

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

ELEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 27, 2021

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

The prayer was offered by the Chaplain, Pastor Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Lydia Hoffman.

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 10th 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 Transportation respectfully reports that it has had under consideration **SB 73** 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 74** and returns the same with the recommendation that said bill be amended as follows:

74D

On page 2, line 18, of the Introduced bill, delete " lands or waters of another resident if that resident owns the land beneath the water body in its entirety without the owner's consent" and insert " real property or the waters of a landowner who owns the real property beneath the water body"

On page 2, line 20, of the Introduced bill, after "consent" insert the comma

On page 2, line 20, of the Introduced bill, after "consent" insert " without the landowner's consent"

On page 2, line 20, of the Introduced bill, delete "In " and insert "It is an affirmative defense if the landing was a forced landing, but in "

On page 2, line 21, of the Introduced bill, delete " is" and insert " remains"

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 82** and returns the same with the recommendation that said bill be amended as follows:

82B

On page 1, line 14, of the Introduced bill, after "vehicle" insert ", semitrailer, or boat"

On page 1, line 14, of the Introduced bill, delete " chapter or any boat registered pursuant to chapter 32-3A" and insert " title"

On page 1, line 15, of the Introduced bill, after "any" delete " the motor vehicle"

On page 1, line 16, of the Introduced bill, after "chapter " insert "the motor vehicle, semitrailer, "

On page 1, line 16, of the Introduced bill, after "or" delete " the"

On page 1, line 18, of the Introduced bill, after "vehicle" insert ", semitrailer,"

On page 1, line 18, of the Introduced bill, after "or" delete " the"

On page 2, line 14, of the Introduced bill, after "any" delete " motor vehicle"

On page 2, line 15, of the Introduced bill, after "semitrailer" delete " registered"

1 On page 2, line 15, of the Introduced bill, delete "pursuant to this chapter or any boat
2 registered pursuant to chapter 32-3A" and insert " motor vehicle, semitrailer, or boat registered
3 pursuant to this title"

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

6 Also MR. PRESIDENT:

7 The Committee on Senate Transportation respectfully reports that it has had under
8 consideration **HB 1012** and returns the same with the recommendation that said bill do pass, and
9 having been certified as uncontested, be placed on the consent calendar.

10 Respectfully submitted,
11 Mary Duvall, Chair

12 MR. PRESIDENT:

13 The Committee on Senate Health and Human Services respectfully reports that it has had
14 under consideration **SB 4** and returns the same with the recommendation that said bill do pass, and
15 having been certified as uncontested, be placed on the consent calendar.

16 Also MR. PRESIDENT:

17 The Committee on Senate Health and Human Services respectfully reports that it has had
18 under consideration **SB 83** and returns the same with the recommendation that said bill be amended
19 as follows:

20 83C

21 On page 2, line 13, of the Introduced bill, after "shall" delete the colon

22 On page 2, line 14, of the Introduced bill, delete "(1) At " and insert ", at "

23 On page 2, line 15, of the Introduced bill, after "34-23B-8" delete the semicolon

24 On page 2, line 16, of the Introduced bill, after "34-23B-8;" delete "(2) At the time of
25 notification, ask the mother to sign a form, prepared and made available to the health care provider
26 by the Department of Health, verifying receipt of the brochure and the lists referenced in § 34-23B-
27 8; and

28 (3) Maintain the signed form as part of the mother's medical records"

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

30 Respectfully submitted,
31 Wayne H. Steinhauer, Chair

32 MR. PRESIDENT:

33 The Committee on Senate Taxation respectfully reports that it has had under consideration
34 **SB 70** and returns the same with the recommendation that said bill do pass, and having been
35 certified as uncontested, be placed on the consent calendar.

36 Respectfully submitted,
37 Timothy R. Johns, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Local Government respectfully reports that it has had under
3 consideration **SB 91** which was deferred to the 41st Legislative Day.

4 Also MR. PRESIDENT:

5 The Committee on Senate Local Government respectfully reports that it has had under
6 consideration **SB 94** and returns the same with the recommendation that said bill do pass, and
7 having been certified as uncontested, be placed on the consent calendar.

8 Respectfully submitted,
9 Herman Otten, Chair

10 MR. PRESIDENT:

11 The Committee on Senate State Affairs respectfully reports that it has had under consideration
12 **SB 57, 71, and 80** and returns the same with the recommendation that said bills do pass.

13 Respectfully submitted,
14 Gary L. Cammack, Chair

15 **MESSAGES FROM THE HOUSE**

16 Mr. PRESIDENT:

17 I have the honor to return herewith **SB 46** which has passed the House without change.

18 Also Mr. PRESIDENT:

19 I have the honor to transmit herewith **HB 1001, 1003, 1015, 1025, 1035, 1046, 1060,**
20 **1069, 1070, 1071, and 1078** which have passed the House and your favorable consideration is
21 respectfully requested.

22 Respectfully submitted,
23 Patricia Miller, Chief Clerk

24 **MOTIONS AND RESOLUTIONS**

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

27 Was read the second time.

28 Sen. Bolin moved that **SCR 601** as found on page 87 of the Senate Journal be adopted as
29 amended on page 100 of the Senate Journal.

30 The question being on Sen. Bolin's motion that **SCR 601** be adopted as amended.

31 And the roll being called:

32 Yeas 32, Nays 3, Excused 0, Absent 0

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

6 Nays:
7 Foster, Heinert, and Nesiba

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and **SCR 601** was adopted as amended.

10 Sen. Schoenbeck moved that a committee of three be appointed to a Select Committee relative
11 to appointments to the 2021 Legislative Redistricting Committee.

12 Which motion prevailed and the President Pro Tem appointed as such committee Sens.
13 Cammack, Schoenbeck, and Heinert.

14 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
15 Thursday, January 28, 2021 the 12th legislative day.

16 Which motion prevailed.

17 **CONSIDERATION OF REPORTS OF COMMITTEES**

18 Sen. Cammack moved that the reports of the Standing Committees on
19 Judiciary on **SB 60** as found on page 112 of the Senate Journal; and
20 Commerce and Energy on **SB 78** as found on page 113 of the Senate Journal be adopted.
21 Which motion prevailed and the reports were adopted.

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

23 The President declared that **SB 88** was withdrawn at the request of the prime sponsor pursuant
24 to Joint Rule 6B-1.1.

25 **SB 116:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding voter registration
26 records.

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

28 **SB 117:** FOR AN ACT ENTITLED, An Act to provide for the refinancing of certain mortgages on
29 properties affected by declared disasters.

30 Introduced by: **Senator** David Johnson

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

1 **SB 118:** FOR AN ACT ENTITLED, An Act to enhance South Dakota.

2 Introduced by: **Senator** Cammack

3 **SB 119:** FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

4 Introduced by: **Senator** Cammack

5 **SB 120:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in
6 South Dakota.

7 Introduced by: **Senator** Cammack

8 **SB 121:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to the protection
9 of public safety.

10 Introduced by: **Senator** Cammack

11 **SB 122:** FOR AN ACT ENTITLED, An Act to provide procedures to enforce the United States
12 Constitution.

13 Introduced by: **Senator** David Johnson

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

15 **SB 115:** FOR AN ACT ENTITLED, An Act to revise the definition of the term owner-occupied
16 single-family dwelling for property tax classification purposes.

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

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

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

20 **HB 1035:** FOR AN ACT ENTITLED, An Act to remove the locking seal requirement for the
21 transportation of big game animals.

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

23 **HB 1001:** FOR AN ACT ENTITLED, An Act to correct technical errors in statutory cross-
24 references regarding insurance.

25 **HB 1003:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding credit for
26 reinsurance.

27 **HB 1015:** FOR AN ACT ENTITLED, An Act to provide rule-making authority for establishing an
28 appraiser experience training and setting fees.

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

30 **HB 1025:** FOR AN ACT ENTITLED, An Act to delete or revise certain outdated language relating
31 to education.

32 Was read the first time and referred to the Committee on Education.

1 **HB 1060:** FOR AN ACT ENTITLED, An Act to direct certain persons to notify funeral directors
2 of communicable diseases or conditions.

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

4 **HB 1046:** FOR AN ACT ENTITLED, An Act to limit liability for certain exposures to COVID-19.

5 **HB 1069:** FOR AN ACT ENTITLED, An Act to modify the expenditures that are recoverable as
6 disbursements by a prevailing party in a civil action or a special proceeding.

7 **HB 1070:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Unified
8 Judicial System.

9 **HB 1071:** FOR AN ACT ENTITLED, An Act to correct incorrect cross-references dealing with
10 crimes and criminal procedures and repeal an obsolete section.

11 Were read the first time and referred to the Committee on Judiciary.

12 **HB 1078:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South
13 Dakota State Historical Society.

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

15 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

16 The Senate proceeded to the consideration of the executive reappointment of Myron L. Rau,
17 to the South Dakota Board of Pardons and Parole.

18 The question being "Does the Senate advise and consent to the executive reappointment of
19 Myron L. Rau pursuant to the executive message as found on page 77 of the Senate Journal?"

20 And the roll being called:

21 Yeas 35, Nays 0, Excused 0, 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, Wheeler, Wiik, and Zikmund

27 So the question having received an affirmative vote of a majority of the members-elect, the
28 President declared the reappointment confirmed.

29 **SECOND READING OF CONSENT CALENDAR ITEMS**

30 Sen. Heinert requested that **SB 62** be removed from the Consent Calendar.

31 Sen. Brock Greenfield requested that **SB 29** be removed from the Consent Calendar.

1 **SB 31:** FOR AN ACT ENTITLED, An Act to provide for the release of adult abuse case
2 information to certain parties to assist in the provision of adult protective services.

3 **SB 75:** FOR AN ACT ENTITLED, An Act to correct an error in a statutory cross-reference within
4 the Uniform Limited Liability Company Act.

5 Were read the second time.

6 The question being "Shall **SB 31 and 75** pass?"

7 And the roll being called:

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

9 Yeas:

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

14 Nays:

15 Frye-Mueller

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

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

19 Sen. Cammack moved that **SB 68** be deferred to Monday, February 1, 2021, the 13th
20 legislative day.

21 Which motion prevailed.

22 **SB 72:** FOR AN ACT ENTITLED, An Act to revise notification requirements for listing and
23 delisting species on the threatened and endangered species list.

24 Was read the second time.

25 The question being "Shall **SB 72** pass?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

28 Yeas:

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

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

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COMMEMORATIONS

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SC 802: A LEGISLATIVE COMMEMORATION, commending and honoring the 2019-2020 Outstanding School Administrators of South Dakota: Terry Nebelsick, Huron, School Superintendent; Kyley Cumbow, Pierre, Middle School Principal; Jason Bietz, Yankton, School Business Official; Tracy Vik, Sioux Falls, Elementary School Principal; Craig Cassens, Faulkton, Secondary School Principal; Chad Johnson, Watertown, Assistant Middle School Principal; Troy Wiebe, Pierre, Curriculum Leader; and Sarah Heilman, Spearfish, Director of Special Education, for being named Outstanding administrators by their respective administrator parent groups.

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Introduced by: **Senator** Curd

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11

Sen. Rohl moved that the Senate do now adjourn, which motion prevailed and at 2:39 p.m. the Senate adjourned.

12

Kay Johnson, Secretary

