

# *JOURNAL OF THE SENATE*

## *NINETY-NINTH SESSION*

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SIXTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, January 17, 2024

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

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by Senate page Neva Mikkelsen.

Roll Call: All members present except Sen. Diedrich 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 5th 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.

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**REPORTS OF STANDING COMMITTEES**

2 MR. PRESIDENT:

3 The Committee on Senate Transportation respectfully reports that it has had under  
4 consideration **SB 59 and 60** and returns the same with the recommendation that said bills do pass,  
5 and having been certified as uncontested, be placed on the consent calendar.

6 Also MR. PRESIDENT:

7 The Committee on Senate Transportation respectfully reports that it has had under  
8 consideration **SB 62** which was deferred to the 41st Legislative Day.

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Respectfully submitted,  
Joshua Klumb, Chair

11 MR. PRESIDENT:

12 The Committee on Senate Health and Human Services respectfully reports that it has had  
13 under consideration **SB 10 and 71** and returns the same with the recommendation that said bills  
14 do pass.

15 Also MR. PRESIDENT:

16 The Committee on Senate Health and Human Services respectfully reports that it has had  
17 under consideration **SB 11** and returns the same with the recommendation that said bill be amended  
18 as follows:

19

11A

20 On page 1, line 7, of the Introduced bill, after "not " insert "knowingly "

21 On page 2, line 12, of the Introduced bill, after "who " insert "knowingly "

22 And that as so amended, **SB 11** do pass, and having been certified as uncontested, be placed  
23 on the consent calendar.

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Respectfully submitted,  
Erin Tobin, Chair

1 MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
3 **SB 20** and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
6 **SB 53** with the recommendation that said bill be amended as follows:

7 53A

8 On page 1, line 4, of the Introduced bill, delete " \$95,384,221" and insert " \$94,384,221"

9 And that as so amended said bill be referred to the Joint Committee on Appropriations with a  
10 Do Pass recommendation.

11 Also MR. PRESIDENT:

12 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
13 **SB 66** with the recommendation that said bill be referred to the Joint Committee on Appropriations  
14 with a Do Pass recommendation.

15 Also MR. PRESIDENT:

16 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
17 **SB 73** and returns the same with the recommendation that said bill do pass, and having been  
18 certified as uncontested, be placed on the consent calendar.

19 Respectfully submitted,  
20 Casey Crabtree, Chair

21 **MESSAGES FROM THE HOUSE**

22 MR. PRESIDENT:

23 I have the honor to inform your honorable body that the House has adopted the report of  
24 the Joint Committee on Legislative Procedures relative to the joint rules for the two houses for the  
25 Ninety-ninth Legislative Session.

26 Also MR. PRESIDENT:

27 I have the honor to transmit herewith **HB 1004, 1005, 1006, 1015, 1018, 1019, 1020,**  
28 **1024, 1026, 1031, 1033, 1034, 1035, 1036, 1041, 1050, 1055, 1058, and 1059** which have  
29 passed the House and your favorable consideration is respectfully requested.

30 Also MR. PRESIDENT:

31 I have the honor to transmit herewith **HCR 6004** which has been adopted by the House and  
32 your concurrence is respectfully requested.

33 Respectfully,  
34 Patricia Miller, Chief Clerk

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**MOTIONS AND RESOLUTIONS**

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**HCR 6004:** A CONCURRENT RESOLUTION, Affirming the Legislature's support and commitment of the State of Israel.

4

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

5

6

Sen. Crabtree moved that **SB 55** be deferred to Friday, January 19, 2024, the 8<sup>th</sup> legislative day.

7

Which motion prevailed.

8

9

Sen. Crabtree moved that **SB 43** be deferred to Monday, January 22, 2024, the 9<sup>th</sup> legislative day.

10

Which motion prevailed.

11

**CONSIDERATION OF REPORTS OF COMMITTEES**

12

Sen. Crabtree moved that the reports of the Standing Committees on

13

Judiciary on **SB 27** as found on page 83 of the Senate Journal; also

14

Agriculture and Natural Resources on **SB 56** as found on page 82 of the Senate Journal; and

15

Taxation on **SB 78** as found on page 81 of the Senate Journal be adopted.

16

Which motion prevailed and the reports were adopted.

17

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

18

19

The President declared that **SB 8** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

20

21

**SB 88:** FOR AN ACT ENTITLED, An Act to provide information to an injured employee about eligibility in a program offered by a nonprofit organization.

22

Introduced by: **Senator** Schoenbeck

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24

**SB 92:** FOR AN ACT ENTITLED, An Act to prohibit automatic issuance of video lottery machines to a restaurant operating with a full-service restaurant on-sale license.

25

Introduced by: **Senator** Rohl

26

27

**SB 93:** FOR AN ACT ENTITLED, An Act to modify the definition of public infrastructure to allow a federally recognized Indian tribe to be eligible for housing infrastructure loans and grants.

28

Introduced by: **Senator** Foster

29

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

1 **SB 87:** FOR AN ACT ENTITLED, An Act to revise provisions related to the State Board of Medical  
2 and Osteopathic Examiners and its advisory councils.

3 Introduced by: **Senator** Davis

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

5 **SB 89:** FOR AN ACT ENTITLED, An Act to reduce the notice requirement period to terminate a  
6 tenancy at will.

7 Introduced by: **Senator** Rohl

8 **SB 90:** FOR AN ACT ENTITLED, An Act to repeal the requirement of advance notice to quit in  
9 an action of forcible entry and detainer.

10 Introduced by: **Senator** Rohl

11 **SB 91:** FOR AN ACT ENTITLED, An Act to revise sex offender residency restrictions to include  
12 private parks, playgrounds, and pools.

13 Introduced by: **Senator** Johnson

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

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

16 **HB 1031:** FOR AN ACT ENTITLED, An Act to update the development and implementation of  
17 conservation district standards.

18 **HB 1033:** FOR AN ACT ENTITLED, An Act to address the administration of State Conservation  
19 Commission functions by the Department of Agriculture and Natural Resources.

20 Were read the first time and referred to the Committee on Agriculture and Natural Resources.

21 **HB 1034:** FOR AN ACT ENTITLED, An Act to require hydrogen pipelines to be permitted by the  
22 Public Utilities Commission.

23 **HB 1058:** FOR AN ACT ENTITLED, An Act to modify agency reporting requirements on  
24 licensure, certification, job placements, and the labor market.

25 **HB 1059:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding insurance  
26 holding companies.

27 Were read the first time and referred to the Committee on Commerce and Energy.

28 **HB 1020:** FOR AN ACT ENTITLED, An Act to revise the method by which completion of a  
29 required suicide awareness and prevention training is verified.

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

1 **HB 1015:** FOR AN ACT ENTITLED, An Act to adopt the social work licensure compact.

2 **HB 1024:** FOR AN ACT ENTITLED, An Act to require that an application for a medical marijuana  
3 registry identification card include a notice and acknowledgement of federal law regarding firearms  
4 and the unlawful use of a controlled substance.

5 **HB 1036:** FOR AN ACT ENTITLED, An Act to require that a dispensary post notice of the federal  
6 law regarding possession of a firearm and the use of marijuana and to provide a civil penalty.

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

8 **HB 1004:** FOR AN ACT ENTITLED, An Act to update the official code of laws.

9 **HB 1035:** FOR AN ACT ENTITLED, An Act to extend the period of renewal for an enhanced  
10 permit to carry a concealed pistol.

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

12 **HB 1026:** FOR AN ACT ENTITLED, An Act to clarify the requirement for the construction or  
13 expansion of a municipal campground or tourist accommodation facility.

14 **HB 1055:** FOR AN ACT ENTITLED, An Act to raise the appraisal value of surplus property that  
15 may be sold by a political subdivision without notice.

16 Were read the first time and referred to the Committee on Local Government.

17 **HB 1005:** FOR AN ACT ENTITLED, An Act to revise the manner of citing the Administrative  
18 Rules of South Dakota.

19 **HB 1006:** FOR AN ACT ENTITLED, An Act to increase the amount of time permitted the Interim  
20 Rules Review Committee to review final permanent rulemaking materials.

21 **HB 1041:** FOR AN ACT ENTITLED, An Act to modify the definition of public infrastructure to  
22 allow a federally recognized Indian tribe to be eligible for housing infrastructure grants and loans  
23 and to declare an emergency.

24 Were read the first time and referred to the Committee on State Affairs.

25 **HB 1018:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue  
26 Code.

27 **HB 1019:** FOR AN ACT ENTITLED, An Act to clarify language regarding sales and use tax in  
28 certain statutes.

29 Were read the first time and referred to the Committee on Taxation.

30 **HB 1050:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier  
31 regulations.

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

1

**SECOND READING OF CONSENT CALENDAR ITEMS**

2

**SB 2:** FOR AN ACT ENTITLED, An Act to remove provisions for establishing a uniform method for calculating high school credit received from completing a postsecondary course.

3

4

Was read the second time.

5

The question being "Shall **SB 2** pass?"

6

And the roll being called:

7

Yeas 33, Nays 0, Excused 1, Absent 0

8

Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, 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, and Zikmund

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Excused: Diedrich

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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.

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15

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

16

**SB 1:** FOR AN ACT ENTITLED, An Act to expand eligibility for the reduced tuition benefit for certain school district and Head Start employees at Board of Regents institutions to school counselors.

17

18

19

Was read the second time.

20

The question being "Shall **SB 1** pass?"

21

And the roll being called:

22

Yeas 30, Nays 3, Excused 1, Absent 0

23

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

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Nays: Frye-Mueller, Hoffman, and Pischke

27

Excused: Diedrich

28

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.

29

1 **SB 15:** FOR AN ACT ENTITLED, An Act to require a convicted defendant to reimburse the cost  
2 of digital forensic examination fees.

3 Was read the second time.

4 Senator Duhamel moved that **SB 15** be amended as follows:

5 15B

6 On page 1, line 12, of the Introduced bill, after "procedures." insert " The reimbursements  
7 authorized under this section must be budgeted and expended through the general appropriations  
8 act."

9 Which motion prevailed.

10 The question being "Shall **SB 15** pass as amended?"

11 And the roll being called:

12 Yeas 17, Nays 16, Excused 1, Absent 0

13 Yeas: Beal, Crabtree, Deibert, Duhamel, Hoffman, Johnson, Kolbeck (Steve), Larson, Mehlhaff,  
14 Novstrup, Otten (Herman), Reed, Schoenbeck, Stalzer, Tobin, Wiik, and Zikmund

15 Nays: Bolin, Bordeaux, Breitling, Davis, Foster, Frye-Mueller, Hunhoff, Klumb, Kolbeck (Jack),  
16 Maher, Nesiba, Pischke, Rohl, Schoenfish, Wheeler, and Wink

17 Excused: Diedrich

18 So the bill not having received an affirmative vote of a majority of the members-elect, the  
19 President declared the bill lost.

20 Sen. Duhamel announced her intention to reconsider the vote by which **SB 15** lost.

21 **SB 39:** FOR AN ACT ENTITLED, An Act to prohibit a homeowners' association from placing  
22 restrictions on firearms or firearm ammunition.

23 Was read the second time.

24 The question being "Shall **SB 39** pass?"

25 And the roll being called:

26 Yeas 30, Nays 3, Excused 1, Absent 0

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

31 Nays: Bordeaux, Larson, and Nesiba

32 Excused: 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 **SB 42:** FOR AN ACT ENTITLED, An Act to modify provisions related to medical cannabis.

2 Was read the second time.

3 The question being "Shall **SB 42** pass as amended?"

4 And the roll being called:

5 Yeas 29, Nays 4, Excused 1, Absent 0

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

10 Nays: Bordeaux, Foster, Larson, and Nesiba

11 Excused: Diedrich

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

14 **SB 54:** FOR AN ACT ENTITLED, An Act to update hunting and fishing residency requirements.

15 Was read the second time.

16 The question being "Shall **SB 54** pass?"

17 And the roll being called:

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

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

23 Excused: Diedrich

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

26 **COMMEMORATIONS**

27 **SC 801:** A LEGISLATIVE COMMEMORATION, Recognizing and commending the National  
28 Conference of State Legislatures on its fiftieth anniversary in 2025.

29 **Introduced by: Senators** Schoenbeck, Bolin, Crabtree, Davis, Deibert, Duhamel, Hunhoff,  
30 Johnson, Maher, Mehlhaff, Nesiba, Reed, Rohl, Schoenfish, Stalzer, Tobin, Wheeler, and Zikmund  
31 and **Representatives** Drury, Blare, Deutsch, Duba, Emery, Fitzgerald, Koth, Kull, Moore,  
32 Mortenson, Mulder, Perry, Pinnow, Reisch, St. John, Venhuizen, and Wittman.

33 **SC 802:** A LEGISLATIVE COMMEMORATION, Celebrating John and Laurie Stiegelmeier’s  
34 contributions to the State of South Dakota and South Dakota State University.

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1 Introduced by: **Senators** Schoenbeck, Bolin, Breitling, Crabtree, Duhamel, Hunhoff, Johnson,  
2 Klumb, Kolbeck (Steve), Larson, Maher, Novstrup, Otten (Herman), Pischke, Reed, Schoenfish,  
3 Stalzer, Tobin, Wiik, and Zikmund and **Representatives** Blare, Deutsch, Duba, Emery, Heermann,  
4 Nelson, Otten (Ernie), Perry, Reisch, and Venhuizen.

5 Sen. Maher moved that the Senate do now adjourn, which motion prevailed and at 3:14 p.m.  
6 the Senate adjourned.

7 Peggy Laurenz, Secretary