

# *JOURNAL OF THE SENATE*

## *NINETY-NINTH SESSION*

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TENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, January 23, 2024

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Ashley Bondesen.

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 9th 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

January 12, 2024

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 40-18 of the South Dakota Codified Laws and subject to

9

your consent, I have the honor to inform you that I have appointed Myron Williams, of Pennington

10

County, Wall, South Dakota, to the State Brand Board.

11

This appointment is effective January 12, 2024, and shall continue until January 4, 2027.

12

Sincerely,

13

Kristi Noem

14

Governor

15

The President announced the referral of the appointment to the Committee on Agriculture and

16

Natural Resources.

17

June 14, 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 1-45 of the South Dakota Codified Laws and subject to

24

your consent, I have the honor to inform you that I have appointed Jean Moulton, of Codington

25

County, Watertown, South Dakota, to the South Dakota Board of Education Standards.

26

This appointment is effective June 14, 2023, and shall continue until December 31, 2024.

27

Sincerely,

28

Kristi Noem

29

Governor

30

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

1 January 5, 2024

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 1-45 of the South Dakota Codified Laws and subject to  
8 your consent, I have the honor to inform you that I have appointed Phyllis Heineman, of Minnehaha  
9 County, Sioux Falls, South Dakota, to the South Dakota Board of Education Standards.

10 This appointment is effective January 5, 2024, and shall continue until December 31, 2027.

11 Sincerely,  
12 Kristi Noem  
13 Governor

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

15 January 12, 2024

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 Section 42-7A-17 of the South Dakota Codified Laws and subject  
22 to your consent, I have the honor to inform you that I have appointed Steven Harding, of Hughes  
23 County, Pierre, South Dakota, to the South Dakota Lottery Commission.

24 This appointment is effective January 12, 2024, and shall continue until January 1, 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.

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1 September 15, 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 Section 42-7A-17 of the South Dakota Codified Laws and subject  
8 to your consent, I have the honor to inform you that I have appointed Joseph Kafka, of Lincoln  
9 County, Sioux Falls, South Dakota, to the South Dakota Lottery Commission.

10 This appointment is effective September 15, 2023, and shall continue until January 1, 2026.

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 September 6, 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 Section 42-7A-17 of the South Dakota Codified Laws and subject  
23 to your consent, I have the honor to inform you that I have appointed Timothy Donohue, of  
24 Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Lottery Commission.

25 This appointment is effective September 6, 2023, and shall continue until January 1, 2025.

26 Sincerely,  
27 Kristi Noem  
28 Governor

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

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 Section 42-7A-17 of the South Dakota Codified Laws and subject  
8 to your consent, I have the honor to inform you that I have appointed Tona Rozum, of Davison  
9 County, Mitchell, South Dakota, to the South Dakota Lottery Commission.

10 This appointment is effective January 2, 2024, and shall continue until January 1, 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 **REPORTS OF STANDING COMMITTEES**

17 MR. PRESIDENT:

18 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
19 consideration **HB 1041** and returns the same with the recommendation that said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
22 consideration **SB 88** and returns the same with the recommendation that said bill do pass, and  
23 having been certified as uncontested, be placed on the consent calendar.

24 Also MR. PRESIDENT:

25 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
26 consideration **SB 93** which was tabled.

27 Respectfully submitted,  
28 David Wheeler, Chair

29 MR. PRESIDENT:

30 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
31 had under consideration **HB 1033** and returns the same with the recommendation that said bill do  
32 pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
3 had under consideration **HB 1030 and 1031** and returns the same with the recommendation that  
4 said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 Herman Otten, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
9 **SB 36** which was deferred to the 41st Legislative Day.

10 Also MR. PRESIDENT:

11 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
12 **SB 9** and returns the same with the recommendation that said bill be amended as follows:

13 9A

14 On page 1, after line 10, of the Introduced bill, insert: "

15 **Section 2. That § 24-15-10 be AMENDED:**

16 **24-15-10.** If an inmate's application for parole is denied, the inmate may not again present  
17 an application before the board for a period of eight months. A continuance of an application for  
18 parole is not a denial. An application for clemency may not be heard for one year after the date of  
19 the judgment. If an application for clemency is denied, an inmate may not again present an  
20 application for clemency for a period of one year. If an application for clemency is denied for an  
21 inmate convicted of a crime of violence, as defined in subdivision § 22-1-2(9), and sentenced to life  
22 imprisonment, the inmate may not again present an application for clemency for a period of four  
23 years."

24 9B

25 On the previously adopted amendment (9A), On page 1, line 10, after "of" insert " one to"

26 On the previously adopted amendment (9A), On page 1, line 10, after "years" insert ", as  
27 determined by the board. The board must establish in the record the date when the inmate will  
28 again be eligible to present an application for clemency at the time of denial"

29 On the previously adopted amendment (9A), On page 1, line 19, after "of" insert " one to"

30 On the previously adopted amendment (9A), On page 1, line 19, after "years" insert ", as  
31 determined by the board. The board must establish in the record the date when the inmate will  
32 again be eligible to present an application for clemency at the time of denial"

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

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
3 **SB 79** and returns the same with the recommendation that said bill be amended as follows:

4 79A

5 On page 1, after line 3, of the Introduced bill, insert: "

6 **Section 1. That § 22-24A-2 be AMENDED:**

7 **22-24A-2.** Terms used in §§ 22-19A-1, 22-24A-1 to 22-24A-20, inclusive, 22-24B-1, 23A-27-  
8 14.1, and 43-43B-1 to 43-43B-3, inclusive, mean:

9 (1) "Adult," any person eighteen years of age or older;

10 (2) "Child pornography," any image or visual depiction of a minor engaged in prohibited  
11 sexual acts;

12 (3) "Child" or "minor," any person under the age of eighteen years;

13 (3A) "Child-like sex doll," any obscene anatomical doll, obscene anatomical mannequin,  
14 or obscene anatomical robot that is intentionally designed to resemble a prepubescent child and  
15 either to entice sexual excitement or to engage in prohibited sexual acts;

16 (4) "Computer," any electronic, magnetic, optical, electrochemical, or other high-speed  
17 data processing device performing logical, arithmetic, or storage functions and includes any data  
18 storage facility or communications facility directly related to or operating in conjunction with such  
19 device, including wireless communication devices such as cellular phones. The term also includes  
20 any on-line service, internet service, or internet bulletin board;

21 (5) ~~Deleted by SL 2005, ch 120, § 408~~ "Computer-generated child pornography," any  
22 visual depiction of:

23 (a) An actual minor that has been created, adapted, or modified to depict that minor engaged  
24 in a prohibited sexual act;

25 (b) An actual adult that has been created, adapted, or modified to depict that adult as a minor  
26 engaged in a prohibited sexual act; or

27 (c) An individual indistinguishable from an actual minor created by the use of artificial  
28 intelligence or other computer technology capable of processing and interpreting specific data inputs  
29 to create a visual depiction;

30 (6) "Digital media," any electronic storage device, including a floppy disk or other  
31 magnetic storage device or any compact disc that has memory and the capacity to store audio,  
32 video, or written materials;

33 (7) "Harmful to minors," any reproduction, imitation, characterization, description,  
34 visual depiction, exhibition, presentation, or representation, of whatever kind or form, depicting  
35 nudity, sexual conduct, or sexual excitement if it:

36 (a) Predominantly appeals to the prurient, shameful, or morbid interest of minors;

37 (b) Is patently offensive to prevailing standards in the adult community as a whole with  
38 respect to what is suitable material for minors; and

39 (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for  
40 minors.

1 This term does not include a mother's breast-feeding of her baby;

2 (8) "Indistinguishable," when used with respect to a visual depiction, means virtually  
3 indistinguishable, in that the visual depiction is such that an ordinary person viewing the visual  
4 depiction would conclude that the visual depiction is of an actual minor engaged in a prohibited  
5 sexual act;

6 (9)"Masochism," sexual gratification achieved by a person through, or the association of sexual  
7 activity with, submission or subjection to physical pain, suffering, humiliation, torture, or death;

8 (9)(10) "Nudity," the showing or the simulated showing of the human male or female  
9 genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female  
10 breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or  
11 the depiction of covered male genitals in a discernibly turgid state for the purpose of creating sexual  
12 excitement. This term does not include a mother's breast-feeding of her baby irrespective of whether  
13 or not the nipple is covered during or incidental to feeding;

14 (10)(11) "Obscene," the status of material which:

15 (a) The average person, applying contemporary community standards, would find,  
16 taken as a whole, appeals to the prurient interest;

17 (b) Depicts or describes, in a patently offensive way, prohibited sexual acts; and

18 (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

19 This term does not include a mother's breast-feeding of her baby;

20 (11)(12) "Person," includes individuals, children, firms, associations, joint ventures,  
21 partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other  
22 groups or combinations;

23 (12)(13) "Sadism," sexual gratification achieved through, or the association of sexual activity  
24 with, the infliction of physical pain, suffering, humiliation, torture, or death;

25 (13)(14) "Sadomasochistic abuse," flagellation or torture by or upon a minor, or the condition  
26 of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual  
27 satisfaction, or satisfaction brought about as a result of sadistic violence, from inflicting harm on  
28 another or receiving such harm oneself;

29 (14)(15) "Sexual battery," oral, anal, or vaginal penetration by, or union with, the sexual  
30 organ of another or the anal or vaginal penetration of another by any other object. This term does  
31 not include an act done for a bona fide medical purpose;

32 (15)(16) "Sexual bestiality," any sexual act, actual or simulated, between a person and an  
33 animal involving the sex organ of the one and the mouth, anus, or vagina of the other;

34 (16)(17) "Prohibited sexual act," actual or simulated sexual intercourse, sadism, masochism,  
35 sexual bestiality, incest, masturbation, or sadomasochistic abuse; actual or simulated exhibition of  
36 the genitals, the pubic or rectal area, or the bare feminine breasts, in a lewd or lascivious manner;  
37 actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if  
38 such person is a female, breast with the intent to arouse or gratify the sexual desire of either party;  
39 defecation or urination for the purpose of creating sexual excitement in the viewer; or any act or  
40 conduct which constitutes sexual battery or simulates that sexual battery is being or will be  
41 committed. The term includes encouraging, aiding, abetting or enticing any person to commit any  
42 such acts as provided in this subdivision. The term does not include a mother's breast-feeding of  
43 her baby;

44 (17)(18) "Sexual excitement," the condition of the human male or female genitals if in a state  
45 of sexual stimulation or arousal;



1 ~~(18)~~(19) "Sexually oriented material," any book, article, magazine, publication, visual  
2 depiction or written matter of any kind or any drawing, etching, painting, photograph, motion picture  
3 film, or sound recording that depicts sexual activity, actual or simulated, involving human beings or  
4 human beings and animals, that exhibits uncovered human genitals or the pubic region in a lewd or  
5 lascivious manner, or that exhibits human male genitals in a discernibly turgid state, even if  
6 completely and opaquely covered;

7 ~~(19)~~(20) "Simulated," the explicit depiction of conduct described in subdivision (16) of this  
8 section that creates the appearance of such conduct and that exhibits any uncovered portion of the  
9 breasts, genitals, or anus;

10 ~~(20)~~(21) "Visual depiction," any developed and undeveloped film, photograph, slide and  
11 videotape, and any photocopy, drawing, printed or written material, and any data stored on  
12 computer disk, digital media, or by electronic means that are capable of conversion into a visual  
13 image."

14 On page 1, line 6, of the Introduced bill, delete " any" and insert ":

15 (1) Any"

16 On page 1, line 7, of the Introduced bill, after "act" insert "; or

17 (2) Any computer-generated child pornography"

18 On page 1, line 8, of the Introduced bill, after "section" insert " for a first offense"

19 On page 1, line 9, of the Introduced bill, after "year." insert " A conviction under this section  
20 for a second or subsequent offense must be punished by a mandatory sentence in a state  
21 correctional facility of at least five years."

22 On page 1, line 12, of the Introduced bill, delete " any" and insert a colon

23 On page 1, line 12, of the Introduced bill, after "any " insert "

24 (1) Any "

25 On page 1, line 13, of the Introduced bill, after "act" insert "; or

26 (2) Any computer-generated child pornography"

27 On page 1, line 14, of the Introduced bill, after "section" insert " for a first offense"

28 On page 1, line 15, of the Introduced bill, after "years." insert " A conviction under this section  
29 for a second or subsequent offense must be punished by a mandatory sentence in a state  
30 correctional facility of at least ten years."

31 On page 1, line 17, of the Introduced bill, delete " section 1" and insert " section 2"

32 On page 1, line 20, of the Introduced bill, delete " any" and insert ":

33 (1) Any"

34 On page 1, line 21, of the Introduced bill, after "act" insert "; or

35 (2) Any computer-generated child pornography"

36 On page 1, line 22, of the Introduced bill, after "section" insert " for a first offense"

1 On page 1, line 23, of the Introduced bill, after "years." insert " A conviction under this section  
2 for a second or subsequent offense must be punished by a mandatory sentence in a state  
3 correctional facility of at least twenty years."

4 On page 2, line 2, of the Introduced bill, delete " section 1" and insert " section 2"

5 On page 2, line 4, of the Introduced bill, delete "An adult is guilty of sexting with a minor if the  
6 adult knowingly possesses any visual depiction of a minor, aged sixteen or older, who is involved in  
7 a romantic relationship with the adult, engaging in a prohibited sexual act, or in a simulation of a  
8 prohibited sexual act, that was voluntarily created by the minor and voluntarily transmitted to the  
9 adult by the minor. A violation of this section is a Class 1 misdemeanor.

10 It is not a violation of section 1 or section 3 of this Act if an adult knowingly possesses a visual  
11 depiction of a minor aged sixteen or older, who is involved in a romantic relationship with the adult,  
12 engaging in a prohibited sexual act, or in a simulation of a prohibited sexual act, that was voluntarily  
13 created by the minor and voluntarily transmitted to the adult by the minor, unless the adult  
14 distributed the visual depiction to another person. " and insert "Any conviction for, or plea of guilty  
15 to, an offense in another state that, if committed in this state, would be a violation of sections 2 to  
16 4, inclusive, of this Act, must be used to determine if the violation being charged is a second or  
17 subsequent offense."

18 On page 2, line 17, of the Introduced bill, delete " sections 1 to 3" and insert " sections 2 to 4"

19 On page 2, line 21, of the Introduced bill, delete " sections 1 to 3" and insert " sections 2 to 4"

20 On page 2, line 23, of the Introduced bill, delete " sections 1 to 3" and insert " sections 2 to 4"

21 On page 2, line 24, of the Introduced bill, after "charged" insert " and no other person appears  
22 in the visual depiction"

23 On page 2, line 26, of the Introduced bill, delete " sections 1 to 3" and insert " sections 2 to 4"

24 On page 2, line 27, of the Introduced bill, delete " which" and insert

25 On page 2, line 27, of the Introduced bill, after "which" insert "that"

26 On page 2, line 28, of the Introduced bill, delete " sections 1 to 3" and insert " sections 2 to 4"

27 On page 3, line 1, of the Introduced bill, delete " must" and insert " shall"

28 On page 3, line 26, of the Introduced bill, delete " sections 1 to 3" and insert " sections 2 to 4"

29 On page 3, line 31, of the Introduced bill, delete " sections 1 to 3" and insert " sections 2 to 4"

30 On page 4, line 14, of the Introduced bill, delete " sections 1 to 3" and insert " sections 2 to 4"

31 On page 5, after line 14, of the Introduced bill, insert: "

32 **Section 14. That § 26-10-33 be AMENDED:**

33 **26-10-33.** No minor, as defined in subdivision 26-7A-1(21), may intentionally create, produce,  
34 distribute, present, transmit, post, exchange, disseminate, or possess, through any computer or  
35 digital media, any photograph or digitized image or any visual depiction of a minor in any condition  
36 of nudity, as defined in ~~subdivision 22-24A-2(9)~~ subdivision 22-24A-2(10), or involved in any  
37 prohibited sexual act, as defined in ~~subdivision 22-24A-2(16)~~ subdivision 22-24A-2(17). Any  
38 violation of this section constitutes the offense of juvenile sexting, which is a Class 1 misdemeanor."

39 And that as so amended, **SB 79** do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
3 **SB 89** and returns the same with the recommendation that said bill be amended as follows:

4 89C

5 On page 1, line 4, of the Introduced bill, after "will" insert " for a residential property"

6 On page 1, after line 17, of the Introduced bill, insert: "

7 **Section 2. That a NEW SECTION be added to chapter 43-8:**

8 A tenancy or other estate at will for a commercial property, however created, may be  
9 terminated by the landlord giving notice to the tenant in the manner prescribed by § 43-8-9 to  
10 remove from the premises within a period, specified in the notice, of not less than one month."

11 And that as so amended, **SB 89** do pass.

12 Also MR. PRESIDENT:

13 The Committee on Senate Judiciary respectfully reports that it has had under consideration the  
14 nomination of Robert Perry of Pennington County, Rapid City, South Dakota, to the Secretary of the  
15 Department of Public Safety and returns the same with the recommendation that the Senate advise  
16 and consent to the confirmation of said appointment.

17 Also MR. PRESIDENT:

18 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
19 **HB 1035** and returns the same with the recommendation that said bill do pass, and having been  
20 certified as uncontested, be placed on the consent calendar.

21 Respectfully submitted,  
22 Helene Duhamel, Chair

23 MR. PRESIDENT:

24 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
25 Enrolling has carefully compared **SB 7** and finds the same correctly enrolled.

26 Respectfully submitted,  
27 Lee A. Schoenbeck, Chair

28 **MESSAGES FROM THE HOUSE**

29 MR. PRESIDENT:

30 I have the honor to transmit herewith **HB 1017, 1029, 1043, 1049, 1084, 1085, 1086,**  
31 **and 1087** which have passed the House and your favorable consideration is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to return herewith **SB 7** which has passed the House without change.

3 Respectfully,  
4 Patricia Miller, Chief Clerk

5 **MOTIONS AND RESOLUTIONS**

6 **HCR 6006:** A CONCURRENT RESOLUTION, Urging the members of South Dakota's  
7 congressional delegation to sponsor and support an amendment to the Payment in Lieu of Taxes  
8 (PILT) Act.

9 Was read the second time.

10 Sen. Deibert moved that the Senate do concur in **HCR 6006** as found on page 126 of Senate  
11 Journal.

12 The question being on Sen. Deibert's motion that **HCR 6006** be concurred in.

13 And the roll being called:

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

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

19 Excused: Diedrich

20 So the motion having received an affirmative vote of a majority of the members-elect, the  
21 President declared the motion carried and **HCR 6006** was concurred in.

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

23 **SB 117:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp.

24 Introduced by: **Senator** Klumb

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

26 **SB 122:** FOR AN ACT ENTITLED, An Act to ensure the availability of law enforcement and  
27 emergency services in certain state parks and to declare an emergency.

28 Introduced by: **Senator** Frye-Mueller

29 **SJR 506:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
30 election, an amendment to the Constitution of the State of South Dakota, to address the right of  
31 citizens to bear arms.

32 Introduced by: **Senator** Frye-Mueller

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

1 **SB 118:** FOR AN ACT ENTITLED, An Act to permit the use of an online management and  
2 communication platform to be used by homeowners who are governed by a restrictive contract.

3 Introduced by: **Senator** Reed

4 **SB 121:** FOR AN ACT ENTITLED, An Act to revise the process to vacate certain highways.

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

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

7 **SB 119:** FOR AN ACT ENTITLED, An Act to permit the use of tribal identification cards when  
8 registering to vote.

9 Introduced by: **Senator** Bordeaux

10 **SB 120:** FOR AN ACT ENTITLED, An Act to provide an additional basis for the Interim Rules  
11 Review Committee to revert a proposed administrative rule.

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

13 **SB 123:** FOR AN ACT ENTITLED, An Act to require the state board of elections to meet annually  
14 to review the state's election law and recommend changes if necessary.

15 Introduced by: **Senator** Nesiba

16 **SB 125:** FOR AN ACT ENTITLED, An Act to require the Department of Social Services to  
17 conduct a state-wide study on child care, to provide an appropriation therefor, and to declare an  
18 emergency.

19 Introduced by: **Senator** Reed

20 **SB 126:** FOR AN ACT ENTITLED, An Act to improve agriculture in South Dakota.

21 Introduced by: **Senator** Crabtree

22 **SB 127:** FOR AN ACT ENTITLED, An Act to improve education in South Dakota.

23 Introduced by: **Senator** Crabtree

24 **SB 128:** FOR AN ACT ENTITLED, An Act to improve public safety in South Dakota.

25 Introduced by: **Senator** Crabtree

26 **SB 129:** FOR AN ACT ENTITLED, An Act to improve the workforce of South Dakota.

27 Introduced by: **Senator** Crabtree

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

29 **SB 130:** FOR AN ACT ENTITLED, An Act to consider certain goods when given as a prize  
30 through a redemption store as purchases for resale.

31 Introduced by: **Senator** Novstrup

1 **SJR 505:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
2 election an amendment to the Constitution of the State of South Dakota, limiting the assessed value  
3 of real property and the amount of tax on real property.

4 Introduced by: **Senator** Frye-Mueller

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

6 **SB 124:** FOR AN ACT ENTITLED, An Act to revise the eligibility of roads for the rural access  
7 infrastructure fund.

8 Introduced by: **Senator** Klumb

9 **SJR 507:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
10 election an amendment to the Constitution of the State of South Dakota restricting the use of  
11 proceeds from the imposition of charges with respect to aircraft and aircraft fuel.

12 Introduced by: **Senator** Johnson

13 Were read the first time and referred to the Committee on Transportation.

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

15 **HB 1043:** FOR AN ACT ENTITLED, An Act to include lithium in the definition of precious metal  
16 for purposes of the minerals severance tax.

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

18 **HB 1049:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept and use  
19 easement proceeds for the purposes authorized by the 2022 Session Laws, chapter 198.

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

21 **HB 1017:** FOR AN ACT ENTITLED, An Act to adopt the psychology interjurisdictional licensure  
22 compact.

23 **HB 1029:** FOR AN ACT ENTITLED, An Act to modify and repeal provisions related to the  
24 licensure of hearing aid dispensers and audiologists.

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

26 **HB 1084:** FOR AN ACT ENTITLED, An Act to repeal a provision related to habeas corpus  
27 proceedings.

28 **HB 1085:** FOR AN ACT ENTITLED, An Act to specify the venue of appeal to circuit court for  
29 persons committed to a mental health facility.

30 **HB 1086:** FOR AN ACT ENTITLED, An Act to establish an enhanced penalty for probationers  
31 intentionally causing contact with bodily fluids or human waste with a Unified Judicial System  
32 employee.

1 **HB 1087:** FOR AN ACT ENTITLED, An Act to modify the definitions of a child in need of  
2 supervision and a delinquent child.

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

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 **SB 40:** FOR AN ACT ENTITLED, An Act to establish a criminal background check requirement  
6 for licensure as an occupational therapist or occupational therapy assistant.

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

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

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

13 Were read the second time.

14 The question being "Shall **HB 1026** pass as amended, and **SB 40, and HB 1005 and 1006**  
15 pass?"

16 And the roll being called:

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

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

22 Excused: Diedrich

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

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

26 **SB 14:** FOR AN ACT ENTITLED, An Act to expand authorization for the conditional taking of  
27 coyotes from snowmobiles.

28 Was read the second time.

29 The question being "Shall **SB 14** pass as amended?"

30 And the roll being called:

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

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

5 Nays: Bordeaux, Foster, and Nesiba

6 Excused: 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 17:** FOR AN ACT ENTITLED, An Act to modify the residency requirements for voter  
10 registration and declare an emergency.

11 Was read the second time.

12 The question being "Shall **SB 17** pass as amended?"

13 And the roll being called:

14 Yeas 31, Nays 2, Excused 1, Absent 0

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

19 Nays: Frye-Mueller and Pischke

20 Excused: Diedrich

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

23 **SB 26:** FOR AN ACT ENTITLED, An Act to clarify the membership of the Open Meeting  
24 Commission.

25 Was read the second time.

26 The question being "Shall **SB 26** pass?"

27 And the roll being called:

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

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

33 Excused: Diedrich

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



1 **SB 57**: FOR AN ACT ENTITLED, An Act to create uniform procedures for consideration of  
2 criminal histories and convictions in professional or occupational licensure.

3 Was read the second time.

4 Sen. Wheeler moved that **SB 57** be amended as follows:

5 57A

6 On page 1, line 9, of the Introduced bill, after "a" insert " final"

7 On page 1, line 11, of the Introduced bill, after "license" insert ". The term does not include  
8 emergency or temporary action against an applicant or licensee"

9 On page 2, line 2, of the Introduced bill, after "licensee" insert ", with regard to a license as  
10 defined in § 36-1C-1,"

11 On page 2, line 2, of the Introduced bill, after "history," delete " arrest records, criminal court  
12 records, or juvenile court records,"

13 On page 2, line 27, of the Introduced bill, after "on" delete " arrest or court records for which  
14 no conviction was entered or"

15 On page 2, line 28, of the Introduced bill, after "sealed," delete " dismissed,"

16 On page 2, line 29, of the Introduced bill, after "disclose" delete ", pursuant to section 4 of this  
17 Act, an arrest or court records for which no conviction was entered or"

18 On page 2, line 31, of the Introduced bill, after "sealed," delete " dismissed,"

19 On page 4, line 14, of the Introduced bill, delete " provide" and insert " provided"

20 On page 4, line 15, of the Introduced bill, after "chapter" insert ". Nothing in this chapter may  
21 be construed to supersede any authority for an agency to require an applicant or licensee to submit  
22 to a background check"

23 Which motion prevailed.

24 The question being "Shall **SB 57** pass as amended?"

25 And the roll being called:

26 Yeas 18, Nays 15, Excused 1, Absent 0

27 Yeas: Bolin, Bordeaux, Crabtree, Foster, Hoffman, Klumb, Kolbeck (Jack), Kolbeck (Steve),  
28 Larson, Maher, Nesiba, Novstrup, Rohl, Schoenfish, Stalzer, Tobin, Wheeler, and Wiik

29 Nays: Beal, Breitling, Davis, Deibert, Duhamel, Frye-Mueller, Hunhoff, Johnson, Mehlhaff,  
30 Otten (Herman), Pischke, Reed, Schoenbeck, Wink, and Zikmund

31 Excused: Diedrich

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

1 **SB 63:** FOR AN ACT ENTITLED, An Act to revise provisions related to the licensure and  
2 regulation of ambulance services.

3 Was read the second time.

4 Sen. Davis moved that **SB 63** be amended as follows:

5 63B

6 On page 3, line 5, of the Senate Health and Human Services Engrossed bill, after "36-4" delete  
7 ", physician assistant licensed pursuant to chapter 36-4B, or nurse practitioner licensed pursuant to  
8 chapter 36-9A,"

9 On page 3, line 8, of the Senate Health and Human Services Engrossed bill, remove the  
10 overstrikes from "; and"

11 On page 3, line 10, of the Senate Health and Human Services Engrossed bill, after "service"  
12 insert ";

13 (5) "Program director," a physician assistant licensed pursuant to chapter 36-4B, or a nurse  
14 practitioner licensed pursuant to chapter 36-9A, who is authorized by section 6 of this Act and is  
15 responsible for providing supervision and direction to an ambulance service in place of a medical  
16 director"

17 On page 3, line 22, of the Senate Health and Human Services Engrossed bill, delete "Each "  
18 and insert "An "

19 On page 3, line 23, of the Senate Health and Human Services Engrossed bill, after "director"  
20 insert ", unless the ambulance service is granted a hardship exemption pursuant to section 6 of this  
21 Act"

22 On page 3, after line 23, of the Senate Health and Human Services Engrossed bill, insert: "

23 **Section 6. That a NEW SECTION be added to chapter 34-11:**

24 If no physician licensed pursuant to chapter 36-4 is available and willing to serve as the medical  
25 director, the ambulance service may request a hardship exemption from the department that  
26 authorizes the ambulance service to have a program director.

27 To request a hardship exemption, an ambulance service must file an application with the  
28 department that documents the efforts made to obtain a medical director. The department shall  
29 grant the hardship exemption if the ambulance service demonstrates, to the satisfaction of the  
30 department, that no physician is available and willing to serve as the medical director.

31 A hardship exemption is valid for one year from the date of issuance. An ambulance service  
32 may renew a hardship exemption upon application to the department.

33 The granting or denial of a hardship exemption may be appealed to circuit court as provided  
34 by chapter 1-26.

35 The department shall promulgate rules, pursuant to chapter 1-26, to establish:

36 (1) The application form for a hardship exemption; and

37 (2) The standards used to evaluate a request for a hardship exemption.

38 The department shall post on its website a list of ambulance services granted a hardship  
39 exemption under this section."

1 On page 5, line 3, of the Senate Health and Human Services Engrossed bill, delete " 10" and  
2 insert " 11"

3 Which motion prevailed.

4 The question being "Shall **SB 63** pass as amended?"

5 And the roll being called:

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

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

10 Nays: Hunhoff, Kolbeck (Jack), Wink, and Zikmund

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 64:** FOR AN ACT ENTITLED, An Act to revise provisions related to the regulation of  
15 emergency medical services and associated personnel.

16 Was read the second time.

17 Sen. Davis moved that **SB 64** be amended as follows:

18 64A

19 On page 2, line 1, of the Introduced bill, after "Health;

20 (5) "Direct" delete " medical"

21 On page 3, line 22, of the Introduced bill, after "and

22 (8) "Indirect" delete " medical"

23 On page 6, line 27, of the Introduced bill, delete "Emergency " and insert "Except as otherwise  
24 provided in this section, emergency "

25 On page 6, line 28, of the Introduced bill, after "indirect" delete " medical"

26 On page 6, line 29, of the Introduced bill, delete ":

27 (1) Physician" and insert " physician"

28 On page 6, line 30, of the Introduced bill, delete ";

29 (2) " and insert ".

30 If emergency medical services personnel are affiliated with an ambulance service that has been  
31 granted a hardship exemption in accordance with chapter 36-11, the personnel must, through the  
32 use of direct and indirect control, be supervised by a:

33 (1) Physician licensed in accordance with chapter 36-4;

1 (2) "

2 On page 7, line 2, of the Introduced bill, delete "The " and insert "A "

3 On page 7, line 2, of the Introduced bill, after "physician, " insert "or a "

4 On page 7, line 2, of the Introduced bill, after "assistant" delete the comma

5 On page 7, line 2, of the Introduced bill, after "practitioner" insert " if the ambulance service  
6 has been granted a hardship exemption,"

7 On page 13, line 30, of the Introduced bill, after "indirect" delete " medical"

8 Which motion prevailed.

9 The question being "Shall **SB 64** pass as amended?"

10 And the roll being called:

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

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

16 Excused: Diedrich

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

19 **SB 75**: FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the designation of a  
20 legal newspaper.

21 Was read the second time.

22 The question being "Shall **SB 75** pass as amended?"

23 And the roll being called:

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

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

29 Excused: Diedrich

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

1 **SJR 502:** A JOINT RESOLUTION, Providing legislative approval for a future use water permit  
2 application by the Lewis and Clark Regional Water System.

3 Was read the second time.

4 The question being "Shall **SJR 502** pass?"

5 And the roll being called:

6 Yeas 28, Nays 5, Excused 1, Absent 0

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

10 Nays: Bordeaux, Foster, Frye-Mueller, 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 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

15 **HB 1011:** FOR AN ACT ENTITLED, An Act to revise the membership of the South Dakota  
16 Capitol Complex Restoration and Beautification Commission.

17 Was read the second time.

18 The question being "Shall **HB 1011** pass?"

19 And the roll being called:

20 Yeas 31, Nays 2, Excused 1, Absent 0

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

25 Nays: Frye-Mueller and Pischke

26 Excused: Diedrich

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

29 **HB 1013:** FOR AN ACT ENTITLED, An Act to adopt the advanced practice registered nurse  
30 compact.

31 Was read the second time.

1 Sen. Maher moved that **HB 1013** be amended as follows:

2 1013C

3 On page 20, after line 13, of the Introduced bill, insert: "

4 **Section 2. That a NEW SECTION be added to title 36:**

5 Nothing in the Advanced Practice Registered Nurse Compact, as set forth in section 1 of this  
6 Act, supersedes any law of this state related to:

7 (1) An individual's scope of practice; or

8 (2) Supervision and collaborative requirements. "

9 Which motion lost.

10 The question being "Shall **HB 1013** pass?"

11 And the roll being called:

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

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

17 Nays: Frye-Mueller, Maher, and Pischke

18 Excused: Diedrich

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

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

23 Was read the second time.

24 The question being "Shall **HB 1018** pass?"

25 And the roll being called:

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

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

31 Nays: Frye-Mueller

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

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**SIGNING OF BILLS**

2

The President publicly read the title to

3

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

4

And signed the same in the presence of the Senate.

5

**COMMEMORATIONS**

6

**SC 803:** A LEGISLATIVE COMMEMORATION, Honoring the outstanding military service of Major General Michael L. Place.

7

8

Introduced by: **Senator** Wheeler and **Representatives** Chase and Schneider.

9

Sen. Duhamel moved that the Senate do now adjourn, which motion prevailed and at 3:53 p.m. the Senate adjourned.

10

11

Peggy Laurenz, Secretary

