

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, January 16, 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 pages Ariel Schatz and Emma Peterson.

Roll Call: All members present except Sens. Bordeaux and Diedrich 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 4th 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

April 27, 2023

3

The Honorable Larry Rhoden

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

8

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

9

your consent, I have the honor to inform you that I have reappointed Travis Bies, of Custer County,

10

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

11

This reappointment is effective April 19, 2023, and shall continue until January 10, 2027.

12

Sincerely,

13

Kristi Noem

14

Governor

15

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

16

and Natural Resources.

17

December 27, 2023

18

The Honorable Larry Rhoden

19

President of the Senate

20

State Capitol

21

Pierre, SD 57501

22

Dear President and Members of the Senate:

23

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

24

your consent, I have the honor to inform you that I have reappointed David Cull, of Yankton County,

25

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

26

This reappointment is effective January 11, 2024, and shall continue until January 10, 2028.

27

Sincerely,

28

Kristi Noem

29

Governor

30

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

31

and Natural Resources.

1 June 26, 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 reappointed Donald Kettering, of Yankton
9 County, Yankton, South Dakota, to the Board of Economic Development.

10 This reappointment is effective June 26, 2023, and shall continue until April 19, 2027.

11 Sincerely,
12 Kristi Noem
13 Governor

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

16 **REPORTS OF STANDING COMMITTEES**

17 MR. PRESIDENT:

18 The Committee on Senate Education respectfully reports that it has had under consideration
19 **SB 1** and returns the same with the recommendation that said bill do pass.

20 Also MR. PRESIDENT:

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

24 Respectfully submitted,
25 Kyle Schoenfish, Chair

26 MR. PRESIDENT:

27 The Committee on Senate Commerce and Energy respectfully reports that it has had under
28 consideration **SB 39** and returns the same with the recommendation that said bill do pass.

29 Also MR. PRESIDENT:

30 The Committee on Senate Commerce and Energy respectfully reports that it has had under
31 consideration **SB 78** and returns the same with the recommendation that said bill be amended as
32 follows:

1

78B

2 On page 1, line 6, of the Introduced bill, delete " retail dealer" and insert " licensed marketer
3 that has demonstrated compliance with alternative fuel compatibility requirements with the
4 Department of Agriculture and Natural Resources"

5 On page 1, line 8, of the Introduced bill, delete " retail dealer" and insert " licensed marketer"

6 On page 1, line 9, of the Introduced bill, delete " retail dealer" and insert " licensed marketer"

7 On page 1, line 10, of the Introduced bill, delete " retail dealer" and insert " licensed marketer"

8 On page 1, line 13, of the Introduced bill, delete " retailer" and insert " licensed marketer"

9 On page 1, line 14, of the Introduced bill, delete " thirty" and insert " ninety"

10 On page 1, line 16, of the Introduced bill, delete " If the application is approved, the
11 commissioner shall direct the state treasurer to send a check to the retailer in the amount of the
12 allowable tax refund" and insert " Upon approval of the application, the commissioner shall approve
13 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act"

14 And that as so amended, **SB 78** do pass.

15
16

Respectfully submitted,
David Wheeler, Chair

17 MR. PRESIDENT:

18 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
19 had under consideration **SB 54 and 55** and returns the same with the recommendation that said
20 bills do pass.

21 Also MR. PRESIDENT:

22 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
23 had under consideration **SB 56** and returns the same with the recommendation that said bill be
24 amended as follows:

25

56A

26 On page 1, line 1, of the Introduced bill, delete " an" and insert " a Class I "

27 On page 1, line 19, of the Introduced bill, delete " an" and insert " a Class I"

28 And that as so amended, **SB 56** do pass.

29
30

Respectfully submitted,
Herman Otten, Chair

1 MR. PRESIDENT:

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

4 Also MR. PRESIDENT:

5 The Committee on Senate Judiciary respectfully reports that it has had under consideration
6 **SB 27** and returns the same with the recommendation that said bill be amended as follows:

7 27A

8 On page 1, line 7, of the Introduced bill, remove the overstrikes from " five"

9 On page 1, line 7, of the Introduced bill, after "five" delete " ten"

10 On page 2, line 8, of the Introduced bill, remove the overstrikes from " five-year"

11 On page 2, line 8, of the Introduced bill, after "five-year" delete " ten-year"

12 On page 2, after line 10, of the Introduced bill, insert: "

13 **Section 2. That § 22-24B-2.1 be AMENDED:**

14 **22-24B-2.1.** The sex offender registry ~~shall consist~~ consists of three tiers as provided for in
15 §§ 22-24B-19 to 22-24B-19.2, inclusive. Placement in Tier III requires registrants to register
16 throughout their lifetime. Placement in Tier II requires registrants to register for a minimum of
17 twenty-five years. Placement in Tier I requires registrants to register for a minimum of ~~ten~~ five
18 years."

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

20 Respectfully submitted,
21 Helene Duhamel, Chair

22 MESSAGES FROM THE HOUSE

23 MR. PRESIDENT:

24 I have the honor to transmit herewith **HB 1001, 1030, and 1051** which have passed the
25 House and your favorable consideration is respectfully requested.

26 Patricia Miller, Chief Clerk

27 MOTIONS AND RESOLUTIONS

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

29 Sen. Zikmund moved that **SCR 601** as found on page 75 of the Senate Journal be adopted.

30 The question being on Sen. Zikmund's motion that SCR 601 be adopted.

31 And the roll being called:

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

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

5 Excused: Bordeaux and Diedrich

6 So the motion having received an affirmative vote of a majority of the members-elect, the
7 President declared the motion carried and **SCR 601** was adopted.

8 Sen. Schoenbeck moved that **SB 16, 28, and 67** be referred from the Senate Committee on
9 Appropriations to the Joint Committee on Appropriations.

10 Which motion prevailed.

11 Sen. Schoenbeck moved that **SB 29** be referred from the Joint Committee on Appropriations
12 to the Senate Committee on Military and Veterans Affairs.

13 Which motion prevailed.

14 Sen. Crabtree moved that **SB 43** be deferred to Wednesday, January 17, 2024, the 6th
15 legislative day.

16 Which motion prevailed.

17 **CONSIDERATION OF REPORTS OF COMMITTEES**

18 Sen. Crabtree moved that the report of the Standing Committee on
19 Health and Human Services on **SB 42** as found on page 74 of the Senate Journal be adopted.

20 Which motion prevailed and the report was adopted.

21 Sen. Crabtree moved that the report of the Standing Committee on Joint Legislative Procedure
22 as found on page 64 of the Senate Journal be adopted.

23 The question being on Sen. Crabtree's motion that the report of the Standing Committee on
24 Joint Legislative Procedure as found on page 64 of the Senate Journal be adopted.

25 And the roll being called:

26 Yeas 27, Nays 5, Excused 2, Absent 0

27 Yeas: Bolin, Breitling, Crabtree, Davis, Deibert, Duhamel, Hoffman, Hunhoff, Johnson, Klumb,
28 Kolbeck (Jack), Kolbeck (Steve), Larson, Maher, Mehlhaff, Nesiba, Novstrup, Otten (Herman), Reed,
29 Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

30 Nays: Beal, Foster, Frye-Mueller, Pischke, and Wiik

31 Excused: Bordeaux and Diedrich

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

1 Sen. Crabtree moved that the report of the Standing Committee on Senate Legislative
2 Procedure as shown on page 71 of the Senate Journal be adopted.

3 The question being on Sen. Crabtree's motion that the report of the Standing Committee on
4 Senate Legislative Procedure as shown on page 71 of the Senate Journal be adopted.

5 And the roll being called:

6 Yeas 27, Nays 5, Excused 2, Absent 0

7 Yeas: Bolin, Breitling, Crabtree, Davis, Deibert, Duhamel, Hoffman, Hunhoff, Johnson, Klumb,
8 Kolbeck (Jack), Kolbeck (Steve), Larson, Maher, Mehlhaff, Nesiba, Novstrup, Otten (Herman), Reed,
9 Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

10 Nays: Beal, Foster, Frye-Mueller, Pischke, and Wiik

11 Excused: Bordeaux and Diedrich

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

14 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

15 The Senate proceeded to the consideration of the executive appointment of Lawrence Long of
16 Minnehaha County, Sioux Falls, South Dakota, to the Government Accountability Board.

17 And the roll being called:

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

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

23 Excused: Bordeaux and Diedrich

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

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

27 **SB 86:** FOR AN ACT ENTITLED, An Act to allow a municipality to issue additional convention
28 off-sale liquor licenses to hotel-motel convention facilities.

29 Introduced by: **Senator** Maher

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

1 **SB 82:** FOR AN ACT ENTITLED, An Act to modify standards for a bona fide practitioner-patient
2 relationship required prior to the issuance of a medical cannabis certification.

3 Introduced by: **Senator** Mehlhaff

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

5 **SB 84:** FOR AN ACT ENTITLED, An Act to update the edition of the guidebook used for
6 measuring damages or appraised values to trees or plants.

7 Introduced by: **Senator** Johnson

8 **SB 85:** FOR AN ACT ENTITLED, An Act to revise a provision related to an action to quiet title
9 to real property.

10 Introduced by: **Senator** Schoenbeck

11 Were read the first time and referred to the Committee on Judiciary.

12 **SB 83:** FOR AN ACT ENTITLED, An Act to make an appropriation to support firefighter training
13 efforts in the state.

14 Introduced by: **Senator** Johnson

15 Was read the first time and referred to the Committee on Local Government.

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

17 **HB 1030:** FOR AN ACT ENTITLED, An Act to update statutory and regulatory references
18 pertaining to water pollution.

19 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

20 **HB 1001:** FOR AN ACT ENTITLED, An Act to repeal the expiration of a reduction in certain
21 gross receipts and use tax rates.

22 Was read the first time and referred to the Senate Committee on Appropriations.

23 **HB 1051:** FOR AN ACT ENTITLED, An Act to make technical changes to provisions regarding
24 the compensation of agents.

25 Was read the first time and referred to the Committee on Transportation.

26 **SECOND READING OF CONSENT CALENDAR ITEMS**

27 **SB 3:** FOR AN ACT ENTITLED, An Act to extend the length of time allowed for a tax agreement
28 with an Indian tribe.

29 **SB 4:** FOR AN ACT ENTITLED, An Act to revise provisions regarding township contracts for
30 snow removal.

1 **SB 37:** FOR AN ACT ENTITLED, An Act to revise provisions regarding repair and maintenance
2 of mail routes.

3 **SB 65:** FOR AN ACT ENTITLED, An Act to modify time limits for collection efforts for debts
4 owed to the state.

5 Were read the second time.

6 The question being "Shall **SB 3, 4, 37, and 65** pass?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 2, Absent 0

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

13 Excused: Bordeaux and Diedrich

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

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

17 **SB 19:** FOR AN ACT ENTITLED, An Act to rescind rulemaking authority pertaining to the
18 process for publishing required voter registration numbers.

19 Was read the second time.

20 The question being "Shall **SB 19** pass?"

21 And the roll being called:

22 Yeas 32, Nays 0, Excused 2, Absent 0

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

27 Excused: Bordeaux and Diedrich

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

30 **SB 21:** FOR AN ACT ENTITLED, An Act to rescind rule-making authority for the annual report
31 of the number of voters removed from a county's voter registration list.

32 Was read the second time.

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

34 And the roll being called:

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

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

6 Excused: Bordeaux and Diedrich

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

9 **SB 33:** FOR AN ACT ENTITLED, An Act to repeal the Petroleum Release Compensation Board.

10 Was read the second time.

11 The question being "Shall **SB 33** pass?"

12 And the roll being called:

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

14 Yeas: Beal, Bolin, Breitling, Crabtree, Davis, Deibert, Duhamel, Hoffman, Hunhoff, Johnson,
15 Klumb, Kolbeck (Jack), Kolbeck (Steve), Larson, Maher, Mehlhaff, Nesiba, Novstrup, Otten
16 (Herman), Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and
17 Zikmund

18 Nays: Foster and Frye-Mueller

19 Excused: Bordeaux and Diedrich

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 **SB 72:** FOR AN ACT ENTITLED, An Act to increase the annual limit of tax credits that an
23 insurance company may claim through the partners in education tax credit program.

24 Was read the second time.

25 The question being "Shall **SB 72** pass?"

26 And the roll being called:

27 Yeas 25, Nays 7, Excused 2, Absent 0

28 Yeas: Beal, Bolin, Breitling, Crabtree, Deibert, Duhamel, Foster, Frye-Mueller, Hoffman,
29 Johnson, Klumb, Kolbeck (Jack), Kolbeck (Steve), Maher, Mehlhaff, Novstrup, Pischke, Rohl,
30 Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, and Zikmund

31 Nays: Davis, Hunhoff, Larson, Nesiba, Otten (Herman), Reed, and Wink

32 Excused: Bordeaux and Diedrich

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

1 Sen. Davis moved that the Senate do now adjourn, which motion prevailed and at 3:17 p.m.
2 the Senate adjourned.

3

Peggy Laurenz, Secretary

