

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 14, 2024

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

The prayer was offered by the Chaplain, Noah VonSeggern, followed by the Pledge of Allegiance led by Senate page Nicole Steffensen.

Roll Call: All members present except Sens. Diedrich, Foster, and Wink 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 23rd 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 to Senator Michael Walsh by the President.

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

3 The President Pro Tempore announced the following changes in committee assignments: Sen.
 4 Walsh to the Senate Committee on Local Government to replace Sen. Deibert, to the Senate
 5 Committee on Judiciary to replace Sen. Klumb, and to the Senate Committee on Health and Human
 6 Services to replace Sen. Hoffman.

7 **REPORTS OF STANDING COMMITTEES**

8 MR. PRESIDENT:

9 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
 10 under consideration **SB 180** which was tabled.

11 Also MR. PRESIDENT:

12 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
 13 under consideration the nomination of David A. Dailey of Meade County, Sturgis, South Dakota, to
 14 the Assistant Adjutant General, Army and returns the same with the recommendation that the
 15 Senate advise and consent to the confirmation of said appointment.

16 Also MR. PRESIDENT:

17 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
 18 under consideration **HB 1007** and returns the same with the recommendation that said bill do pass.

19 Respectfully submitted,
 20 David Johnson, Chair

21 MR. PRESIDENT:

22 The Committee on Senate Local Government respectfully reports that it has had under
 23 consideration **SB 195** and returns the same with the recommendation that said bill be amended as
 24 follows:

25 195B

26 On the Introduced bill, delete everything after the enacting clause and insert:"

27 **Section 1. That a NEW SECTION be added to chapter 31-18:**

28 After a county or township vacates, changes, or relocates a section-line highway, the
 29 commissioner of school and public lands must review the petition to vacate, change, or relocate the
 30 highway to ensure compliance with the requirements in § 31-3-6.1. Any petition submitted for
 31 review must include a legal description of the location of the section-line highway and a description
 32 of the action taken. If the commissioner finds the petition complies with § 31-3-6.1, the county or
 33 township shall file the petition in accordance with state law. The petition must include an attached
 34 statement from the commissioner stating compliance with § 31-3-6.3. If the commissioner finds
 35 after review that the petition does not comply with § 31-3-6.1, the petition must be declared void
 36 ab initio. If the commissioner finds the petition is void ab initio, the commissioner shall notify the
 37 county or township. The commissioner shall have seven days from receipt of the petition to review
 38 the petition for compliance. The commissioner shall create a form to be attached to the petition.

1 Any adverse decision by the commissioner may be appealed to the circuit court. "

2 And that as so amended, **SB 195** do pass.

3 Also MR. PRESIDENT:

4 The Committee on Senate Local Government respectfully reports that it has had under
5 consideration **SB 199** and returns the same with the recommendation that said bill be amended as
6 follows:

7 199C

8 On page 2, line 15, of the Introduced bill, after "include" insert " two members of the board of
9 county commissioners from each affected county and"

10 On page 2, line 15, of the Introduced bill, delete " city" and insert " first or second class
11 municipality"

12 On page 2, line 26, of the Introduced bill, after "recommendations." insert "

13 The study committee may not expend more than an amount equal to two-fifths of the South
14 Dakota median household income reported by the United States Census Current Population Survey,
15 as ascertained and adjusted each year by the State Board of Finance to take effect on January first
16 of each year, without the consent of the boards of county commissioners of each of the affected
17 counties. "

18 On page 2, line 30, of the Introduced bill, after "performed." delete "The office of the secretary
19 of state shall reimburse each county for the necessary costs of a study committee formed pursuant
20 to § 7-2-1 or section 2 of this Act. The secretary of state shall promulgate rules, pursuant to chapter
21 1-26, defining the necessary costs of a study committee and the reimbursement process."

22 On page 3, line 3, of the Introduced bill, delete " twenty" and insert " eighty"

23 On page 3, line 13, of the Introduced bill, after "boundaries;(5)" insert "The location of the
24 county seat for the new county;

25 (6) The name of the new county;

26 (7) "

27 On page 3, line 16, of the Introduced bill, delete "(6)" and insert "(8)"

28 On page 3, line 19, of the Introduced bill, delete "(7)" and insert "(9)"

29 On page 3, line 20, of the Introduced bill, delete "(8)" and insert "(10)"

30 On page 3, line 22, of the Introduced bill, delete "(9)" and insert "(11)"

31 On page 3, line 25, of the Introduced bill, delete "(10)" and insert "(12)"

32 On page 4, line 28, of the Introduced bill, after "7-2-10" insert ", or as otherwise set forth in
33 the study committee's county consolidation plan"

34 On page 5, line 1, of the Introduced bill, after "7-2-7. " delete "Any new county formed
35 pursuant to this chapter shall take the name of the "

36 On page 5, line 2, of the Introduced bill, after "senior" delete " county that had the largest
37 population before consolidation"

1 On page 5, line 5, of the Introduced bill, after "county" insert "The name of a new county
2 formed pursuant to this chapter must be the name set forth in the study committee's county
3 consolidation plan"

4 On page 5, line 12, of the Introduced bill, after "shall" delete " designate the location of the
5 county seat for the new county and shall"

6 On page 5, line 13, of the Introduced bill, delete " five" and insert " three to seven"

7 On page 5, line 15, of the Introduced bill, after "districts" insert ", or provide that the
8 commissioners are elected at large, if so designated in the study committee's county consolidation
9 plan"

10 And that as so amended, **SB 199** do pass.

11 Also MR. PRESIDENT:

12 The Committee on Senate Local Government respectfully reports that it has had under
13 consideration **SB 197** with the recommendation that said bill be referred to the Joint Committee on
14 Appropriations with a Do Pass recommendation.

15 Respectfully submitted,
16 Tim Reed, Chair

17 MR. PRESIDENT:

18 The Committee on Senate State Affairs respectfully reports that it has had under consideration
19 **SB 13** and returns the same with the recommendation that said bill be amended as follows:

20 13E

21 On page 1, line 1, of the Introduced bill, after "for" insert " the offices of"

22 On page 1, line 1, of the Introduced bill, after "governor" insert ", attorney general, and
23 secretary of state"

24 On page 1, line 5, of the Introduced bill, delete " 5:00" and insert " five"

25 On page 1, line 7, of the Introduced bill, after "certification. " delete "The State Board of
26 Elections shall promulgate rules, pursuant to chapter 1-26, to prescribe the form for the certification
27 of a candidate for lieutenant governor."

28 On page 1, line 15, of the Introduced bill, after "certified." insert " The State Board of Elections
29 shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certification and
30 withdrawal of a candidate for lieutenant governor."

31 On page 1, after line 15, of the Introduced bill, insert: "

32 **Section 2. That § 12-5-17 be AMENDED:**

33 **12-5-17.** Each political party shall hold a state convention in each even-numbered year for
34 the purposes stated in § 12-5-21. The state central committee of each political party shall determine
35 the time and place of the convention. The chair of the committee shall notify the secretary of state
36 of the date and place of the convention at least fifteen business days prior to thirty days before the
37 date chosen."

38 On page 1, line 18, of the Introduced bill, after "governor," delete " attorney general, secretary
39 of state,"

1 On page 1, after line 23, of the Introduced bill, insert: "

2 **Section 4. That a NEW SECTION be added to chapter 12-5:**

3 If a political party is unable to nominate a candidate for the office of attorney general or
 4 secretary of state at the primary election, the political party may nominate a candidate for the office
 5 at the state convention."

6 On page 1, after line 23, of the Introduced bill, insert: "

7 **Section 5. That § 12-5-25 be AMENDED:**

8 **12-5-25.** A political party with alternative political status may nominate a candidate for United
 9 States Senate, United States House of Representatives, Governor, attorney general, secretary of
 10 state, and any legislative seat by convention, if the nomination is submitted with the proper
 11 documentation to the Office of the Secretary of State no later than ~~5:00~~ five p.m. central time on
 12 the second Tuesday in August, ~~of~~ in the year of the election.

13 A candidate registered with a political party with an alternative political status may choose, if
 14 allowed by the party bylaws, to participate in a primary election by submitting a candidate petition
 15 no later than the last Tuesday of March in accordance with § 12-5-1.4."

16 On page 1, after line 23, of the Introduced bill, insert: "

17 **Section 6. That § 12-5-26 be AMENDED:**

18 **12-5-26.** A new political party may nominate a candidate for United States Senate, United
 19 States House of Representatives, Governor, attorney general, secretary of state, and any legislative
 20 seat by convention, if the nomination is submitted with the proper documentation to the Office of
 21 the Secretary of State no later than ~~5:00~~ five p.m. central time on the second Tuesday in August,
 22 ~~of~~ in the year of the election."

23 On page 1, after line 23, of the Introduced bill, insert: "

24 **Section 7. That § 12-6-7 be AMENDED:**

25 **12-6-7.** A nominating petition may be composed of several sheets, ~~each.~~ Each sheet ~~shall~~
 26 must have identical headings printed at the top and ~~shall~~ must be a self-contained sheet of paper.
 27 The petition for a candidate for the Legislature ~~shall designate~~ must specify the senatorial or
 28 representative district number and house for which the person is a candidate.

29 The petition for ~~party office or political public office for a state~~ a political party's gubernatorial
 30 or federal candidate shall must be signed by not less than one percent of the voters who voted for
 31 that party's gubernatorial candidate at the last gubernatorial election ~~in the state.~~ The petition of a
 32 party's candidate for attorney general or secretary of state must be signed by not less than one-
 33 quarter of one percent of the voters who voted for that party's gubernatorial candidate at the last
 34 gubernatorial election or two hundred fifty qualified voters, whichever is greater. A petition for the
 35 Legislature, county party office, or county political public office ~~shall~~ must be signed by not less than
 36 one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial
 37 election, or fifty voters, in the county, part of the county, or district electing a candidate to fill the
 38 office, whichever is less.

39 If the party meets the requirement for alternative political status as defined in § 12-1-3.1, the
 40 petition for party office or political public office for a state or federal candidate ~~shall~~ must be signed
 41 by not less than one percent of the voters who voted for that party's statewide candidate receiving
 42 the highest votes at the last gubernatorial election in the state. A petition for the Legislature, county
 43 party office, or county political public office shall be signed by not less than one percent of the voters
 44 who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial
 45 election in the county, part of the county, or district electing a candidate to fill the office, whichever
 46 is less.

1 If a county uses vote centers and does not print ballots by precinct, signature requirements
2 are:

3 (1) For both partisan and independent candidates, fifty signatures for a legislative
4 candidate whose district either in whole or in part includes that county;

5 (2) For a county candidate:

6 (a) Partisan candidate petitions ~~shall~~ must be signed by the lesser of fifty signatures or
7 signatures from one percent of the voters who voted for that party's gubernatorial candidate, or the
8 party's statewide candidate receiving the highest votes if the party meets the requirement for
9 alternative party status as defined in § 12-1-3.1, at the last gubernatorial election in the county
10 electing a candidate to fill the office; or

11 (b) Independent candidate petitions ~~shall~~ must be signed by not less than one percent
12 of the total combined vote for Governor at the last certified election within the county electing a
13 candidate to fill the office;

14 (3) Half the number of signatures required under subdivision (2), for county
15 commissioner district candidates;

16 (4) Five signatures for a new party legislative candidate whose district either in whole
17 or in part includes that county;

18 (5) Five signatures for a new party county candidate; or

19 (6) Three signatures for a new party county commissioner district candidate."

20 On page 1, after line 23, of the Introduced bill, insert: "

21 **Section 8. That § 12-7-1 be AMENDED:**

22 **12-7-1.** Any candidate for nonjudicial public office, except the office of lieutenant governor
23 and as provided in § 12-7-7, who is not nominated by a primary election may be nominated by filing
24 a certificate of nomination with the secretary of state or county auditor ~~as prescribed in the manner~~
25 of filing nominating petitions as described in by § 12-6-4, after December thirty-first ~~and by~~ but no
26 later than five p.m. local time on the last Tuesday of April ~~at 5:00 p.m. local time~~ before the election.
27 A certificate of nomination ~~shall~~ must be executed as provided in chapter 12-6. ~~If A certificate of~~
28 nomination is timely submitted if the certificate of nomination is mailed by registered mail ~~by no~~
29 later than five p.m. local time on the last Tuesday of April ~~at 5:00 p.m. local time~~ before the election;
30 ~~it is timely submitted.~~ The certificate of nomination ~~shall~~ must be signed by registered voters within
31 the district or political subdivision in and for which the officers are to be elected. The number of
32 signatures required may not be less than one percent of the total combined vote cast for Governor
33 at the last certified gubernatorial election within the district or political subdivision. The State Board
34 of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate
35 of nomination."

36 On page 2, line 3, of the Introduced bill, delete " 5:00" and insert " five"

37 On page 2, line 4, of the Introduced bill, after "candidate" insert " for Governor"

38 On page 2, line 15, of the Introduced bill, after "certified." delete "The State Board of Elections
39 shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certification for
40 lieutenant governor."

41 On page 2, after line 16, of the Introduced bill, insert: "

42 **Section 10. That § 12-25-28 be AMENDED:**

1 **12-25-28.** Any candidate for the United States Senate, the United States House of
 2 Representatives, Governor, attorney general, secretary of state, circuit court judge, or the
 3 Legislature shall file a statement of financial interest with the secretary of state not more than fifteen
 4 days after filing the candidate's nominating petitions. Any Supreme Court justice shall file a
 5 statement of financial interest with the secretary of state not more than fifteen days following notice
 6 to the secretary of state of the justice's intention to place the justice's name on the retention ballot.
 7 A violation of this section is a petty offense. Any intentional violation of this section is a Class 2
 8 misdemeanor."

9 On page 2, after line 16, of the Introduced bill, insert: "

10 **Section 11. That § 12-25-29 be AMENDED:**

11 **12-25-29.** Any candidate for lieutenant governor, state treasurer, ~~attorney general, secretary~~
 12 ~~of state~~, state auditor, public utilities commissioner, or commissioner of school and public lands shall
 13 file a statement of financial interest with the secretary of state not more than fifteen days after the
 14 candidate's nomination is certified. A violation of this section is a petty offense. Any intentional
 15 violation of this section is a Class 2 misdemeanor."

16 And that as so amended, **SB 13** do pass.

17 Also MR. PRESIDENT:

18 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 19 **SB 107** which was tabled.

20 Also MR. PRESIDENT:

21 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 22 **SB 126, 127, 128, and 129, and HB 1163** and returns the same with the recommendation that
 23 said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

24 Also MR. PRESIDENT:

25 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 26 **SB 213** which was deferred to the 41st Legislative Day.

27 Also MR. PRESIDENT:

28 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 29 **HB 1161** and returns the same with the recommendation that said bill do pass.

30 Respectfully submitted,
 31 Casey Crabtree, Chair

32 MR. PRESIDENT:

33 The Committee on Senate Taxation respectfully reports that it has had under consideration
 34 **SB 32** which was deferred to the 41st Legislative Day.

35 Also MR. PRESIDENT:

36 The Committee on Senate Taxation respectfully reports that it has had under consideration
 37 **SB 130** and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Taxation respectfully reports that it has had under consideration
 3 **HB 1082** and returns the same with the recommendation that said bill be amended as follows:

4 1082B

5 On page 1, line 16, of the House Military and Veterans Affairs Engrossed bill, after "10-18."
 6 delete "Beginning on January 1, 2025, the total amount of full and true value exempt under this
 7 section increases annually by the index factor. The index factor is the annual percentage change in
 8 the consumer price index for urban wage earners and clerical workers as computed by the Bureau
 9 of Labor Statistics of the United States Department of Labor during the prior year. "

10 On page 2, line 18, of the House Military and Veterans Affairs Engrossed bill, after "10-18."
 11 delete "Beginning on January 1, 2025, the total amount of full and true value exempt under this
 12 section increases annually by the index factor. The index factor is the annual percentage change in
 13 the consumer price index for urban wage earners and clerical workers as computed by the Bureau
 14 of Labor Statistics of the United States Department of Labor during the prior year. "

15 And that as so amended, **HB 1082** do pass, and having been certified as uncontested, be
 16 placed on the consent calendar.

17 Respectfully submitted,
 18 Jim Stalzer, Chair

19 MR. PRESIDENT:

20 The Joint Committee on Appropriations respectfully reports that it has had under consideration
 21 **SB 105** with the recommendation that said bill be referred to the Senate Committee on
 22 Appropriations.

23 Respectfully submitted, Respectfully submitted,
 24 Mike Derby, Co-Chair Jean Hunhoff, Co-Chair

25 MR. PRESIDENT:

26 The Committee on Senate Health and Human Services respectfully reports that it has had
 27 under consideration **SB 191**, which was reconsidered and returns the same with the
 28 recommendation that said bill be amended as follows:

29 191B

30 On the Introduced bill, delete everything after the enacting clause and insert:"

31 **Section 1. That a NEW SECTION be added to chapter 34-20G:**

32 In order for an individual who is serving a probationary sentence under the supervision of the
 33 Unified Judicial System or who is on conditional release or parole from a state correctional facility
 34 under the legal custody of the Department of Corrections to utilize medical cannabis, the individual's
 35 practitioner must attest that the use of medical cannabis is:

36 (1) Consistent with the medical standard of care for the treatment of the individual's
 37 documented debilitating medical condition and any symptoms associated with the debilitating
 38 medical condition;

39 (2) Reasonable in light of the practitioner's observation and the individual's physical
 40 examination, diagnostic test results, medical history, and reported symptoms; and

1 (3) Reasonable in light of the risks and benefits of medical cannabis as compared to the risks
2 and benefits of other treatment options for the individual's debilitating medical condition and any
3 symptoms associated with the debilitating medical condition."

4 And that as so amended, **SB 191**, which was reconsidered do pass.

5 Also MR. PRESIDENT:

6 The Committee on Senate Health and Human Services respectfully reports that it has had
7 under consideration **SB 198** and returns the same with the recommendation that said bill do pass,
8 and having been certified as uncontested, be placed on the consent calendar.

9 Also MR. PRESIDENT:

10 The Committee on Senate Health and Human Services respectfully reports that it has had
11 under consideration **SB 205** which was tabled.

12 Also MR. PRESIDENT:

13 The Committee on Senate Health and Human Services respectfully reports that it has had
14 under consideration **SB 210** which was deferred to the 41st Legislative Day.

15 Respectfully submitted,
16 Erin Tobin, Chair

17 MR. PRESIDENT:

18 The Committee on Legislative Procedure respectfully reports that **SB 68 and 69** were delivered
19 to her Excellency, the Governor, for her approval at 10:30 a.m., February 14, 2024.

20 Respectfully submitted,
21 Lee A. Schoenbeck, Chair

22 **MESSAGES FROM THE HOUSE**

23 MR. PRESIDENT:

24 I have the honor to transmit herewith **HB 1135, 1178, 1220, 1231, and 1239** which have
25 passed the House and your favorable consideration is respectfully requested.

26 Respectfully,
27 Patricia Miller, Chief Clerk

28 **MOTIONS AND RESOLUTIONS**

29 Yesterday, **HCR 6007** had its first reading and was referred to the Military and Veterans Affairs
30 Committee. Today, committee referral is being waived pursuant to JR 6D-1.

31 **HCR 6008:** A CONCURRENT RESOLUTION, opposing an initiated measure to place the right to
32 an abortion in the Constitution of South Dakota.

1 Sen. Davis moved that the Senate do concur in **HCR 6008** as found on page 310 of Senate
2 Journal.

3 The question being on Sen. Davis' motion that **HCR 6008** be concurred in.

4 And the roll being called:

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

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

10 Nays: Bordeaux, Larson, and Nesiba

11 Excused: Diedrich, Foster, and Wink

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 President declared the motion carried and **HCR 6008** was concurred in.

14 Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
15 Thursday, February 15, the 25th legislative day.

16 Which motion prevailed.

17 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

19 Judiciary on **SB 146** as found on page 305 of the Senate Journal; and

20 Judiciary on **SB 214** as found on page 306 of the Senate Journal be adopted.

21 Which motion prevailed and the reports were adopted.

22 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

23 The Senate proceeded to the consideration of the executive appointment of Hank Prim, to the
24 South Dakota Interstate Compact for Adult Offender Supervision.

25 The question being "Does the Senate advise and consent to the executive appointment of Hank
26 Prim pursuant to the executive message as found on page 244 of the Senate Journal?"

27 And the roll being called:

28 Yeas 32, Nays 0, Excused 3, Absent 0

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

33 Excused: Diedrich, Foster, and Wink

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

3 **CONSIDERATION OF JUDICIAL APPOINTMENTS**

4 The Senate proceeded to the consideration of the judicial appointment of John L. Brown of
 5 Rapid City, South Dakota, to the Board of Pardons and Paroles.

6 The question being "Does the Senate advise and consent to the judicial appointment of
 7 John L. Brown pursuant to the judicial message as found on page 102 of the Senate Journal?"

8 And the roll being called:

9 Yeas 32, Nays 0, Excused 3, Absent 0

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

14 Excused: Diedrich, Foster, and Wink

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

17 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

18 The Senate proceeded to the consideration of the executive reappointment of Peter Lieberman
 19 of Minnehaha County, Sioux Falls, South Dakota, to the Board of Pardons and Paroles (SJ 172), and

20 Jan Steele of Codington County, Watertown, South Dakota, to the Board of Pardons and Paroles
 21 (SJ 172), and

22 Krista Heeren-Graber, Minnehaha County, Sioux Falls, South Dakota, to the South Dakota
 23 Interstate Compact for Adult Offender Supervision (SJ 245).

24 The question being "Does the Senate advise and consent to the executive reappointments of
 25 Peter Lieberman, Jan Steele, and Krista Heeren-Graber?"

26 And the roll being called:

27 Yeas 31, Nays 1, Excused 3, Absent 0

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

32 Nays: Pischke

33 Excused: Diedrich, Foster, and Wink

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

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2
3

The President declared that **SB 116** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

4

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

5
6

HB 1135: FOR AN ACT ENTITLED, An Act to expand definitions pertaining to the purchasing of grain.

7
8

HB 1231: FOR AN ACT ENTITLED, An Act to place restrictions on the ownership of agricultural land.

9

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

10
11

HB 1220: FOR AN ACT ENTITLED, An Act to allow an appeal of a decision of the Department of Education regarding special education or related services by a civil action against the department.

12

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

13
14

HB 1178: FOR AN ACT ENTITLED, An Act to prohibit the Board of Regents or any institution under its control from using state resources for obscene live conduct.

15
16

HB 1239: FOR AN ACT ENTITLED, An Act to prohibit the dissemination of incorrect or misleading ballot information and to provide a penalty therefor.

17

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

18

SECOND READING OF CONSENT CALENDAR ITEMS

19
20

HB 1091: FOR AN ACT ENTITLED, An Act to enact the Interstate Insurance Product Regulation Commission.

21

Was read the second time.

22

The question being "Shall **HB 1091** pass as amended?"

23

And the roll being called:

24

Yeas 32, Nays 0, Excused 3, Absent 0

25
26
27
28

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, Walsh, Wheeler, Wiik, and Zikmund

29

Excused: Diedrich, Foster, and Wink

30
31

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

1 The question being on the title.

2 Sen. Hoffman moved that the title to **HB 1091** be amended as follows:

3 1091B

4 On page 1, line 1, of the House Commerce and Energy Engrossed bill, delete " Commission"
5 and insert " Compact"

6 Which motion prevailed and the title was so amended.

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

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

10 Was read the second time.

11 The question being "Shall **HB 1008** pass as amended?"

12 And the roll being called:

13 Yeas 31, Nays 1, Excused 3, Absent 0

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

18 Nays: Bolin

19 Excused: Diedrich, Foster, and Wink

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 **HB 1092:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the 911 emergency
23 surcharge.

24 Was read the second time.

25 The question being "Shall **HB 1092** pass as amended?"

26 And the roll being called:

27 Yeas 21, Nays 11, Excused 3, Absent 0

28 Yeas: Beal, Bolin, Bordeaux, Breitling, Davis, Deibert, Duhamel, Hunhoff, Klumb, Larson,
29 Mehlhaff, Nesiba, Novstrup, Otten (Herman), Reed, Rohl, Schoenbeck, Stalzer, Tobin, Walsh, and
30 Wiik

31 Nays: Crabtree, Frye-Mueller, Hoffman, Johnson, Kolbeck (Jack), Kolbeck (Steve), Maher,
32 Pischke, Schoenfish, Wheeler, and Zikmund

33 Excused: Diedrich, Foster, and Wink

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

3 Sen. Mehlhaff announced his intention to reconsider the vote by which **HB 1092** lost.

4 **SIGNING OF BILLS**

5 The President publicly read the title to

6 **HB 1029:** FOR AN ACT ENTITLED, An Act to modify and repeal provisions related to the
 7 licensure of hearing aid dispensers and audiologists.

8 **HB 1067:** FOR AN ACT ENTITLED, An Act to designate Medal of Honor Recognition Day.

9 **HB 1073:** FOR AN ACT ENTITLED, An Act to keep interest earned on incarceration construction
 10 fund moneys in the same fund.

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

13 **HB 1127:** FOR AN ACT ENTITLED, An Act to modify requirements for incorporating
 14 municipalities that are within three miles of another incorporated municipality.

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

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

17 **COMMEMORATIONS**

18 **SC 809:** A LEGISLATIVE COMMEMORATION, Honoring the life and service of Union County
 19 Sheriff Dan Limoges.

20 Introduced by: **Senators** Bolin, Davis, Schoenbeck, and Zikmund and
 21 **Representatives** Arlint, Bartels, Chaffee, Chase, Duba, Emery, Fitzgerald, Hansen, Jamison,
 22 Jensen (Kevin), Kassin, Krull, Kull, Ladner, Lems, Moore, Mortenson, Mulally, Mulder, Otten (Ernie),
 23 Pinnow, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, Stevens, Teunissen, Venhuizen,
 24 and Wangsness.

25 Sen. Walsh moved that the Senate do now adjourn, which motion prevailed and at 3:03 p.m.
 26 the Senate adjourned.

27 Peggy Laurenz, Secretary