

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

EIGHTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 05, 2024

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

The prayer was offered by the Chaplain, Pastor Ben Aleshire, followed by the Pledge of Allegiance led by Senate page Quinn Alt.

Roll Call: All members present except Sens. Diedrich and Otten (Herman) 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 17th 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 the following named pages:

2 Quinn Alt, Trey Dunse, Rebecca Feldhaus, Lily Fods, Nicholas Gray, Madelyn Hinkelman,
3 Bridgett Lemmel, Eliot Nielsen, Nicole Steffensen, Malachi Swift.

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

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Senate Health and Human Services respectfully reports that it has had
8 under consideration **SB 191** which was deferred to the 41st Legislative Day.

9 Also MR. PRESIDENT:

10 The Committee on Senate Health and Human Services respectfully reports that it has had
11 under consideration **SB 151** and returns the same with the recommendation that said bill be
12 amended as follows:

13 151A

14 On page 1, line 21, of the Introduced bill, after "prevention, " insert "under the direction of
15 and "

16 And that as so amended, **SB 151** do pass, and having been certified as uncontested, be placed
17 on the consent calendar.

18 Also MR. PRESIDENT:

19 The Committee on Senate Health and Human Services respectfully reports that it has had
20 under consideration **HB 1029** and returns the same with the recommendation that said bill be
21 amended as follows:

22 1029C

23 On page 15, line 6, of the House Health and Human Services Engrossed bill, remove the
24 overstrikes from " licensee"

25 On page 15, line 6, of the House Health and Human Services Engrossed bill, after "licensee"
26 delete " licensee dispenser"

27 And that as so amended, **HB 1029** do pass, and having been certified as uncontested, be
28 placed on the consent calendar.

29 Respectfully submitted,
30 Erin Tobin, Chair

31 MR. PRESIDENT:

32 The Committee on Senate Local Government respectfully reports that it has had under
33 consideration **HB 1077 and 1124** and returns the same with the recommendation that said bills
34 do pass, and having been certified as uncontested, be placed on the consent calendar.

35 Respectfully submitted,
36 Tim Reed, Chair

1 MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration
3 **SB 115** and returns the same with the recommendation that said bill be amended as follows:

4 115A

5 On page 1, line 22, of the Introduced bill, after "plan " insert "funded or administered by the
6 government "

7 On page 1, line 22, of the Introduced bill, delete " periodic" and insert ", unconditional cash"

8 On page 1, line 22, of the Introduced bill, delete " that are unearned and may" and insert " to"

9 On page 1, line 23, of the Introduced bill, after "purpose" insert " by the individual"

10 On page 2, line 8, of the Introduced bill, after "plan" insert " funded or administered by the
11 government"

12 On page 2, line 8, of the Introduced bill, after "regular" insert ", unconditional cash"

13 On page 2, line 8, of the Introduced bill, delete " that are unearned or may" and insert " to"

14 On page 2, line 9, of the Introduced bill, after "purpose" insert " by the individual"

15 And that as so amended, **SB 115** do pass.

16 Also MR. PRESIDENT:

17 The Committee on Senate State Affairs respectfully reports that it has had under consideration
18 **SB 160** which was deferred to the 41st Legislative Day.

19 Also MR. PRESIDENT:

20 The Committee on Senate State Affairs respectfully reports that it has had under consideration
21 **SB 187** with the recommendation that said bill be referred to the Joint Committee on Appropriations
22 with a Do Pass recommendation.

23 Also MR. PRESIDENT:

24 The Committee on Senate State Affairs respectfully reports that it has had under consideration
25 **HCR 6003** and returns the same with the recommendation that said resolution do pass, and having
26 been certified as uncontested, be placed on the consent calendar.

27 Respectfully submitted,
28 Casey Crabtree, Chair

29 MR. PRESIDENT:

30 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
31 Enrolling has carefully compared **SB 5 and 87** and finds the same correctly enrolled.

32 Respectfully submitted,
33 Lee A. Schoenbeck, Chair

1

MESSAGES FROM THE HOUSE

2 MR. PRESIDENT:

3 I have the honor to return herewith **SB 5 and 87** which have passed the House without change.

4 Also MR. PRESIDENT:

5 I have the honor to transmit herewith **HB 1145 and 1196** which have passed the House and
6 your favorable consideration is respectfully requested.

7 Also MR. PRESIDENT:

8 I have the honor to return herewith **SB 35** which has been amended by the House and your
9 concurrence in the amendments is respectfully requested.

10

11

Respectfully,
Patricia Miller, Chief Clerk

12

MOTIONS AND RESOLUTIONS13 **SCR 602:** A CONCURRENT RESOLUTION, To analyze and report information on the healthcare
14 workforce in South Dakota.

15 Was read the second time.

16 Sen. Hunhoff moved that **SCR 602** as found on page 245 of the Senate Journal be adopted.

17 And the roll being called:

18 Yeas 30, Nays 2, Excused 2, Absent 0

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

22 Nays: Frye-Mueller and Pischke

23 Excused: Diedrich and Otten (Herman)

24 So the motion having received an affirmative vote of a majority of the members-elect, the
25 President declared the motion carried and **SCR 602** was adopted.26 Sen. Crabtree moved that **HB 1034 and 1043** be deferred to Thursday, February 8, 2024,
27 the 21st legislative day.

28 Which motion prevailed.

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

Sen. Crabtree moved that the report of the Standing Committee on

3

Local Government on **SB 172** as found on page 246 of the Senate Journal be adopted.

4

Which motion prevailed and the report was adopted.

5

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

6

The President declared that **SB 186, 196, and 206** were withdrawn at the request of the prime sponsors pursuant to JR 6B-1.1.

7

8

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

9

HB 1145: FOR AN ACT ENTITLED, An Act to modify brand registration and use laws.

10

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

11

HB 1088: FOR AN ACT ENTITLED, An Act to remove the option for a court services officer to prepare documentation in an adoption proceeding.

12

13

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

14

HB 1196: FOR AN ACT ENTITLED, An Act to streamline the process by which an on-sale retail license holder may acquire a special event license.

15

16

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

17

SECOND READING OF CONSENT CALENDAR ITEMS

18

Sen. Schoenbeck requested that **SB 152** be removed from the Consent Calendar.

19

SB 84: FOR AN ACT ENTITLED, An Act to update the edition of the guidebook used for measuring damages to trees or plants.

20

21

SB 131: FOR AN ACT ENTITLED, An Act to include shelterbelts as a factor affecting productivity in determining assessed value of agricultural land.

22

23

SB 148: FOR AN ACT ENTITLED, An Act to provide permissive authority to a governing body of a municipality or county to deny reissuance of an on-sale license not actively used.

24

25

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

26

27

HB 1069: FOR AN ACT ENTITLED, An Act to permit the display of campaign signs in municipalities in conjunction with the beginning of absentee voting.

28

29

Were read the second time.

1 The question being "Shall **SB 84 and 131, and HB 1069** pass as amended, and **SB 148 and**
2 **182** pass?"

3 And the roll being called:

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

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

9 Excused: Diedrich and Otten (Herman)

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

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

13 **SB 6:** FOR AN ACT ENTITLED, An Act to revise provisions related to death by distribution of a
14 Schedule I or II substance.

15 Was read the second time.

16 The question being "Shall **SB 6** pass as amended?"

17 And the roll being called:

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

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

23 Excused: Diedrich and Otten (Herman)

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

26 **SB 112:** FOR AN ACT ENTITLED, An Act to establish a non-resident title fee.

27 Was read the second time.

28 The question being "Shall **SB 112** pass?"

29 And the roll being called:

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

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

35 Excused: Diedrich and Otten (Herman)

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

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

5 Was read the second time.

6 Sen. Bordeaux moved that **SB 119** be amended as follows:

7 119B

8 On page 2, after line 17, of the Senate State Affairs Engrossed bill, insert: "

9 **Section 4.** This Act is effective beginning January 1, 2025."

10 Which motion prevailed.

11 The question being "Shall **SB 119** pass as amended?"

12 And the roll being called:

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

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

17 Nays: Beal, Frye-Mueller, and Wiik

18 Excused: Diedrich and Otten (Herman)

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

21 **SB 177:** FOR AN ACT ENTITLED, An Act to permit the appointment of a circuit court judge or
22 Supreme Court justice as a member of the Public Utilities Commission in place of a disqualified or
23 incapacitated commissioner.

24 Was read the second time.

25 The question being "Shall **SB 177** pass as amended?"

26 And the roll being called:

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

28 Yeas: Bolin, Crabtree, Davis, Deibert, Duhamel, Johnson, Kolbeck (Steve), Larson, Maher,
29 Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, and Wink

30 Nays: Beal, Bordeaux, Breitling, Foster, Frye-Mueller, Hoffman, Hunhoff, Klumb, Kolbeck
31 (Jack), Mehlhaff, Nesiba, Novstrup, Pischke, Wiik, and Zikmund

32 Excused: Diedrich and Otten (Herman)

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

1 Sen. Schoenbeck announced his intention to reconsider the vote by which **SB 177** lost.

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

5 Was read the second time.

6 Sen. Crabtree moved the previous question.

7 Which motion prevailed.

8 The question being "Shall **SJR 510** pass?"

9 And the roll being called:

10 Yeas 5, Nays 27, Excused 2, Absent 0

11 Yeas: Bordeaux, Foster, Hoffman, Larson, and Nesiba

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

15 Excused: Diedrich and Otten (Herman)

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

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

19 **HB 1027:** FOR AN ACT ENTITLED, An Act to modify substances listed on the controlled
20 substances schedule and to declare an emergency.

21 Was read the second time.

22 The question being "Shall **HB 1027** pass as amended?"

23 And the roll being called:

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

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

29 Excused: Diedrich and Otten (Herman)

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

1 **HB 1028:** FOR AN ACT ENTITLED, An Act to classify xylazine as a Schedule III controlled
2 substance, establish permissible uses, and to declare an emergency.

3 Was read the second time.

4 The question being "Shall **HB 1028** pass?"

5 And the roll being called:

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

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

11 Excused: Diedrich and Otten (Herman)

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

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

16 Was read the second time.

17 The question being "Shall **HB 1062** pass?"

18 And the roll being called:

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

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

24 Excused: Diedrich and Otten (Herman)

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

27 **SIGNING OF BILLS**

28 The President publicly read the title to

29 **SB 5:** FOR AN ACT ENTITLED, An Act to reduce the amount of time required before the removal
30 of a city manager is effective.

31 **SB 87:** FOR AN ACT ENTITLED, An Act to revise provisions related to the State Board of Medical
32 and Osteopathic Examiners and its appointed professional councils.

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

1 **HB 1046:** FOR AN ACT ENTITLED, An Act to prohibit the intentional disarming of a law
2 enforcement officer and to provide a penalty therefor.

3 **HB 1047:** FOR AN ACT ENTITLED, An Act to enhance the penalties for eluding law
4 enforcement.

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

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

8 Sen. Schoenfish moved that the Senate do now adjourn, which motion prevailed and at 3:18
9 p.m. the Senate adjourned.

10

Peggy Laurenz, Secretary