

# *JOURNAL OF THE SENATE*

## *NINETY-SIXTH SESSION*

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EIGHTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, January 22, 2021

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Craig Wexler, followed by the Pledge of Allegiance led by Senate page Noah Greble.

Roll Call: All members present except Sen. Novstrup 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 7th 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**

MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **SB 39** and returns the same with the recommendation that said bill be amended as follows:

39A

On page 1, line 12, of the Introduced bill, after "coin " insert "or bill "

On page 1, line 16, of the Introduced bill, delete "Video arcade " and insert "Arcade "

And that as so amended, said bill do pass.

Respectfully submitted,  
Timothy R. Johns, Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 6** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 32** and returns the same with the recommendation that said bill be amended as follows:

32B

On page 1, line 17, of the Introduced bill, delete " fifty-five or less" and insert " less than sixty"

And that as so amended, said bill do pass.

Respectfully submitted,  
Wayne H. Steinhauer, Chair

MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 10** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 11, 21, and 42** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 43** and returns the same with the recommendation that said bill be amended as follows:

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43A

2 On page 3, line 25, of the Introduced bill, delete " 2019" and insert " 2021"

3 And that as so amended, said bill do pass, and having been certified as uncontested, be placed  
4 on the consent calendar.

5 Respectfully submitted,  
6 Mary Duvall, Chair

7 MR. PRESIDENT:

8 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
9 **SB 24** and returns the same with the recommendation that said bill be amended as follows:

10 24A

11 On page 1, line 1, of the Introduced bill, after "to " delete "provide for "

12 On page 1, line 1, delete "voter registration" and insert

13 On page 1, line 1, after "registration" insert "allow "

14 On page 1, line 1, after "registration" insert "a change of address"

15 On page 1, line 1, after "online " delete "voter registration "

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

17 "

18 **Section 1.** That a NEW SECTION be added:

19 12-4-2.4. Online change of address.

20 A person eligible to vote under § 12-4-1, and who has a valid South Dakota driver license or  
21 South Dakota nondriver identification card, may submit a change of address for the purpose of  
22 accurate voter registration records through an online electronic system maintained by the Office of  
23 the Secretary of State. However, the initial voter registration process of an eligible applicant may  
24 not be submitted through any online electronic system.

25 "

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

27 Respectfully submitted,  
28 Gary L. Cammack, Chair

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**MESSAGES FROM THE HOUSE**

Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1002** which has passed the House and your favorable consideration is respectfully requested.

Respectfully,  
Patricia Miller, Chief Clerk

**MOTIONS AND RESOLUTIONS**

SENATE PAGE RESOLUTION 1 Introduced by: Senators Bolin; Breitling; Cammack; Castleberry; Crabtree; Curd; Diedrich; Duhamel; Duvall; Foster; Frye-Mueller; Greenfield, Brock; Heinert; Hunhoff; Johns; Johnson, David; Klumb; Kolbeck; Maher; Nesiba; Novstrup; Otten, Herman; Rohl; Rusch; Schoenbeck; Schoenfish; Smith, V.J.; Stalzer; Steinhauer; Sutton; Symens; Tobin; Wheeler; Wiik; Zikmund

A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-sixth Legislature of the State of South Dakota to Kayla Andersen, Noah Greble, Billie Kilness, Trinity Peterson, and Allison Vacanti.

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

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

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

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

Sen. Cammack moved that Senate Page Resolution 1 be adopted.

The question being on Sen. Cammack's motion that Senate Page Resolution 1 be adopted.

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused:  
Novstrup

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

1 **SR 701:** A RESOLUTION, In support of rescinding the Medals of Honor given to United States  
2 soldiers for the involvement and participation of the soldiers in the Wounded Knee Massacre of 1890.

3 Introduced by: **Senator** Heinert

4 Was read the first time.

### 5 **CONSIDERATION OF REPORTS OF COMMITTEES**

6 Sen. Cammack moved that the report of the Standing Committee on

7 Senate Appropriations on **SB 28** as found on page 87 of the Senate Journal be adopted.

8 Which motion prevailed and the report was adopted.

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

10 **SB 88:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding lottery prizes that  
11 may be paid by a lottery retailer.

12 Introduced by: **Senator** Wheeler

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

14 **SB 96:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of  
15 telehealth technologies.

16 Introduced by: The Committee on Health and Human Services at the request of the Office of  
17 the Governor

18 Was read the first time and referred to the Committee on Health and Human Services.

19 **SB 95:** FOR AN ACT ENTITLED, An Act to provide immunity for actions assisting an impaired  
20 lawyer or judge.

21 Introduced by: **Senator** Johns

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

23 **SB 91:** FOR AN ACT ENTITLED, An Act to authorize ranked-choice voting for certain local  
24 elections.

25 Introduced by: **Senator** Nesiba

26 **SB 92:** FOR AN ACT ENTITLED, An Act to require that certain proposed rules include an  
27 affordable housing impact statement.

28 Introduced by: **Senator** Herman Otten

29 **SB 94:** FOR AN ACT ENTITLED, An Act to revise requirements relating to the publication of  
30 milk regulation ordinances.

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1 Introduced by: **Senator** Duvall

2 Were read the first time and referred to the Committee on Local Government.

3 **SB 89:** FOR AN ACT ENTITLED, An Act to add Juneteenth as a state holiday.

4 Introduced by: **Senator** Nesiba

5 **SB 90:** FOR AN ACT ENTITLED, An Act to recognize hair discrimination as an unfair or  
6 discriminatory practice.

7 Introduced by: **Senator** Nesiba

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

9 **SB 93:** FOR AN ACT ENTITLED, An Act to make an appropriation to rehabilitate the rail line  
10 from west of the city of Fort Pierre through the city of Midland and to declare an emergency.

11 Introduced by: **Senator** Duvall

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

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

14 **HB 1002:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding fingerprint-  
15 based background checks for the Real Estate Commission and the appraiser certification program.

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

17 **SECOND READING OF CONSENT CALENDAR ITEMS**

18 Sen. Heinert requested that **SB 14, 15, and 16** be removed from the Consent Calendar.

19 **SB 9:** FOR AN ACT ENTITLED, An Act to revise various provisions related to bank trust  
20 departments and trust companies.

21 **SB 22:** FOR AN ACT ENTITLED, An Act to correct a technical error concerning a cross-reference  
22 regarding a certain energy conservation program.

23 **SB 23:** FOR AN ACT ENTITLED, An Act to correct a technical error concerning a cross-reference  
24 relating to certain reporting requirements for the building South Dakota programs.

25 **SB 26:** FOR AN ACT ENTITLED, An Act to modify the type of candidates that may use a joint  
26 petition.

27 **SB 37:** FOR AN ACT ENTITLED, An Act to update certain citations to federal regulations  
28 regarding pipeline safety inspections.

29 **SB 38:** FOR AN ACT ENTITLED, An Act to correct technical errors in and make stylistic revisions  
30 to certain provisions regarding public utilities.

1 **SB 41:** FOR AN ACT ENTITLED, An Act to revise certain requirements for contesting certificates  
2 of assessment.

3 **SB 58:** FOR AN ACT ENTITLED, An Act to remove an outdated cross-reference to the risk pool.

4 **SB 61:** FOR AN ACT ENTITLED, An Act to revise a cross reference regarding the South Dakota  
5 Housing Development Authority's investment agreement.

6 Were read the second time.

7 The question being "Shall **SB 9, 26, and 41** pass as amended, and **SB 22, 23, 37, 38, 58,**  
8 **and 61** pass?"

9 And the roll being called:

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

11 Yeas:

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

16 Excused:

17 Novstrup

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

20 Sen. Cammack moved that the balance of the calendar including **SB 13, 20, 27, 30, 50, 52,**  
21 **53, and 63** be deferred to Monday, January 25, 2021, the 9<sup>th</sup> legislative day.

22 Which motion prevailed.

23 Sen. Stalzer moved that the Senate do now adjourn, which motion prevailed and at 1:27 p.m.  
24 the Senate adjourned.

25

Kay Johnson, Secretary

