
16 session may place the bill or resolution on the second reading calendar if the presiding officer  
17 determines a fiscal note is no longer required.

18 **Section 21. That JR 6C-4 be AMENDED:**

19 **6C-4. Retirement system actuarial statement.** Each bill introduced affecting the benefits  
20 payable by the state or a local government retirement system ~~shall~~ must have an actuarial  
21 statement displayed on the Legislative Research Council ~~internet site~~ website for the bill. The  
22 actuarial statement ~~shall~~ must be requested from the governing board of the retirement system  
23 affected and the statement ~~shall~~ must identify the costs of the proposed change in the law as  
24 stated by the actuary for the affected retirement plan. If there is a doubt as to the need for an  
25 actuarial statement, the ~~presiding officer~~ president pro tempore shall make the final decision for a  
26 Senate bill and the speaker shall make the final decision for a House bill. After the bill is introduced,  
27 the actuarial statement ~~shall be displayed~~ must be published on the Legislative Research Council  
28 ~~internet site~~ website for the bill.

29 **Section 22. That JR 6G-8 be AMENDED:**

30 **6G-8. Review and signing of bills and joint resolutions.** The committee on legislative  
31 procedure and the chief of engrossing and enrolling shall compare enrolled with engrossed bills  
32 and joint resolutions as passed by both houses and make a report thereon to the house of origin.  
33 If a bill or joint resolution is reported by the committee as correctly enrolled, ~~it shall~~ the bill or  
34 joint resolution must be presented to the presiding officers of the floor sessions for both houses  
35 for their signatures.

36 **Section 23. That JR 6H-3 be AMENDED:**

37 **6H-3. Calendaring of commemorations.** Upon introduction, the presiding officer of a floor  
38 session shall place each pending legislative commemoration on the calendar of the next legislative  
39 day.

40 **Section 24. That JR 6H-4 be AMENDED:**

41 **6H-4. Approval of commemorations in the house of origin.** Any member of the body  
42 may object to the approval of any legislative commemoration by so stating on the floor of the

1 body at any time before adjournment on the legislative day upon which the legislative  
2 commemoration is calendared. If no such objection is made, the legislative commemoration shall  
3 be deemed approved and the presiding officer of the floor session shall deliver it to the other  
4 house. If there is objection, the legislative commemoration shall be deemed disapproved. The  
5 objection is not debatable.

6 **Section 25. That JR 6H-5 be AMENDED:**

7 **6H-5. Calendaring of commemorations in the second house.** Upon receipt of a legislative  
8 commemoration from the other house, the presiding officer of the floor session shall place it on the  
9 next day's legislative calendar.

10 **Section 26. That JR 6H-6 be AMENDED:**

11 **6H-6. Approval of commemorations in the second house.** Any member of the receiving  
12 body may object to the approval of any legislative commemoration by so stating on the floor of  
13 the body at any time before adjournment on the legislative day upon which the legislative  
14 commemoration is calendared. If no such objection is made, the legislative commemoration shall  
15 be deemed approved and the presiding officer of the floor session shall deliver it to the house of  
16 origin. If there is objection, the legislative commemoration shall be deemed disapproved. The  
17 objection is not debatable.

18 **Section 27. That JR 6I-2 be AMENDED:**

19 **6I-2. Waiving electronic requirement.** ~~The presiding officer~~ president pro tempore for a  
20 Senate bill and the speaker for a House bill may waive the requirement that any filing, submission,  
21 or approval be done electronically, if the electronic system is not available and functional.

22 **Section 28. That JR 7-4 be AMENDED:**

23 **7-4. Dissenting reports.** If the members of a committee cannot agree on its report, the  
24 majority and minority may each make a report. Any member dissenting in whole or in part from  
25 the reasoning and conclusions of both majority and minority may also present a statement of the  
26 member's reasoning and conclusions. All reports ~~shall~~ must be entered in the journal if found by  
27 the presiding officer of the floor session to be decorous in language and respectful to the house.

28 **Section 29. That JR 8-2 be AMENDED:**

29 **8-2. Conference committee meetings, committee reports, and reports must be**  
30 **germane.** Conference committees shall meet in open session, and minutes shall be taken and  
31 prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the floor session  
32 of the house of origin shall announce to that body the time and location of each conference  
33 committee meeting. The co-chairs of each conference committee shall report the results of each  
34 meeting to the body in a conference committee report electronically approved by both. The  
35 conference committee report must be germane to the title of the bill as submitted to the conference  
36 committee. The adoption of any conference committee report must be approved by the recorded  
37 affirmative vote of at least two members from each house.

38 **Section 30. That JR 9-1 be AMENDED:**

39 **9-1. Designation of committee of the whole chair.** If either house sits as a committee  
40 of the whole, ~~the presiding officer~~ the president pro tempore in the Senate and the speaker in the  
41 House of Representatives shall name ~~one of the members~~ a member as chair of the house  
42 concerned, who shall be vested with all the authority of ~~the that house's~~ the presiding officer ~~of the~~  
43 ~~house concerned~~ while the committee of the whole is in session.



1 **Section 31. That JR 12-3 be AMENDED:**

2 **12-3. Voting procedures.** Questions shall be put in this form: "As many as favor the  
3 question, as stated, say 'Yea'; as many as are opposed to the question, as stated, 'Nay'." If the  
4 presiding officer of a floor session doubts the result of a vote or if a division is called for, the  
5 members shall divide. Those in the affirmative shall rise from their seats and remain standing until  
6 counted. A vote of "aye" or "yes" shall be recorded as "yea" and a vote of "no" shall be recorded  
7 as "nay."

8 **Section 32. That JR 13-4 be AMENDED:**

9 **13-4. Consent calendar items--Questions, voting.** Bills and resolutions on the consent  
10 calendar are not debatable. ~~The president of the Senate or the speaker of the House of~~  
11 ~~Representatives~~ presiding officer of the floor session shall allow a reasonable time for questions from  
12 the floor and shall permit the proponents of the bills or resolutions to answer the questions.  
13 Immediately before voting on the first bill or resolution on the consent calendar, ~~the president of~~  
14 ~~the Senate or the speaker of the House of Representatives~~ presiding officer of the floor session shall  
15 call to the attention of the members the fact that the next roll call will be the roll call on the bill or  
16 resolution on the consent calendar.

17 **Section 33. That JR 16-5 be AMENDED:**

18 **16-5. Suspension of floor privileges.** During a joint session, former Governors,  
19 Lieutenant Governors, members of the Congress of the United States from South Dakota and  
20 former members of the South Dakota Legislature ~~will~~ may not be admitted to the chamber. The  
21 presiding officer ~~will of the joint session shall~~ instruct the sergeant at arms to provide a reserve  
22 seating section in the chamber gallery for these former officials who wish to witness the joint  
23 session.

24 **JOINT RULES: AMENDMENT (B)**

25 **Section 1. That JR 13-1 be AMENDED:**

26 **13-1. Consent calendar recommendations by standing committees.** Each standing  
27 committee may report an uncontested bill or resolution out of committee with the recommendation  
28 that it be placed on the consent calendar. As used in this rule, an "uncontested bill or resolution"  
29 is any bill or resolution, except a revenue measure, which receives a do-pass or do-pass-as-  
30 amended recommendation from the committee to which it is referred, by unanimous vote of the  
31 members present ~~and has no opposition expressed by any person present at the committee~~  
32 ~~meeting with respect to the final version of the bill or resolution as approved by the committee.~~

33 **Section 2. That JR 13-2 be AMENDED:**

34 **13-2. Consent calendar placement, objections.** If any bill or resolution receives ~~no~~  
35 ~~opposition testimony in its final form and~~ an affirmative "Do Pass" vote of all members present of  
36 the committee ~~reporting the bill or resolution to its respective house,~~ the committee chair may  
37 certify the bill or resolution as uncontested for placement on the consent calendar. If any committee  
38 member objects to the committee chair's certification, the bill or resolution may not be certified for  
39 placement on the consent calendar. Any bill or resolution ~~so certified shall~~ by a committee chair  
40 must be placed on the consent calendar by the secretary of the Senate or the chief clerk of the  
41 House of Representatives. If any member objects to the placement or retention of any bill or  
42 resolution on the consent calendar during a floor session, the bill or resolution ~~shall~~ must be removed  
43 from the consent calendar and placed on the house calendar for second reading on the following  
44 legislative day. The objection is not debatable. No consent calendar bill or resolution may be  
45 considered for adoption until the legislative day following the day of its placement on the consent  
46 calendar.

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**1 JOINT RULES: AMENDMENT (C)****2 Section 1. That a NEW SECTION be added to Joint Rule chapter 12:**

3 **12-8. Vote required for certain fees.** If a bill proposes to increase a fee, impose a new  
4 fee, or authorize a state agency to impose or increase a fee and the new fee or increased fee  
5 amount is deposited in the general fund or in a continuously appropriated fund, the bill requires  
6 an affirmative vote of two-thirds of the members-elect for passage. For purposes of this joint rule,  
7 the term, fee, means a financial payment or charge imposed by the state and does not include a  
8 financial payment or charge imposed by a political subdivision.

**9 JOINT RULES: AMENDMENT (D)****10 Section 1. That a NEW SECTION be added to chapter 6A of the Joint Rules:**

11 **JR 6A-9. Amendment of administrative rule through legislation.** A bill may include:

12 (1) A repeal of an existing administrative rule section; or

13 (2) A requirement that an executive branch entity promulgate, pursuant to chapter 1-26, specific  
14 changes to the existing text of an administrative rule section. The bill language may include the  
15 rule section language and the legislatively required text changes.

**16 JOINT RULES: AMENDMENT (E)****17 Section 1. That JR 8-3 be AMENDED:**

18 **8-3. Final disposition of report and distribution of reports.** Adoption of a conference  
19 committee report recommending passage of a bill or adoption of a resolution constitutes final  
20 disposition. The vote required to concur in the amendments of the other House or to adopt a  
21 conference committee report ~~shall be~~ is the same as that required for final passage of the bill or  
22 resolution taking such bill or resolution as a whole. Before the final vote on the adoption of a  
23 conference committee report may be taken, any member of the body may require that the report  
24 be made available in electronic form or be distributed in written form to the members of the body,  
25 if not available in electronic form.

**26 JOINT RULES: AMENDMENT (F)****27 Section 1. That JR 5-1.1 be REPEALED:**

28 ~~**5-1.1. Amendments proposing penalties.** Any attempt to offer an amendment,~~  
29 ~~whether in committee or on the floor, that requires a prison or jail population cost estimate~~  
30 ~~shall be ruled out of order unless offered with a preexisting prison or jail population cost~~  
31 ~~estimate.~~

**32 Section 2. That JR 6C-1 be AMENDED:**

33 **6C-1. Bills and resolutions that require fiscal notes.** A bill, amendment, or resolution  
34 that has an effect on the revenues, expenditures, or fiscal liability of the state or any political  
35 subdivision of the state may include a fiscal note incorporating an estimate of the effect. This rule  
36 does not apply to the cost of legislative processing, or any appropriation bill with specific dollar  
37 amounts. A fiscal note is an estimate of the fiscal implications relating to revenues, expenditures  
38 or debt, and the probable cost of the bill, amendment, or resolution. In preparing the fiscal note,  
39 the Director of the Legislative Research Council may use information or data supplied by any  
40 person, agency, organization, or governmental unit that the director deems reliable. The director  
41 shall state the sources of the information or data used and may state the extent to which the  
42 director relied on the information or data in preparing the fiscal note. If the director is unable to  
43 acquire or develop sufficient information or data to prepare a fiscal note, the director may prepare

1 the fiscal note stating that fact, and the fiscal note shall be deemed to comply with this rule. If the  
 2 director determines that the fiscal impact of a bill, amendment, or resolution cannot be determined,  
 3 the director may prepare the fiscal note stating that fact, and the fiscal note shall be deemed to  
 4 comply with this rule.

5 ~~This rule does not apply to prison or jail population cost estimates required by §§ 2-9-33 and~~  
 6 ~~2-9-34. However, if the Legislature enacts legislation that would repeal the provisions of §§ 2-9-~~  
 7 ~~33 and 2-9-34 during the Ninety-eighth Session, then starting on the effective date of that~~  
 8 ~~legislation, this rule applies to fiscal notes pertaining to prison or jail cost estimates.~~

9 **Section 3. That JR 6C-1.1 be AMENDED:**

10 ~~**6C-1.1. Request for fiscal note or prison or jail population cost estimate by any**~~  
 11 ~~**member.**~~ A fiscal note or prison or jail population cost estimate may be requested by:

- 12 (1) The presiding officer when a bill, amendment, or resolution is introduced;  
 13 (2) The chair of the standing committee possessing the bill, amendment, or resolution;  
 14 (3) A majority vote of the standing committee possessing the bill, amendment, or resolution; or  
 15 (4) A legislator, if the legislator is supported by a vote of one-fifth of the body before the second  
 16 reading of the bill or resolution.

17 **Section 4. That JR 6C-1.3 be REPEALED:**

18 ~~**6C-1.3. Prison or jail population cost estimates.**~~ A prison or jail population cost estimate  
 19 may be requested pursuant to Joint Rule 6C 1.1 for any bill or amendment with a Class 1  
 20 misdemeanor penalty that may impact the state prison or county jail population. The cost estimate  
 21 shall be prepared pursuant to §§ 2-9-33 and 2-9-34. However, if the Legislature enacts legislation  
 22 that would repeal the provisions of §§ 2-9-33 and 2-9-34 during the Ninety-eighth Session, then  
 23 starting on the effective date of that legislation, the cost estimate shall be prepared pursuant to  
 24 Joint Rule 6C-1.

25 Respectfully submitted,  
 26 Lee Schoenbeck, Chair

27 MR. PRESIDENT:

28 The Senate Committee on Legislative Procedure respectfully reports that it has had under  
 29 consideration the Senate rules and recommends that the Senate rules of the Ninety-eighth  
 30 Legislative Session be adopted as the Senate rules of the Ninety-ninth Legislative Session with the  
 31 following changes:

32 SENATE RULES: AMENDMENT (A)

33 **Section 1. That a NEW SECTION be added to chapter 1:**

34 **S1-1. Presiding officer.** The presiding officer of the Senate is the president pro tempore.  
 35 The president pro tempore shall prescribe all Senate policies not otherwise provided by law or rule  
 36 and shall perform all the duties of a presiding officer except for presiding over Senate floor sessions  
 37 when the president of the Senate is present.

38 **Section 2. That a NEW SECTION be added to chapter 1:**

39 **S1-2. President of the Senate.** The lieutenant governor is the president of the Senate. The  
 40 president shall preside over Senate floor sessions.

1 **Section 3. That S1-1 be AMENDED:**

2 ~~S1-1~~**S1-3. President pro tempore presides in absence of president.** If the president of  
3 the Senate is absent or unable to serve during a Senate floor session, the president pro tempore  
4 shall ~~act as presiding officer of~~ preside over the Senate. The acts of the president pro tempore  
5 have the same validity as those of the president.

6 **Section 4. That S1-2 be AMENDED:**

7 ~~S1-2~~**S1-4. Presiding officer in absence of president and president pro tempore.** If  
8 the president of the Senate and the president pro tempore are absent or unable to serve during a  
9 Senate floor session, any member called to the chair by the Senate may ~~serve as presiding officer~~  
10 preside over the Senate. ~~When in session, the presiding officer, in the absence of the pro tempore,~~  
11 ~~may designate any member to perform the duties of the presiding officer, but the designation may~~  
12 ~~not extend beyond an adjournment.~~ The acts of such a member have the same validity as those  
13 of the president.

14 **Section 5. That S2-4 be AMENDED:**

15 **S2-4. Introduction of honored guests.** Any Senator may, with the prior approval of the  
16 ~~presiding officer~~ president pro tempore, present honored guests for introduction on the floor of the  
17 chamber. Any honored guest should be a representative of some noteworthy event, charity, or  
18 benevolent organization or the recipient of some significant honor, title, or award and shall be  
19 briefly conducted onto the Senate floor from the legislators' side lobby. However, all such  
20 presentations may only occur during the first hour of business, and the honored guests may not  
21 address any remarks to the Senate. Introduction shall be made by the ~~presiding officer or their~~  
22 ~~designee~~ president of the Senate or the member presiding over the Senate floor session.

23 **Section 6. That S4-1 be AMENDED:**

24 **S4-1. Standing committees.** ~~The presiding officer of the Senate~~ president of the Senate  
25 shall announce the members of the following standing committees after their selection by the  
26 president pro tempore ~~and with advice from~~ the minority leader. The number of members is  
27 indicated after each committee:

- 28 1. Agriculture and Natural Resources (7)  
29  
30 2. Appropriations (9)  
31  
32 3. Commerce and Energy (9)  
33  
34 4. Education (7)  
35  
36 5. Government Operations and Audit (5)  
37  
38 6. Health and Human Services (7)  
39  
40 7. Judiciary (7)  
41  
42 8. Legislative Procedure (7)  
43  
44 9. Local Government (7)  
45  
46 10. Military and Veterans Affairs (5)  
47  
48 11. Retirement Laws (5)  
49  
50 12. State Affairs (9)  
51  
52 13. Taxation (7)

1 14. Transportation (7)

2 The president of the Senate is an ex officio member of the committee on legislative procedure.

3 **Section 7. That S6-1 be AMENDED:**

4 **S6-1. Consent calendar.** Notwithstanding Joint Rule 13-1, a bill requiring a two-thirds vote  
5 of the members-elect may not be voted on the Senate consent calendar. If such a bill is placed on  
6 the Senate consent calendar, the ~~presiding officer~~ president of the Senate or the member presiding  
7 shall order it removed and placed on the next legislative day's regular bill calendar.

8 **Section 8. That S7-3 be AMENDED:**

9 **S7-3. Motion of advice and consent.** On considering nominations from the Governor, the  
10 ~~presiding officer~~ president of the Senate or the member presiding shall put the following question:  
11 "Does the Senate advise and consent to the executive appointment of (name) pursuant to the  
12 executive message as found on page \_\_ of the Senate Journal?"

13 SENATE RULES: AMENDMENT (B)

14 **Section 1. That S8-1 be AMENDED:**

15 **S8-1. Select Committee on Discipline and Expulsion.** Any ~~two~~ five Senators may by  
16 written motion first delivered to the president pro tempore move for the establishment of a Select  
17 Committee on Discipline and Expulsion to investigate the conduct of any other Senator. Upon being  
18 seconded, the motion is debatable, and passage of the motion requires a majority vote of the  
19 members-elect. The Select Committee on Discipline and Expulsion shall be composed of nine  
20 members of the Senate. The chair and vice chair of the select committee shall be chosen by the  
21 president pro tempore and may not both be members of the same political party. The other seven  
22 members of the select committee shall be chosen by the president pro tempore in consultation  
23 with the majority leader and the minority leader.

24 The party makeup of the select committee shall be proportional to the party makeup of the  
25 Senate.

26 SENATE RULES: AMENDMENT (C)

27 **Section 1. That a NEW SECTION be added to chapter 1 of the Senate Rules:**

28 **S1-3. Bill and joint resolution signing deadline.** When a bill or joint resolution is presented  
29 pursuant to Joint Rule 6G-8, the bill or joint resolution must be signed before the Senate adjourns  
30 on the legislative day after the bill or joint resolution is presented.

31 Respectfully submitted,  
32 Lee Schoenbeck, Chair

33 MR. PRESIDENT:

34 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
35 **SB 19 and 21** and returns the same with the recommendation that said bills do pass.

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1 Also MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
3 the nomination of Lawrence Long of Minnehaha County, to the Government Accountability Board  
4 and returns the same with the recommendation that the Senate advise and consent to the  
5 confirmation of said appointment.

6 Respectfully submitted,  
7 Casey Crabtree, Chair

8 MR. PRESIDENT:

9 The Committee on Senate Local Government respectfully reports that it has had under  
10 consideration **SB 4 and 37** and returns the same with the recommendation that said bills do pass,  
11 and having been certified as uncontested, be placed on the consent calendar.

12 Respectfully submitted,  
13 Tim Reed, Chair

14 MR. PRESIDENT:

15 The Committee on Senate Taxation respectfully reports that it has had under consideration  
16 **SB 72** and returns the same with the recommendation that said bill do pass.

17 Also MR. PRESIDENT:

18 The Committee on Senate Taxation respectfully reports that it has had under consideration  
19 **SB 3 and 65** and returns the same with the recommendation that said bills do pass, and having  
20 been certified as uncontested, be placed on the consent calendar.

21 Respectfully submitted,  
22 Jim Stalzer, Chair

23 MR. PRESIDENT:

24 The Committee on Senate Health and Human Services respectfully reports that it has had  
25 under consideration **SB 42** and returns the same with the recommendation that said bill be amended  
26 as follows:

1

42A

2 On page 6, line 11, of the Introduced bill, delete ":

3 (1) Immediately " and insert " immediately "

4 On page 6, line 12, of the Introduced bill, after "cannabis" insert " for retail sale"

5 On page 6, line 12, of the Introduced bill, after "product" insert " in final form"

6 On page 6, line 13, of the Introduced bill, after "establishment" delete "; and

7 (2) Immediately prior to presentation of the cannabis or cannabis product for retail sale"

8 On page 8, line 29, of the Introduced bill, after "name" insert " and date of birth"

9 And that as so amended, **SB 42** do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Health and Human Services respectfully reports that it has had  
12 under consideration **SB 43** and returns the same with the recommendation that said bill do pass.

13

Respectfully submitted,  
Erin Tobin, Chair

14

15

### MOTIONS AND RESOLUTIONS

16 **SCR 601:** A CONCURRENT RESOLUTION, Celebrating the sister-state relationship with Taiwan.

17 Introduced by: **Senator** Zikmund

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

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

20 Sen. Stalzer moved that the Senate do concur in **HCR 6001** as found on page 58 of Senate  
21 Journal.

22 And the roll being called:

23 Yeas 26, Nays 3, Excused 5, Absent 0

24 Yeas: Beal, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Frye-Mueller, Hoffman,  
25 Hunhoff, Johnson, Klumb, Kolbeck (Jack), Kolbeck (Steve), Maher, Mehlhaff, Otten (Herman), Reed,  
26 Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, and Wink

27 Nays: Bordeaux, Larson, and Nesiba

28 Excused: Bolin, Foster, Novstrup, Pischke, and Zikmund

29 So the motion having received an affirmative vote of a majority of the members-elect, the  
30 President declared the motion carried and **HCR 6001** was concurred in.

1 Senator Schoenbeck moved that **SB 78** be referred from the Committee on Taxation to the  
2 Committee on Commerce and Energy.

3 Which motion prevailed.

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

5 **SB 81:** FOR AN ACT ENTITLED, An Act to expand permission on installing electric wiring in a  
6 residence.

7 Introduced by: **Senator** Otten (Herman)

8 Was read the first time and referred to the Committee on Commerce and Energy.

9 **SJR 503:** A JOINT RESOLUTION, Applying for a convention of states under Article V of the  
10 Constitution of the United States, to impose fiscal restraints on the federal government, to limit the  
11 power and jurisdiction of the federal government, and to limit the terms of office for members of  
12 Congress and other federal officials.

13 Introduced by: **Senator** Pischke

14 Was read the first time and referred to the Committee on State Affairs.

15 Senator Frye-Mueller requested that **SB 33** be removed from the Consent Calendar.

16 **SECOND READING OF CONSENT CALENDAR ITEMS**

17 **SB 7:** FOR AN ACT ENTITLED, An Act to revise the water resources projects list.

18 **SB 22:** FOR AN ACT ENTITLED, An Act to amend language regarding the licensing period for a  
19 grain buyer.

20 **SB 23:** FOR AN ACT ENTITLED, An Act to exempt an electric vehicle charging station from  
21 being subject to a civil fine for overcharging.

22 **SB 38:** FOR AN ACT ENTITLED, An Act to amend the amount a merchant or place of business  
23 may assess against returned checks.

24 **SB 41:** FOR AN ACT ENTITLED, An Act to modify an administrative procedure for revoking a  
25 nonresponsive insurance producer's license.

26 **SB 47:** FOR AN ACT ENTITLED, An Act to revise the incentive program for juvenile diversion  
27 opportunities.

28 Were read the second time.

29 The question being "Shall **SB 7, 22, 23, 38, 41, and 47** pass?"

30 And the roll being called:

31 Yeas 29, Nays 0, Excused 5, Absent 0



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

5 Excused: Bolin, Foster, Novstrup, Pischke, and Zikmund

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

8 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

9 **SB 24:** FOR AN ACT ENTITLED, An Act to increase the maximum user fee for a participant  
10 submitting to wear a drug patch under the 24/7 sobriety program.

11 Was read the second time.

12 The question being "Shall **SB 24** pass?"

13 And the roll being called:

14 Yeas 29, Nays 0, Excused 5, Absent 0

15 Yeas: Beal, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Frye-Mueller,  
16 Hoffman, Hunhoff, Johnson, Klumb, Kolbeck (Jack), Kolbeck (Steve), Larson, Maher, Mehlhaff,  
17 Nesiba, Otten (Herman), Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, and  
18 Wink

19 Excused: Bolin, Foster, Novstrup, Pischke, and Zikmund

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

22 Sen. Beal moved that the Senate do now adjourn, which motion prevailed and at 1:28 p.m.  
23 the Senate adjourned.

24

Peggy Laurenz, Secretary

