

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 06, 2024

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

The prayer was offered by the Chaplain, Rev. Russell Jones, followed by the Pledge of Allegiance led by Senate page Rebecca Feldhaus.

Roll Call: All members present except Sen. Diedrich who was 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 18th 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

SIGNING OF BILLS

2

The President publicly read the title to

3

SB 57: FOR AN ACT ENTITLED, An Act to create uniform procedures for consideration of criminal histories and convictions in professional or occupational licensure.

4

5

And signed the same in the presence of the Senate.

6

COMMUNICATIONS AND PETITIONS

7

February 5, 2024

8

The Honorable Larry Rhoden

9

President of the Senate

10

State Capitol

11

Pierre, SD 57501

12

Dear President and Members of the Senate:

13

Pursuant to the provisions of Article IV, Section 9, of the Constitution of the South Dakota

14

Codified Laws and subject to your consent, I have the honor to inform you that I have appointed

15

David A. Dailey, of Meade County, Sturgis, South Dakota, to the Assistant Adjutant General, Army.

16

This appointment is effective May 1, 2023.

17

18

19

Sincerely,
Kristi Noem
Governor

20

The President announced the referral of the appointment to the Committee on Military and

21

Veterans Affairs.

22

COMMUNICATIONS AND PETITIONS

23

February 5, 2024

24

Mr. President and Members of the Senate:

25

I have the honor to inform you that on February 5, 2024, I approved Senate Bills 2, 4, 19, 21,

26

22, 23, 24, 33, 37, 38, 39, 41, 54, 59, 60, and 65, and the same have been deposited in the office

27

of the Secretary of State.

28

29

30

Respectfully submitted,
Kristi Noem
Governor

1

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Education respectfully reports that it has had under consideration
4 **SB 156 and 158** which were deferred to the 41st Legislative Day.

5
6Respectfully submitted,
Kyle Schoenfish, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Judiciary respectfully reports that it has had under consideration
9 **SB 97 and 98** and returns the same with the recommendation that said bills do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Judiciary respectfully reports that it has had under consideration
12 **SB 149 and 202, and SJR 506** which were deferred to the 41st Legislative Day.

13 Also MR. PRESIDENT:

14 The Committee on Senate Judiciary respectfully reports that it has had under consideration
15 **SB 211** and returns the same with the recommendation that said bill do pass, and having been
16 certified as uncontested, be placed on the consent calendar.

17
18Respectfully submitted,
Helene Duhamel, Chair

19 MR. PRESIDENT:

20 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
21 had under consideration the nomination of Myron Williams of Pennington County, Wall, South
22 Dakota, to the State Brand Board and returns the same with the recommendation that the Senate
23 advise and consent to the confirmation of said reappointment, and that said reappointment be
24 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 **HB 1128** and returns the same with the recommendation that said bill do
28 pass, and having been certified as uncontested, be placed on the consent calendar.

29
30Respectfully submitted,
Herman Otten, Chair

31 MR. PRESIDENT:

32 The Senate Committee on Appropriations respectfully reports that it has had under
33 consideration **HB 1049** and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Senate Committee on Appropriations respectfully reports that it has had under
3 consideration **HB 1073** and returns the same with the recommendation that said bill do pass, and
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Jean Hunhoff, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Commerce and Energy respectfully reports that it has had under
9 consideration **SB 145, 163, and 179** which were deferred to the 41st Legislative Day.

10 Also MR. PRESIDENT:

11 The Committee on Senate Commerce and Energy respectfully reports that it has had under
12 consideration **SB 190** and returns the same with the recommendation that said bill be amended as
13 follows:

14 190A

15 On page 1, line 13, of the Introduced bill, after "Health" delete ", the social security death
16 index,"

17 And that as so amended, **SB 190** do pass and be placed on the consent calendar.

18 Also MR. PRESIDENT:

19 The Committee on Senate Commerce and Energy respectfully reports that it has had under
20 consideration **SB 192** which was tabled.

21 Respectfully submitted,
22 David Wheeler, Chair

23 Also MR. PRESIDENT:

24 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
25 Enrolling has carefully compared **SB 12, 44, 57, 79, and 88** and finds the same correctly enrolled.

26 Respectfully submitted,
27 Lee A. Schoenbeck, Chair

28 Also MR. PRESIDENT:

29 The Committee on Legislative Procedure respectfully reports that **SB 26, 27, and 75** were
30 delivered to her Excellency, the Governor, for her approval at 10:30 a.m., February 6, 2024.

31 Respectfully submitted,
32 Lee A. Schoenbeck, Chair

1

MESSAGES FROM THE HOUSE

2 MR. PRESIDENT:

3 I have the honor to return herewith **SB 78** which has been amended by the House and your
4 concurrence in the amendments is respectfully requested.

5 Also MR. PRESIDENT:

6 I have the honor to transmit herewith **HB 1099, 1161, and 1163** which have passed the
7 House and your favorable consideration is respectfully requested.

8 Also MR. PRESIDENT:

9 I have the honor to return herewith **SB 12, 44, 57, 79, and 88** which have passed the House
10 without change.

11
12

Respectfully,
Patricia Miller, Chief Clerk

13

MOTIONS AND RESOLUTIONS14 Sen. Hoffman moved that the Senate do concur in House amendments to **SB 35**.

15 The question being on Sen. Hoffman's motion that the Senate do concur in House amendments
16 to **SB 35**.

17 And the roll being called:

18 Yeas 33, Nays 0, Excused 1, 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, Otten (Herman), Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin,
22 Wheeler, Wiik, Wink, and Zikmund

23 Excused: Diedrich

24 So the motion having received an affirmative vote of a majority of the members-elect, the
25 President declared the motion carried and the amendments were concurred in.

26 Yesterday, Sen. Schoenbeck announced his intention to reconsider the vote by which **SB 177**
27 lost.

28 Sen. Schoenbeck moved that the Senate do now reconsider the vote by which **SB 177** lost.29 The question being on Sen. Schoenbeck's motion to reconsider the vote by which **SB 177** lost.

30 And the roll being called:

31 Yeas 20, Nays 13, Excused 1, Absent 0

1 Yeas: Bolin, Crabtree, Davis, Deibert, Duhamel, Hunhoff, Johnson, Kolbeck (Steve), Larson,
 2 Maher, Otten (Herman), Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and
 3 Zikmund

4 Nays: Beal, Bordeaux, Breitling, Foster, Frye-Mueller, Hoffman, Klumb, Kolbeck (Jack),
 5 Mehlhaff, Nesiba, Novstrup, Pischke, and Wiik

6 Excused: Diedrich

7 So the motion having received an affirmative vote of a majority of the members-elect, the
 8 President declared the motion carried and **SB 177** was up for reconsideration and final passage.

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

12 Having had its second reading was up for reconsideration and final passage.

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

14 And the roll being called:

15 Yeas 20, Nays 13, Excused 1, Absent 0

16 Yeas: Bolin, Crabtree, Davis, Deibert, Duhamel, Hunhoff, Johnson, Kolbeck (Steve), Larson,
 17 Maher, Otten (Herman), Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and
 18 Zikmund

19 Nays: Beal, Bordeaux, Breitling, Foster, Frye-Mueller, Hoffman, Klumb, Kolbeck (Jack),
 20 Mehlhaff, Nesiba, Novstrup, Pischke, and Wiik

21 Excused: Diedrich

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

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

26 Sen. Larson moved that **SCR 605** be amended as follows:

27 SCR605A

28 On page 1, line 4, of the Introduced resolution, after "landscapes" insert "; and"

29 On page 1, line 4, of the Introduced resolution, after "landscapes" delete " that they can leave
 30 to future generations as a net positive land legacy; and"

31 On page 1, after line 5, of the Introduced resolution, insert: "

32 WHEREAS, there is an obligation to leave a net positive land legacy to future generations;
 33 and"

34 Which motion prevailed.

1 Sen. Larson moved that **SCR 605** as found on page 216 of the Senate Journal be adopted as
2 amended on page 268 of the Journal.

3 The question being on Sen. Larson's motion that **SCR 605** be adopted as amended.

4 And the roll being called:

5 Yeas 33, Nays 0, Excused 1, Absent 0

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

10 Excused: Diedrich

11 So the motion having received an affirmative vote of a majority of the members-elect, the
12 President declared the motion carried and **SCR 605** was adopted as amended.

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

15 **REPORTS OF STANDING COMMITTEES**

16 MR. PRESIDENT:

17 The Committee on Legislative Procedure respectfully reports that **SB 57** was delivered to her
18 Excellency, the Governor, for her approval at 2:20 p.m., February 6, 2024.

19 Respectfully submitted,
20 Lee A. Schoenbeck, Chair

21 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

23 State Affairs on **SB 115** as found on page 255 of the Senate Journal; also

24 Health and Human Services on **SB 151** as found on page 254 of the Senate Journal; and

25 Health and Human Services on **HB 1029** as found on page 254 of the Senate Journal be
26 adopted.

27 Which motion prevailed and the reports were adopted.

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

29 **HB 1099**: FOR AN ACT ENTITLED, An Act to establish educational standards for the expanded
30 practice of optometry.

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

1 **HB 1161:** FOR AN ACT ENTITLED, An Act to regulate the acceptance of a central bank digital
2 currency.

3 **HB 1163:** FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial
4 Code.

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

6 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

9 **HB 1077:** FOR AN ACT ENTITLED, An Act to provide for the disbursement of catastrophic
10 county poor relief fund to the participating counties in the event of the discontinuance of the fund.

11 **HB 1124:** FOR AN ACT ENTITLED, An Act to provide for the temporary filling of water
12 development district board positions created as a result of population increases.

13 **HCR 6003:** A CONCURRENT RESOLUTION, To create the One Hundredth Session Planning
14 Committee of the South Dakota Legislature.

15 Were read the second time.

16 The question being "Shall **SB 172** pass as amended, and **HB 1077 and 1124** pass, and
17 **HCR 6003** be concurred in as amended?"

18 And the roll being called:

19 Yeas 33, Nays 0, Excused 1, 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, Otten (Herman), Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin,
23 Wheeler, Wiik, Wink, and Zikmund

24 Excused: Diedrich

25 So the bills having received an affirmative vote of a majority of the members-elect, the
26 President declared the bills passed, the resolution concurred in, and the titles were agreed to.

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

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

30 Was read the second time.

31 The question being "Shall **SB 152** pass?"

32 And the roll being called:

33 Yeas 31, Nays 2, Excused 1, Absent 0

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

5 Nays: Frye-Mueller and Schoenbeck

6 Excused: Diedrich

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

9 **SIGNING OF BILLS**

10 The President publicly read the title to

11 **SB 12:** FOR AN ACT ENTITLED, An Act to authorize certain employer actions regarding the use
 12 of cannabis by an employee or a prospective employee.

13 **SB 44:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse health care
 14 professionals who have complied with the requirements for health care recruitment assistance
 15 programs, and to declare an emergency.

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

18 **SB 88:** FOR AN ACT ENTITLED, An Act to provide information to an injured employee about
 19 eligibility in a program offered by a nonprofit organization.

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

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

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

25 **COMMEMORATIONS**

26 **SC 806:** A LEGISLATIVE COMMEMORATION, Celebrating the career and accomplishments of
 27 Leroy Koopman, on the occasion of receiving the National Volunteer Fire Council Lifetime
 28 Achievement Award.

29 Introduced by: **Senator** Pischke and **Representatives** Gross and Hansen.

30 **HC 8012:** A LEGISLATIVE COMMEMORATION, Honoring the victims of Agent Orange during
 31 the Vietnam War.

32 Sen. Foster moved that the Senate do now adjourn, which motion prevailed and at 2:50 p.m.
 33 the Senate adjourned.

34 Peggy Laurenz, Secretary

