

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

TWENTY-FIRST DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 08, 2024

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by Senate page Lily Fods.

Roll Call: All members present except Sens. Diedrich and Frye-Mueller 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 20th 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

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
4 under consideration **HB 1067** and returns the same with the recommendation that said bill do pass.

5 Also MR. PRESIDENT:

6 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
7 under consideration **SB 29, and HB 1008** and returns the same with the recommendation that said
8 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

9 Also MR. PRESIDENT:

10 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
11 under consideration **SB 162** with the recommendation that said bill be referred to the Joint
12 Committee on Appropriations with a Do Pass recommendation.

13 Also MR. PRESIDENT:

14 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
15 under consideration **SR 701** and returns the same with the recommendation that said resolution be
16 adopted.

17 Also MR. PRESIDENT:

18 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
19 under consideration the nomination of Mark Morrell of Minnehaha County, Brandon, South Dakota,
20 to the Adjutant General of the South Dakota National Guard and returns the same with the
21 recommendation that the Senate advise and consent to the confirmation of said appointment.22
23Respectfully submitted,
David Johnson, Chair

24 MR. PRESIDENT:

25 The Committee on Senate Education respectfully reports that it has had under consideration
26 **SB 204** with the recommendation that said bill be referred to the Joint Committee on Appropriations
27 with a Do Pass recommendation.28
29Respectfully submitted,
Kyle Schoenfish, Chair

30 MR. PRESIDENT:

31 The Committee on Senate Judiciary respectfully reports that it has had under consideration
32 **SB 175** and returns the same with the recommendation that said bill do pass, and having been
33 certified as uncontested, be placed on the consent calendar.

34 Also MR. PRESIDENT:

35 The Committee on Senate Judiciary respectfully reports that it has had under consideration
36 **SB 200** which was deferred to the 41st Legislative Day.

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **HB 1092** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Helene Duhamel, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
8 had under consideration **SB 215** which was deferred to the 41st Legislative Day.

9 Also MR. PRESIDENT:

10 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
11 had under consideration **HB 1145** and returns the same with the recommendation that said bill do
12 pass, and having been certified as uncontested, be placed on the consent calendar.

13 Respectfully submitted,
14 Herman Otten, Chair

15 MR. PRESIDENT:

16 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
17 Enrolling has carefully compared **SB 14 and 78** and finds the same correctly enrolled.

18 Respectfully submitted,
19 Lee A. Schoenbeck, Chair

20 MR. PRESIDENT:

21 The Committee on Legislative Procedure respectfully reports that **SB 12, 44, 79, and 88** were
22 delivered to her Excellency, the Governor, for her approval at 11:25 a.m., February 8, 2024.

23 Respectfully submitted,
24 Lee A. Schoenbeck, Chair

25 **MESSAGES FROM THE HOUSE**

26 MR. PRESIDENT:

27 I have the honor to return herewith **SB 14** which has passed the House without change.

28 Also MR. PRESIDENT:

29 I have the honor to transmit herewith **HB 1100** which has passed the House and your favorable
30 consideration is respectfully requested.

31 Respectfully,
32 Patricia Miller, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2

Sen. Crabtree moved that **HB 1073, 1097, and 1127** be deferred to Monday, February 12, 2024, the 22nd legislative day.

3

4

Which motion prevailed.

5

CONSIDERATION OF REPORTS OF COMMITTEES

6

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

7

State Affairs on **SB 96** as found on page 275 of the Senate Journal; also

8

Transportation on **SB 169** as found on page 274 of the Senate Journal; and

9

Local Government on **SB 219** as found on page 275 of the Senate Journal be adopted.

10

Which motion prevailed and the reports were adopted.

11

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

12

HB 1100: FOR AN ACT ENTITLED, An Act to modify certain requirements for eligibility to receive a gift of a museum collection from a county or municipality.

13

14

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

15

SECOND READING OF CONSENT CALENDAR ITEMS

16

SB 124: FOR AN ACT ENTITLED, An Act to revise the eligibility of roads for the rural access infrastructure fund.

17

18

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

19

20

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

21

22

Were read the second time.

23

The question being "Shall **SB 190** pass as amended, and **SB 124 and 194** pass?"

24

And the roll being called:

25

Yeas 32, Nays 0, Excused 2, Absent 0

26

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

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Excused: Diedrich and Frye-Mueller

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

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

4 **SB 188:** FOR AN ACT ENTITLED, An Act to modify the time before which rural access
5 infrastructure grant moneys must be expended or obligated.

6 Was read the second time.

7 Sen. Davis moved that **SB 188** be amended as follows:

8 188B

9 On page 1, line 21, of the Introduced bill, after "§ 31-34-2" delete ", by June first of the
10 preceding fiscal year"

11 Which motion prevailed.

12 The question being "Shall **SB 188** pass as amended?"

13 And the roll being called:

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

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

19 Excused: Diedrich and Frye-Mueller

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

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

24 **REPORTS OF STANDING COMMITTEES**

25 MR. PRESIDENT:

26 The Committee on Senate Commerce and Energy respectfully reports that it has had under
27 consideration **SB 208** which was deferred to the 41st Legislative Day.

28 Also MR. PRESIDENT:

29 The Committee on Senate Commerce and Energy respectfully reports that it has had under
30 consideration **SB 217** and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
3 consideration **SCR 603** and returns the same with the recommendation that said resolution be
4 adopted.

5 Also MR. PRESIDENT:

6 The Committee on Senate Commerce and Energy respectfully reports that it has had under
7 consideration the nomination of Timothy Donohue of Minnehaha County, Sioux Falls, South Dakota,
8 to the South Dakota Lottery Commission and returns the same with the recommendation that the
9 Senate advise and consent to the confirmation of said appointment.

10 Also MR. PRESIDENT:

11 The Committee on Senate Commerce and Energy respectfully reports that it has had under
12 consideration the nomination of Steven Harding of Hughes County, Pierre, South Dakota, to the
13 South Dakota Lottery Commission and returns the same with the recommendation that the Senate
14 advise and consent to the confirmation of said appointment.

15 Also MR. PRESIDENT:

16 The Committee on Senate Commerce and Energy respectfully reports that it has had under
17 consideration the nomination of Tona Rozum of Davison County, Mitchell, South Dakota, to the
18 South Dakota Lottery Commission and returns the same with the recommendation that the Senate
19 advise and consent to the confirmation of said reappointment, and that said reappointment having
20 been certified as uncontested, be placed on the consent calendar.

21 Also MR. PRESIDENT:

22 The Committee on Senate Commerce and Energy respectfully reports that it has had under
23 consideration the nomination of Joseph Kafka of Lincoln County, Sioux Falls, South Dakota, to the
24 South Dakota Lottery Commission and returns the same with the recommendation that the Senate
25 advise and consent to the confirmation of said reappointment, and that said reappointment having
26 been certified as uncontested, be placed on the consent calendar.

27 Respectfully submitted,
28 David Wheeler, Chair

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

30 **HB 1034:** FOR AN ACT ENTITLED, An Act to require hydrogen pipelines to be permitted by the
31 Public Utilities Commission.

32 Was read the second time.

33 The question being "Shall **HB 1034** pass?"

34 And the roll being called:

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

36 Yeas: Bolin, Bordeaux, Breitling, Davis, Deibert, Duhamel, Foster, Hoffman, Hunhoff, Klumb,
37 Kolbeck (Jack), Kolbeck (Steve), Larson, Maher, Mehlhaff, Nesiba, Novstrup, Otten (Herman),
38 Pischke, Reed, Rohl, Schoenfish, Stalzer, Tobin, Wheeler, Wink, and Zikmund

39 Nays: Beal, Crabtree, Johnson, Schoenbeck, and Wiik

1 Excused: Diedrich and Frye-Mueller

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

4 **HB 1043:** FOR AN ACT ENTITLED, An Act to include lithium in the definition of precious metal
5 for purposes of the minerals severance tax, and to set the tax rate for lithium severed in this state.

6 Was read the second time.

7 The question being "Shall **HB 1043** pass as amended?"

8 And the roll being called:

9 Yeas 23, Nays 9, Excused 2, Absent 0

10 Yeas: Bolin, Breitling, Davis, Deibert, Duhamel, Hunhoff, Klumb, Kolbeck (Jack), Kolbeck
11 (Steve), Maher, Mehlhaff, Novstrup, Otten (Herman), Pischke, Reed, Rohl, Schoenbeck, Schoenfish,
12 Stalzer, Tobin, Wheeler, Wink, and Zikmund

13 Nays: Beal, Bordeaux, Crabtree, Foster, Hoffman, Johnson, Larson, Nesiba, and Wiik

14 Excused: Diedrich and Frye-Mueller

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

17 Sen. Deibert announced his intention to reconsider the vote by which **HB 1043** lost.

18 **SIGNING OF BILLS**

19 The President publicly read the title to

20 **SB 14:** FOR AN ACT ENTITLED, An Act to expand authorization for the conditional taking of
21 coyotes from snowmobiles.

22 **SB 78:** FOR AN ACT ENTITLED, An Act to provide for an E15 fuel tax refund.

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

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

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

28 **COMMEMORATIONS**

29 **SC 808:** A LEGISLATIVE COMMEMORATION, Recognizing the annual South Dakota Senior
30 Games.

31 Introduced by: **Senator** Kolbeck (Jack).

1 Sen. Wheeler moved that the Senate do now adjourn, which motion prevailed and at 1:42 p.m.
2 the Senate adjourned.

3

Peggy Laurenz, Secretary