

JOURNAL OF THE SENATE

NINETY-FOURTH SESSION

SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, January 15, 2019

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

The prayer was offered by the Chaplain, Father Ron Garry, followed by the Pledge of Allegiance led by Senate page Samuel Schleich.

Roll Call: All members present.

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 fifth 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,
Brock L. Greenfield, Chair

Which motion prevailed.

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1

COMMUNICATIONS AND PETITIONS

2 January 5, 2019

3 The Honorable Larry Rhoden
4 President of the Senate
5 State Capitol
6 Pierre, SD 57501

7 Dear President and Members of the Senate:

8 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to your
9 consent, I am honored to inform you that I have appointed Steve Westra, of Minnehaha County,
10 Sioux Falls, South Dakota, to the position of Commissioner of the Governor's Office of
11 Economic Development.

12 This appointment was effective January 5, 2019.

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Sincerely,
Kristi Noem
Governor

16 The President announced the referral of the appointment to the Committee on Commerce
17 and Energy.

18 January 5, 2019

19 The Honorable Larry Rhoden
20 President of the Senate
21 State Capitol
22 Pierre, SD 57501

23 Dear President and Members of the Senate:

24 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to your
25 consent, I am honored to inform you that I have appointed David Flute, of Traverse County,
26 Browns Valley, Minnesota, to the position of Secretary of the Department of Tribal Relations.

27 This appointment was effective January 5, 2019.

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29
30

Sincerely,
Kristi Noem
Governor

31 The President announced the referral of the appointment to the Committee on State
32 Affairs.

1 January 5, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
8 your consent, I am honored to inform you that I have appointed Kim Vanneman, of Tripp
9 County, Ideal, South Dakota, to the position of Secretary of the Department of Agriculture.

10 This appointment was effective January 5, 2019.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on
15 Agriculture and Natural Resources.

16 January 5, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
23 your consent, I am honored to inform you that I have appointed Greg Whitlock, of
24 Codington County, Watertown, South Dakota, to the position of Secretary of the Department
25 of Veteran Affairs.

26 This appointment was effective January 5, 2019.

27 Sincerely,
28 Kristi Noem
29 Governor

30 The President announced the referral of the appointment to the Committee on Military
31 and Veterans Affairs.

1 January 5, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
8 your consent, I am honored to inform you that I have appointed Tim Reisch, of Pennington
9 County, Rapid City, South Dakota, to the position of Adjutant General.

10 This appointment was effective January 5, 2019.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Military
15 and Veterans Affairs.

16 January 5, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
23 your consent, I am honored to inform you that I have appointed Shawnie Rechtenbaugh, of
24 Hughes County, Pierre, South Dakota, to the position of Interim Secretary of the Department
25 of Human Services.

26 This appointment was effective January 5, 2019.

27 Sincerely,
28 Kristi Noem
29 Governor

30 The President announced the referral of the appointment to the Committee on Health
31 and Human Services.

1 January 5, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
8 your consent, I am honored to inform you that I have appointed Ben Jones, of
9 Minnehaha County, Sioux Falls, South Dakota, to the position of Interim Secretary of the
10 Department of Education.

11 This appointment was effective January 5, 2019.

12 Sincerely,
13 Kristi Noem
14 Governor

15 The President announced the referral of the appointment to the Committee on
16 Education.

17 January 5, 2019

18 The Honorable Larry Rhoden
19 President of the Senate
20 State Capitol
21 Pierre, SD 57501

22 Dear President and Members of the Senate:

23 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
24 your consent, I am honored to inform you that I have appointed Kelly Hepler, of
25 Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of
26 Game, Fish and Parks.

27 This appointment is effective January 5, 2019.

28 Sincerely,
29 Kristi Noem
30 Governor

31 The President announced the referral of the appointment to the Committee on
32 Agriculture and Natural Resources.

1 January 5, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
8 your consent, I am honored to inform you that I have appointed Jim Terwilliger, of
9 Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of
10 Revenue.

11 This appointment was effective January 5, 2019.

12 Sincerely,
13 Kristi Noem
14 Governor

15 The President announced the referral of the appointment to the Committee on Taxation.

16 January 5, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
23 your consent, I am honored to inform you that I have appointed Kim Malsam-Rysdon, of
24 Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of
25 Health.

26 This appointment was effective January 5, 2019.

27 Sincerely,
28 Kristi Noem
29 Governor

30 The President announced the referral of the appointment to the Committee on Health
31 and Human Services.

1 January 5, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
8 your consent, I am honored to inform you that I have appointed Marcia Hultman, of Hughes
9 County, Pierre, South Dakota, to the position of Secretary of the Department of Labor and
10 Regulation.

11 This appointment was effective January 5, 2019.

12 Sincerely,
13 Kristi Noem
14 Governor

15 The President announced the referral of the appointment to the Committee on
16 Commerce and Energy.

17 January 5, 2019

18 The Honorable Larry Rhoden
19 President of the Senate
20 State Capitol
21 Pierre, SD 57501

22 Dear President and Members of the Senate:

23 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
24 your consent, I am honored to inform you that I have appointed Mike Leidholt, of Hughes
25 County, Pierre, South Dakota, to the position of Secretary of the Department of Corrections.

26 This appointment is effective January 14, 2019.

27 Sincerely,
28 Kristi Noem
29 Governor

30 The President announced the referral of the appointment to the Committee on Judiciary.

31 January 5, 2019

1 The Honorable Larry Rhoden
2 President of the Senate
3 State Capitol
4 Pierre, SD 57501

5 Dear President and Members of the Senate:

6 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
7 your consent, I am honored to inform you that I have appointed Darin Bergquist, of
8 Hughes County, Pierre, South Dakota, to the position of Secretary of Department of
9 Transportation.

10 This appointment was effective January 5, 2019.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on
15 Transportation.

16 January 5, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
23 your consent, I am honored to inform you that I have appointed Steve Pirner, of
24 Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of
25 Environment and Natural Resources.

26 This appointment was effective January 5, 2019.

27 Sincerely,
28 Kristi Noem
29 Governor

30 The President announced the referral of the appointment to the Committee on
31 Agriculture and Natural Resources.

32 January 5, 2019

1 The Honorable Larry Rhoden
2 President of the Senate
3 State Capitol
4 Pierre, SD 57501

5 Dear President and Members of the Senate:

6 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
7 your consent, I am honored to inform you that I have appointed Craig Price, of
8 Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of
9 Public Safety.

10 This appointment was effective January 5, 2019.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on
15 Transportation.

16 January 5, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
23 your consent, I am honored to inform you that I have appointed Laurie Gill, of
24 Hughes County, Pierre, South Dakota, to the position of Commissioner of the Bureau of
25 Human Resources.

26 This appointment was effective January 5, 2019.

27 Sincerely,
28 Kristi Noem
29 Governor

30 The President announced the referral of the appointment to the Committee on State
31 Affairs.

32 January 5, 2019

1 The Honorable Larry Rhoden
2 President of the Senate
3 State Capitol
4 Pierre, SD 57501

5 Dear President and Members of the Senate:

6 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
7 your consent, I am honored to inform you that I have appointed Jim Hagen, of
8 Minnehaha County, Sioux Falls, South Dakota, to the position of Secretary of the
9 Department of Tourism.

10 This appointment was effective January 5, 2019.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on
15 Commerce and Energy.

16 January 5, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to
23 your consent, I am honored to inform you that I have appointed Amy Iversen-Pollreisz, of
24 Hughes County, Pierre, South Dakota, to the position of Interim Secretary of the Department
25 of Social Services.

26 This appointment was effective January 5, 2019.

27 Sincerely,
28 Kristi Noem
29 Governor

30 The President announced the referral of the appointment to the Committee on Health
31 and Human Services.

32 **REPORTS OF STANDING COMMITTEES**

1 MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration
3 SB 24 and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Education respectfully reports that it has had under consideration
6 SB 23 and returns the same with the recommendation that said bill do pass and be placed on the
7 consent calendar.

8 Respectfully submitted,
9 Alan Solano, Chair

10 MR. PRESIDENT:

11 The Committee on Judiciary respectfully reports that it has had under consideration SB 11
12 and 21 and returns the same with the recommendation that said bills do pass.

13 Also MR. PRESIDENT:

14 The Committee on Judiciary respectfully reports that it has had under consideration SB 5,
15 12, and 20 and returns the same with the recommendation that said bills do pass and be placed
16 on the consent calendar.

17 Also MR. PRESIDENT:

18 The Committee on Judiciary respectfully reports that it has had under consideration SB 9
19 and returns the same with the recommendation that said bill be referred to the Committee on
20 Military and Veterans Affairs.

21 Respectfully submitted,
22 Lance Russell, Chair

23 MR. PRESIDENT:

24 The Committee on Agriculture and Natural Resources respectfully reports that it has had
25 under consideration SB 33 and returns the same with the recommendation that said bill be
26 amended as follows:

27 33ca

1 On page 2, line 2, of the printed bill, after "." insert "No land purchased with funds from
2 the real property acquisition fund may be purchased at public auction.".

3 And that as so amended said bill do pass.

4 Respectfully submitted,
5 Gary L. Cammack, Chair

6 MR. PRESIDENT:

7 The Committee on Commerce and Energy respectfully reports that it has had under
8 consideration SB 14 and 16 and returns the same with the recommendation that said bills do
9 pass.

10 Also MR. PRESIDENT:

11 The Committee on Commerce and Energy respectfully reports that it has had under
12 consideration SB 17 and returns the same with the recommendation that said bill be amended
13 as follows:

14 17wa

15 On page 1 of the printed bill, remove the overstrikes from line 5.

16 On page 1, line 10, delete "~~such trans-state~~" and insert "~~such~~ the trans-state".

17 On page 1, line 11, delete everything before "facility" and insert "transmission facility or
18 transmission".

19 And that as so amended said bill do pass.

20 Respectfully submitted,
21 Jim Stalzer, Chair

22 **MESSAGES FROM THE HOUSE**

23 MR. PRESIDENT:

24 I have the honor to return herewith SCR 3 and 4 in which the House has concurred.

25 Also MR. PRESIDENT:

1 I have the honor to transmit herewith HB 1016 and 1017 which have passed the House and
2 your favorable consideration is respectfully requested.

3 Respectfully,
4 Sandra J. Zinter, Chief Clerk

5 **MOTIONS AND RESOLUTIONS**

6 Sen. Langer moved that SCR 5 be deferred to Wednesday, January 16th, the seventh
7 legislative day.

8 Which motion prevailed.

9 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

10 SB 51 Introduced by: Senators Partridge, Cronin, Curd, Greenfield (Brock), Langer, Maher,
11 Monroe, Otten (Ernie), Rusch, Schoenbeck, Solano, White, Wiik, and Youngberg and
12 Representatives Hansen, Bartels, Diedrich, Gosch, Greenfield (Lana), Johns, Lake, Olson,
13 Peterson (Kent), Qualm, Rounds, Schoenfish, and Willadsen

14 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding trusts.

15 Was read the first time and referred to the Committee on Commerce and Energy.

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

17 HB 1016: FOR AN ACT ENTITLED, An Act to revise certain provisions of the alcoholic
18 beverages code.

19 Was read the first time and referred to the Committee on Commerce and Energy.

20 HB 1017: FOR AN ACT ENTITLED, An Act to provide for the destruction of certain
21 contraband cigarettes.

22 Was read the first time and referred to the Committee on Taxation.

23 **SECOND READING OF CONSENT CALENDAR ITEMS**

24 Sen. Steinhauer requested that SB 35 be removed from the Consent Calendar.

1 SB 13: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
2 authorization for public transportation assistance grants.

3 Was read the second time.

4 The question being "Shall SB 13 pass?"

5 And the roll being called:

6 Yeas 35, Nays 0, Excused 0, Absent 0

7 Yeas:

8 Blare; Bolin; Cammack; Cronin; Curd; DiSanto; Ewing; Foster; Greenfield (Brock); Heinert;
9 Jensen (Phil); Kennedy; Klumb; Kolbeck; Langer; Maher; Monroe; Nelson; Nesiba; Novstrup;
10 Otten (Ernie); Partridge; Rusch; Russell; Schoenbeck; Smith (VJ); Soholt; Solano; Stalzer;
11 Steinhauer; Sutton; White; Wiik; Wismer; Youngberg

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 President declared the motion carried.

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

15 Sen. Langer moved that SB 10 be deferred to Wednesday, January 16th, the seventh
16 legislative day.

17 Which motion prevailed.

18 SB 26: FOR AN ACT ENTITLED, An Act to clarify certain provisions regarding the
19 regulation of limited gaming in Deadwood, South Dakota.

20 Was read the second time.

21 The question being "Shall SB 26 pass?"

22 And the roll being called:

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

24 Yeas:

25 Blare; Bolin; Cammack; Cronin; Curd; DiSanto; Ewing; Foster; Greenfield (Brock); Heinert;
26 Jensen (Phil); Kennedy; Klumb; Kolbeck; Langer; Maher; Monroe; Nelson; Nesiba; Otten
27 (Ernie); Partridge; Rusch; Russell; Schoenbeck; Smith (VJ); Soholt; Solano; Stalzer;
28 Steinhauer; Sutton; White; Wiik; Wismer; Youngberg

1 Nays:
2 Novstrup

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

5 SC 4 Introduced by: Senators Smith (VJ), Blare, Kolbeck, Langer, Novstrup, and Soholt
6 and Representatives Reed, Anderson, Duba, Duvall, Finck, Howard, Hunhoff, Karr, Mills, Post,
7 Qualm, and Reimer

8 A LEGISLATIVE COMMEMORATION, Honoring and commending South Dakota State
9 University for its ten-year anniversary as a successful NCAA Division I university.

10 WHEREAS, President Emeritus Peggy Miller and former Athletic Director Fred Oien
11 initiated the bold vision to move SDSU to the Division I level; and

12 WHEREAS, it was already recognized that SDSU academic and research programs were
13 commensurate with other Division I university institutions and moving SDSU to Division I
14 athletics created exciting new challenges for young athletes, national exposure for a South
15 Dakota collegiate athletic program, and enhanced statewide pride; and

16 WHEREAS, on June 26, 2008, the NCAA Division I Management Council Administrative
17 Committee announced that SDSU had met all the requirements to become an active Division
18 I program; and

19 WHEREAS, athletic programs have excelled in Division I, including the women's
20 Jackrabbit basketball team has participated in the NCAA National Tournament eight out of the
21 past ten years, the men's Jackrabbit basketball team has participated in the NCAA National
22 Tournament five out of the past ten years, and the Jackrabbit football team has participated in
23 the NCAA Football Tournament eight out of the past ten years; and

24 WHEREAS, on March 17, 2018, Seth Gross became the first Jackrabbit to win a Division
25 I national title when he won the 133-pound division at the NCAA Wrestling Championship; and

26 WHEREAS, SDSU has had seventy-five combined team and individual postseason
27 appearances; and

28 WHEREAS, Jackrabbit student athletes have excelled in the classroom, combining for a
29 cumulative grade point average of 3.0 or higher for twenty-one consecutive semesters and have
30 received Academic All-American honors thirty-nine times in the last decade:

31 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-Fourth Legislature of the
32 State of South Dakota, that the Legislature commends and honors South Dakota State University
33 for its successes as an NCAA Division I university.

1 Sen. Blare moved that the Senate do now adjourn, which motion prevailed and at 2:22 p.m.
2 the Senate adjourned.

3

Kay Johnson, Secretary