

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

TWELFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 28, 2021

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

The prayer was offered by the Chaplain, Pastor Jake Krahn, followed by the Pledge of Allegiance led by Senate pages Jaydan Kass and Tianna Tschetter.

Roll Call: All members present except Sen. Frye-Mueller 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 11th day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Lee A. Schoenbeck, Chair

Which motion prevailed.

1

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Judiciary respectfully reports that it has had under consideration
4 **SB 79** and returns the same with the recommendation that said bill be amended as follows:

5 79A

6 On page 1, line 5, of the Introduced bill, delete "If a person knowingly " and insert "Anyone
7 who intentionally "

8 On page 1, line 5, of the Introduced bill, after "at" insert " the body of"

9 On page 1, line 5, of the Introduced bill, after "officer " delete "without the consent of the
10 officer, the person "

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

12 Also MR. PRESIDENT:

13 The Committee on Senate Judiciary respectfully reports that it has had under consideration
14 **SB 95** and returns the same with the recommendation that said bill be amended as follows:

15 95A

16 On page 1, line 6, of the Introduced bill, after "ability" delete the comma

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

19 Also MR. PRESIDENT:

20 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
21 nomination of Kirsten K. Aasen of Rapid City, South Dakota, to the Board of Pardons and Paroles
22 and returns the same with the recommendation that the Senate advise and consent to the
23 confirmation of said appointment, and that said appointment be placed on the consent calendar.

24 Also MR. PRESIDENT:

25 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
26 nomination of Krista Heeren-Graber to the South Dakota Interstate Compact for Adult Offender
27 Supervision and returns the same with the recommendation that the Senate advise and consent to
28 the confirmation of said appointment, and that said appointment be placed on the consent calendar.

29 Respectfully submitted,
30 Arthur Rusch, Chair

31 MR. PRESIDENT:

32 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
33 had under consideration **HB 1036** and returns the same with the recommendation that said bill do
34 pass, and having been certified as uncontested, be placed on the consent calendar.

35 Respectfully submitted,
36 V. J. Smith, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
3 consideration **SB 87** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Casey Crabtree, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Education respectfully reports that it has had under consideration
8 the nomination of Tiffany Sanderson of Hughes County, Pierre, South Dakota, to the position of
9 Secretary of the Department of Education and returns the same with the recommendation that the
10 Senate advise and consent to the confirmation of said appointment.

11 Also MR. PRESIDENT:

12 The Committee on Senate Education respectfully reports that it has had under consideration
13 the nomination of Brock Brown of Hamilin County, Lake Norden, South Dakota, to the State Board
14 of Regents and returns the same with the recommendation that the Senate advise and consent to
15 the confirmation of said appointment.

16 Also MR. PRESIDENT:

17 The Committee on Senate Education respectfully reports that it has had under consideration
18 the nomination of Dana Dykhouse of Minnehaha County, Sioux Falls, South Dakota, to the South
19 Dakota Board of Technical Education and returns the same with the recommendation that the Senate
20 advise and consent to the confirmation of said appointment, and that said appointment having been
21 certified as uncontested, be placed on the consent calendar.

22 Also MR. PRESIDENT:

23 The Committee on Senate Education respectfully reports that it has had under consideration
24 the nomination of Diana VanderWoude of Minnehaha County, Sioux Falls, South Dakota, to the
25 South Dakota Board of Technical Education and returns the same with the recommendation that the
26 Senate advise and consent to the confirmation of said appointment, and that said appointment
27 having been certified as uncontested, be placed on the consent calendar.

28 Also MR. PRESIDENT:

29 The Committee on Senate Education respectfully reports that it has had under consideration
30 the nomination of Terry Sabers of Davison County, Mitchell, South Dakota, to the South Dakota
31 Board of Technical Education and returns the same with the recommendation that the Senate advise
32 and consent to the confirmation of said appointment, and that said appointment having been
33 certified as uncontested, be placed on the consent calendar.

34 Respectfully submitted,
35 R. Blake Curd, Chair

36 Mr. PRESIDENT:

37 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
38 Enrolling has carefully compared **SB 40 and 46** and finds the same correctly enrolled.

39 Respectfully submitted,
40 Lee A. Schoenbeck, Chair

MESSAGES FROM THE HOUSE

1

2 Mr. PRESIDENT:

3 I have the honor to transmit herewith **HB 1027, 1028, 1048, 1068, and 1076** which have
4 passed the House and your favorable consideration is respectfully requested.

5 Also Mr. PRESIDENT:

6 I have the honor to return herewith **SB 40** which has passed the House without change.7
8Respectfully,
Patricia Miller, Chief Clerk

9

CONSIDERATION OF REPORTS OF COMMITTEES

10 Sen. Cammack moved that the reports of the Standing Committees on
11 Transportation on **SB 74** as found on page 120 of the Senate Journal; also
12 Transportation on **SB 82** as found on page 120 of the Senate Journal; and
13 Health and Human Services on **SB 83** as found on page 121 of the Senate Journal be adopted.
14 Which motion prevailed and the reports were adopted.

15

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

16 **SB 127:** FOR AN ACT ENTITLED, An Act to require the inspection of moisture-measuring
17 devices and to establish fees.

18 Introduced by: **Senator** Brock Greenfield

19 **SB 147:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding records that are
20 not open to inspection and copying.

21 Introduced by: **Senator** Rusch

22 **SB 160:** FOR AN ACT ENTITLED, An Act to provide for an organ donor designation on fishing
23 and hunting licenses.

24 Introduced by: **Senator** Diedrich

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

26 **SB 154:** FOR AN ACT ENTITLED, An Act to provide for the calculation of cost-sharing
27 requirements regarding pharmacy benefits management.

28 Introduced by: **Senator** Steinhauer

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

1 **SB 130:** FOR AN ACT ENTITLED, An Act to make an appropriation for the enhancement of
2 South Dakota and to declare an emergency.

3 Introduced by: **Senator** Hunhoff

4 **SB 131:** FOR AN ACT ENTITLED, An Act to make an appropriation for the improvement of
5 South Dakota and to declare an emergency.

6 Introduced by: **Senator** Hunhoff

7 **SB 132:** FOR AN ACT ENTITLED, An Act to make an appropriation for the benefit of South
8 Dakota and to declare an emergency.

9 Introduced by: **Senator** Hunhoff

10 **SB 133:** FOR AN ACT ENTITLED, An Act to appropriate coronavirus funds and to declare an
11 emergency.

12 Introduced by: **Senator** Hunhoff

13 **SB 159:** FOR AN ACT ENTITLED, An Act to appropriate funds to enhance the Black Hills region
14 and to declare an emergency.

15 Introduced by: **Senator** David Johnson

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

17 **SB 128:** FOR AN ACT ENTITLED, An Act to preclude the assignment of exclusive broadcast
18 rights for certain high school interscholastic activities by an association.

19 Introduced by: **Senator** Brock Greenfield

20 **SB 156:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
21 construction of a Mineral Industry Building and the demolition of the old Mineral Industry Building
22 on the campus of South Dakota School of Mines and Technology, to make an appropriation therefor,
23 and to declare an emergency.

24 Introduced by: **Senator** David Johnson

25 **SB 158:** FOR AN ACT ENTITLED, An Act to appropriate funds for the purchase of the former
26 Ascent Innovation Center and to declare an emergency.

27 Introduced by: **Senator** David Johnson

28 Were read the first time and referred to the Committee on Education.

29 **SB 125:** FOR AN ACT ENTITLED, An Act to require the wearing of face coverings in the state
30 under certain conditions and to declare an emergency.

31 Introduced by: **Senator** Nesiba

32 **SB 144:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide for a crisis
33 stabilization unit and to declare an emergency.

34 Introduced by: **Senator** Duhamel

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

1 **SB 126:** FOR AN ACT ENTITLED, An Act to establish the crime of possession, manufacturing,
2 or distribution of obscene dolls.

3 Introduced by: **Senator** Castleberry

4 **SB 135:** FOR AN ACT ENTITLED, An Act to reform training requirements for law enforcement
5 officers.

6 Introduced by: The Committee on Judiciary at the request of the Office of the Governor

7 **SB 141:** FOR AN ACT ENTITLED, An Act to provide for the automatic removal of certain
8 marijuana convictions from a background check record.

9 Introduced by: **Senator** Rohl

10 **SB 143:** FOR AN ACT ENTITLED, An Act to revise the penalty for the ingestion of certain
11 controlled substances.

12 Introduced by: **Senator** Rohl

13 **SB 146:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding eligibility for
14 parole for certain persons sentenced to life imprisonment.

15 Introduced by: **Senator** Rusch

16 **SB 148:** FOR AN ACT ENTITLED, An Act to establish the crime of torture of a human trafficking
17 victim and provide a penalty therefor.

18 Introduced by: **Senator** Diedrich

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

20 **SB 134:** FOR AN ACT ENTITLED, An Act to limit the required application of green building
21 standards.

22 Introduced by: **Senator** Maher

23 **SB 137:** FOR AN ACT ENTITLED, An Act to provide for the reimbursement of lost revenue for
24 businesses forcibly closed by a governmental entity.

25 Introduced by: **Senator** Novstrup

26 **SB 138:** FOR AN ACT ENTITLED, An Act to provide flexibility for certain municipal budget
27 provisions.

28 Introduced by: **Senator** Schoenfish

29 **SB 140:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding disclosures for
30 newly constructed properties.

31 Introduced by: **Senator** David Johnson

-
- 1 **SB 142:** FOR AN ACT ENTITLED, An Act to modify the meeting place and notice requirements
2 for county commission meetings.
- 3 Introduced by: **Senator** Duhamel
- 4 **SB 150:** FOR AN ACT ENTITLED, An Act to clarify the penalty for using fireworks in violation
5 of a county resolution.
- 6 Introduced by: **Senator** Castleberry
- 7 **SB 152:** FOR AN ACT ENTITLED, An Act to authorize counties to issue off-sale liquor licenses.
- 8 Introduced by: **Senator** Johns
- 9 Were read the first time and referred to the Committee on Local Government.
- 10 **SB 123:** FOR AN ACT ENTITLED, An Act to require a comment period for the attorney general's
11 statement regarding initiated measures and initiated amendments.
- 12 Introduced by: **Senator** Diedrich
- 13 **SB 124:** FOR AN ACT ENTITLED, An Act to provide protections for the exercise of religious
14 freedom.
- 15 Introduced by: **Senator** Schoenbeck
- 16 **SB 129:** FOR AN ACT ENTITLED, An Act to prohibit infringement upon the constitutional right
17 to keep and bear arms.
- 18 Introduced by: **Senator** Castleberry
- 19 **SB 139:** FOR AN ACT ENTITLED, An Act to increase the base salary for certain judges.
- 20 Introduced by: **Senator** Schoenbeck
- 21 **SB 145:** FOR AN ACT ENTITLED, An Act to revise the process of filling vacancies for candidates
22 for elected office.
- 23 Introduced by: **Senator** Wheeler
- 24 **SB 151:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide for infrastructure
25 to support Ellsworth Air Force Base and to declare an emergency.
- 26 Introduced by: **Senator** Castleberry
- 27 **SB 153:** FOR AN ACT ENTITLED, An Act to require reporting on aircraft usage for state
28 purposes.
- 29 Introduced by: **Senator** Heinert
- 30 **SB 155:** FOR AN ACT ENTITLED, An Act to appropriate funds to support revolving funds for
31 workforce housing and to declare an emergency.
- 32 Introduced by: **Senator** Diedrich
- 33 Were read the first time and referred to the Committee on State Affairs.

1 **SB 149:** FOR AN ACT ENTITLED, An Act to revise an appropriation regarding the fire insurance
2 premium tax.

3 Introduced by: **Senator** Herman Otten

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

5 **SB 136:** FOR AN ACT ENTITLED, An Act to change the criteria for a petition to vacate a
6 highway.

7 Introduced by: **Senator** Cammack

8 **SB 157:** FOR AN ACT ENTITLED, An Act to appropriate funds for infrastructure and
9 improvements at the Rapid City Regional Airport and to declare an emergency.

10 Introduced by: **Senator** David Johnson

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

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

13 **HB 1027:** FOR AN ACT ENTITLED, An Act to identify Water Management Board officers,
14 authorize appointment of a prehearing officer, and define the duties of the prehearing officer.

15 **HB 1028:** FOR AN ACT ENTITLED, An Act to revise petition requirements and the criteria for
16 issuance of a water right permit.

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

18 **HB 1076:** FOR AN ACT ENTITLED, An Act to require that birth certificates reflect biological
19 sex.

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

21 **HB 1068:** FOR AN ACT ENTITLED, An Act to revise the requirement for written findings of fact
22 and conclusions in certain judicial proceedings involving a child.

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

24 **HB 1048:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the sales of certain
25 older vehicles at auction.

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

27 **SECOND READING OF CONSENT CALENDAR ITEMS**

28 **SB 4:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the health
29 professionals assistance program.

30 **SB 60:** FOR AN ACT ENTITLED, An Act to revise the membership of the Law Enforcement
31 Officers Standards Commission.

1 **SB 70:** FOR AN ACT ENTITLED, An Act to revise and reorganize certain provisions regarding
2 the assessment of property for the purposes of taxation.

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

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

7 Were read the second time.

8 The question being "Shall **SB 60** pass as amended, and **SB 4, 70, and 94, and HB 1012**
9 pass?"

10 And the roll being called:

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

12 Yeas:

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

17 Excused:

18 Frye-Mueller

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

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

22 Sen. Cammack moved that the balance of the calendar including **SB 29, 57, 62, 71, 73, 78,**
23 **and 80** be deferred to Monday, February 1, 2021, the 13th legislative day.

24 Which motion prevailed.

25 **SIGNING OF BILLS**

26 The President publicly read the title to

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

29 **SB 46:** FOR AN ACT ENTITLED, An Act to allow for the consideration of certain instruction to
30 count towards the minimum number of hours required in a school term during a declared state of
31 emergency.

32 And signed the same in the presence of the Senate.

33 Sen. Schoenfish moved that the Senate do now adjourn, which motion prevailed and at
34 1:22 p.m. the Senate adjourned.

35

Kay Johnson, Secretary

