

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

THIRTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, January 29, 2024

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

The prayer was offered by the Chaplain, Bishop Donald DeGrood, followed by the Pledge of Allegiance led by Senate pages Kaia Day and Levi Gillespie.

Roll Call: All members present except Sens. Davis, Diedrich, and Foster 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 12th 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 The oath of office was administered by the President to Assistant Sergeant at Arms Mike Fugitt.

2 Which was subscribed to and placed on file in the office of the Secretary of State.

3 **COMMUNICATIONS AND PETITIONS**

4 January 29, 2024

5 The Honorable Lee Schoenbeck
6 Senate President Pro Tempore
7 South Dakota Senate

8 Dear Mr. President Pro Tempore,

9 I write to you to request a joint session of the South Dakota legislature under joint rule 16-2
10 to provide a briefing on the warzone at our nation's Southern Border.

11 I will address the joint session of the legislature on the current situation at the border and the
12 potential South Dakota response.

13 Because of the dire situation, it is pertinent that we have this conversation quickly. I am
14 requesting this joint session to take place on Wednesday, January 31, 2024, at 2 pm CT. Thank you
15 for your consideration. I look forward to working with you to keep South Dakotans, Texans, and all
16 Americans safe.

17 Sincerely,
18 Kristi Noem
19 Governor

20 **REPORTS OF STANDING COMMITTEES**

21 MR. PRESIDENT:

22 The Committee on Senate Health and Human Services respectfully reports that it has had
23 under consideration **SB 141** which was deferred to the 41st Legislative Day.

24 Also MR. PRESIDENT:

25 The Committee on Senate Health and Human Services respectfully reports that it has had
26 under consideration **SB 136, and HB 1012** and returns the same with the recommendation that
27 said bills do pass.

28 Also MR. PRESIDENT:

29 The Committee on Senate Health and Human Services respectfully reports that it has had
30 under consideration **SB 147** and returns the same with the recommendation that said bill do pass,
31 and having been certified as uncontested, be placed on the consent calendar.

32 Respectfully submitted,
33 Erin Tobin, Chair

1 MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration
3 **SB 113** which was deferred to the 41st Legislative Day.

4 Also MR. PRESIDENT:

5 The Committee on Senate State Affairs respectfully reports that it has had under consideration
6 **SB 120** and returns the same with the recommendation that said bill do pass.

7 Also MR. PRESIDENT:

8 The Committee on Senate State Affairs respectfully reports that it has had under consideration
9 **SB 123** and returns the same with the recommendation that said bill do pass, and having been
10 certified as uncontested, be placed on the consent calendar.

11 Respectfully submitted,
12 Casey Crabtree, Chair

13 MR. PRESIDENT:

14 The Committee on Senate Local Government respectfully reports that it has had under
15 consideration **SB 105** with the recommendation that said bill be referred to the Joint Committee on
16 Appropriations with a Do Pass recommendation.

17 Also MR. PRESIDENT:

18 The Committee on Senate Local Government respectfully reports that it has had under
19 consideration **SB 118** and returns the same with the recommendation that said bill do pass, and
20 having been certified as uncontested, be placed on the consent calendar.

21 Also MR. PRESIDENT:

22 The Committee on Senate Local Government respectfully reports that it has had under
23 consideration **SB 121** which was deferred to the 41st Legislative Day.

24 Respectfully submitted,
25 Tim Reed, Chair

26 MR. PRESIDENT:

27 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
28 Enrolling has carefully compared **SB 22, 23, 24, 33, 37, 39, and 65** and finds the same correctly
29 enrolled.

30 Respectfully submitted,
31 Lee A. Schoenbeck, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to transmit herewith **HB 1083, 1095, 1096, and 1123** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Patricia Miller, Chief Clerk

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Crabtree moved that the reports of the Standing Committees on Commerce and Energy on **SB 81** as found on page 175 of the Senate Journal; also Commerce and Energy on **SB 86** as found on page 175 of the Senate Journal; also Commerce and Energy on **SB 94** as found on page 177 of the Senate Journal; and Judiciary on **SB 90** as found on page 173 of the Senate Journal be adopted. Which motion prevailed and the reports were adopted.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

The President declared that **SB 30, 92, and 166** were withdrawn at the request of the prime sponsors pursuant to JR 6B-1.1.

SB 190: FOR AN ACT ENTITLED, An Act to require a comparison of reemployment assistance recipients against death records for reemployment assistance eligibility integrity.

Introduced by: **Senator** Kolbeck (Steve)

SB 192: FOR AN ACT ENTITLED, An Act to increase the dollar limit for playing video lottery.

Introduced by: **Senator** Maher

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

SB 191: FOR AN ACT ENTITLED, An Act to restrict the use of medical cannabis for individuals on probation or conditional release.

Introduced by: **Senator** Mehlhaff

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

1 The following bills were read on January 25, 2024, and today the President assigned these bills
2 to committees:

3 **SB 189** was referred to the Committee on Local Government.

4 **SB 188** was referred to the Committee on Transportation.

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

6 **HB 1095:** FOR AN ACT ENTITLED, An Act to establish provisions for the operation of
7 automated motor vehicles.

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

9 **HB 1083:** FOR AN ACT ENTITLED, An Act to permit a person convicted of certain driving under
10 the influence offenses to drive for certain purposes.

11 **HB 1096:** FOR AN ACT ENTITLED, An Act to provide that a temporary restraining order may
12 extend beyond thirty days in certain circumstances involving stalking.

13 **HB 1123:** FOR AN ACT ENTITLED, An Act to allow for an action to establish paternity after age
14 eighteen based on genetic test results.

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

16 **SECOND READING OF CONSENT CALENDAR ITEMS**

17 Sen. Frye-Mueller requested that **SB 99** be removed from the Consent Calendar.

18 **SB 68:** FOR AN ACT ENTITLED, An Act to amend certain provisions pertaining to the South
19 Dakota Retirement System to comply with federal law.

20 **SB 69:** FOR AN ACT ENTITLED, An Act to amend certain provisions pertaining to the South
21 Dakota Retirement System.

22 **HB 1003:** FOR AN ACT ENTITLED, An Act to update a reference to the Internal Revenue Code
23 for purposes of higher education savings plans.

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

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

27 **HB 1074:** FOR AN ACT ENTITLED, An Act to expand eligibility to practice as a dental hygienist
28 under the collaborative supervision of a dentist.

29 Were read the second time.

30 The question being "Shall **SB 68 and 69, and HB 1003, 1004, 1020, and 1074** pass?"

31 And the roll being called:

32 Yeas 31, Nays 0, Excused 3, Absent 0

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

5 Excused: Davis, Diedrich, and Foster

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

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

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

12 Was read the second time.

13 The question being "Shall **HB 1024** pass as amended?"

14 And the roll being called:

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

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

20 Nays: Pischke

21 Excused: Davis, Diedrich, and Foster

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

26 Was read the second time.

27 The question being "Shall **HB 1031** pass?"

28 And the roll being called:

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

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

34 Nays: Frye-Mueller

35 Excused: Davis, Diedrich, and Foster

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

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

5 Was read the second time.

6 The question being "Shall **HB 1035** pass?"

7 And the roll being called:

8 Yeas 31, Nays 0, Excused 3, Absent 0

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

13 Excused: Davis, Diedrich, and Foster

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

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

18 Was read the second time.

19 The question being "Shall **HB 1050** pass?"

20 And the roll being called:

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

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

26 Nays: Frye-Mueller

27 Excused: Davis, Diedrich, and Foster

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

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

32 Was read the second time.

33 The question being "Shall **HB 1055** pass?"

34 And the roll being called:

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

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

6 Nays: Frye-Mueller

7 Excused: Davis, Diedrich, and Foster

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

10

SIGNING OF BILLS

11 The President publicly read the title to

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

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

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

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

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

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

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

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

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

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

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

34 And signed the same in the presence of the Senate.

1

COMMEMORATIONS

2

3

SC 805: A LEGISLATIVE COMMEMORATION, Honoring and remembering the life of Brandon Valley Middle School student Spencer Roger Thorsland.

4

5

6

Introduced by: **Senators** Kolbeck (Steve), Bolin, Crabtree, Deibert, Hoffman, Hunhoff, Larson, Pischke, Schoenbeck, Stalzer, and Zikmund and **Representatives** Bahmuller, Duba, Kull, Perry, Reisch, Sjaarda, Stevens, Tordsen, Venhuizen, and Weisgram.

7

8

Sen. Kolbeck (Jack) moved that the Senate do now adjourn, which motion prevailed and at 2:50 p.m. the Senate adjourned.

9

Peggy Laurenz, Secretary

