

# *JOURNAL OF THE SENATE*

## *NINETY-NINTH SESSION*

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TWELFTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, January 25, 2024

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by Senate page Jack Jerde.

Roll Call: All members present except Sens. Davis 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 11th 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

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**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 24-13 of the South Dakota Codified Laws and subject to

9

your consent, I have the honor to inform you that I have appointed Peter Lieberman, of Minnehaha

10

County, Sioux Falls, South Dakota, to the Board of Pardons and Paroles.

11

This appointment is effective January 21, 2024, and shall continue until January 17, 2028.

12

Sincerely,

13

Kristi Noem

14

Governor

15

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

16

December 27, 2023

17

The Honorable Larry Rhoden

18

President of the Senate

19

State Capitol

20

Pierre, SD 57501

21

Dear President and Members of the Senate:

22

Pursuant to the provisions of Chapter 24-13 of the South Dakota Codified Laws and subject to

23

your consent, I have the honor to inform you that I have appointed Jan Steele, of Codington County,

24

Watertown, South Dakota, to the Board of Pardons and Paroles.

25

This appointment is effective January 21, 2024, and shall continue until January 17, 2028.

26

Sincerely,

27

Kristi Noem

28

Governor

29

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

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**REPORTS OF STANDING COMMITTEES**

2 MR. PRESIDENT:

3 The Committee on Senate Retirement Laws respectfully reports that it has had under  
4 consideration **SB 68 and 69** 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  
7

Respectfully submitted,  
Jim Bolin, Chair

8 MR. PRESIDENT:

9 The Committee on Senate Education respectfully reports that it has had under consideration  
10 **SB 45** with the recommendation that said bill be referred to the Joint Committee on Appropriations  
11 with a Do Pass recommendation.

12 Also MR. PRESIDENT:

13 The Committee on Senate Education respectfully reports that it has had under consideration  
14 **HB 1003 and 1020** and returns the same with the recommendation that said bills do pass, and  
15 having been certified as uncontested, be placed on the consent calendar.

16  
17

Respectfully submitted,  
Kyle Schoenfish, Chair

18 MR. PRESIDENT:

19 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
20 **SB 90** and returns the same with the recommendation that said bill be amended as follows:

21

90A

22 On page 1, line 1, of the Introduced bill, after "to " insert "revise and "

23 On page 1, line 1, of the Introduced bill, delete " the requirement of advance notice to quit in  
24 an action of" and insert " provisions related to"

25 On page 1, after line 12, of the Introduced bill, insert: "

26 **Section 2. That § 21-16-7 be AMENDED:**

27 **21-16-7.** The time for appearance and pleading shall be ~~four~~ five days from the time of service  
28 on the defendant or thirty days after the publication of service under § 21-16-6.1, whichever occurs  
29 sooner. No adjournment or continuance shall be made for more than fourteen days, unless the  
30 defendant applying therefor shall give an undertaking to the plaintiff with good and sufficient surety  
31 to be approved by the court, conditioned for the payment of the rent that may accrue, together with  
32 costs if judgment be rendered against the defendant."

33 And that as so amended, **SB 90** do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
3 **SB 91, and HB 1025** which were deferred to the 41st Legislative Day.

4 Also MR. PRESIDENT:

5 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
6 **HB 1004** and returns the same with the recommendation that said bill do pass, and having been  
7 certified as uncontested, be placed on the consent calendar.

8 Respectfully submitted,  
9 Helene Duhamel, Chair

10 MR. PRESIDENT:

11 The Committee on Legislative Procedure respectfully reports that **SB 7** was delivered to her  
12 Excellency, the Governor, for her approval at 8:58 a.m., January 25, 2024.

13 Respectfully submitted,  
14 Lee A. Schoenbeck, Chair

15 MR. PRESIDENT:

16 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
17 Enrolling has carefully compared **SB 2, 3, 4, 19, and 21** and finds the same correctly enrolled.

18 Respectfully submitted,  
19 Lee A. Schoenbeck, Chair

20 **MESSAGES FROM THE HOUSE**

21 MR. PRESIDENT:

22 I have the honor to transmit herewith **HB 1088, 1090, and 1101** which have passed the  
23 House and your favorable consideration is respectfully requested.

24 Also MR. PRESIDENT:

25 I have the honor to return herewith **SB 4, 22, 37, and 65** which have passed the House  
26 without change.

27 Respectfully,  
28 Patricia Miller, Chief Clerk

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**MOTIONS AND RESOLUTIONS**

2

3

**SCR 603:** A CONCURRENT RESOLUTION, Opposing the adoption and development of a central bank digital currency.

4

Introduced by: **Senator** Wheeler

5

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

6

7

**SCR 602:** A CONCURRENT RESOLUTION, To analyze and report information on the healthcare workforce in South Dakota.

8

Introduced by: **Senator** Hunhoff

9

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

10

11

Sen. Crabtree moved that **HB 1031, 1035, and 1055** be deferred to Monday, January 29, 2024, the 13<sup>th</sup> legislative day.

12

Which motion prevailed.

13

14

There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing Committees.

15

**REPORTS OF STANDING COMMITTEES**

16

MR. PRESIDENT:

17

18

19

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **HB 1074** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

20

Also MR. PRESIDENT:

21

22

23

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 81** and returns the same with the recommendation that said bill be amended as follows:

24

81A

25

On page 1, line 5, of the Introduced bill, after "including" delete " no more than two"

26

27

And that as so amended, **SB 81** do pass, and having been certified as uncontested, be placed on the consent calendar.

28

Also MR. PRESIDENT:

29

30

31

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 86** and returns the same with the recommendation that said bill be amended as follows:

1

86B

2 On page 1, line 1, of the Introduced bill, after "municipality" insert " authorized"

3 On page 1, line 1, of the Introduced bill, after "to" insert " allow legal games of chance to"

4 On page 1, line 1, of the Introduced bill, after "additional" delete " convention"

5 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 35-4-2 be  
6 AMENDED:"

7 On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "35-4-2. The classes of  
8 licenses, with the fee of each class, are as follows:

9 (1) Repealed by SL 2018, ch 223, § 13;

10 (2) Wholesalers of alcoholic beverages--five thousand dollars;

11 (3) Off-sale--not less than three hundred dollars. The renewal fee for the license may not  
12 exceed five hundred dollars;

13 (4) On-sale--not less than one dollar for each person residing within the municipality as  
14 measured by the last preceding federal census. The renewal fee for the license may not exceed  
15 fifteen hundred dollars;

16 (5) Off-sale licenses issued to municipalities under local option--not less than two hundred fifty  
17 dollars;

18 (6) On-sale licenses issued outside municipalities--not less than the amount the nearest  
19 municipality to the applicant is charging for a like license. The renewal fee shall be the same as is  
20 charged for a like license in the nearest municipality. If the municipality to which the applicant is  
21 nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a specified fee, then  
22 the fee shall be the minimum amount that could be charged as if the municipality had not been  
23 authorized to obtain on-sale licenses pursuant to § 35-3-13. The renewal fee shall be the same as  
24 could be charged for a like license in the nearest municipality;

25 (7) Repealed by SL 2018, ch 213, § 46;

26 (8) Transportation companies--twenty-five dollars;

27 (9) Carrier--one hundred dollars. The fee licenses all conveyances the licensee operates in this  
28 state;

29 (10) Repealed by SL 2018, ch 213, § 46;

30 (11) On-sale dealers at publicly operated airports--two hundred fifty dollars;

31 (12) Wine and cider retailers, being both package dealers and on-sale dealers--five hundred  
32 dollars;

33 (13) Convention facility on-sale--not less than one dollar for each person residing within the  
34 municipality as measured by the last preceding federal census. The renewal fee for the license may  
35 not exceed fifteen hundred dollars;

36 (14) Repealed by SL 2018, ch 224, § 11;

37 (15) Wholesalers of malt beverages--four hundred dollars;

38 (16) Malt beverage and wine produced by a farm winery licensee, being both package dealers  
39 and on-sale dealers--three hundred dollars;

- 
- 1 (17) Repealed by SL 2018, ch 213, § 46;
- 2 (17A) Repealed by SL 2018, ch 213, § 46;
- 3 (18) Repealed by SL 2018, ch 213, § 46;
- 4 (19) Repealed by SL 2018, ch 213, § 46 and ch 222, § 11;
- 5 (20) Repealed by SL 2018, ch 213, § 46;
- 6 (21) Retail on premises manufacturer--two hundred fifty dollars;
- 7 (22) Repealed by SL 2018, ch 223, § 13; and
- 8 (23) Off-sale delivery--one hundred fifty dollars; and
- 9 (24) Convention facility off-sale issued pursuant to § 35-4-11. 11--not less than three hundred  
10 dollars. The renewal fee for the license may not exceed five hundred dollars."

11 On page 2, line 26, of the Introduced bill, after "additional" delete " convention facility"

12 On page 2, line 26, of the Introduced bill, after "licenses" insert " to hotel-motel convention  
13 facilities"

14 And that as so amended, **SB 86** do pass.

15 Also MR. PRESIDENT:

16 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
17 consideration **SB 94** and returns the same with the recommendation that said bill be amended as  
18 follows:

19 94A

20 On page 1, line 2, of the Introduced bill, after "program" delete ", and declare an emergency"

21 On page 5, line 4, of the Introduced bill, delete " April" and insert " July"

22 On page 5, line 5, of the Introduced bill, delete " April" and insert " July"

23 On page 5, line 8, of the Introduced bill, delete " June 30" and insert " July 1"

24 On page 5, line 10, of the Introduced bill, after "year." delete "Section 7. Whereas, this Act is  
25 necessary for the immediate preservation of the public peace, health, or safety, an emergency is  
26 hereby declared to exist, and this Act shall be in full force and effect from and after its passage and  
27 approval."

28 And that as so amended, **SB 94** do pass.

29  
30

Respectfully submitted,  
David Wheeler, Chair

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**CONSIDERATION OF REPORTS OF COMMITTEES**

2

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

3

State Affairs on **SB 99** as found on page 160 of the Senate Journal; and

4

Health and Human Services on **HB 1024** as found on page 163 of the Senate Journal be  
5 adopted.

6

Which motion prevailed and the reports were adopted.

7

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

8

The President declared that **SB 110** was withdrawn at the request of the prime sponsor  
9 pursuant to JR 6B-1.1.

10

**SB 170:** FOR AN ACT ENTITLED, An Act to repeal and replace an appropriation regarding the  
11 South Dakota women's prison and to declare an emergency.

12

Introduced by: **Senator** Hunhoff

13

**SB 171:** FOR AN ACT ENTITLED, An Act to make and change an appropriation related to the  
14 construction of the new state public health laboratory and to declare an emergency.

15

Introduced by: **Senator** Hunhoff

16

Were read the first time and referred to the Joint Committee on Appropriations.

17

**SB 153:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game,  
18 Fish and Parks to improve and repair infrastructure around Lake Hiddenwood.

19

Introduced by: **Senator** Breitling

20

**SB 173:** FOR AN ACT ENTITLED, An Act to provide a landowner-on-own-land license for  
21 antlerless elk.

22

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

23

**SB 174:** FOR AN ACT ENTITLED, An Act to increase the nonresident fee for a habitat stamp.

24

Introduced by: **Senator** Pischke

25

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

26

**SB 150:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents to  
27 provide grant funding for the operation of the bioproducts facility in Brookings.

28

Introduced by: **Senator** Reed

29

**SB 163:** FOR AN ACT ENTITLED, An Act to recognize hair discrimination as an unfair or  
30 discriminatory practice for employment.

31

Introduced by: **Senator** Nesiba



1 **SB 165:** FOR AN ACT ENTITLED, An Act to create the South Dakota-Ireland Trade Commission  
2 and make an appropriation therefor.

3 Introduced by: **Senator** Maher

4 **SB 177:** FOR AN ACT ENTITLED, An Act to prohibit a circuit court judge or Supreme Court  
5 justice from being appointed as a member of the Public Utilities Commission.

6 Introduced by: **Senator** Schoenbeck

7 **SB 179:** FOR AN ACT ENTITLED, An Act to create provisions for the protection of warehouse  
8 distribution center employees.

9 Introduced by: **Senator** Nesiba

10 **SB 181:** FOR AN ACT ENTITLED, An Act to specify work search requirements for  
11 unemployment benefits.

12 Introduced by: **Senator** Tobin

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

14 **SB 155:** FOR AN ACT ENTITLED, An Act to permit the playing of an Honor Song at graduation  
15 ceremonies.

16 Introduced by: **Senator** Bordeaux

17 **SB 156:** FOR AN ACT ENTITLED, An Act to authorize enrolled tribal members to attend certain  
18 institutions of higher education without payment of tuition and mandatory fees.

19 Introduced by: **Senator** Bordeaux

20 **SB 157:** FOR AN ACT ENTITLED, An Act to establish the nonbeneficiary student scholarship  
21 program and make an appropriation therefor.

22 Introduced by: **Senator** Bordeaux

23 **SB 158:** FOR AN ACT ENTITLED, An Act to transfer the Office of Indian Education to the  
24 Department of Education.

25 Introduced by: **Senator** Bordeaux

26 **SB 159:** FOR AN ACT ENTITLED, An Act to prohibit school districts from using certain mascots  
27 and team names that are derogatory toward Native American peoples or culture.

28 Introduced by: **Senator** Bordeaux

29 **SB 161:** FOR AN ACT ENTITLED, An Act to incorporate the Oceti Sakowin Essential  
30 Understandings in the social studies curriculum.

31 Introduced by: **Senator** Bordeaux

32 **SB 184:** FOR AN ACT ENTITLED, An Act to expand provisions regarding the protection of  
33 minors from certain exhibitions.

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

35 Were read the first time and referred to the Committee on Education.

1 **SB 151:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to the licensure  
2 of athletic trainers.

3 Introduced by: **Senator** Maher

4 **SB 168:** FOR AN ACT ENTITLED, An Act to establish the families first grant program and  
5 provide an appropriation therefor.

6 Introduced by: **Senator** Hunhoff

7 **SB 178:** FOR AN ACT ENTITLED, An Act to expand the authorization for performance of an  
8 abortion beyond preserving the life of a pregnant female.

9 Introduced by: **Senator** Nesiba

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

11 **SB 149:** FOR AN ACT ENTITLED, An Act to establish the admissibility of evidence of similar  
12 acts in civil cases involving sexual assault or child molestation.

13 Introduced by: **Senator** Reed

14 **SB 175:** FOR AN ACT ENTITLED, An Act to add a domestic abuse shelter to the definition of a  
15 community safety zone.

16 Introduced by: **Senator** Wheeler

17 **SB 176:** FOR AN ACT ENTITLED, An Act to establish criteria for determining certain shared  
18 parenting plan provisions.

19 Introduced by: **Senator** Pischke

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

21 **SB 152:** FOR AN ACT ENTITLED, An Act to establish maximum fees for legal publications and  
22 to remove related rule-making authority from the Bureau of Administration.

23 Introduced by: **Senator** Breitling

24 **SB 172:** FOR AN ACT ENTITLED, An Act to allow a person to temporarily take responsibility of  
25 a feral animal for the purpose of spaying or neutering the animal.

26 Introduced by: **Senator** Wheeler

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

28 **SB 162:** FOR AN ACT ENTITLED, An Act to make an appropriation for the erection of the South  
29 Dakota Sioux Code Talker Memorial and to declare an emergency.

30 Introduced by: **Senator** Bordeaux

1 **SB 180:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to unethical conduct  
2 and improper collection of fees relating to assistance or referrals in a veterans benefits matter.

3 Introduced by: **Senator** Larson

4 Were read the first time and referred to the Committee on Military and Veterans Affairs.

5 **SB 154:** FOR AN ACT ENTITLED, An Act to establish the Commission on Truth and  
6 Reconciliation.

7 Introduced by: **Senator** Bordeaux

8 **SB 160:** FOR AN ACT ENTITLED, An Act to rename South Scalp Creek Lakeside Use Area in  
9 Gregory County.

10 Introduced by: **Senator** Bordeaux

11 **SB 182:** FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the  
12 petition circulation process to comply with federal court decisions.

13 Introduced by: **Senator** Wheeler

14 **SB 185:** FOR AN ACT ENTITLED, An Act to require members of the Legislature and staff of the  
15 Legislative Research to attend a course on Indian law.

16 Introduced by: **Senator** Bordeaux

17 **SB 186:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the voting rights of  
18 members of an Indian tribe.

19 Introduced by: **Senator** Bordeaux

20 **SB 187:** FOR AN ACT ENTITLED, An Act to make an appropriation to establish a local  
21 government cybersecurity services initiative and to declare an emergency.

22 Introduced by: **Senator** Crabtree

23 **SJR 508:** A JOINT RESOLUTION, Applying for a convention of states under Article V of the  
24 Constitution of the United States, to impose fiscal restraints on the federal government, to limit the  
25 power and jurisdiction of the federal government, and to limit the terms of office for members of  
26 Congress and other federal officials.

27 Introduced by: **Senator** Pischke

28 **SJR 509:** A JOINT RESOLUTION, Applying to the United States Congress under Article V of the  
29 United States Constitution to call for a convention for proposing an amendment to the constitution  
30 establishing congressional term limits.

31 Introduced by: **Senator** Pischke

32 **SJR 511:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
33 election an amendment to the Constitution of the State of South Dakota, underscoring that an  
34 individual must be a citizen of the United States to be eligible to vote.

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

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

1 **SB 164:** FOR AN ACT ENTITLED, An Act to lower the state sales tax rate and the state use tax  
2 rate on food to zero percent, and to increase certain gross receipts tax rates, excise tax rates, and  
3 use tax rates.

4 Introduced by: **Senator** Nesiba

5 **SB 167:** FOR AN ACT ENTITLED, An Act to limit annual valuation increases on owner-occupied  
6 single-family dwellings.

7 Introduced by: **Senator** Kolbeck (Jack)

8 **SB 183:** FOR AN ACT ENTITLED, An Act to provide property tax relief to certain seniors.

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

10 **SJR 510:** A JOINT RESOLUTION, To refer to the voters the question of whether this state  
11 should lower the state sales and use tax rate on food to zero percent, and to increase certain gross  
12 receipts tax rates, excise tax rates, and use tax rates.

13 Introduced by: **Senator** Nesiba

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

15 **SB 166:** FOR AN ACT ENTITLED, An Act to revise provisions regarding drones.

16 Introduced by: **Senator** Foster

17 **SB 169:** FOR AN ACT ENTITLED, An Act to revise provisions regarding drones.

18 Introduced by: **Senator** Johnson

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

20 **SB 188:** FOR AN ACT ENTITLED, An Act to modify the time before which rural access  
21 infrastructure grant moneys must be expended or obligated.

22 **Introduced by: Senator** Davis

23 **SB 189:** FOR AN ACT ENTITLED, An Act to include impacted townships in the issuance of a  
24 conditional use permit.

25 Introduced by: **Senator** Schoenfish

26 Were read the first time.

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

28 **HB 1090:** FOR AN ACT ENTITLED, An Act to revise provisions related to tax deeds and to  
29 declare an emergency.

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

31 **HB 1101:** FOR AN ACT ENTITLED, An Act to provide a special motor vehicle license plate for  
32 recipients of the Legion of Merit award.

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

2 **SECOND READING OF CONSENT CALENDAR ITEMS**

3 Sen. Frye-Mueller requested that **HB 1050** be removed from the Consent Calendar.

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

6 **HB 1063:** FOR AN ACT ENTITLED, An Act to amend the valuation service used to value  
7 vehicles.

8 **HB 1068:** FOR AN ACT ENTITLED, An Act to allow disabled veterans to obtain a standard issue  
9 county motor vehicle or motorcycle license plate.

10 Were read the second time.

11 The question being "Shall **HB 1051, 1063, and 1068** pass?"

12 And the roll being called:

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

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

18 Excused: Davis and Diedrich

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

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

22 **SB 9:** FOR AN ACT ENTITLED, An Act to further limit applications for clemency for violent crime  
23 offenders sentenced to life imprisonment.

24 Was read the second time.

25 Sen. Tobin moved that **SB 9** be amended as follows:

26 9E

27 On page 1, line 10, of the Senate Judiciary Engrossed bill, after "of" delete " one to"

28 On page 1, line 11, of the Senate Judiciary Engrossed bill, after "years" delete ", as determined  
29 by the board. The board must establish in the record the date when the inmate will again be eligible  
30 to present an application for clemency at the time of denial"

31 On page 1, line 22, of the Senate Judiciary Engrossed bill, after "of" delete " one to"

32 On page 1, line 22, of the Senate Judiciary Engrossed bill, after "years" delete ", as determined  
33 by the board. The board must establish in the record the date when the inmate will again be eligible  
34 to present an application for clemency at the time of denial"

1 Sen. Maher requested a roll call vote.

2 Which request was supported.

3 The question being on Sen. Tobin's motion that **SB 9** be amended.

4 And the roll being called:

5 Yeas 17, Nays 15, Excused 2, Absent 0

6 Yeas: Beal, Crabtree, Deibert, Frye-Mueller, Hoffman, Klumb, Kolbeck (Jack), Maher, Otten  
7 (Herman), Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Tobin, Wiik, and Zikmund

8 Nays: Bolin, Bordeaux, Breitling, Duhamel, Foster, Hunhoff, Johnson, Kolbeck (Steve), Larson,  
9 Mehlhaff, Nesiba, Novstrup, Stalzer, Wheeler, and Wink

10 Excused: Davis and Diedrich

11 So the motion having received an affirmative vote of a majority of the members present, the  
12 President declared the motion prevailed.

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

14 And the roll being called:

15 Yeas 19, Nays 13, Excused 2, Absent 0

16 Yeas: Beal, Crabtree, Deibert, Frye-Mueller, Hoffman, Klumb, Kolbeck (Jack), Kolbeck (Steve),  
17 Maher, Otten (Herman), Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wiik, and  
18 Zikmund

19 Nays: Bolin, Bordeaux, Breitling, Duhamel, Foster, Hunhoff, Johnson, Larson, Mehlhaff, Nesiba,  
20 Novstrup, Wheeler, and Wink

21 Excused: Davis and Diedrich

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

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

26 Was read the second time.

27 The question being "Shall **SB 79** pass as amended?"

28 And the roll being called:

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

30 Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Deibert, Duhamel, Foster, Frye-Mueller,  
31 Hoffman, Hunhoff, Johnson, Klumb, Kolbeck (Jack), Kolbeck (Steve), Larson, Maher, Mehlhaff,

1 Nesiba, Novstrup, Otten (Herman), Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin,  
2 Wheeler, Wiik, Wink, and Zikmund

3 Excused: Davis and Diedrich

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

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

8 Was read the second time.

9 The question being "Shall **SB 89** pass as amended?"

10 And the roll being called:

11 Yeas 28, Nays 4, Excused 2, Absent 0

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

15 Nays: Bordeaux, Foster, Larson, and Nesiba

16 Excused: Davis and Diedrich

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

19 **SJR 501:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
20 election, an amendment to the Constitution of the State of South Dakota, authorizing the state to  
21 impose work requirements on certain individuals who are eligible for expanded Medicaid.

22 Was read the second time.

23 The question being "Shall **SJR 501** pass?"

24 And the roll being called:

25 Yeas 28, Nays 4, Excused 2, Absent 0

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

29 Nays: Bordeaux, Foster, Larson, and Nesiba

30 Excused: Davis and Diedrich

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

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**SIGNING OF BILLS**

The President publicly read the title to

**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.

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

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

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

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

And signed the same in the presence of the Senate.

Sen. Otten (Herman) moved that the Senate do now adjourn, which motion prevailed and at 2:18 p.m. the Senate adjourned.

Peggy Laurenz, Secretary