

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 04, 2021

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

The prayer was offered by the Chaplain, Pastor Bill Meirose, followed by the Pledge of Allegiance led by Senate page Paige Pollreisz.

Roll Call: All members present except Sens. Duhamel, Frye-Mueller and Zikmund who were 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 15th 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

COMMUNICATIONS AND PETITIONS

2

January 26, 2021

3

The Honorable Larry Rhoden

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

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Pursuant to the provisions of Chapter 1-45 of the South Dakota Codified Laws and subject to

9

your consent, I have the honor to inform you that I have appointed Steve Willard, Butte County,

10

Belle Fourche, South Dakota, to the South Dakota Board of Education Standards.

11

This appointment is effective January 25, 2021, and shall continue until December 31, 2024.

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Sincerely,
Kristi Noem
Governor

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The President announced the referral of the appointment to the Committee on Education.

16

REPORTS OF STANDING COMMITTEES

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MR. PRESIDENT:

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The Committee on Senate State Affairs respectfully reports that it has had under consideration

19

SB 77 and returns the same with the recommendation that said bill be amended as follows:

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77B

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On page 1, line 6, of the Introduced bill, after "state" insert ", including an electronic copy of the petition as it is to be circulated,"

22

23

On page 1, line 7, of the Introduced bill, after "measure" insert " in twelve-point font"

24

On page 2, line 2, of the Introduced bill, after "state. " delete "The petition must have at least a twelve-point font size. "

25

26

On page 2, line 3, of the Introduced bill, remove the overstrikes from " and petition font size"

27

On page 2, after line 4, of the Introduced bill, insert "

28

Section 2. That § 2-1-1.1 be AMENDED.

29

2-1-1.1. Initiated constitutional amendment--Petition--Contents--Signatures and filing.

30

The petition as it is to be circulated for an initiated amendment to the Constitution shall be

31

filed with the secretary of state, including an electronic copy of the petition as it is to be circulated,

32

prior to circulation for signatures and shall:

33

(1) Contain the full text of the initiated amendment in twelve-point font;

- 1 (2) Contain the date of the general election at which the initiated amendment is to be
- 2 submitted;
- 3 (3) Contain the title and explanation as prepared by the attorney general;
- 4 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition
- 5 sponsor that includes the name and address of each petition sponsor; and
- 6 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

7 Each petition circulator shall provide to each person who signs the petition a form containing
 8 the title and explanation of the initiated amendment to the Constitution as prepared by the attorney
 9 general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address
 10 of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid
 11 petition circulator and, if a paid circulator, the amount the circulator is being paid. The form shall
 12 be approved by the secretary of state prior to circulation. The petition form, as prescribed by the
 13 State Board of Elections, shall include the paid circulator identification number within the verification
 14 of any paid circulator.

15 For any initiated amendment petition, no signature may be obtained more than twenty-four
 16 months preceding the general election that was designated at the time of filing of the full text. The
 17 initiated amendment petition shall be filed with the secretary of state at least one year before the
 18 next general election. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating
 19 that the documents filed constitute the entire petition and to the best of the knowledge of the
 20 sponsors contains a sufficient number of signatures shall also be filed with the secretary of state.
 21 The form of the petition otherwise, including petition size and petition font size, and the affidavit
 22 shall be prescribed by the State Board of Elections.

23 "

77C

25 On the previously adopted amendment (77B), On page 1, line 8, delete " twelve-point" and
 26 insert " fourteen-point"

27 On the previously adopted amendment (77B), On page 2, line 12, delete " twelve-point" and
 28 insert " fourteen-point"

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

30 Also MR. PRESIDENT:

31 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 32 **HB 1078** and returns the same with the recommendation that said bill be amended as follows:

1078C

34 On page 2, after line 13, of the Introduced bill, insert "

35 **Section 4.** That a NEW SECTION be added:

36 1-18-3.1. Code revision.

37 The South Dakota code commission is authorized and directed in future compilation of laws
 38 and supplements or any revision of the laws of this state to strike all references to "State Historical
 39 Society" and substitute therefor "South Dakota State Historical Society."

40 "

41 On page 10, after line 9, of the Introduced bill, insert "

1 **Section 40.** That § 1-45-23 be AMENDED.

2 1-45-23. Performance of museum functions.

3 The South Dakota State Historical Society shall perform all the functions of the following
4 museums:

5 (1) The museum at the University of South Dakota known as the W.H. Over State Museum;
6 and

7 (2) The museum at Pierre known as the ~~Cultural Heritage Center~~ South Dakota State History
8 Museum.

9 "

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

11 Also MR. PRESIDENT:

12 The Committee on Senate State Affairs respectfully reports that it has had under consideration
13 **SB 85** and returns the same with the recommendation that said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on Senate State Affairs respectfully reports that it has had under consideration
16 **SB 139** and returns the same with the recommendation that said bill be referred to the Committee
17 on Appropriations with a Do Pass recommendation.

18 Respectfully submitted,
19 Gary L. Cammack, Chair

20 MR. PRESIDENT:

21 The Committee on Senate Retirement Laws respectfully reports that it has had under
22 consideration **HB 1030** and returns the same with the recommendation that said bill do pass, and
23 having been certified as uncontested, be placed on the consent calendar.

24 Also MR. PRESIDENT:

25 The Committee on Senate Retirement Laws respectfully reports that it has had under
26 consideration **HB 1031, 1032, and 1033** and returns the same with the recommendation that said
27 bills do pass.

28 Respectfully submitted,
29 Jim Bolin, Chair

30 MR. PRESIDENT:

31 The Committee on Senate Education respectfully reports that it has had under consideration
32 **HB 1025, 1082, and 1083** and returns the same with the recommendation that said bills do pass,
33 and having been certified as uncontested, be placed on the consent calendar.

34 Respectfully submitted,
35 R. Blake Curd, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **SB 98 and 102, and SCR 602, and HB 1046 and 1071** and returns the same with the
4 recommendation that said bills and resolution do pass.

5 Also MR. PRESIDENT:

6 The Committee on Senate Judiciary respectfully reports that it has had under consideration
7 **HB 1043 and 1070** and returns the same with the recommendation that said bills do pass, and
8 having been certified as uncontested, be placed on the consent calendar.

9 Respectfully submitted,
10 Arthur Rusch, Chair

11 MR. PRESIDENT:

12 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
13 had under consideration **SB 108** and returns the same with the recommendation that said bill do
14 pass, and having been certified as uncontested, be placed on the consent calendar.

15 Also MR. PRESIDENT:

16 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
17 had under consideration **SB 160** which was deferred to the 41st Legislative Day.

18 Respectfully submitted,
19 V. J. Smith, Chair

20 MR. PRESIDENT:

21 The Senate Committee on Appropriations respectfully reports that it has had under
22 consideration **SB 36 and 59** and returns the same with the recommendation that said bills do pass.

23 Respectfully submitted,
24 Jean Hunhoff, Chair

25 MR. PRESIDENT:

26 The Committee on Senate Commerce and Energy respectfully reports that it has had under
27 consideration **SB 154** which was deferred to the 41st Legislative Day.

28 Also MR. PRESIDENT:

29 The Committee on Senate Commerce and Energy respectfully reports that it has had under
30 consideration **HB 1001, 1002, 1003, 1009, and 1037** and returns the same with the
31 recommendation that said bills do pass, and having been certified as uncontested, be placed on the
32 consent calendar.

33 Respectfully submitted,
34 Casey Crabtree, Chair

1 Mr. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that **SB 11, 19, 21, 25, 67, and**
3 **69** were delivered to her Excellency, the Governor, for her approval at 9:10 a.m., February 4, 2021.

4 Respectfully submitted,
5 Lee A. Schoenbeck, Chair

6 **MESSAGES FROM THE HOUSE**

7 Mr. PRESIDENT:

8 I have the honor to return herewith **SB 20, 30, 39, 41, 42, and 43** which have passed the
9 House without change.

10 Also Mr. PRESIDENT:

11 I have the honor to transmit herewith **HB 1067, 1073, and 1079** which have passed the
12 House and your favorable consideration is respectfully requested.

13 Also Mr. PRESIDENT:

14 I have the honor to transmit herewith **HCR 6004** which has been adopted by the House and
15 your concurrence is respectfully requested.

16 Respectfully,
17 Patricia Miller, Chief Clerk

18 **MOTIONS AND RESOLUTIONS**

19 **HCR 6004:** A CONCURRENT RESOLUTION, Celebrating the sister-state relationship with
20 Taiwan.

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

22 Sen. Schoenbeck moved that **SB 158** be referred from the Committee on Education to the
23 Committee on Commerce and Energy.

24 Which motion prevailed.

25 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
26 Friday, February 5th, the 17th legislative day.

27 Which motion prevailed.

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CONSIDERATION OF REPORTS OF COMMITTEES

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

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Local Government on **SB 142** as found on page 166 of the Senate Journal; also

4

Transportation on **SB 157** as found on page 165 of the Senate Journal; and

5

Health and Human Services on **SB 125** as found on page 167 of the Senate Journal be adopted.

6

Which motion prevailed and the reports were adopted.

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Sen. Nesiba moved that **SB 125** be placed on the calendar of Monday, February 8, the 18th legislative day.

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The question being on Sen. Nesiba's motion that **SB 125** be placed on the calendar of Monday, February 8, the 18th legislative day.

11

And the roll being called:

12

Yeas 7, Nays 25, Excused 3, Absent 0

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Yeas:

14

Curd, Foster, Heinert, Johns, Nesiba, Rusch, and V. J. Smith

15

Nays:

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Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duvall, Brock Greenfield, Hunhoff, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl, Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, and Wiik

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Excused:

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Duhamel, Frye-Mueller, and Zikmund

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22

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

23

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

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SB 194: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the expenses of state institutions, interest on the public debt, and for common schools.

27

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

28

Was read the first time and referred to the Joint Committee on Appropriations.

29

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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HB 1073: FOR AN ACT ENTITLED, An Act to authorize dentists to void certain contract terms with insurers.

1 **HB 1079:** FOR AN ACT ENTITLED, An Act to limit certain actions that may be taken by the
2 executive branch relative to nonprofit corporations or charitable trusts.

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

4 **HB 1067:** FOR AN ACT ENTITLED, An Act to modify identification requirements for a marriage
5 license and to provide certain provisions for a name change.

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

7 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

10 **SB 150:** FOR AN ACT ENTITLED, An Act to clarify the penalty for using fireworks in violation
11 of a county resolution.

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

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

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

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

21 Were read the second time.

22 The question being "Shall **SB 109** pass as amended, and **SB 150, and HB 1022, 1023,**
23 **1024, and 1048** pass?"

24 And the roll being called:

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

26 Yeas:

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

31 Excused:

32 Duhamel, Frye-Mueller, and Zikmund

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

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SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 55: FOR AN ACT ENTITLED, An Act to authorize certain innovative insurance products and services through insurance innovation waivers.

Was read the second time.

The question being "Shall **SB 55** pass as amended?"

And the roll being called:

Yeas 32, Nays 0, Excused 3, Absent 0

Yeas:

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

Excused:

Duhamel, Frye-Mueller, and Zikmund

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

SB 101: FOR AN ACT ENTITLED, An Act to revise provisions regarding warranty agreements with certain repair facilities.

Was read the second time.

The question being "Shall **SB 101** pass as amended?"

And the roll being called:

Yeas 32, Nays 0, Excused 3, Absent 0

Yeas:

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

Excused:

Duhamel, Frye-Mueller, and Zikmund

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

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

Was read the second time.

1 Sen. Schoenfish moved that **SB 138** be amended as follows:

2 138A

3 On page 1, line 13, of the Introduced bill, after "1" delete ", 2021"

4 Which motion prevailed.

5 The question being "Shall **SB 138** pass as amended?"

6 And the roll being called:

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

8 Yeas:

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

13 Excused:

14 Duhamel, Frye-Mueller, and Zikmund

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

17 **SB 68**: FOR AN ACT ENTITLED, An Act to provide for the creation and funding of Oceti Sakowin
18 community-based schools.

19 Having had its second reading was up for reconsideration and final passage.

20 The question now being on Sen. Heinert's pending motion to amend **SB 68** as found on
21 page 156 of the Senate Journal.

22 Which motion prevailed.

23 Sen. Bolin moved that **SB 68** be amended as follows:

24 68B

25 On page 10, line 5, of the Introduced bill, delete "gender" and insert " sex"

26 Which motion prevailed.

27 The question being "Shall **SB 68** pass as amended?"

28 And the roll being called:

29 Yeas 12, Nays 20, Excused 3, Absent 0

30 Yeas:

31 Bolin, Cammack, Castleberry, Curd, Foster, Heinert, Maher, Nesiba, Rohl, Rusch, V. J. Smith,
32 and Steinhauer

33 Nays:

34 Breitling, Crabtree, Diedrich, Duvall, Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb,
35 Kolbeck, Novstrup, Herman Otten, Schoenbeck, Schoenfish, Stalzer, Sutton, Symens, Tobin,
36 Wheeler, and Wiik

1 Excused:
2 Duhamel, Frye-Mueller, and Zikmund

3 So the bill not having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill lost.

5 **SIGNING OF BILLS**

6 The President publicly read the title to

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

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

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

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

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

16 **COMMEMORATIONS**

17 **SC 808:** A LEGISLATIVE COMMEMORATION, Commending and honoring Marie Gross, a
18 member of the Timber Lake School District Board of Education, on her selection as the Associated
19 School Boards of South Dakota Outstanding School Board Member of South Dakota for 2020.

20 Introduced by: **Senator** Maher and **Representative** Lesmeister.

21 Sen. Wheeler moved that the Senate do now adjourn, which motion prevailed and at 3:19 p.m.
22 the Senate adjourned.

23 Kay Johnson, Secretary

