

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, January 26, 2021

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

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by Senate pages Addyson Boltjes and Allie Huizenga.

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 9th 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

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Education respectfully reports that it has had under consideration
4 **SB 68** and returns the same with the recommendation that said bill do pass.

5 Respectfully submitted,
6 R. Blake Curd, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Judiciary respectfully reports that it has had under consideration
9 **SB 60** and returns the same with the recommendation that said bill be amended as follows:

10 60A

11 On page 1, line 15, of the Introduced bill, remove the overstrikes from "and "

12 On page 1, line 16, of the Introduced bill, after "Association" delete "; and two lay members"

13 On page 1, line 16, of the Introduced bill, after "members." insert " Two members of the
14 commission shall be civilians appointed by the governor after consultation with the attorney general.
15 Civilians are defined as a person who is not currently or ever has been a certified law enforcement
16 officer."

17 On page 1, line 19, of the Introduced bill, after "years. " insert "The governor shall appoint
18 civilian members to terms of two years. "

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

21 Also MR. PRESIDENT:

22 The Committee on Senate Judiciary respectfully reports that it has had under consideration
23 **SB 31, 62, and 75** and returns the same with the recommendation that said bills do pass, and
24 having been certified as uncontested, be placed on the consent calendar.

25 Also MR. PRESIDENT:

26 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
27 nomination of Myron L. Rau to the South Dakota Board of Pardons and Parole and returns the same
28 with the recommendation that the Senate advise and consent to the confirmation of said
29 reappointment, and that said reappointment be placed on the consent calendar.

30 Respectfully submitted,
31 Arthur Rusch, Chair

32 MR. PRESIDENT:

33 The Committee on Senate Commerce and Energy respectfully reports that it has had under
34 consideration **SB 29** and returns the same with the recommendation that said bill do pass, and
35 having been certified as uncontested, be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
3 consideration **SB 34** and returns the same with the recommendation that said bill be referred to the
4 Committee on Appropriations with a Do Pass recommendation.

5 Also MR. PRESIDENT:

6 The Committee on Senate Commerce and Energy respectfully reports that it has had under
7 consideration **SB 78** and returns the same with the recommendation that said bill be amended as
8 follows:

9 78A

10 On page 1, line 1, of the Introduced bill, delete "previsions " and insert "provisions "

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

12 Respectfully submitted,
13 Casey Crabtree, Chair

14 MR. PRESIDENT:

15 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
16 had under consideration **SB 72** and returns the same with the recommendation that said bill do
17 pass.

18 Also MR. PRESIDENT:

19 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
20 had under consideration **SB 76** which was deferred to the 41st Legislative Day.

21 Respectfully submitted,
22 Joshua Klumb, Vice-Chair

23 **MESSAGES FROM THE HOUSE**

24 Mr. PRESIDENT:

25 I have the honor to transmit herewith **HB 1006 and 1043** which have passed the House and
26 your favorable consideration is respectfully requested.

27 Respectfully,
28 Patricia Miller, Chief Clerk

29 **MOTIONS AND RESOLUTIONS**

30 **SCR 604:** A CONCURRENT RESOLUTION, Supporting trade negotiations to remove barriers to
31 country of origin labelling.

32 Introduced by: **Senator** Cammack

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

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

State Affairs on **SCR 601** as found on page 100 of the Senate Journal be adopted.

4

Which motion prevailed and the report was adopted.

5

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

6

SB 108: FOR AN ACT ENTITLED, An Act to revise certain provisions related to cooperatives.

7

Introduced by: **Senator** Duvall

8

SB 114: FOR AN ACT ENTITLED, An Act to revise residency requirements for the hunter mentoring program.

9

10

Introduced by: **Senator** Frye-Mueller

11

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

12

SB 101: FOR AN ACT ENTITLED, An Act to revise provisions regarding warranty agreements with vehicle dealers.

13

14

Introduced by: **Senator** Tobin

15

SB 103: FOR AN ACT ENTITLED, An Act to provide for the confidentiality of personal information of persons affiliated with nonprofit corporations and to provide a penalty therefor.

16

17

Introduced by: **Senator** Crabtree

18

SB 106: FOR AN ACT ENTITLED, An Act to eliminate the exemption from the perpetual care funds provisions for certain cemeteries.

19

20

Introduced by: **Senator** Novstrup

21

SB 107: FOR AN ACT ENTITLED, An Act to ease regulations related to mobile food service establishments.

22

23

Introduced by: **Senator** Novstrup

24

SB 109: FOR AN ACT ENTITLED, An Act to authorize certain interstate shipments of distilled spirits, to provide for the collection of taxes, and to establish certain penalties.

25

26

Introduced by: **Senator** Maher

27

SB 110: FOR AN ACT ENTITLED, An Act to revise certain provisions for authorizing wholesalers to purchase alcoholic beverages.

28

29

Introduced by: **Senator** Maher

30

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

1 **SB 102:** FOR AN ACT ENTITLED, An Act to protect voter registration information for certain
2 voters.

3 Introduced by: **Senator** Schoenbeck

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

5 **SB 111:** FOR AN ACT ENTITLED, An Act to reduce the fee for permits to carry concealed pistols.

6 Introduced by: **Senator** Schoenbeck

7 **SB 112:** FOR AN ACT ENTITLED, An Act to establish requirements for filling the vacancies of
8 certain constitutional offices.

9 Introduced by: **Senator** Rusch

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

11 **SB 104:** FOR AN ACT ENTITLED, An Act to reduce the rate of sales tax on certain food.

12 Introduced by: **Senator** Heinert

13 **SB 113:** FOR AN ACT ENTITLED, An Act to classify land used for horse husbandry as
14 agricultural property for tax purposes.

15 Introduced by: **Senator** Frye-Mueller

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

17 **SB 105:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding operator's
18 licenses, instruction permits, and restricted minor's permits.

19 Introduced by: **Senator** Wiik

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

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

22 **HB 1006:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the practice
23 of chiropractic.

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

25 **HB 1043:** FOR AN ACT ENTITLED, An Act to provide enhanced permit criteria for current and
26 former law enforcement officers.

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

1

SECOND READING OF CONSENT CALENDAR ITEMS

2

SB 43: FOR AN ACT ENTITLED, An Act to modify certain provisions related to motor vehicles.

3

Was read the second time.

4

The question being "Shall **SB 43** pass as amended?"

5

And the roll being called:

6

Yeas 34, Nays 0, Excused 1, Absent 0

7

Yeas:

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

12

Excused:

13

Wheeler

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

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

17

SB 39: FOR AN ACT ENTITLED, An Act to repeal the registration requirements for certain
18 amusement devices.

19

Was read the second time.

20

The question being "Shall **SB 39** pass as amended?"

21

And the roll being called:

22

Yeas 33, Nays 0, Excused 2, Absent 0

23

Yeas:

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

28

Excused:

29

Novstrup and Wheeler

30

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

32

SB 32: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding access critical
33 nursing facilities.

34

Was read the second time.

1 The question being "Shall **SB 32** pass as amended?"

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 24:** FOR AN ACT ENTITLED, An Act to allow a change of address through an online system
14 provided by the Office of the Secretary of State.

15 Was read the second time.

16 Sen. Bolin moved that **SB 24** be amended as follows:

17 24E

18 On page 1, line 1, of the Senate State Affairs bill, delete " address" and insert " voter
19 registration information"

20 On page 1, line 7, of the Senate State Affairs bill, delete " a change of address" and insert "
21 changes of last name, residence address, mailing address, telephone number, email address,
22 previous voter registration information, party affiliation, and willingness to serve as an election
23 worker"

24 Which motion prevailed.

25 Sen. Nesiba moved that **SB 24** be amended as follows:

26 24C

27 On the Senate State Affairs engrossed bill, delete the previously adopted amendment(s), thus
28 restoring the bill to the Introduced version.

29 Sen. Nesiba requested a roll call vote.

30 Which request was supported.

31 And the roll being called:

32 Yeas 8, Nays 26, Excused 1, Absent 0

33 Yeas:

34 Curd, Foster, Heinert, Kolbeck, Nesiba, Rohl, Schoenfish, and V. J. Smith

1 Nays:
2 Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Frye-Mueller,
3 Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Maher, Novstrup, Herman Otten, Rusch,
4 Schoenbeck, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wiik, and Zikmund

5 Excused:
6 Wheeler

7 So the motion to amend not having received an affirmative vote of a majority of the members-
8 elect, the President declared the motion lost.

9 The question being "Shall **SB 24** pass as amended?"

10 And the roll being called:

11 Yeas 21, Nays 13, Excused 1, Absent 0

12 Yeas:
13 Bolin, Breitling, Cammack, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Heinert,
14 Hunhoff, Johns, Nesiba, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, Tobin, and
15 Zikmund

16 Nays:
17 Castleberry, Frye-Mueller, Brock Greenfield, David Johnson, Klumb, Kolbeck, Maher, Novstrup,
18 Herman Otten, Stalzer, Sutton, Symens, and Wiik

19 Excused:
20 Wheeler

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

23 Sen. Sutton moved that the Senate do now adjourn, which motion prevailed and at 2:50 p.m.
24 the Senate adjourned.

25 Kay Johnson, Secretary