

# *JOURNAL OF THE SENATE*

## *NINETY-NINTH SESSION*

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TWENTY-EIGHTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, February 22, 2024

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Jillian Bauer.

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 27th 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.

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**REPORTS OF STANDING COMMITTEES**

2 MR. PRESIDENT:

3 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
4 **HB 1057 and 1096** and returns the same with the recommendation that said bills do pass, and  
5 having been certified as uncontested, be placed on the consent calendar.

6 Also MR. PRESIDENT:

7 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
8 **HB 1192** which was deferred to the 41st Legislative Day.

9 Also MR. PRESIDENT:

10 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
11 **HB 1195** and returns the same with the recommendation that said bill be amended as follows:

12 1195C

13 On page 1, line 4, of the House Engrossed bill, delete " 25-7" and insert " 23A-28"

14 On page 1, line 6, of the House Engrossed bill, after "parent" delete " or guardian"

15 1195D

16 On the previously adopted amendment (1195C), On page 1, line 24, after "guardian." insert "  
17 The child's surviving parent or guardian must expend the moneys for the benefit of the child."

18 And that as so amended, **HB 1195** do pass, and having been certified as uncontested, be  
19 placed on the consent calendar.

20 Respectfully submitted,  
21 Helene Duhamel, Chair

22 MR. PRESIDENT:

23 The Committee on Senate Education respectfully reports that it has had under consideration  
24 **HB 1220** and returns the same with the recommendation that said bill do pass.

25 Also MR. PRESIDENT:

26 The Committee on Senate Education respectfully reports that it has had under consideration  
27 **HB 1187 and 1197** and returns the same with the recommendation that said bills do pass, and  
28 having been certified as uncontested, be placed on the consent calendar.

29 Respectfully submitted,  
30 Kyle Schoenfish, Chair

31 MR. PRESIDENT:

32 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
33 had under consideration **HB 1231** and returns the same with the recommendation that said bill do  
34 pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
3 had under consideration **HB 1228** and returns the same with the recommendation that said bill do  
4 pass, and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 Herman Otten, Chair

7 MR. PRESIDENT:

8 The Joint Committee on Appropriations respectfully reports that it has had under consideration  
9 **SB 31 and 162** which were tabled.

10 Respectfully submitted, Respectfully submitted,  
11 Mike Derby, Co-Chair Jean Hunhoff, Co-Chair

12 MR. PRESIDENT:

13 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
14 consideration the nomination of Tom Graham of Minnehaha County, Sioux Falls, South Dakota, to  
15 the South Dakota Building Authority and returns the same with the recommendation that the Senate  
16 advise and consent to the confirmation of said reappointment, and that said reappointment having  
17 been certified as uncontested, 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 the nomination of Douglas Hajek of Lincoln County, Sioux Falls, South Dakota, to the  
21 South Dakota Building Authority and returns the same with the recommendation that the Senate  
22 advise and consent to the confirmation of said reappointment, and that said reappointment having  
23 been certified as uncontested, be placed on the consent calendar.

24 Also MR. PRESIDENT:

25 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
26 consideration the nomination of James Lust of Brown County, Aberdeen, South Dakota, to the South  
27 Dakota Building Authority and returns the same with the recommendation that the Senate advise  
28 and consent to the confirmation of said reappointment, and that said reappointment having been  
29 certified as uncontested, be placed on the consent calendar.

30 Also MR. PRESIDENT:

31 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
32 consideration the nomination of Tina Van Camp of Stanley County, Fort Pierre, South Dakota, to the  
33 South Dakota Building Authority and returns the same with the recommendation that the Senate  
34 advise and consent to the confirmation of said reappointment, and that said reappointment having  
35 been certified as uncontested, be placed on the consent calendar.

36 Also MR. PRESIDENT:

37 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
38 consideration **HB 1071** 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 **HB 1183** 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 David Wheeler, Chair

7 MR. PRESIDENT:

8 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
9 Enrolling has carefully compared **SB 188 and 194** and finds the same correctly enrolled.

10 Respectfully submitted,  
11 Lee A. Schoenbeck, Chair

## 12 MESSAGES FROM THE HOUSE

13 MR. PRESIDENT:

14 I have the honor to return herewith **SB 188 and 194** which have passed the House without  
15 change.

16 Also MR. PRESIDENT:

17 I have the honor to transmit herewith **HB 1039, 1060, and 1118** which have passed the  
18 House and your favorable consideration is respectfully requested.

19 Respectfully,  
20 Patricia Miller, Chief Clerk

## 21 MOTIONS AND RESOLUTIONS

22 Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
23 Friday, February 23, 2024, the 29<sup>th</sup> legislative day.

24 Which motion prevailed.

## 25 CONSIDERATION OF REPORTS OF COMMITTEES

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

27 Joint Appropriations on **SB 170** as found on page 372 of the Senate Journal; and

28 Health and Human Services on **HB 1125** as found on page 371 of the Senate Journal be  
29 adopted.

30 Which motion prevailed and the reports were adopted.

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

2

**HB 1060:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to travel reimbursement.

3

4

**HB 1118:** FOR AN ACT ENTITLED, An Act to revise unclaimed property provisions.

5

Were read the first time and referred to the Senate Committee on Appropriations.

6

**HB 1039:** FOR AN ACT ENTITLED, An Act to provide for the payment of legal expenses originating from crime committed at a facility maintained by the Department of Corrections.

7

8

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

9

**SECOND READING OF CONSENT CALENDAR ITEMS**

10

Sen. Frye-Mueller requested that **HB 1194** be removed from the Consent Calendar.

11

**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.

12

13

**HB 1147:** FOR AN ACT ENTITLED, An Act to address discriminatory acts against entities participating in a 340B drug pricing program.

14

15

**HB 1182:** FOR AN ACT ENTITLED, An Act to revise provisions pertaining to the observation of the conduct of an election.

16

17

**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.

18

19

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

20

21

Were read the second time.

22

The question being "Shall **HB 1182 and 1196** pass as amended, and **HB 1100 and 1147** pass, and **HCR 6011** be concurred in?"

23

24

And the roll being called:

25

Yeas 34, Nays 0, Excused 1, Absent 0

26

Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Duhamel, Foster, 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, Wink, and Zikmund

27

28

29

30

Excused: Diedrich

31

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

32

1

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

2

**SB 50:** FOR AN ACT ENTITLED, An Act to make an appropriation for the site preparation and construction of a prison facility for offenders committed to the Department of Corrections in Rapid City, to transfer moneys to the incarceration construction fund, and to declare an emergency.

5

Was read the second time.

6

The question being "Shall **SB 50** pass?"

7

And the roll being called:

8

Yeas 32, Nays 2, Excused 1, Absent 0

9

Yeas: Beal, Bolin, 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, Walsh, Wheeler, Wiik, Wink, and Zikmund

13

Nays: Bordeaux and Frye-Mueller

14

Excused: Diedrich

15

So the bill having received an affirmative vote of a two-thirds majority of the members-elect,

16

the President declared the bill passed and the title was agreed to.

17

**SB 171:** FOR AN ACT ENTITLED, An Act to make and change an appropriation related to the construction of the new state public health laboratory and to declare an emergency.

18

19

Was read the second time.

20

The question being "Shall **SB 171** pass?"

21

And the roll being called:

22

Yeas 32, Nays 2, Excused 1, Absent 0

23

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), Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Walsh, Wheeler, Wiik, Wink, and Zikmund

26

27

Nays: Frye-Mueller and Pischke

28

Excused: Diedrich

29

So the bill having received an affirmative vote of a two-thirds majority of the members-elect,

30

the President declared the bill passed and the title was agreed to.

31

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

32

**HB 1084:** FOR AN ACT ENTITLED, An Act to repeal a provision related to habeas corpus proceedings.

33

34

Was read the second time.

1 The question being "Shall **HB 1084** pass?"

2 And the roll being called:

3 Yeas 29, Nays 5, Excused 1, Absent 0

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

7 Nays: Bordeaux, Foster, Frye-Mueller, Nesiba, and Pischke

8 Excused: Diedrich

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

11 **HB 1086**: FOR AN ACT ENTITLED, An Act to establish an enhanced penalty for probationers  
12 intentionally causing contact with bodily fluids or human waste with a Unified Judicial System  
13 employee.

14 Was read the second time.

15 The question being "Shall **HB 1086** pass?"

16 And the roll being called:

17 Yeas 30, Nays 4, Excused 1, Absent 0

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

22 Nays: Bordeaux, Foster, Larson, and Nesiba

23 Excused: Diedrich

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

28 Was read the second time.

29 The question being "Shall **HB 1099** pass?"

30 And the roll being called:

31 Yeas 23, Nays 11, Excused 1, Absent 0

32 Yeas: Beal, Bordeaux, Crabtree, Davis, Duhamel, Foster, Frye-Mueller, Hunhoff, Klumb,  
33 Kolbeck (Steve), Larson, Maher, Mehlhaff, Nesiba, Pischke, Rohl, Schoenbeck, Schoenfish, Tobin,  
34 Walsh, Wheeler, Wiik, and Zikmund

1 Nays: Bolin, Breitling, Deibert, Hoffman, Johnson, Kolbeck (Jack), Novstrup, Otten (Herman),  
2 Reed, Stalzer, and Wink

3 Excused: Diedrich

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

## 6 **SIGNING OF BILLS**

7 The President publicly read the title to

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

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

12 **HB 1023:** FOR AN ACT ENTITLED, An Act to provide immunity from liability for certain actions  
13 of the State Bar and its agents.

14 **HB 1091:** FOR AN ACT ENTITLED, An Act to enact the Interstate Insurance Product Regulation  
15 Compact.

16 **HB 1104:** FOR AN ACT ENTITLED, An Act to enhance the penalty for accessory to first- or  
17 second-degree murder.

18 **HB 1129:** FOR AN ACT ENTITLED, An Act to repeal the session law authorizing the Board of  
19 Regents to contract for the design and construction of a new dairy research and extension farm on  
20 the campus of South Dakota State University, and to declare an emergency.

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

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

## 24 **COMMEMORATIONS**

25 **SC 811:** A LEGISLATIVE COMMEMORATION, Recognizing Coach Ben Irlbeck for his coaching  
26 success and exemplary service to his community.

27 Introduced by: **Senators** Davis, Deibert, Nesiba, Stalzer, and Zikmund and  
28 **Representatives** Duba, Kassin, Koth, Perry, Pinnow, Shorma, and Weisgram.

29 **HC 8022:** A LEGISLATIVE COMMEMORATION, Celebrating the state championship win by the  
30 Mitchell High School gymnastics team.

31 **HC 8023:** A LEGISLATIVE COMMEMORATION, Commending and honoring the Harrisburg  
32 School Board on its selection as the Associated School Boards of South Dakota Outstanding School  
33 Board for 2023.



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1        **HC 8024:** A LEGISLATIVE COMMEMORATION, Honoring Kelly Larson for his longstanding  
2 public service and congratulating him on his upcoming retirement.

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

5  
Peggy Laurenz, Secretary

