

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

SEVENTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 02, 2024

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

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by Senate page Jadeyn Reiner.

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 16th 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 SENATE PAGE RESOLUTION 2 Introduced by: Senators Beal; Bolin; Bordeaux; Breitling;
2 Crabtree; Davis; Deibert; Diedrich; Duhamel; Foster; Frye-Mueller; Hoffman; Hunhoff; Johnson;
3 Klumb; Kolbeck, Jack; Kolbeck, Steve; Larson; Maher; Mehlhaff; Nesiba; Novstrup; Otten, Herman;
4 Pischke; Reed; Rohl; Schoenbeck; Schoenfish; Stalzer; Tobin; Wheeler; Wiik; Wink; Zikmund

5 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-ninth
6 Legislature of the State of South Dakota to Chloe Blom, Ashley Bondesen, Alexa Comes, Chloe
7 Culver, Kaia Day, Lowell Gillespie, Chloe Heermann, Jack Jerde, Miranda Maas, Elijah Morrissette,
8 and Jadeyn Reiner.

9 WHEREAS, the above named served loyally as pages for the Senate of the Ninety-ninth
10 Legislative Session; and

11 WHEREAS, the members of the Ninety-ninth Senate express their most sincere appreciation
12 to these young people for their service to the state; and

13 WHEREAS, the members extend to these young people their wishes for every success in life:

14 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-ninth Legislature of the
15 State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each
16 page on this last day of service.

17 Sen. Reed moved that Senate Page Resolution 2 be adopted.

18 The question being on Sen. Reed's motion that Senate Page Resolution 2 be adopted.

19 And the roll being called:

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

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

25 Excused: Diedrich, Foster, and Wiik

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 President declared the motion prevailed.

28 **COMMUNICATIONS AND PETITIONS**

29 January 5, 2024

30 The Honorable Larry Rhoden
31 President of the Senate
32 State Capitol
33 Pierre, SD 57501

34 Dear President and Members of the Senate:

35 Pursuant to the provisions of Chapter 24-16A-1 of the South Dakota Codified Laws and
36 subject to your consent, I have the honor to inform you that I have appointed Hank Prim, to the
37 South Dakota Interstate Compact for Adult Offender Supervision.

38 Enclosed is a copy of the following:

-
- 1 1. The Statement of Financial Interest
 - 2 2. Senate Confirmation Information
 - 3 3. Oath
 - 4 4. The June 26, 2023, letter of appointment

5 This appointment is effective June 24, 2023, and shall continue until June 23, 2026.

6 Sincerely,
7 Marty Jackley
8 Attorney General

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

10 January 5, 2024

11 The Honorable Larry Rhoden
12 President of the Senate
13 State Capitol
14 Pierre, SD 57501

15 Dear President and Members of the Senate:

16 Pursuant to the provisions of Chapter 24-16A-1 of the South Dakota Codified Laws and subject
17 to your consent, I have the honor to inform you that I have reappointed Krista Heeren-Graber, to
18 the South Dakota Interstate Compact for Adult Offender Supervision.

19 Enclosed is a copy of the following:
20 1. The Statement of Financial Interest
21 2. Senate Confirmation Information
22 3. Oath
23 4. The June 26, 2023, letter of reappointment

24 This reappointment is effective June 24, 2023, and shall continue until June 23, 2026.

25 Sincerely,
26 Marty Jackley
27 Attorney General

28 The President announced the referral of the reappointment to the Committee on Judiciary.

29 **REPORTS OF STANDING COMMITTEES**

30 MR. PRESIDENT:

31 The Committee on Senate Health and Human Services respectfully reports that it has had
32 under consideration **SCR 602** and returns the same with the recommendation that said resolution
33 be adopted.

1 Also MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
3 under consideration **HB 1027 and 1028** and returns the same with the recommendation that said
4 bills do pass.

5 Respectfully submitted,
6 Erin Tobin, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Taxation respectfully reports that it has had under consideration
9 **SB 164** which was deferred to the 41st Legislative Day.

10 Also MR. PRESIDENT:

11 The Committee on Senate Taxation respectfully reports that it has had under consideration
12 **SJR 510** and returns the same with the recommendation that said resolution do pass.

13 Respectfully submitted,
14 Jim Stalzer, Chair

15 MR. PRESIDENT:

16 The Committee on Senate State Affairs respectfully reports that it has had under consideration
17 **SB 134** with the recommendation that said bill be referred to the Joint Committee on Appropriations
18 with a Do Pass recommendation.

19 Also MR. PRESIDENT:

20 The Committee on Senate State Affairs respectfully reports that it has had under consideration
21 **SB 182** and returns the same with the recommendation that said bill do pass, and having been
22 certified as uncontested, be placed on the consent calendar.

23 Also MR. PRESIDENT:

24 The Committee on Senate State Affairs respectfully reports that it has had under consideration
25 **SB 185, and SJR 504** which were deferred to the 41st Legislative Day.

26 Respectfully submitted,
27 Casey Crabtree, Chair

28 MR. PRESIDENT:

29 The Committee on Senate Local Government respectfully reports that it has had under
30 consideration **SB 172** and returns the same with the recommendation that said bill be amended as
31 follows:

32 172A

33 On page 1, line 1, of the Introduced bill, delete " animal" and insert " cat or dog"

34 On page 1, line 6, of the Introduced bill, delete " animal" and insert " cat or dog"

35 On page 1, line 7, of the Introduced bill, delete " animal" and insert " cat or dog"

1 And that as so amended, **SB 172** do pass, and having been certified as uncontested, be placed
2 on the consent calendar.

3 Also MR. PRESIDENT:

4 The Committee on Senate Local Government respectfully reports that it has had under
5 consideration **SB 148 and 152, and HB 1069** and returns the same with the recommendation that
6 said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

7 Respectfully submitted,
8 Tim Reed, Chair

9 MR. PRESIDENT:

10 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
11 Enrolling has carefully compared **SB 26, 27, and 75** and finds the same correctly enrolled.

12 Respectfully submitted,
13 Lee A. Schoenbeck, Chair

14 MR. PRESIDENT:

15 The Committee on Legislative Procedure respectfully reports that **SJR 502** was delivered to
16 her Excellency, the Secretary of State, for her approval at 9:00 a.m., February 2, 2024.

17 Respectfully submitted,
18 Lee A. Schoenbeck, Chair

19 **MESSAGES FROM THE HOUSE**

20 MR. PRESIDENT:

21 I have the honor to transmit herewith **HCR 6011** which has been adopted by the House and
22 your concurrence is respectfully requested.

23 Also MR. PRESIDENT:

24 I have the honor to return herewith **SB 26, 27, and 75** which have passed the House without
25 change.

26 Also MR. PRESIDENT:

27 I have the honor to transmit herewith **HB 1062, 1119, 1120, 1130, 1132, and 1183** which
28 have passed the House and your favorable consideration is respectfully requested.

29 Respectfully,
30 Patricia Miller, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2

HCR 6011: A CONCURRENT RESOLUTION, Urging the Bureau of Indian Affairs (BIA) law enforcement to establish a law enforcement training academy in South Dakota.

3

4

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

5

Sen. Crabtree moved that **SB 112** be deferred to Monday, February 5, 2024, the 18th legislative day.

6

7

Which motion prevailed.

8

Sen. Schoenbeck moved that **SB 210** be referred from the Committee on Judiciary to the Committee on Health and Human Services.

9

10

Which motion prevailed.

11

Sen. Schoenbeck moved that **SB 219** be referred from the Committee on Health and Human Services to the Committee on Local Government.

12

13

Which motion prevailed.

14

CONSIDERATION OF REPORTS OF COMMITTEES

15

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

16

Judiciary on **SB 6** as found on page 232 of the Senate Journal; also

17

Judiciary on **SB 84** as found on page 233 of the Senate Journal; also

18

Agriculture and Natural Resources on **SB 131** as found on page 234 of the Senate Journal; and

19

20

Commerce and Energy on **SB 177** as found on page 233 of the Senate Journal be adopted.

21

Which motion prevailed and the reports were adopted.

22

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

23

HB 1183: FOR AN ACT ENTITLED, An Act to modernize the process for annual audits of third-party insurance administrators.

24

25

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

26

HB 1130: FOR AN ACT ENTITLED, An Act to revise water development district boundaries and taxing authority.

27

1 **HB 1132:** FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to municipal
2 government.

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

4 **HB 1119:** FOR AN ACT ENTITLED, An Act to create a habitat conservation specialty plate and
5 emblem.

6 **HB 1120:** FOR AN ACT ENTITLED, An Act to provide special motor vehicle license plates for
7 advanced life support personnel and emergency medical technicians.

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

9 **HB 1062:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to the
10 suppression of wildfires impacting the state and to declare an emergency.

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

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 Sen. Crabtree requested that **SB 119** be removed from the Consent Calendar.

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

15 **SB 16:** FOR AN ACT ENTITLED, An Act to make appropriations for water and environmental
16 purposes and to declare an emergency.

17 Was read the second time.

18 The question being "Shall **SB 16** pass as amended?"

19 And the roll being called:

20 Yeas 29, Nays 2, Excused 3, Absent 0

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

25 Nays: Bordeaux and Frye-Mueller

26 Excused: Diedrich, Foster, and Wiik

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

29 **SB 28:** FOR AN ACT ENTITLED, An Act to modify tax refunds for elderly persons and persons
30 with a disability, to make an appropriation therefor, and to declare an emergency.

31 Was read the second time.

1 The question being "Shall **SB 28** pass as amended?"

2 And the roll being called:

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

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

8 Excused: Diedrich, Foster, and Wiik

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

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

13 Was read the second time.

14 The question being "Shall **SB 165** pass?"

15 And the roll being called:

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

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

21 Nays: Frye-Mueller

22 Excused: Diedrich, Foster, and Wiik

23 So the bill having received an affirmative vote of a majority of the members-elect, the President
24 declared the bill passed.

25 The question being on the title.

26 Sen. Maher moved that the title to **SB 165** be amended as follows:

27 165A

28 On page 1, line 1, of the Introduced bill, after "Commission" delete " and make an appropriation
29 therefor"

30 Which motion prevailed and the title was so amended.

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

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

34 Was read the second time.

1 The question being "Shall **HB 1090** pass?"

2 And the roll being called:

3 Yeas 29, Nays 2, Excused 3, Absent 0

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

7 Nays: Frye-Mueller and Pischke

8 Excused: Diedrich, Foster, and Wiik

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

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

13 Was read the second time.

14 The question being "Shall **HB 1095** pass?"

15 And the roll being called:

16 Yeas 27, Nays 4, Excused 3, Absent 0

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

20 Nays: Frye-Mueller, Johnson, Nesiba, and Pischke

21 Excused: Diedrich, Foster, and Wiik

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 **SIGNING OF BILLS**

25 The President publicly read the title to

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

28 **SB 27:** FOR AN ACT ENTITLED, An Act to modify the criteria for removal from the sex offender
29 registry.

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

32 **HB 1012:** FOR AN ACT ENTITLED, An Act to adopt the interstate counseling licensure compact
33 and revise educational requirements to comply with the compact.

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

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

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

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

9 **COMMEMORATIONS**

10 **HC 8010:** A LEGISLATIVE COMMEMORATION, Celebrating the life of Robert "Bob" Montross of
11 De Smet, South Dakota.

12 **HC 8011:** A LEGISLATIVE COMMEMORATION, Honoring Jason Jons, a member of the South
13 Central School District Board of Education, on his years of school board service.

14 Sen. Pischke moved that the Senate do now adjourn, which motion prevailed and at 2:04 p.m.
15 the Senate adjourned.

16 Peggy Laurenz, Secretary