

# *JOURNAL OF THE SENATE*

## *NINETY-SIXTH SESSION*

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SEVENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, January 21, 2021

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

The prayer was offered by the Chaplain, Deacon Kris Wollman, followed by the Pledge of Allegiance led by Senate page Kayla Andersen.

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 6th day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Lee A. Schoenbeck, Chair

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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 **SB 13** and returns the same with the recommendation that said bill do pass.

5 Also MR. PRESIDENT:

6 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
7 **SB 14, 15, and 16** and returns the same with the recommendation that said bills do pass, and  
8 having been certified as uncontested, be placed on the consent calendar.

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Respectfully submitted,  
Arthur Rusch, Chair

11 MR. PRESIDENT:

12 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
13 had under consideration **SB 47** and returns the same with the recommendation that said bill be  
14 referred to the Joint Committee on Appropriations.

15 Also MR. PRESIDENT:

16 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
17 had under consideration **SB 52** and returns the same with the recommendation that said bill do  
18 pass.

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Respectfully submitted,  
V. J. Smith, Chair

21 MR. PRESIDENT:

22 The Committee on Senate Education respectfully reports that it has had under consideration  
23 **SB 27** and returns the same with the recommendation that said bill do pass.

24 Also MR. PRESIDENT:

25 The Committee on Senate Education respectfully reports that it has had under consideration  
26 **SB 28** and returns the same with the recommendation that said bill be amended as follows:

27

28A

28 On page 1, line 2, of the Introduced bill, delete " Stanley J. Marshall Center" and insert "  
29 Sanford Jackrabbit Athletic Complex"

30 On page 1, line 8, of the Introduced bill, delete " Stanley J. Marshall Center" and insert "  
31 Sanford Jackrabbit Athletic Complex"

32 And that as so amended, said bill do pass.

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34

Respectfully submitted,  
R. Blake Curd, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
3 consideration **SB 22, 23, 37, 38, 58, and 61** and returns the same with the recommendation that  
4 said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 Casey Crabtree, Chair

7 **MESSAGES FROM THE HOUSE**

8 Mr. PRESIDENT:

9 I have the honor to transmit herewith **HB 1012** which has passed the House and your favorable  
10 consideration is respectfully requested.

11 Respectfully,  
12 Patricia Miller, Chief Clerk

13 **MOTIONS AND RESOLUTIONS**

14 **SCR 601:** A CONCURRENT RESOLUTION, Urging the members of South Dakota's congressional  
15 delegation to vote against any act admitting the District of Columbia as a separate state.

16 Introduced by: **Senator** Bolin

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

18 Sen. Cammack moved that **SB 50** be deferred to Friday, January 22, 2021, the 8<sup>th</sup> legislative  
19 day.

20 Which motion prevailed.

21 Sen. Schoenbeck moved that **SB 28** be referred to the Senate Committee on Appropriations.

22 Which motion prevailed.

23 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
24 Friday, January 22, 2021 the 8<sup>th</sup> legislative day.

25 Which motion prevailed.

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**CONSIDERATION OF REPORTS OF COMMITTEES**

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Sen. Cammack moved that the reports of the Standing Committees on

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Commerce and Energy on **SB 9** as found on page 78 of the Senate Journal; also

4

State Affairs on **SB 26** as found on page 81 of the Senate Journal; also

5

Taxation on **SB 41** as found on page 80 of the Senate Journal be adopted.

6

Which motion prevailed and the reports were adopted.

7

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

8

**SB 87:** FOR AN ACT ENTITLED, An Act to exempt health benefit plans sponsored by nonprofit agricultural organizations from insurance regulation.

9

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Introduced by: **Senator** Cammack

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

12

**SB 85:** FOR AN ACT ENTITLED, An Act to modify the composition of the Retirement Laws Committee

13

14

Introduced by: **Senator** Schoenbeck

15

**SB 86:** FOR AN ACT ENTITLED, An Act to revise certain requirements regarding the review of initiated amendments to the Constitution.

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Introduced by: **Senator** Schoenbeck

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**SJR 501:** A JOINT RESOLUTION, Rescinding a House Joint Resolution calling for a constitutional convention for the sole purpose of changing the Constitution of the United States.

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Introduced by: **Senator** David Johnson

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

22

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

23

**HB 1012:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier regulations.

24

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

26

**SECOND READING OF CONSENT CALENDAR ITEMS**

27

**SB 8:** FOR AN ACT ENTITLED, An Act to revise various provisions related to banks and trusts.

28

**SB 12:** FOR AN ACT ENTITLED, An Act to update a reference to the U.S. Board on Geographic Names standards manual.

29

1 **SB 19:** FOR AN ACT ENTITLED, An Act to correct errors in statutory cross-references in certain  
2 provisions regarding health care.

3 **SB 25:** FOR AN ACT ENTITLED, An Act to remove an incorrect cross-reference in provisions  
4 regarding elections.

5 **SB 40:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue  
6 Code.

7 **SB 51:** FOR AN ACT ENTITLED, An Act to transfer licensure of individuals who may alter,  
8 repair, construct, or install on-site wastewater systems to the Plumbing Commission.

9 **SB 67:** FOR AN ACT ENTITLED, An Act to correct a cross-reference relating to sheriff's  
10 compensation.

11 **SB 69:** FOR AN ACT ENTITLED, An Act to correct certain provisions with incorrect cross  
12 references regarding county road district boundaries.

13 Were read the second time.

14 The question being "Shall **SB 8, 12, 19, 25, 40, 51, 67, and 69** pass?"

15 And the roll being called:

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

17 Yeas:

18 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,  
19 Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher,  
20 Nesiba, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
21 Sutton, Marsha Symens, Tobin, Wheeler, Wiik, and Zikmund

22 Excused:

23 Novstrup

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

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

27 **SB 3:** FOR AN ACT ENTITLED, An Act to repeal certain sunset provisions regarding contagious  
28 disease control and enforcement.

29 Was read the second time.

30 The question being "Shall **SB 3** pass?"

31 And the roll being called:

32 Yeas 22, Nays 13, Excused 0, Absent 0

33 Yeas:

34 Bolin, Breitling, Cammack, Diedrich, Duhamel, Duvall, Foster, Brock Greenfield, Heinert,  
35 Hunhoff, Johns, David Johnson, Nesiba, Novstrup, Rusch, Schoenbeck, Schoenfish, V. J. Smith,  
36 Stalzer, Steinhauer, Wheeler, and Zikmund

1 Nays:  
2 Castleberry, Crabtree, Curd, Frye-Mueller, Klumb, Kolbeck, Maher, Herman Otten, Rohl,  
3 Sutton, Marsha Symens, Tobin, and Wiik

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 **SB 7**: FOR AN ACT ENTITLED, An Act to permit Medicaid to qualify as a victim for purposes of  
7 restitution in criminal cases.

8 Was read the second time.

9 The question being "Shall **SB 7** pass as amended?"

10 And the roll being called:

11 Yeas 35, Nays 0, Excused 0, Absent 0

12 Yeas:

13 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,  
14 Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher,  
15 Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,  
16 Steinhauer, Sutton, Marsha Symens, Tobin, Wheeler, Wiik, and Zikmund

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

19 The question being on the title.

20 Sen. Wheeler moved that the title to **SB 7** be amended as follows:

21 7D

22 On page 1, line 1, of the Senate Judiciary bill, after "permit " delete "Medicaid"

23 On page 1, line 1, of the Senate Judiciary bill, after "Medicaid " insert "a government agency "

24 Which motion prevailed and the title was so amended.

25 Sen. Cammack moved that the balance of the calendar including **SB 20, 30, 53, and 63** be  
26 deferred to Friday, January 22, 2021, the 8<sup>th</sup> legislative day.

27 Which motion prevailed.

28 Sen. Novstrup moved that the Senate do now adjourn, which motion prevailed and at  
29 2:49 p.m. the Senate adjourned.

30 Kay Johnson, Secretary