

JOURNAL OF THE SENATE

NINETY-NINTH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, March 07, 2024

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

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by Senate page Halle Swenson.

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 36th 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.

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SIGNING OF BILLS

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The President publicly read the title to

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SB 127: FOR AN ACT ENTITLED, An Act to revise the requirements pertaining to average teacher compensation and to establish a minimum teacher salary.

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SB 144: FOR AN ACT ENTITLED, An Act to make an appropriation for grants to support airport terminal infrastructure projects and terminal improvement and expansion.

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SB 201: FOR AN ACT ENTITLED, An Act to provide new statutory requirements for regulating linear transmission facilities, to allow counties to impose a surcharge on certain pipeline companies, and to establish a landowner bill of rights.

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SB 217: FOR AN ACT ENTITLED, An Act to require disclosure of certain information prior to the sale of property bound by a homeowners' association.

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HB 1093: FOR AN ACT ENTITLED, An Act to make an appropriation to provide a grant for the construction of a facility to provide certain health facilities and services.

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HB 1185: FOR AN ACT ENTITLED, An Act to amend provisions regarding entry on private property for examination and survey of a project requiring a siting permit.

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HB 1186: FOR AN ACT ENTITLED, An Act to define the requirements for granting a carbon pipeline easement.

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And signed the same in the presence of the Senate.

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COMMUNICATIONS AND PETITIONS

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March 6, 2024

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Mr. President and Members of the Senate:

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I have the honor to inform you that on March 6, 2024, I approved Senate Bills 10, 18, 50, 61, 98, 115, 117, 147, 148, 172, and 175, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,
Kristi Noem
Governor

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REPORTS OF STANDING COMMITTEES

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MR. PRESIDENT:

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The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 52** and returns the same with the recommendation that said bill be amended as follows:

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

Section 1. That section 2 of chapter 211 of the 2023 Session Laws be amended to read:

OFFICE OF THE GOVERNOR

(3) Governor's Office of Economic Development

Operating Expenses, Federal Funds, delete "\$28,669,970" and insert "\$9,717,970"

Section 2. That section 3 of chapter 211 of the 2023 Session Laws be amended to read:

BUREAU OF FINANCE AND MANAGEMENT (BFM)

(3) Coronavirus Stimulus Pool

Operating Expenses, Federal Funds, delete "\$100,000,000" and insert "\$30,000,000"

(6) Employee Compensation and Billing Pools

Personal Services, General Funds, delete "\$65,082,132" and insert "\$66,086,367"

Personal Services, Federal Funds, delete "\$27,059,748" and insert "\$25,926,416"

Personal Services, Other Funds, delete "\$69,060,881" and insert "\$69,097,078"

Operating Expenses, General Funds, delete "\$2,643,031" and insert "\$4,765,023"

Operating Expenses, Federal Funds, delete "\$1,455,510" and insert "\$3,444,512"

Operating Expenses, Other Funds, delete "\$4,430,477" and insert "\$10,288,400"

Section 3. That section 4 of chapter 211 of the 2023 Session Laws be amended to read:

BUREAU OF ADMINISTRATION (BOA)

(2) Central Services

Operating Expenses, Other Funds, delete "\$19,601,992" and insert "\$19,608,594"

(7) Risk Management Administration - Informational

Operating Expenses, Other Funds, delete "\$3,474,158" and insert "\$7,924,158"

(8) Risk Management Claims - Informational

Operating Expenses, Other Funds, delete "\$2,226,476" and insert "\$6,626,476"

Section 4. That section 5 of chapter 211 of the 2023 Session Laws be amended to read:

BUREAU OF INFORMATION AND TELECOMMUNICATIONS (BIT)

(1) Data Centers

Operating Expenses, Other Funds, delete "\$6,086,626" and insert "\$6,462,068"

(4) South Dakota Public Broadcasting

1 Operating Expenses, Federal Funds, delete "\$272,484" and insert "\$5,845,547"

2 (6) State Radio Engineering

3 Operating Expenses, General Funds, delete "\$3,420,565" and insert "\$3,676,565"

4 **Section 5.** That section 9 of chapter 211 of the 2023 Session Laws be amended to read:

5 DEPARTMENT OF TOURISM

6 (1) Tourism

7 Operating Expenses, Federal Funds, delete "\$8,750,000" and insert "\$11,533,533"

8 **Section 6.** That section 12 of chapter 211 of the 2023 Session Laws be amended to read:

9 DEPARTMENT OF SOCIAL SERVICES

10 (3) Medical Services

11 Operating Expenses, General Funds, delete "\$360,088,669" and insert "\$278,757,687"

12 Operating Expenses, Federal Funds, delete "\$1,091,247,910" and insert "\$720,950,720"

13 (4) Children's Services

14 Operating Expenses, General Funds, delete "\$53,701,709" and insert "\$53,075,371"

15 Operating Expenses, Federal Funds, delete "\$66,086,985" and insert "\$96,713,323"

16 (5) Behavioral Health

17 Personal Services, General Funds, delete "\$36,515,675" and insert "\$36,388,804"

18 Personal Services, Federal Funds, delete "\$9,684,888" and insert "\$9,811,759"

19 Operating Expenses, General Funds, delete "\$92,662,880" and insert "\$92,729,853"

20 Operating Expenses, Federal Funds, delete "\$60,406,375" and insert "\$67,744,852"

21 **Section 7.** That section 13 of chapter 211 of the 2023 Session Laws be amended to read:

22 DEPARTMENT OF HEALTH

23 (1) Administration, Secretary of Health

24 Operating Expenses, General Funds, delete "\$1,870,091" and insert "\$1,861,541"

25 Operating Expenses, Federal Funds, delete "\$12,558,893" and insert "\$35,256,490"

26 (2) Licensure and Accreditation

27 Operating Expenses, General Funds, delete "\$1,358,599" and insert "\$1,413,730"

28 Operating Expenses, Federal Funds, delete "\$1,213,689" and insert "\$4,719,466"

29 (3) Family and Community Health

30 Operating Expenses, Federal Funds, delete "\$34,942,335" and insert "\$60,417,552"

(6) Epidemiology, Surveillance & Informatics

Operating Expenses, Federal Funds, delete "\$3,079,031" and insert "\$8,008,539"

(11) Board of Medical and Osteopathic Examiners - Informational

Operating Expenses, Other Funds, delete "\$585,354" and insert "\$2,985,354"

Section 8. That section 14 of chapter 211 of the 2023 Session Laws be amended to read:

DEPARTMENT OF LABOR AND REGULATION

(1) Administration, Secretary of Labor

Personal Services, Other Funds, delete "\$209,078" and insert "\$370,688"

Operating Expenses, Federal Funds, delete "\$7,942,694" and insert "\$8,492,694"

Operating Expenses, Other Funds, delete "\$109,203" and insert "\$2,029,211"

F.T.E, delete "52.6" and insert "59.6"

(3) Job Service

Personal Services, Federal Funds, delete "\$11,335,924" and insert "\$9,648,776"

Personal Services, Other Funds, delete "\$0" and insert "\$378,915"

Operating Expenses, General Funds, delete "\$124,214" and insert "\$233,684"

Operating Expenses, Federal Funds, delete "\$2,712,481" and insert "\$2,738,818"

Operating Expenses, Other Funds, delete "\$0" and insert "\$50,020"

F.T.E, delete "167.0" and insert "150.0"

(14) Banking

Personal Services, Other Funds, delete "\$3,834,387" and insert "\$4,017,723"

Operating Expenses, Other Funds, delete "\$1,107,203" and insert "\$1,183,920"

Section 9. That section 16 of chapter 211 of the 2023 Session Laws be amended to read:

DEPARTMENT OF EDUCATION

(1) General Administration

Personal Services, Federal Funds, delete "\$1,456,164" and insert "\$1,690,283"

Operating Expenses, Federal Funds, delete "\$150,770,975" and insert "\$232,428,275"

(3) State Aid to General Education

Operating Expenses, General Funds, delete "\$592,301,908" and insert "\$577,078,558"

(8) Technical Colleges

Operating Expenses, General Funds, delete "\$38,988,722" and insert "\$44,585,297"

1 (9) Education Resources

2 Personal Services, Federal Funds, delete "\$4,026,759" and insert "\$4,112,200"

3 Operating Expenses, General Funds, delete "\$8,324,293" and insert "\$8,320,019"

4 Operating Expenses, Federal Funds, delete "\$185,859,133" and insert "\$189,769,189"

5 Operating Expenses, Other Funds, delete "\$737,326" and insert "\$1,988,546"

6 **Section 10.** That section 17 of chapter 211 of the 2023 Session Laws be amended to read:

7 DEPARTMENT OF PUBLIC SAFETY

8 (2) Highway Patrol

9 Operating Expenses, Other Funds, delete "\$8,950,238" and insert "\$9,028,270"

10 **Section 11.** That section 18 of chapter 211 of the 2023 Session Laws be amended to read:

11 BOARD OF REGENTS

12 (1) Board of Regents Central Office

13 Operating Expenses, General Funds, delete "\$27,177,812" and insert "\$44,012,416"

14 (3) South Dakota Scholarships

15 Operating Expenses, General Funds, delete "\$6,534,519" and insert "\$6,134,519"

16 (4) University of South Dakota

17 Operating Expenses, General Funds, delete "\$4,494,852" and insert "\$4,696,820"

18 Operating Expenses, Other Funds, delete "\$40,931,405" and insert "\$42,931,405"

19 (7) South Dakota State University

20 Operating Expenses, General Funds, delete "\$7,470,025" and insert "\$8,215,995"

21 Operating Expenses, Other Funds, delete "\$71,119,211" and insert "\$79,119,211"

22 (8) SDSU Extension

23 Operating Expenses, Federal Funds, delete "\$3,294,905" and insert "\$4,044,905"

24 (9) Agricultural Experiment Station

25 Personal Services, Federal Funds, delete "\$5,811,425" and insert "\$6,311,425"

26 Personal Services, Other Funds, delete "\$6,181,011" and insert "\$6,311,011"

27 Operating Expenses, Federal Funds, delete "\$5,869,911" and insert "\$17,369,911"

28 Operating Expenses, Other Funds, delete "\$9,837,942" and insert "\$14,837,942"

29 F.T.E, delete "236.3" and insert "244.3"

30 (10) SD School of Mines and Technology

1 Operating Expenses, General Funds, delete "\$1,685,766" and insert "\$1,593,284"

2 (11) Northern State University

3 Operating Expenses, General Funds, delete "\$1,095,622" and insert "\$1,012,086"

4 (13) Black Hills State University

5 Operating Expenses, General Funds, delete "\$1,133,064" and insert "\$1,129,590"

6 Operating Expenses, Other Funds, delete "\$11,166,088" and insert "\$12,226,857"

7 (14) Dakota State University

8 Operating Expenses, General Funds, delete "\$886,987" and insert "\$859,455"

9 Operating Expenses, Other Funds, delete "\$19,245,519" and insert "\$19,695,519"

10 (15) SD School for the Deaf

11 Operating Expenses, General Funds, delete "\$695,225" and insert "\$695,957"

12 Operating Expenses, Other Funds, delete "\$464,711" and insert "\$584,711"

13 (16) SD School for the Blind and Visually Impaired

14 Operating Expenses, General Funds, delete "\$621,867" and insert "\$613,735"

15 **Section 12.** That section 19 of chapter 211 of the 2023 Session Laws be amended to read:

16 DEPARTMENT OF THE MILITARY

17 (2) Army Guard

18 Operating Expenses, General Funds, delete "\$2,882,924" and insert "\$2,842,994"

19 Operating Expenses, Federal Funds, delete "\$16,079,480" and insert "\$15,943,016"

20 (3) Air Guard

21 Operating Expenses, General Funds, delete "\$353,992" and insert "\$321,006"

22 Operating Expenses, Federal Funds, delete "\$3,435,048" and insert "\$3,336,090"

23 **Section 13.** That section 20 of chapter 211 of the 2023 Session Laws be amended to read:

24 DEPARTMENT OF VETERANS' AFFAIRS

25 (1) Veterans' Benefits and Services

26 Operating Expenses, General Funds, delete "\$619,054" and insert "\$626,491"

27 (2) State Veterans' Home

28 Personal Services, General Funds, delete "\$2,225,412" and insert "\$2,168,279"

29 Personal Services, Federal Funds, delete "\$3,273,770" and insert "\$3,330,903"

30 Operating Expenses, General Funds, delete "\$0" and insert "\$847,420"

1 Operating Expenses, Other Funds, delete "\$3,653,797" and insert "\$2,797,963"

2 **Section 14.** That section 21 of chapter 211 of the 2023 Session Laws be amended to read:

3 DEPARTMENT OF CORRECTIONS

4 (2) Mike Durfee State Prison

5 Operating Expenses, General Funds, delete "\$8,314,130" and insert "\$8,626,022"

6 (3) State Penitentiary

7 Operating Expenses, General Funds, delete "\$8,241,983" and insert "\$9,047,623"

8 (4) Women's Prison

9 Operating Expenses, General Funds, delete "\$2,692,284" and insert "\$7,319,298"

10 (6) Inmate Services

11 Personal Services, General Funds, delete "\$16,514,131" and insert "\$6,514,131"

12 Personal Services, Federal Funds, delete "\$71,270" and insert "\$10,071,270"

13 (8) Juvenile Community Corrections

14 Operating Expenses, General Funds, delete "\$9,814,934" and insert "\$10,239,038"

15 Operating Expenses, Federal Funds, delete "\$2,786,439" and insert "\$2,602,937"

16 **Section 15.** That section 22 of chapter 211 of the 2023 Session Laws be amended to read:

17 DEPARTMENT OF HUMAN SERVICES

18 (2) Developmental Disabilities

19 Operating Expenses, General Funds, delete "\$107,598,732" and insert "\$97,794,104"

20 Operating Expenses, Federal Funds, delete "\$171,283,702" and insert "\$162,313,017"

21 Operating Expenses, Other Funds, delete "\$7,595,974" and insert "\$7,489,769"

22 (3) South Dakota Developmental Center - Redfield

23 Personal Services, General Funds, delete "\$7,339,805" and insert "\$7,130,976"

24 Personal Services, Federal Funds, delete "\$11,273,921" and insert "\$11,482,750"

25 Operating Expenses, General Funds, delete "\$2,206,045" and insert "\$2,124,750"

26 Operating Expenses, Federal Funds, delete "\$3,187,541" and insert "\$3,195,973"

27 (4) Long Term Services and Supports

28 Operating Expenses, General Funds, delete "\$130,210,931" and insert "\$120,566,070"

29 Operating Expenses, Federal Funds, delete "\$193,272,309" and insert "\$186,717,982"

30 (5) Rehabilitation Services

1 Operating Expenses, General Funds, delete "\$4,806,484" and insert "\$4,735,804"

2 Operating Expenses, Federal Funds, delete "\$14,772,634" and insert "\$14,843,314"

3 **Section 16.** That section 27 of chapter 211 of the 2023 Session Laws be amended to read:

4 OFFICE OF THE ATTORNEY GENERAL

5 (2) Criminal Investigation

6 Operating Expenses, General Funds, delete "\$3,040,961" and insert "\$3,315,961"

7 Operating Expenses, Federal Funds, delete "\$2,367,043" and insert "\$3,372,375"

8 **Section 17.** That section 29 of chapter 211 of the 2023 Session Laws be amended to read:

9 SECRETARY OF STATE

10 (1) Secretary of State

11 Operating Expenses, General Funds, delete "\$631,900" and insert "\$678,300"

12 **Section 18.** Adjust all totals accordingly in sections 1 to 17, inclusive, of this Act.

13 **Section 19.** That chapter 211 of the 2023 Session Laws be amended by adding thereto NEW
14 SECTION to read:

15 Section 40. The state treasurer shall transfer to the IT Modernization Fund the sum of seven
16 million eighteen thousand seven hundred and eighty dollars (\$7,018,780) from the state general
17 fund.

18 **Section 20.** Funds appropriated by this Act which are unspent at the end of Fiscal year 2024
19 may be carried over to fiscal year 2025.

20 **Section 21.** This Act is effective beginning June 26, 2024."

21 And that as so amended, **SB 52** do pass.

22 Respectfully submitted,
23 Mike Derby, Co-Chair

Respectfully submitted,
Jean Hunhoff, Co-Chair

24 MR. PRESIDENT:

25 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
26 Enrolling has carefully compared **SB 201** and finds the same correctly enrolled.

27 Respectfully submitted,
28 Lee Schoenbeck, Chair

29 MR. PRESIDENT:

30 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
31 Enrolling has carefully compared **SB 127, 144, and 217** and finds the same correctly enrolled.

32 Respectfully submitted,
33 Lee Schoenbeck, Chair

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

2 **SB 52:** FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
3 2024.

4 Was read the second time.

5 The question being "Shall **SB 52** pass as amended?"

6 And the roll being called:

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

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

12 Nays: Frye-Mueller, Hoffman, and Pischke

13 Excused: Diedrich

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

16 There being no objection, the Senate reverted to Order of Business No. 8 - Motions and
17 Resolutions.

18 **MOTIONS AND RESOLUTIONS**

19 SENATE PAGE RESOLUTION 5 Introduced by: Senators Beal; Bolin; Bordeaux; Breitling;
20 Crabtree; Davis; Deibert; Diedrich; Duhamel; Foster; Frye-Mueller; Hoffman; Hunhoff; Johnson;
21 Klumb; Kolbeck, Jack; Kolbeck, Steve; Larson; Maher; Mehlhaff; Nesiba; Novstrup; Otten, Herman;
22 Pischke; Reed; Rohl; Schoenbeck; Schoenfish; Stalzer; Tobin; Wheeler; Wiik; Wink; Zikmund

23 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-Ninth
24 Legislature of the State of South Dakota to Lance Dannenbring, Liberty Harrington, Mya Heintzman,
25 Madisyn Raymond, and Halle Swenson.

26 WHEREAS, the above named served loyally as pages for the Senate of the Ninety-Ninth
27 Legislative Session; and

28 WHEREAS, the members of the Ninety-Ninth Senate express their most sincere appreciation
29 to these young people for their service to the state; and

30 WHEREAS, the members extend to these young people their wishes for every success in life:

31 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Ninth Legislature of the
32 State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each
33 page on this last day of service.

34 Sen. Klumb moved that Senate Page Resolution 5 be adopted.

35 The question being on Sen. Klumb's motion that Senate Page Resolution 5 be adopted.

1 And the roll being called:

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

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

7 Excused: Diedrich

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

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

12 **MESSAGES FROM THE HOUSE**

13 MR. PRESIDENT:

14 I have the honor to inform your honorable body that the House has failed to adopt the report
15 of the Conference Committee on **HB 1257** and no new committee was appointed.

16 Also MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has failed to concur in Senate
18 amendments to **HB 1157** and no committee was appointed.

19 Also MR. PRESIDENT:

20 I have the honor to return herewith **SB 51** which has passed the House without change.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has failed to adopt the report
23 of the Conference Committee on **HB 1140** and has appointed Representatives Conzet (Chair),
24 Chase, and Peterson (Sue) as a new committee of three on the part of the House to meet with a
25 like committee on the part of the Senate to adjust the differences between the two houses.

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

29 **ANNOUNCEMENTS**

30 The President Pro Tempore announced the appointment of Sen. Tobin to the Indian Child
31 Welfare Advisory Council position created by HB 1232.

COMMUNICATIONS AND PETITIONS

The following letter of dissent was filed pursuant to JR 1-10.

DISSENT AND PROTEST PASSAGE OF SB 201

Pursuant to Joint Rule 1-10, we, the undersigned Senators, do hereby respectfully dissent and protest the passage of SB 201, "An Act to provide new statutory requirements for regulating linear transmission facilities, to allow counties to impose a surcharge on certain pipeline companies, and to establish a landowner bill of rights."

We, the undersigned, dissent and protest the passage of SB 201, because the S.D. Constitution Art. III, § 21, provides that "[N]o law shall embrace more than one subject, which shall be expressed in its title." The title to SB 201, articulates three distinct and separate subjects, and the bill itself embraces multiple additional subjects, not expressed in the title.

We, the undersigned, dissent and protest the passage of SB 201, because the S.D. Constitution Art. III, § 23, provides that "[T]he Legislature is prohibited from enacting any private or special laws . . . [r]egulating county and township affairs." SB 201 provides for the preemption of "any county, township, municipal, or any other governmental unit land use, zoning, or building rule, regulation, or ordinance." SB 201 further provides that "[t]he enforcement of any county, municipal, township, or other governmental unit rule, regulation, or ordinance for a transmission facility . . . must be done pursuant to the order of the [public utilities] commission granting the permit."

We, the undersigned, dissent and protest the passage of SB 201, because the S.D. Constitution Art. VI contains the Bill of Rights. Moreover, the S.D. Constitution Art. VI, § 13, provides that "[p]rivate property shall not be taken for public use, or damaged, without just compensation, which will be determined according to legal procedure established by the Legislature and according to § 6 of this article" While SB 201 provides for the citation of several sections as the "Landowner Bill of Rights," it endows landowners with no rights beyond those already found in the Constitution.

We, the undersigned, dissent and protest the passage of SB 201, because the per linear foot surcharge that is authorized may be imposed only during the tax year that a pipeline company claims a tax credit pursuant to 26 U.S.C. § 45Q, and that tax credit exists because of federal taxes that have been or will be imposed upon the citizens of this state and country.

We, the undersigned, dissent and protest the passage of SB 201, because a statutory requirement for a dispersion analysis, some or all of which may be confidential, fails to adequately address the catastrophic damage, injury, and death that will be caused if the integrity of a pipeline permitted under this bill is compromised.

For these reasons, we believe that the passage of SB 201 is in contravention of South Dakota's Constitution, is injurious to the rights, safety, and wellbeing of the people of South Dakota, and is therefore null and void. We respectfully request that this dissent and protest be printed in the Senate Journal, as required by Joint Rule 1-10.

Respectfully submitted,
Sen. Red Dawn Foster
Sen. Julie Frye-Mueller
Sen. Al Novstrup
Sen. Tom Pischke

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REPORTS OF STANDING COMMITTEES

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MR. PRESIDENT:

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The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 51 and 52** and finds the same correctly enrolled.

5

Respectfully submitted,

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Lee Schoenbeck, Chair

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SIGNING OF BILLS

8

The President publicly read the title to

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SB 51: FOR AN ACT ENTITLED, An Act to revise property tax levies for school districts and to revise the state aid to general and special education formulas.

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SB 52: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2024.

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And signed the same in the presence of the Senate.

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REPORTS OF CONFERENCE COMMITTEES

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MR. PRESIDENT:

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The HB1140 B Conference Committee on **HB 1140** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

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On page 1, line 1, of the Senate Engrossed bill, after "actions" delete " and to declare an emergency"

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On page 1, line 6, of the Senate Engrossed bill, after "The" insert " The person submitting the petition may withdraw the petition at any time prior to the scheduling of the election."

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On page 1, line 17, of the Senate Engrossed bill, after "The " insert "The person submitting the petition may withdraw the petition at any time prior to the scheduling of the election. "

25

26

On page 1, line 21, of the Senate Engrossed bill, after "referendum." delete "Section 3. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

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And that as so amended, be concurred in.

31

Respectfully submitted,
Kristin A. Conzet, Chair

32

Respectfully submitted,
David Wheeler, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has failed to adopt the report of the Conference Committee on **HB 1140** and no new committee was appointed.

Respectfully submitted,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Hunhoff moved that the Senate do not concur in House amendments to **SB 138** and that no committee be appointed.

The question being on Sen. Hunhoff's motion that the Senate do not concur in House amendments to **SB 138** and that no committee be appointed.

And the roll being called:

Yeas 32, Nays 1, Excused 2, Absent 0

Yeas: Beal, Bordeaux, Breitling, Crabtree, Davis, Deibert, Duhamel, Foster, Frye-Mueller, 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

Nays: Pischke

Excused: Bolin and Diedrich

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

Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 11:00 a.m. on Monday, March 25, 2024, the 38th legislative day.

Which motion prevailed.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to return herewith **SB 52** which has passed the House without change.

Respectfully,
Patricia Miller, Chief Clerk

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

COMMUNICATIONS AND PETITIONS

March 7, 2024

Mr. President and Members of the Senate:

I have the honor to inform you that on March 7, 2024, I approved Senate Bill 177, and the same has been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 201** was delivered to her Excellency, the Governor, for her approval at 12:54 p.m., March 7, 2024.

Also MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 51, 52, 127, 144, and 217** were delivered to her Excellency, the Governor, for her approval at 1:10 p.m., March 7, 2024.

Respectfully submitted,
Lee Schoenbeck, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to transmit herewith **HB 1259** which has passed the House and your favorable consideration is respectfully requested.

Respectfully,
Patricia Miller, Chief Clerk

FIRST READING OF HOUSE BILLS

HB 1259: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

Was read the first time and the President waived the committee referral pursuant to JR 6D-1.

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SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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HB 1259: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

5

Was read the second time.

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The question being "Shall **HB 1259** pass?"

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And the roll being called:

8

Yeas 32, Nays 2, Excused 1, Absent 0

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12

Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Duhamel, Foster, 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: Frye-Mueller and Hoffman

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Excused: Diedrich

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16

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

17

SIGNING OF BILLS

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The President publicly read the title to

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HB 1259: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

22

And signed the same in the presence of the Senate.

23

24

Sen. Diedrich in abstencia and Sen. Nesiba moved that the Senate do now adjourn, which motion prevailed and at 2:14 p.m. the Senate adjourned.

25

Peggy Laurenz, Secretary