

# *JOURNAL OF THE SENATE*

## *NINETY-NINTH SESSION*

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FIFTEENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, January 31, 2024

The Senate convened at 2:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Donell Chambers, followed by the Pledge of Allegiance led by Senate page Miranda Maas.

Roll Call: All members present except Sens. Diedrich, Foster, and Wiik 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 14th 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 May 24, 2023

3 The Honorable Larry Rhoden  
4 President of the Senate  
5 State Capitol  
6 Pierre, SD 57501

7 Dear President and Members of the Senate:

8 Pursuant to the provisions of Chapter 5-12 of the South Dakota Codified Laws and subject to  
9 your consent, I have the honor to inform you that I have reappointed Douglas Hajek, of Lincoln  
10 County, Sioux Falls, South Dakota, to the South Dakota Building Authority.

11 This reappointment is effective April 19, 2023, and shall continue until January 18, 2027.

12 Sincerely,  
13 Kristi Noem  
14 Governor

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

17 December 28, 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 5-12 of the South Dakota Codified Laws and subject to  
24 your consent, I have the honor to inform you that I have reappointed Tom Graham, of Minnehaha  
25 County, Sioux Falls, South Dakota, to the South Dakota Building Authority.

26 This reappointment is effective January 16, 2024, and shall continue until January 17, 2028.

27 Sincerely,  
28 Kristi Noem  
29 Governor

30 The President announced the referral of the reappointment to the Committee on Commerce  
31 and Energy.

1 January 2, 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 5-12 of the South Dakota Codified Laws and subject to  
 8 your consent, I have the honor to inform you that I have reappointed Tina Van Camp, of Stanley  
 9 County, Fort Pierre, South Dakota, to the South Dakota Building Authority.

10 This reappointment is effective January 16, 2024, and shall continue until January 17, 2028.

11 Sincerely,  
 12 Kristi Noem  
 13 Governor

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

16 **REPORTS OF STANDING COMMITTEES**

17 MR. PRESIDENT:

18 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
 19 had under consideration **SB 111** and returns the same with the recommendation that said bill be  
 20 amended as follows:

21 111C

22 On page 2, line 4, of the Introduced bill, after "2026," insert " and continuing through June 30,  
 23 2027,"

24 On page 2, line 4, of the Introduced bill, after "2026, " insert "the surety for a mining operation  
 25 that was licensed prior to July 1, 2024, must be in the amount of three thousand eight hundred and  
 26 fifty dollars per acre of affected land or one hundred thousand dollars for the statewide mining of  
 27 any material listed in § 45-6-65.

28 Beginning July 1, 2027, and continuing through June 30, 2029, the surety for a mining  
 29 operation that was licensed prior to July 1, 2024, must be in the amount of three thousand eight  
 30 hundred and fifty dollars per acre of affected land or two hundred thousand dollars for the statewide  
 31 mining of any material listed in § 45-6-65.

32 Beginning July 1, 2029, "

33 On page 2, line 6, of the Introduced bill, delete "five " and insert " three "

34 On page 2, line 10, of the Introduced bill, delete " five" and insert " three"

35 And that as so amended, **SB 111** do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
 3 had under consideration **HB 1043** and returns the same with the recommendation that said bill be  
 4 amended as follows:

5 1043B

6 On page 1, line 2, of the House Agriculture and Natural Resources Engrossed bill, after "tax"  
 7 insert ", and to set the tax rate for lithium severed in this state"

8 On page 1, after line 10, of the House Agriculture and Natural Resources Engrossed bill, insert:"

9 **Section 2. That § 10-39-45.1 be AMENDED:**

10 **10-39-45.1.** In addition to any other tax imposed in chapter 10-39, there is imposed a tax of  
 11 ten percent of the net profits from the sale of ~~precious metals~~ gold and silver severed in this state.

12 In addition to any other tax imposed in chapter 10-39, there is imposed a tax of five percent  
 13 of the net profits from the sale of lithium severed in this state."

14 And that as so amended, **HB 1043** do pass.

15 Also MR. PRESIDENT:

16 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
 17 had under consideration **SB 117** and returns the same with the recommendation that said bill do  
 18 pass, and having been certified as uncontested, be placed on the consent calendar.

19 Also MR. PRESIDENT:

20 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
 21 had under consideration the nomination of Travis Bies of Custer County, Fairburn, South Dakota, to  
 22 the Game, Fish, and Parks Commission and returns the same with the recommendation that the  
 23 Senate advise and consent to the confirmation of said reappointment, and that said reappointment  
 24 be placed on the consent calendar.

25 Also MR. PRESIDENT:

26 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
 27 had under consideration the nomination of David Cull of Yankton County, Yankton, South Dakota,  
 28 to the Game, Fish, and Parks Commission and returns the same with the recommendation that the  
 29 Senate advise and consent to the confirmation of said reappointment, and that said reappointment  
 30 be placed on the consent calendar.

31 Respectfully submitted,  
 32 Herman Otten, Chair

33 MR. PRESIDENT:

34 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
 35 **SB 16** and returns the same with the recommendation that said bill be amended as follows:

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16A

2 On page 1, line 15, of the Introduced bill, after "study;" delete "(6) Gregory County pumped  
3 storage site;"

4 On page 1, line 16, of the Introduced bill, remove the overstrikes from "(6)"

5 On page 1, line 16, of the Introduced bill, after "site;

6 (6)" delete "(7)"

7 On page 1, line 17, of the Introduced bill, remove the overstrikes from "(7)"

8 On page 1, line 17, of the Introduced bill, after "unit;

9 (7)" delete "(8)"

10 On page 1, line 18, of the Introduced bill, remove the overstrikes from "(8)"

11 On page 1, line 18, of the Introduced bill, after "system;

12 (8)" delete "(9)"

13 On page 1, line 19, of the Introduced bill, remove the overstrikes from "(9)"

14 On page 1, line 19, of the Introduced bill, after "project;

15 (9)" delete "(10)"

16 On page 1, line 20, of the Introduced bill, remove the overstrikes from "(10)"

17 On page 1, line 20, of the Introduced bill, after "project;

18 (10)" delete "(11)"

19 On page 1, line 21, of the Introduced bill, remove the overstrikes from "(11)"

20 On page 1, line 21, of the Introduced bill, after "and

21 (11)" delete "(12)"

22 And that as so amended, **SB 16** do pass.

23 Also MR. PRESIDENT:

24 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
25 **SB 28** and returns the same with the recommendation that said bill be amended as follows:

26 28B

27 On page 3, line 29, of the Introduced bill, delete " fourteen thousand nine hundred forty-nine"  
28 and insert " sixteen thousand thirty-eight"

29 On page 4, line 12, of the Introduced bill, delete " twenty thousand one hundred forty-one"  
30 and insert " twenty-one thousand six hundred ninety-two"

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

1 Also MR. PRESIDENT:

2 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
3 **SB 44** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,  
5 Mike Derby, Co-Chair

Respectfully submitted,  
Jean Hunhoff, Co-Chair

6 MR. PRESIDENT:

7 The Committee on Senate Transportation respectfully reports that it has had under  
8 consideration **SB 144** with the recommendation that said bill be referred to the Joint Committee on  
9 Appropriations with a Do Pass recommendation.

10 Also MR. PRESIDENT:

11 The Committee on Senate Transportation respectfully reports that it has had under  
12 consideration **SJR 507** which was tabled.

13 Also MR. PRESIDENT:

14 The Committee on Senate Transportation respectfully reports that it has had under  
15 consideration **SB 112, and HB 1101** and returns the same with the recommendation that said bills  
16 do pass, and having been certified as uncontested, be placed on the consent calendar.

17 Respectfully submitted,  
18 Joshua Klumb, Chair

19 MR. PRESIDENT:

20 The Committee on Senate Health and Human Services respectfully reports that it has had  
21 under consideration **SB 100 and 101** which were deferred to the 41st Legislative Day.

22 Also MR. PRESIDENT:

23 The Committee on Senate Health and Human Services respectfully reports that it has had  
24 under consideration **HB 1017** and returns the same with the recommendation that said bill do pass.

25 Respectfully submitted,  
26 Erin Tobin, Chair

27 MR. PRESIDENT:

28 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
29 **SB 119** and returns the same with the recommendation that said bill be amended as follows:

30 119A

31 On page 1, after line 2, of the Introduced bill, insert: "

32 **Section 1. That a NEW SECTION be added to chapter 12-4:**

33 At the request of a federally recognized Indian tribe located wholly or partially within the state,  
34 the secretary of state shall inform the tribe of the criteria needed to enter into a memorandum of

1 understanding to allow a tribal identification card number to be used on the application for voter  
2 registration."

3 On page 1, line 5, of the Introduced bill, after "card" insert ", if the tribe issuing the card has  
4 entered into a memorandum of understanding with the secretary of state pursuant to section 1 of  
5 this Act"

6 On page 1, line 18, of the Introduced bill, after "Affairs" insert " during the time a memorandum  
7 of understanding is in place between the tribe and the secretary of state pursuant to section 1 of  
8 this Act"

9 And that as so amended, **SB 119** do pass, and having been certified as uncontested, be placed  
10 on the consent calendar.

11 Also MR. PRESIDENT:

12 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
13 **SB 125** with the recommendation that said bill be referred to the Joint Committee on Appropriations  
14 with a Do Pass recommendation.

15 Also MR. PRESIDENT:

16 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
17 **SB 133, 142, 143, and 154** which were deferred to the 41st Legislative Day.

18 Respectfully submitted,  
19 Casey Crabtree, Chair

20 MR. PRESIDENT:

21 The Committee on Senate Taxation respectfully reports that it has had under consideration  
22 **SB 167, and HB 1090** and returns the same with the recommendation that said bills do pass.

23 Respectfully submitted,  
24 Jim Stalzer, Chair

25 MR. PRESIDENT:

26 The Committee on Legislative Procedure respectfully reports that **SB 22, 23, 24, 33, 37, 39,**  
27 **and 65** were delivered to her Excellency, the Governor, for her approval at 10:55 p.m., January  
28 31, 2024.

29 Respectfully submitted,  
30 Lee A. Schoenbeck, Chair

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**MESSAGES FROM THE HOUSE**

2 MR. PRESIDENT:

3 I have the honor to transmit herewith **HB 1008, 1082, 1097, 1116, 1126, 1128, and 1136**  
4 which have passed the House and your favorable consideration is respectfully requested.

5

6

Respectfully submitted,  
Patricia Miller, Chief Clerk

7

**MOTIONS AND RESOLUTIONS**

8 **SCR 604:** A CONCURRENT RESOLUTION, Urging the South Dakota Congressional delegation  
9 to work with the Biden administration to address the nation's immigration system.

10 Introduced by: **Senator** Nesiba

11 **SCR 605:** A CONCURRENT RESOLUTION, Affirming the value of grassland ecosystems and the  
12 importance of farmers and ranchers as managers.

13 Introduced by: **Senator** Larson

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

16 Sen. Crabtree moved that **HB 1034** be deferred to Thursday, February 1, 2024, the 16<sup>th</sup>  
17 legislative day.

18 Which motion prevailed.

19

**CONSIDERATION OF REPORTS OF COMMITTEES**

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

21 Commerce and Energy on **SB 58** as found on page 200 of the Senate Journal; also

22 Judiciary on **SB 77** as found on page 198 of the Senate Journal; also

23 Agriculture and Natural Resources on **SB 111** as found on page 198 of the Senate  
24 Journal; and

25 Agriculture and Natural Resources on **HB 1043** as found on page 199 of the Senate Journal  
26 be adopted.

27 Which motion prevailed and the reports were adopted.



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**CONSIDERATION OF EXECUTIVE APPOINTMENTS**

2

The Senate proceeded to the consideration of the executive appointment of Bradley Moore of Union County, Dakota Dunes, South Dakota, to the Board of Economic Development.

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The question being "Does the Senate advise and consent to the executive appointment of Bradley Moore pursuant to the executive message as found on page 55 of the Senate Journal?"

5

6

And the roll being called:

7

Yeas 31, Nays 0, Excused 3, Absent 0

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

12

Excused: Diedrich, Foster, and Wiik

13

14

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

15

16

The Senate proceeded to the consideration of the executive appointment of Craig Christianson of Pennington County, Rapid City, South Dakota, to the Board of Economic Development.

17

18

The question being "Does the Senate advise and consent to the executive appointment of Craig Christianson pursuant to the executive message as found on page 55 of the Senate Journal?"

19

And the roll being called:

20

Yeas 31, Nays 0, Excused 3, Absent 0

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24

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

25

Excused: Diedrich, Foster, and Wiik

26

27

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

28

**CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

29

30

The Senate proceeded to the consideration of the executive reappointment of Donald Kettering of Yankton County, Yankton, South Dakota, to the Board of Economic Development (SJ 81), and

31

32

Kevin Tetzlaff of Brookings County, Brookings, South Dakota, to the Board of Economic Development (SJ 56).

33

34

The question being "Does the Senate advise and consent to the executive reappointments of Donald Kettering and Kevin Tetzlaff?"

35

And the roll being called:

36

Yeas 31, Nays 0, Excused 3, Absent 0

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

5 Excused: Diedrich, Foster, and Wiik

6 So the question having received an affirmative vote of a majority of the members-elect, the  
7 President declared the reappointments confirmed.

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

9 **SB 206:** FOR AN ACT ENTITLED, An Act to encourage sales of meat through the use of animal  
10 share agreements and the creation of a processor grant program.

11 Introduced by: **Senator** Stalzer

12 **SB 215:** FOR AN ACT ENTITLED, An Act to prohibit the intentional release of polluting  
13 emissions into the atmosphere by cloud seeding, weather modification, excessive electromagnetic  
14 radio frequency and microwave radiation and providing enforcement and penalties for violations.

15 Introduced by: **Senator** Pischke

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

17 **SB 193:** FOR AN ACT ENTITLED, An Act to permit fees to be prorated for alcoholic licenses.

18 Introduced by: **Senator** Rohl

19 **SB 201:** FOR AN ACT ENTITLED, An Act to provide new statutory requirements for regulating  
20 linear transmission facilities and to declare an emergency.

21 Introduced by: **Senator** Crabtree

22 **SB 207:** FOR AN ACT ENTITLED, An Act to increase oversight of pool arrangements.

23 Introduced by: **Senator** Hoffman

24 **SB 208:** FOR AN ACT ENTITLED, An Act to reduce the employer's investment fee rate.

25 Introduced by: **Senator** Maher

26 **SB 217:** FOR AN ACT ENTITLED, An Act to require disclosure of certain information prior to  
27 the sale of property bound by a homeowners' association.

28 Introduced by: **Senator** Rohl

29 **SB 218:** FOR AN ACT ENTITLED, An Act to restrict the power of eminent domain to a utility  
30 used for a public purpose.

31 Introduced by: **Senator** Nesiba

32 **SB 220:** FOR AN ACT ENTITLED, An Act to prohibit an employer from withholding  
33 compensation from an employee who quits without notice.

34 Introduced by: **Senator** Larson

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

2 **SB 204:** FOR AN ACT ENTITLED, An Act to make an appropriation for a grant to the Douglas  
3 school district for the construction costs of a new school.

4 Introduced by: **Senator** Duhamel

5 **SB 212:** FOR AN ACT ENTITLED, An Act to allow for the payment of goods or services by a  
6 school district between school board meetings in certain circumstances.

7 Introduced by: **Senator** Schoenfish

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

9 **SB 198:** FOR AN ACT ENTITLED, An Act to authorize school districts and nonpublic schools to  
10 acquire and administer nasal glucagon.

11 Introduced by: **Senator** Wiik

12 **SB 205:** FOR AN ACT ENTITLED, An Act to direct the Department of Social Services to modify  
13 administrative rules related to work requirements for the child care assistance program.

14 Introduced by: **Senator** Reed

15 **SB 209:** FOR AN ACT ENTITLED, An Act to make an appropriation for grants to assisted living  
16 centers and nursing facilities for costs related to telemedicine.

17 Introduced by: **Senator** Davis

18 **SB 216:** FOR AN ACT ENTITLED, An Act to modify provisions related to prohibited medical  
19 interventions on minors.

20 Introduced by: **Senator** Nesiba

21 **SB 219:** FOR AN ACT ENTITLED, An Act to modify provisions related to the control of counties  
22 and municipalities over medical marijuana establishments within their jurisdictions.

23 Introduced by: **Senator** Wheeler

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

25 **SB 200:** FOR AN ACT ENTITLED, An Act to make an appropriation for a grant to the city of  
26 Mobridge for purchasing modular holding cells.

27 Introduced by: **Senator** Breitling

28 **SB 202:** FOR AN ACT ENTITLED, An Act to require active efforts in abuse and neglect  
29 proceedings that involve Indian children.

30 Introduced by: **Senator** Bordeaux

31 **SB 203:** FOR AN ACT ENTITLED, An Act to expand certain privileges for individuals who hold  
32 an unrestricted enhanced concealed carry permit.

33 Introduced by: **Senator** Hoffman

1 **SB 210:** FOR AN ACT ENTITLED, An Act to establish an individual's right to make autonomous  
2 decisions about the individual's reproductive health care, and to repeal provisions related to  
3 abortion.

4 Introduced by: **Senator** Nesiba

5 **SB 211:** FOR AN ACT ENTITLED, An Act to revise notarial acts.

6 Introduced by: **Senator** Wheeler

7 **SB 214:** FOR AN ACT ENTITLED, An Act to address determinations regarding physical custody  
8 of a minor child.

9 Introduced by: **Senator** Pischke

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

11 **SB 195:** FOR AN ACT ENTITLED, An Act to modify provisions regarding the process to vacate  
12 certain highways.

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

14 **SB 197:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the alcohol beverage  
15 fund.

16 Introduced by: **Senator** Deibert

17 **SB 199:** FOR AN ACT ENTITLED, An Act to revise provisions pertaining to the consolidation or  
18 boundary changes of counties.

19 Introduced by: **Senator** Johnson

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

21 **SB 213:** FOR AN ACT ENTITLED, An Act to provide for the disclosure of a cast vote record as  
22 a public record and make an appropriation therefor.

23 Introduced by: **Senator** Pischke

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

25 **SB 194:** FOR AN ACT ENTITLED, An Act to create a license plate for certain retired firefighters  
26 and clarify provisions regarding special firefighter license plates.

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

28 **SB 196:** FOR AN ACT ENTITLED, An Act to clarify provisions regarding historical license plates.

29 Introduced by: **Senator** Zikmund

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

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

**HB 1128:** FOR AN ACT ENTITLED, An Act to require a zoning authority to determine that a well is an established well that has not been abandoned in making a permitting decision.

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

**HB 1116:** FOR AN ACT ENTITLED, An Act to make fraudulent solicitation of charitable contributions a deceptive act or practice.

**HB 1126:** FOR AN ACT ENTITLED, An Act to permit an alternative delivery method for issuance of a policy by an insurer.

**HB 1136:** FOR AN ACT ENTITLED, An Act to revise the renewal fee for barber's certificate of registration.

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

**HB 1008:** FOR AN ACT ENTITLED, An Act to modify the eligibility for admission to the state veterans' home and repeal the residency requirement.

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

**HB 1082:** FOR AN ACT ENTITLED, An Act to change the eligibility requirements, and the exempt value, of a property tax relief program for disabled veterans and surviving spouses.

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

**HB 1097:** FOR AN ACT ENTITLED, An Act to authorize transportation activities by air ambulance operators.

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

**SECOND READING OF CONSENT CALENDAR ITEMS**

Sen. Frye-Mueller requested that **SB 85 and 108** be removed from the Consent Calendar.

Sen. Pischke requested that **HB 1047** be removed from the Consent Calendar.

Sen. Nesiba requested that **HB 1046** be removed from the Consent Calendar.

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

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

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

Were read the second time.

The question being "Shall **SB 117, and HB 1058 and 1059** pass?"

1 And the roll being called:

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

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

7 Excused: Diedrich, Foster, and Wiik

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

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

11 **SB 103:** FOR AN ACT ENTITLED, An Act to standardize certain school safety practices.

12 Was read the second time.

13 Sen. Hoffman moved that **SB 103** be amended as follows:

14 103B

15 On page 1, line 5, of the Introduced bill, after "employee" insert " or school resource officer"

16 Which motion prevailed.

17 The question being "Shall **SB 103** pass as amended?"

18 And the roll being called:

19 Yeas 16, Nays 15, Excused 3, Absent 0

20 Yeas: Bordeaux, Crabtree, Davis, Frye-Mueller, Hoffman, Klumb, Kolbeck (Steve), Larson,  
21 Mehlhaff, Novstrup, Pischke, Reed, Schoenbeck, Schoenfish, Stalzer, and Tobin

22 Nays: Beal, Bolin, Breitling, Deibert, Duhamel, Hunhoff, Johnson, Kolbeck (Jack), Maher,  
23 Nesiba, Otten (Herman), Rohl, Wheeler, Wink, and Zikmund

24 Excused: Diedrich, Foster, and Wiik

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

27 There being no objection, the Senate reverted to Order of Business No. 7 - Messages from the  
28 House.

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**MESSAGES FROM THE HOUSE**

2 MR. PRESIDENT:

3 I have the honor to transmit herewith **HCR 6010** which has been adopted by the House and  
4 your concurrence is respectfully requested.

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6

Respectfully submitted,  
Patricia Miller, Chief Clerk

7

**MOTIONS AND RESOLUTIONS**

8 Sen. Schoenbeck moved that the rules be suspended for the sole purpose of introducing,  
9 giving first reading to, dispensing with committee referral, and placing on today's calendar  
10 **HCR 6010**.

11 The question being on Sen. Schoenbeck's motion that the rules be suspended for the sole  
12 purpose of introducing, giving first reading to, dispensing with referral to committee, and placing on  
13 today's calendar **HCR 6010**.

14 And the roll being called:

15 Yeas 28, Nays 3, Excused 3, Absent 0

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

20 Nays: Bordeaux, Larson, and Nesiba

21 Excused: Diedrich, Foster, and Wiik

22 So the motion having received an affirmative vote of a two-thirds majority of the members-  
23 elect, the President declared the motion carried, the rules were suspended, and the resolution was  
24 so placed.

25 **HCR 6010: A CONCURRENT RESOLUTION, Acknowledging the need to protect our borders and  
26 affirming South Dakota's support of the defense of the southern border.**

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

28 **HCR 6010: A CONCURRENT RESOLUTION, Acknowledging the need to protect our borders and  
29 affirming South Dakota's support of the defense of the southern border.**

30 Sen. Crabtree moved that **HCR 6010** be concurred in.

31 The question being on Sen. Crabtree's motion that **HCR 6010** be concurred in.

32 And the roll being called:

33 Yeas 28, Nays 3, Excused 3, Absent 0

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

5 Nays: Bordeaux, Larson, and Nesiba

6 Excused: Diedrich, Foster, and Wiik

7 So the motion having received an affirmative vote of a majority of the members-elect, the  
 8 President declared the motion carried and **HCR 6010** was concurred in.

9 **SIGNING OF BILLS**

10 The President publicly read the title to

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

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

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

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

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

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

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

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

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

27 **COMMEMORATIONS**

28 **HC 8009:** A LEGISLATIVE COMMEMORATION, Celebrating the South Dakota State University  
 29 Jackrabbit football team winning a second consecutive NCAA Division I Football Championship  
 30 Subdivision (FCS) National Championship.

31 Sen. Johnson moved that the Senate do now adjourn, which motion prevailed and at 3:52 p.m.  
 32 the Senate adjourned.

33 Peggy Laurenz, Secretary



1

**JOINT SESSION**

2 The Senate convened with the House of Representatives in the House Chamber for the purpose  
3 of receiving a briefing from the Governor, Kristi Noem. The President of the Senate, Larry Rhoden,  
4 presided.

5 The following prayer was delivered by Rev. Craig Wexler, Pierre/Fort Pierre Ministerial  
6 Association, Pierre, South Dakota:

7 Gracious God, grant us your peace and serenity as we receive Governor Noem's testimony  
8 concerning our neighbors in the bordering states down South, along with our neighbors from all  
9 over the world who are migrating to us, as well. No matter where we stand on this issue—no matter  
10 our personal opinions and feelings on this very complicated issue, we must remember today that  
11 this 'issue' is so profoundly complicated, and it is giant puzzle, more than simply an 'issue'. There  
12 are pieces to this puzzle that directly affect us. There are pieces to this puzzle that will not affect  
13 us, but certainly affects our neighbors in this nation. But the most important pieces to this puzzle,  
14 are the people. Every single person in this puzzle—Americans—landowners—Border Patrol  
15 personnel—local law enforcement and military agents on both sides of the border—parents,  
16 grandparents, and children—migrants who all have different stories and reasons for their journey  
17 (many good—and some with ill-intent), but all involved, are image-bearers of You, O, Lord. You  
18 alone, will ultimately bring Truth to this reality, but you have also called leadership into this moment  
19 to be a part of a solution, as well.

20 Help us to humbly listen to our Governor's message. Again, let us listen more, and speak less.  
21 Help us to hold her, along with all of our nation's governors, and also the members of government  
22 at the federal level, in our prayers, as well. The burdens that leadership carries cannot be explained  
23 in simple words or quotes. Help us to temper our feelings and emotions—give us all Your peace  
24 that surpasses all understanding. In Your Holy name we pray, Amen.

25 Sen. Crabtree moved that a committee of three on the part of the Senate and a committee of  
26 two on the part of the House be appointed to escort the Honorable Kristi Noem, Governor of the  
27 State of South Dakota, to the rostrum.

28 Which motion prevailed and the President announced as such committee Sens. Schoenbeck,  
29 Crabtree, and Nesiba on the part of the Senate and Reps. Mortenson and Lesmeister on the part of  
30 the House.

31 The Lieutenant Governor, Larry Rhoden, introduced the Honorable Kristi Noem.

32 The Sergeant at Arms announced the arrival of the Honorable Kristi Noem, who was escorted  
33 to the rostrum.

**GOVERNOR NOEM'S ADDRESS TO THE JOINT SESSION**

35 Lieutenant Governor Rhoden, Mr. Speaker, members of the House and Senate, and my fellow  
36 South Dakotans:

37 Thank you for calling this joint session of the legislative body today so I may address both  
38 chambers on a matter of grave importance to the people of South Dakota and the United States of  
39 America. It is no secret that our country is being overwhelmed with en masse illegal immigration.  
40 Nearly 10 million foreign nationals have broken federal law and infiltrated our country within the  
41 past 3 years, bringing with them drugs, trafficking, crime, and violence.

42 Our immigration system has long been a subject of discussion in this country, but the policies  
43 of the Biden Administration have elevated this to a national security crisis. Our history is proudly  
44 built on the stories of our ancestors who came to this country for opportunity and a new beginning.  
45 But today, many of those who are entering under the current policies of this administration are  
46 known terrorists, criminals, human traffickers, and drug cartel members. Because the federal  
47 government is facilitating the violation of federal law, vulnerable people from over 100 countries  
48 have heard the story of the open border, put their families in jeopardy, and have fallen victim to the

1 atrocities of the Mexican cartels. Countries such as Venezuela have been known to empty out their  
2 prisons and mental institutions and send them to America. They are happy to let our open border  
3 be the solution to their problems and responsibilities.

4 We are a nation of laws. And our leaders should respect those laws.

5 South Dakota is directly affected by this invasion. We are affected by cartel presence on our  
6 tribal reservations; by the spread of drugs and human trafficking throughout our communities; and  
7 by the drain on our resources at the local, state, and federal level.

8 America is the greatest nation in the history of the world. But we weren't always that way. Our  
9 nation started as nothing more than an idea – an idea that was so controversial that our Founding  
10 Fathers had to pledge their lives, their fortunes, and their sacred honor to each other just to write  
11 it down.

12 That all men are created equal, that they are endowed by their Creator with certain unalienable  
13 Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights,  
14 Governments are instituted among Men, deriving their just powers from the consent of the  
15 governed. That whenever any Form of Government becomes destructive of these ends, it is the  
16 Right of the People to alter or to abolish it.

17 In that powerful document, our Founding Fathers outlined certain facts, a list of injuries, that  
18 King George had perpetrated against the colonies. Those grievances included ways that he failed to  
19 protect the colonies, and how he used force to make the colonists less safe.

20 When the original 13 states ratified the Constitution just a few years later, they did so with the  
21 understanding that this document would allow them to keep themselves safe from external threats.  
22 They would not have done so if they did not have the power to defend themselves. Texas would not  
23 have joined the Union in 1845 if they did not have the power to defend themselves – they were still  
24 at risk of invasion from Mexico at that time.

25 Article IV, Section 4 of the US Constitution provides that "The United States shall guarantee to  
26 every State in this Union a Republican Form of Government, and shall protect each of them against  
27 Invasion." So who repels the invasions? Well, Article I, Section 8 provides "for calling forth the Militia  
28 to...repel invasions." Article I, Section 10 provides for states to enter into compacts with other states  
29 if they are "actually invaded."

30 And in Federalist 29, Alexander Hamilton – one of the key architects of the Constitution –  
31 makes very clear that the militia is to be under the purview of the states and made up of the people.  
32 In closing that paper, Hamilton wrote, "In times of... invasion, it would be natural and proper that  
33 the militia of a neighboring State should be marched into another, to resist a common enemy, or to  
34 guard the republic against the violence of faction or sedition."

35 Ladies and gentlemen, the United States of America is in a time of invasion – the invasion is  
36 coming over the southern border. The 50 states have a common enemy – that enemy is the Mexican  
37 drug cartels that are waging war against our nation. And the cartels are perpetrating violence in  
38 each of our states, even here in South Dakota.

39 For almost 250 years America has been the standard of a government of, by, and for the  
40 people. But today, the American people are not secure. A nation without borders is not a nation at  
41 all. A government that does not value the security of its people is not only negligent but inhumane.

42 When the federal government fails to uphold its duty to the people, the responsibility falls to  
43 the states. I have been to the Southern Border many times. Some of you have, too. I have witnessed  
44 firsthand the invasion taking place. What shocks me is that every time I go, it is more of a warzone  
45 than the time before. The cartels have operational control of that border.

46 For three years, Texas Governor Greg Abbott has been left to handle the crisis at the border  
47 in his state while the federal government has refused his requests for help. Only a few governors  
48 have been willing to step up and lead alongside him. Last week, Governor Abbott declared an

1 invasion under Article I, Section 10 of the U.S. Constitution to invoke Texas' constitutional right to  
2 defend and protect itself.

3 While I was at the border last week, I received a briefing from border patrol agents. They  
4 informed me that over the last several months as many as 4,000 apprehensions occur in just ONE  
5 DAY at Eagle Pass alone. December was the first month in American history with more than 300,000  
6 encounters at the Southern Border.

7 Almost three years ago, when Governor Abbott asked states to send troops to help secure the  
8 border, South Dakota was the first state in the nation to send National Guard soldiers to help. We  
9 later deployed our Lakota helicopters on a federal mission when the Biden Administration needed  
10 help with surveillance of drug traffickers. Last summer, when Governor Abbott again asked for  
11 assistance, we sent more troops.

12 During my time there this past Friday, I was able to see with my own eyes what has changed.  
13 Texas has been calling their efforts and mission "Operation Lone Star." But more recently, the cartels  
14 have been pushing women and children across the Rio Grande, many of whom cannot swim. They're  
15 telling them that if they turn back, they will be shot before they reach the Mexican shore. When  
16 many of these women and children struggle and inevitably drown in the high waters, Texas DPS is  
17 pulling them out of the water, performing CPR, and bringing them back to life. This has been  
18 happening so frequently that Texas has begun calling their efforts "Operation Lazarus." So why are  
19 the cartels intentionally causing these women and children to drown? Because while Texas is  
20 distracted saving their lives, cartel members are smuggling drugs and sex-trafficked human beings  
21 just a couple miles down the river.

22 During my visit to Shelby Park, I watched as the Texas Department of Public Safety, the Texas  
23 National Guard, and various law enforcement officers ensured the border invasion didn't happen on  
24 their watch. And their efforts are working there. But the Biden Administration is threatening to seize  
25 control of that area. They claim that the Supreme Court gave them authority to do so. That's not  
26 true – the Supreme Court's order only allows them to cut or move the razor wire.

27 Democrat politicians are urging President Biden to federalize the Texas National Guard. If he  
28 were to do that, if he were to put them on Title 10 federal active duty, it would be the first time in  
29 American history that a President activated American armed forces explicitly to stand down – to  
30 make us less safe – to NOT protect the United States of America. And if President Biden can do that  
31 to Texas, he can do it to South Dakota – or any other state.

32 Governors are Commanders in Chief of our National Guards. These soldiers report to us, not  
33 the federal government. We understand our unique situations better than a distant federal authority  
34 can. I trust Governor Abbott to make the best decisions for his National Guard, just as I make the  
35 best decisions for ours here in South Dakota.

36 You may be sitting there wondering, "why should care? Texas is a long ways away and my  
37 community and my state are not affected by this."

38 You would be wrong.

39 The sheer number of illegal migrants coming into the country has made it so that every state  
40 is now a border state. This isn't just an issue for Texas and other states along the border. This is an  
41 issue for every American. And this issue is about preserving this great nation for our kids and our  
42 grandkids.

43 We see the effects of Joe Biden's failures at the border every day here in South Dakota. The  
44 drugs and human trafficking pouring over the border devastate our people. Make no mistake, the  
45 cartels have a presence on several of South Dakota's tribal reservations. Murders are being  
46 committed by cartel members on the Pine Ridge reservation and in Rapid City, and a gang called  
47 the "Ghost Dancers" are affiliated with these cartels. They have been successful in recruiting tribal  
48 members to join their criminal activity. On the other side of the state, there is documented evidence  
49 of cartel activities on the Sisseton Wahpeton reservation and others.

1 We in state government do not have the jurisdiction to unilaterally intervene and provide law  
2 enforcement support to our tribes. That is a treaty obligation of the federal government. The Oglala  
3 Sioux Tribe sued the federal government. They pointed to evidence that the level of violent crime,  
4 drug trafficking, and gang activity on the Reservation is staggering, unprecedented, and  
5 overwhelming law enforcement resources. A federal judge ordered the Biden Administration to come  
6 to the table and work with the Oglala Sioux Tribe to provide the desperately needed law enforcement  
7 resources. But Biden has failed to make good on that obligation, so now the Oglala Sioux Tribe is  
8 suing again. They said that these crimes were being perpetrated primarily by “non-Native”  
9 individuals. They’re talking about the cartels.

10 I plan to support the tribe in this litigation. I previously met with President Trump’s attorney  
11 general, Bill Barr, to urge him to do what he could to help, but that progress did not carry over to  
12 the Biden Administration. Even before that, when I was in Congress, I raised alarm bells with  
13 Attorney General Jeff Sessions on this matter. I have signed law enforcement Memorandums of  
14 Agreement with some of our Native American tribes and stand ready to work with tribes who have  
15 not yet partnered with us.

16 The cartels are using our reservations to facilitate the spread of drugs throughout the Midwest.  
17 In particular, fentanyl – which is being manufactured by the Chinese and smuggled over our  
18 Southern Border – is causing these deaths. Total overdoses have increased by almost 20% across  
19 America since Joe Biden took office. Despite this hopelessness, South Dakota has been a bright  
20 spot. We led the nation for the largest decline in drug overdoses in 2020, and we led it again in  
21 2022. Our anti-meth and anti-opioid campaigns are working. But even with that success, a higher  
22 share of the overdoses that do occur are happening as a result of fentanyl. There has been a 40%  
23 increase in just the past 2 years. It is literally killing our children.

24 This war is primarily being fought at the southern border, but it affects us here in South Dakota,  
25 too. We might see the effects differently than Texas, but make no mistake – the open border affects  
26 everyone. It is South Dakota’s duty to protect OUR people.

27 So why am I standing before all of you today?

28 Because as we move forward with action, I want us to be united. We are willing to provide  
29 Texas with additional razor wire. We can load that up and send it their way very quickly. We are  
30 currently exploring various legal options to support Texas and force the federal government to do  
31 their job. And I am consulting with my Adjutant General, Secretary of Public Safety, and others as  
32 to what our options are to provide personnel.

33 We sent our National Guard soldiers because the border is a warzone – and soldiers are best  
34 equipped to operate in such a situation. However, our troops have been hampered by federal  
35 restrictions when they’ve been deployed to the border in the past. I don’t want South Dakota soldiers  
36 to facilitate an invasion – I want them to stand up and stop it. So we are talking to Texas about  
37 what rules of engagement can look like to make sure that happens.

38 We will do all that we can to defend the United States of America so that we can keep it safe  
39 for our kids and grandkids. There is no other nation in the world that is better or more free. And if  
40 we lose this country, where will we go? Every American throughout history has had the responsibility  
41 to preserve, protect, and proliferate the ideals upon which our Founders built this nation. This is a  
42 test of our endurance. It is a test of our patriotism. And it is a test of the very foundation of our  
43 nation.

44 But we have been tested before. Just since I have been Governor of South Dakota, we have  
45 seen the federal government try to take away our Freedoms. And we saw other states comply and  
46 force citizens to give up their Freedom of Assembly, their Freedom of Religion, and even at times  
47 their Freedom of Speech. Not here in South Dakota.

48 Now we need to be prepared to stand united to protect our state’s constitutional right to defend  
49 ourselves. Defend our people. I am proud to support what Texas is doing to defend itself because I  
50 realize the consequences of what will happen if they don’t. You need to know the facts. It is clear  
51 we cannot rely on this administration to uphold the law and secure our border. The cartels are here  
52 in South Dakota, and they are perpetuating violence and criminal activity daily on South Dakota

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1 families. They are killing our children with their drugs and trafficking. These cartels are being fed  
2 from over the open southern border where more dangerous individuals are entering the country to  
3 destroy America from within.

4 We must stand strong together. South Dakota will protect our people.

5 Thank you. God bless you all. God bless South Dakota. And may God continue to bless the  
6 United States of America.

7 Sen. Crabtree moved that the Joint Session do now adjourn.

8 Which motion prevailed.

