

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

THIRTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 05, 2024

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by Senate page Mya Heintzman.

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 34th 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 Schoenbeck, Chair

Which motion prevailed.

1

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
4 Enrolling has carefully compared **SB 53, 165, 168, 182, 187, 191, and 209** and finds the same
5 correctly enrolled.

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Respectfully submitted,
Lee Schoenbeck, Chair

8 MR. PRESIDENT:

9 The Committee on Legislative Procedure respectfully reports that **SB 29, 43, 58, 64, 66, 67,**
10 **70, 71, 72, 136, 173, 199, and 219** were delivered to her Excellency, the Governor, for her
11 approval at 9:40 a.m., March 5, 2024.

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Respectfully submitted,
Lee Schoenbeck, Chair

14

MESSAGES FROM THE HOUSE

15 MR. PRESIDENT:

16 I have the honor to return herewith **SB 45, 53, 83, 124, 165, 168, 182, 187, 191, and 209**
17 which have passed the House without change.

18 Also MR. PRESIDENT:

19 I have the honor to return herewith **SB 80, 137, 138, 144, 146, 177, and 217** which have
20 been amended by the House and your concurrence in the amendments is respectfully requested.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that **SB 73** was lost on second reading and
23 final passage.

24 Also MR. PRESIDENT:

25 I have the honor to inform your honorable body that **SB 123, 128, and 129** were tabled.

26 Also MR. PRESIDENT:

27 I have the honor to inform your honorable body that the House has appointed
28 Representatives Mortenson (Chair), Lesmeister, and Moore as a committee of three on the part of
29 the House to meet with a like committee on the part of the Senate to adjust the differences between
30 the two houses on **SB 201**.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has failed to concur in Senate
3 amendments to **HB 1092** and has appointed Representatives Bartels (Chair), Drury, and Fitzgerald
4 as a committee of three on the part of the House to meet with a like committee on the part of the
5 Senate to adjust the differences between the two houses.

6 Respectfully,
7 Patricia Miller, Chief Clerk

8 **SIGNING OF BILLS**

9 The President publicly read the title to

10 **SB 53:** FOR AN ACT ENTITLED, An Act to make an appropriation for eligible water and
11 wastewater projects and to declare an emergency.

12 **SB 165:** FOR AN ACT ENTITLED, An Act to create the South Dakota-Ireland Trade Commission.

13 **SB 168:** FOR AN ACT ENTITLED, An Act to make an appropriation for victim services.

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

16 **SB 187:** FOR AN ACT ENTITLED, An Act to make an appropriation to establish a cybersecurity
17 services initiative for counties and municipalities and to declare an emergency.

18 **SB 191:** FOR AN ACT ENTITLED, An Act to restrict the use of medical cannabis for individuals
19 on probation or conditional release.

20 **SB 209:** FOR AN ACT ENTITLED, An Act to make an appropriation for grants to assisted living
21 centers and nursing facilities for costs related to telemedicine.

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

24 **HB 1057:** FOR AN ACT ENTITLED, An Act to create the Commission on Indigent Legal Services
25 and Office of Indigent Legal Services, to make an appropriation for reimbursing county indigent legal
26 services, and to declare an emergency.

27 **HB 1065:** FOR AN ACT ENTITLED, An Act to make an appropriation for the design and
28 construction of a multi-use building on the grounds of the State Fair and to declare an emergency.

29 **HB 1130:** FOR AN ACT ENTITLED, An Act to revise water development district boundaries.

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

32 **HB 1224:** FOR AN ACT ENTITLED, An Act to require the creation of an informational video and
33 other materials describing the state's abortion law and medical care for a pregnant woman
34 experiencing life-threatening or health-threatening medical conditions.

35 **HB 1225:** FOR AN ACT ENTITLED, An Act to define a multi-passenger quadricycle and to
36 provide for the regulation of multi-passenger quadricycles.

1 **HB 1233:** FOR AN ACT ENTITLED, An Act to amend requirements for a cosmetology
 2 apprenticeship.

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

4 Sen. Crabtree moved that the Senate do now recess until 2:00 p.m.

5 Which motion prevailed and at 10:14 a.m., the Senate recessed.

6 **RECESS**

7 The Senate reconvened at 2:00 p.m., the President presiding.

8 There being no objection, the Senate reverted to Order of Business No. 4 - Communications
 9 and Petitions.

10 **COMMUNICATIONS AND PETITIONS**

11 March 4, 2024

12 Mr. President and Members of the Senate:

13 I have the honor to inform you that on March 4, 2024, I approved Senate Bills 9, 15, 42, 76,
 14 81, 84, 85, 86, 112, 152, and 169, and the same have been deposited in the office of the Secretary
 15 of State.

16 Respectfully submitted,
 17 Kristi Noem
 18 Governor

19 **REPORTS OF CONFERENCE COMMITTEES**

20 MR. PRESIDENT:

21 The HB 1092 A Conference Committee on **HB 1092** respectfully reports that it has considered
 22 the disagreement of the two houses, and returns the same with the recommendation that said bill
 23 be amended as follows:

24 1092G

25 On page 1, line 15, of the Senate Engrossed bill, delete " March" and insert " July"

26 On page 1, line 15, of the Senate Engrossed bill, after "must" insert " cover the period of July
 27 first through June thirtieth"

28 On page 1, line 15, of the Senate Engrossed bill, after "must" insert " July first"

29 On page 1, line 15, of the Senate Engrossed bill, after "must" insert " immediately preceding
 30 the report deadline and"

31 On page 2, line 22, of the Senate Engrossed bill, after "annually" insert " by August thirty-first"

1 On page 2, line 29, of the Senate Engrossed bill, delete " June 30, 2025" and insert " July 1,
2 2026".

3 Respectfully submitted,
4 Hugh M. Bartels, Chair

Respectfully submitted,
Jim Mehlhaff, Chair

5 **MESSAGES FROM THE HOUSE**

6 MR. PRESIDENT:

7 I have the honor to inform your honorable body that the House has failed to concur in Senate
8 amendments to **HB 1185** and has appointed Representatives Mortenson (Chair), Lesmeister, and
9 Moore as a committee of three on the part of the House to meet with a like committee on the part
10 of the Senate to adjust the differences between the two houses.

11 Also MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has failed to concur in Senate
13 amendments to **HB 1186** and has appointed Representatives Mortenson (Chair), Lesmeister, and
14 Moore as a committee of three on the part of the House to meet with a like committee on the part
15 of the Senate to adjust the differences between the two houses.

16 Respectfully submitted,
17 Patricia Miller, Chief Clerk

18 **MOTIONS AND RESOLUTIONS**

19 Sen. Davis moved that the Senate do concur in House amendments to **SB 80**.

20 The question being on Sen. Davis' motion that the Senate do concur in House amendments to
21 **SB 80**.

22 And the roll being called:

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

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

28 Nays: Frye-Mueller, Hoffman, and Pischke

29 Excused: Diedrich

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

1 Sen. Hunhoff moved that the Senate do not concur in House amendments to **SB 137** and that
2 no committee be appointed.

3 The question being on Sen. Hunhoff's motion that the Senate do not concur in House
4 amendments to **SB 137** and that no committee be appointed.

5 And the roll being called:

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

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

10 Nays: Beal, Frye-Mueller, Hoffman, Novstrup, and Pischke

11 Excused: Diedrich

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 President declared the motion carried and no committee was appointed.

14 Sen. Johnson moved that the Senate do not concur in House amendments to **SB 144** and that
15 a committee of three on the part of the Senate be appointed to meet with a like committee on the
16 part of the House to adjust the differences between the two houses.

17 Which motion prevailed.

18 Sen. Reed moved that the Senate do concur in House amendments to **SB 146**.

19 The question being on Sen. Reed's motion that the Senate do concur in House amendments to
20 **SB 146**.

21 And the roll being called:

22 Yeas 24, Nays 10, Excused 1, Absent 0

23 Yeas: Beal, Bolin, Breitling, Crabtree, Davis, Duhamel, Hunhoff, Johnson, Klumb, Kolbeck
24 (Jack), Kolbeck (Steve), Larson, Nesiba, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Walsh,
25 Wheeler, Wiik, Wink, and Zikmund

26 Nays: Bordeaux, Deibert, Foster, Frye-Mueller, Hoffman, Maher, Mehlhaff, Novstrup, Otten
27 (Herman), and Pischke

28 Excused: Diedrich

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

31 Sen. Maher moved that the Senate do concur in House amendments to **SB 151**.

32 The question being on Sen. Maher's motion that the Senate do concur in House amendments
33 to **SB 151**.

34 And the roll being called:

35 Yeas 34, Nays 0, Excused 1, Absent 0

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

5 Excused: Diedrich

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

8 Sen. Schoenbeck moved that the Senate do concur in House amendments to **SB 177**.

9 The question being on Sen. Schoenbeck's motion that the Senate do concur in House
10 amendments to **SB 177**.

11 And the roll being called:

12 Yeas 24, Nays 10, Excused 1, Absent 0

13 Yeas: Bolin, Breitling, Crabtree, Davis, Deibert, Duhamel, Hoffman, Hunhoff, Johnson, Kolbeck
14 (Steve), Larson, Maher, Nesiba, Otten (Herman), Reed, Rohl, Schoenbeck, Schoenfish, Stalzer,
15 Tobin, Walsh, Wheeler, Wink, and Zikmund

16 Nays: Beal, Bordeaux, Foster, Frye-Mueller, Klumb, Kolbeck (Jack), Mehlhaff, Novstrup,
17 Pischke, and Wiik

18 Excused: Diedrich

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

21 **CONSIDERATION OF REPORTS OF COMMITTEES**

22 Sen. Schoenbeck moved that the report of the Standing Committee on Joint Legislative
23 Procedures relative to the calendar for the One-Hundredth Legislative Session as found on page 456
24 of the Senate Journal be adopted.

25 The question being on Sen. Schoenbeck's motion that the report of the Standing Committee
26 on Joint Legislative Procedures relative to the calendar for the One-Hundredth Legislative Session
27 be adopted.

28 And the roll being called:

29 Yeas 24, Nays 10, Excused 1, Absent 0

30 Yeas: Bordeaux, Breitling, Crabtree, Davis, Deibert, Duhamel, Hoffman, Hunhoff, Johnson,
31 Kolbeck (Steve), Larson, Maher, Nesiba, Novstrup, Reed, Schoenbeck, Schoenfish, Stalzer, Tobin,
32 Walsh, Wheeler, Wiik, Wink, and Zikmund

33 Nays: Beal, Bolin, Foster, Frye-Mueller, Klumb, Kolbeck (Jack), Mehlhaff, Otten (Herman),
34 Pischke, and Rohl

35 Excused: Diedrich

36 So the motion having received an affirmative vote of a majority of the members-elect, the
37 President declared the motion prevailed.

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CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

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Sen. Mehlhaff moved that the report of the Conference Committee on **HB 1092** as found on page 482 of the Senate Journal be adopted.

5

6

The question being on Sen. Mehlhaff's motion that the report of the Conference Committee on **HB 1092** be adopted.

7

And the roll being called:

8

Yeas 29, Nays 4, Excused 2, Absent 0

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11

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

12

Nays: Frye-Mueller, Hoffman, Maher, and Pischke

13

Excused: Diedrich and Wheeler

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So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the motion carried and the report was adopted.

16

ANNOUNCEMENTS

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19

The President announced as such committee Senators Crabtree (Chair), Wheeler, and Johnson as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on **HB 1185**.

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The President announced as such committee Senators Crabtree (Chair), Wheeler, and Johnson as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on **HB 1186**.

23

Sen. Crabtree moved that the Senate do now recess until 3:30 p.m.

24

Which motion prevailed and at 2:32 p.m., the Senate recessed.

25

RECESS

26

The Senate reconvened at 3:30 p.m., the President presiding.

27

28

There being no objection, the Senate reverted to Order of Business No. 7 - Messages from the House.

MESSAGES FROM THE HOUSE

1

2 MR. PRESIDENT:

3 I have the honor to inform your honorable body that the House has failed to concur in Senate
4 amendments to **HB 1140** and has appointed Representatives Conzet (Chair), Chase, and Peterson
5 (Sue) as a committee of three on the part of the House to meet with a like committee on the part
6 of the Senate to adjust the differences between the two houses.

7 Also MR. PRESIDENT:

8 I have the honor to inform your honorable body that the House has failed to concur in Senate
9 amendments to **HB 1257** and has appointed Representatives Hansen (Chair), May, and Soye as a
10 committee of three on the part of the House to meet with a like committee on the part of the Senate
11 to adjust the differences between the two houses.

12 Also MR. PRESIDENT:

13 I have the honor to inform your honorable body that the House has adopted the report of the
14 Conference Committee on **HB 1092**.

15 Also MR. PRESIDENT:

16 I have the honor to inform your honorable body that the House has adopted the report of
17 the Standing Committee on Joint Legislative Procedure relative to the calendar for the One-
18 Hundredth Legislative Session.

19 Also MR. PRESIDENT:

20 I have the honor to inform your honorable body that the House has concurred in Senate
21 amendments to **HB 1200, 1244, and 1245**.

22
23

Respectfully,
Patricia Miller, Chief Clerk

24 The President announced Senators Wheeler (Chair), Deibert, and Kolbeck (Jack) as a
25 committee of three on the part of the Senate to meet with a like committee on the part of the House
26 to adjust the differences between the two houses on **HB 1140**.

27 The President announced Senators Schoenbeck (Chair), Mehlhaff, and Wink as a committee of
28 three on the part of the Senate to meet with a like committee on the part of the House to adjust
29 the differences between the two houses on **HB 1257**.

30 The President announced Senators Hunhoff (Chair), Johnson, and Kolbeck (Jack) as a
31 committee of three on the part of the Senate to meet with a like committee on the part of the House
32 to adjust the differences between the two houses on **SB 144**.

1 Sen. Schoenbeck moved that when we adjourn today, we adjourn to convene at 10:00 a.m.
2 on Wednesday, March 6, the 36th legislative day.

3 Which motion prevailed.

4 **SIGNING OF BILLS**

5 The President publicly read the title to

6 **HB 1022:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
7 Education to provide professional development in literacy to teachers, and to declare an emergency.

8 **HB 1240:** FOR AN ACT ENTITLED, An Act to permit a homeowner's association, development,
9 or incorporated community to modify a restrictive covenant.

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

11 Sen. Rohl moved that the Senate do now adjourn, which motion prevailed and at 3:42 p.m.
12 the Senate adjourned.

13 Peggy Laurenz, Secretary