

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, January 25, 2021

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

The prayer was offered by the Chaplain, Rev. Matt Spoden, followed by the Pledge of Allegiance led by Senate page Abbey Allen.

Roll Call: All members present except Sen. Wheeler 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 8th 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

1 The oath of office was administered by the President to the following named pages:

2 Abbey Allen, Addyson Boltjes, Lydia Hoffman, Allie Huizenga, Jaydan Kass, Echo Koskan,
3 Makenna Miller, Everett Paul, Paige Pollreisz, Savannah Shrake, Tianna Tschetter.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
8 under consideration **SB 84** and returns the same with the recommendation that said bill be referred
9 to the Committee on Appropriations with a Do Pass recommendation.

10 Respectfully submitted,
11 David Johnson, Chair

12 MR. PRESIDENT:

13 The Committee on Senate State Affairs respectfully reports that it has had under consideration
14 **SB 54** and returns the same with the recommendation that said bill be referred to the Committee
15 on Appropriations with a Do Pass recommendation.

16 Also MR. PRESIDENT:

17 The Committee on Senate State Affairs respectfully reports that it has had under consideration
18 **SCR 601** and returns the same with the recommendation that said resolution be amended as
19 follows:

20 SCR601A

21 On page 1, line 11, of the Introduced bill, delete "recklessly " and insert " in a partisan manner
22 "

23 And that as so amended, said resolution be adopted.

24 Respectfully submitted,
25 Gary L. Cammack, Chair

26 **MESSAGES FROM THE HOUSE**

27 Mr. PRESIDENT:

28 I have the honor to transmit herewith **HB 1004, 1005, 1007, 1008, 1014, 1022, 1023,**
29 **1024, 1030, 1031, 1032, 1033, and 1036** which have passed the House and your favorable
30 consideration is respectfully requested.

31 Respectfully,
32 Patricia Miller, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2

SCR 603: A CONCURRENT RESOLUTION, Supporting the establishment of the Economic Development Professionals Association of South Dakota.

3

4

Introduced by: **Senator** Crabtree

5

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

6

SCR 602: A CONCURRENT RESOLUTION, Supporting a United States Constitutional amendment to retain nine justices on the United States Supreme Court.

7

8

Introduced by: **Senator** Stalzer

9

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

10

The following bill was read on January 22, 2021, and today the President assigned this bill to committee:

11

12

SR 701 was referred to the Committee on Military and Veterans Affairs.

13

Sen. Cammack moved that **SB 17, 28, 36, and 48** be referred from the Senate Committee on Appropriations to the Joint Committee on Appropriations.

14

15

Which motion prevailed.

16

CONSIDERATION OF REPORTS OF COMMITTEES

17

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

18

State Affairs on **SB 24** as found on page 93 of the Senate Journal; also

19

Health and Human Services on **SB 32** as found on page 92 of the Senate Journal; also

20

Taxation on **SB 39** as found on page 92 of the Senate Journal; and

21

Transportation on **SB 43** as found on page 92 of the Senate Journal be adopted.

22

Which motion prevailed and the reports were adopted.

23

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

24

SB 97: FOR AN ACT ENTITLED, An Act to modify the composition of the State-Tribal Relations Committee and to declare an emergency.

25

26

Introduced by: **Senator** Schoenbeck

1 **SB 100:** FOR AN ACT ENTITLED, An Act to continue the prohibition on the seizure of firearms
2 and ammunitions.

3 Introduced by: **Senator** Cammack

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

5 **SB 98:** FOR AN ACT ENTITLED, An Act to limit the application of the death penalty.

6 Introduced by: **Senator** Rusch

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

8 **SB 99:** FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to contract
9 for the construction of a livestock and equestrian complex at the State Fair, to make an appropriation
10 therefor, and to declare an emergency.

11 Introduced by: The Committee on Appropriations at the request of the Office of the Governor

12 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

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

14 **HB 1036:** FOR AN ACT ENTITLED, An Act to correct technical errors in certain code cross-
15 references regarding the Department of Game, Fish and Parks.

16 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

17 **HB 1014:** FOR AN ACT ENTITLED, An Act to establish uniform complaint and declaratory ruling
18 procedures for agencies regulating certain professions and occupations.

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

20 **HB 1004:** FOR AN ACT ENTITLED, An Act to repeal the registration requirement for medical
21 assistants.

22 **HB 1005:** FOR AN ACT ENTITLED, An Act to repeal the emergency medical technician-student
23 status license requirement.

24 Were read the first time and referred to the Committee on Health and Human Services.

25 **HB 1007:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding checks or bid
26 bonds for public improvements.

27 **HB 1008:** FOR AN ACT ENTITLED, An Act to revise technical errors in statutory cross
28 references relating to the Department of Executive Management.

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

30 **HB 1030:** FOR AN ACT ENTITLED, An Act to revise and clarify certain provisions regarding the
31 required minimum distribution methods of the South Dakota Retirement System.

1 **HB 1031:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South
2 Dakota Retirement System.

3 **HB 1032:** FOR AN ACT ENTITLED, An Act to revise the minimum cost of living adjustment and
4 revise terminology of the South Dakota Retirement System.

5 **HB 1033:** FOR AN ACT ENTITLED, An Act to update certain provisions relating to the South
6 Dakota Retirement System, to revise certain provisions relating to reemployment after retirement
7 with the South Dakota Retirement System, and to declare an emergency.

8 Were read the first time and referred to the Committee on Retirement Laws.

9 **HB 1022:** FOR AN ACT ENTITLED, An Act to repeal certain obsolete state estate and
10 inheritance tax provisions.

11 **HB 1023:** FOR AN ACT ENTITLED, An Act to repeal obsolete property tax provisions and to
12 revise property tax cross-reference and land classification statutes.

13 **HB 1024:** FOR AN ACT ENTITLED, An Act to repeal obsolete provisions and revise statutory
14 cross-references for the energy minerals severance tax, state and municipal sales taxes, contractor's
15 excise tax, alcohol licenses, and gaming tax.

16 Were read the first time and referred to the Committee on Taxation.

17 **SECOND READING OF CONSENT CALENDAR ITEMS**

18 **SB 6:** FOR AN ACT ENTITLED, An Act to correct technical errors in statutory cross-references
19 related to the Department of Social Services.

20 **SB 11:** FOR AN ACT ENTITLED, An Act to revise provisions regarding highways and bridges.

21 **SB 21:** FOR AN ACT ENTITLED, An Act to revise contracting procedure options for certain
22 highway construction contracts.

23 **SB 42:** FOR AN ACT ENTITLED, An Act to require all documentation supporting a tax refund
24 claim regarding the accidental mixing of undyed and dyed diesel fuel to be submitted to the
25 Department of Revenue within a certain time period.

26 Were read the second time.

27 The question being "Shall **SB 6, 11, 21, and 42** pass?"

28 And the roll being called:

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

30 Yeas:

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

35 Excused:

36 Wheeler

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

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

4 **SB 14:** FOR AN ACT ENTITLED, An Act to limit the time children in need of supervision are
5 held in detention under certain circumstances.

6 Was read the second time.

7 The question being "Shall **SB 14** pass?"

8 And the roll being called:

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

10 Yeas:

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

15 Excused:

16 Wheeler

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

19 **SB 15:** FOR AN ACT ENTITLED, An Act to revise the voting requirements necessary for the
20 board to grant or deny parole or recommend clemency.

21 Was read the second time.

22 The question being "Shall **SB 15** pass?"

23 And the roll being called:

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

25 Yeas:

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

30 Excused:

31 Wheeler

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

34 **SB 16:** FOR AN ACT ENTITLED, An Act to revise the requirements of setting discretionary
35 parole dates by the board.

36 Was read the second time.

1 The question being "Shall **SB 16** pass?"

2 And the roll being called:

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

4 Yeas:

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

9 Excused:

10 Wheeler

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

13 **SB 50:** FOR AN ACT ENTITLED, An Act to repeal the requirement for a well pump installer
14 license.

15 Was read the second time.

16 The question being "Shall **SB 50** pass?"

17 And the roll being called:

18 Yeas 23, Nays 11, Excused 1, Absent 0

19 Yeas:

20 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Duhamel, Duvall, Brock Greenfield,
21 Hunhoff, Johns, Klumb, Maher, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, V. J. Smith,
22 Stalzer, Steinhauer, Sutton, and Wiik

23 Nays:

24 Diedrich, Foster, Frye-Mueller, Heinert, David Johnson, Kolbeck, Nesiba, Schoenfish, Symens,
25 Tobin, and Zikmund

26 Excused:

27 Wheeler

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

30 **SB 20:** FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances
31 schedule and to declare an emergency.

32 Was read the second time.

33 The question being "Shall **SB 20** pass?"

34 And the roll being called:

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

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

6 Excused:
7 Wheeler

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

10 **SB 30:** FOR AN ACT ENTITLED, An Act to extend the issuance period for commercial learner's
11 permits.

12 Was read the second time.

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

14 And the roll being called:

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

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

21 Excused:
22 Wheeler

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

25 **SB 53:** FOR AN ACT ENTITLED, An Act to revise certification and renewal fees for water supply
26 and treatment system operators.

27 Was read the second time.

28 The question being "Shall **SB 53** pass?"

29 And the roll being called:

30 Yeas 33, Nays 1, Excused 1, Absent 0

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

36 Nays:
37 Bolin

38 Excused:
39 Wheeler

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

3 **SB 63:** FOR AN ACT ENTITLED, An Act to correct technical errors and outdated provisions
4 regarding the Department of Environment and Natural Resources.

5 Was read the second time.

6 The question being "Shall **SB 63** pass?"

7 And the roll being called:

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

9 Yeas:

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

14 Excused:

15 Wheeler

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

18 **SB 13:** FOR AN ACT ENTITLED, An Act to revise a statutory cross reference in the written
19 waiver of right to a parole hearing or appearance.

20 Was read the second time.

21 The question being "Shall **SB 13** pass?"

22 And the roll being called:

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

24 Yeas:

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

29 Excused:

30 Wheeler

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

33 **SB 52:** FOR AN ACT ENTITLED, An Act to revise the permit duration on certain concentrated
34 animal feeding operations.

35 Was read the second time.

1 The question being "Shall **SB 52** pass?"

2 And the roll being called:

3 Yeas 27, Nays 7, Excused 1, Absent 0

4 Yeas:

5 Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Brock Greenfield,
6 Hunhoff, Johns, Klumb, Kolbeck, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V.
7 J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wiik, and Zikmund

8 Nays:

9 Bolin, Foster, Frye-Mueller, Heinert, David Johnson, Maher, and Nesiba

10 Excused:

11 Wheeler

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

14 Sen. Cammack moved that **SB 27** be re-referred to the Senate Committee on Appropriations.

15 Which motion prevailed.

16 **SB 10**: FOR AN ACT ENTITLED, An Act to revise the composition of the state trunk highway
17 system.

18 Was read the second time.

19 The question being "Shall **SB 10** pass?"

20 And the roll being called:

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

22 Yeas:

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

27 Excused:

28 Wheeler

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

1

COMMEMORATIONS

2

SC 801: A LEGISLATIVE COMMEMORATION, To honor and commend the students and staff that participated in the 2020 Human Rights Day Essay Contest.

3

4

Introduced by: **Senators** Nesiba, Heinert, Rusch, and V. J. Smith and

5

Representatives Thomason, Duba, Keintz, and Perry

6

Sen. Rusch moved that the Senate do now adjourn, which motion prevailed and at 3:25 p.m. the Senate adjourned.

7

8

Kay Johnson, Secretary

