

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

SEVENTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 05, 2021

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

The prayer was offered by the Chaplain, Pastor Cory Rajek, followed by the Pledge of Allegiance led by Senate page Savannah Shrake.

Roll Call: All members present except Sens. Frye-Mueller, Tobin, 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 16th 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 Transportation respectfully reports that it has had under
4 consideration **SB 93** and returns the same with the recommendation that said bill be amended as
5 follows:

6 93A

7 On page 1, line 7, of the Introduced bill, after "Midland." insert " This appropriation is
8 contingent upon the receipt of a federal grant for that rehabilitation project."

9 And that as so amended said bill be referred to the Committee on Appropriations with a Do
10 Pass recommendation.

11 Also MR. PRESIDENT:

12 The Committee on Senate Transportation respectfully reports that it has had under
13 consideration **SB 105** and returns the same with the recommendation that said bill be amended as
14 follows:

15 105A

16 On the Introduced bill, delete everything after the enacting clause and insert:

17 "

18 **Section 1.** That § 32-12-11 be AMENDED.

19 32-12-11. Application for license or permit--Persons at least fourteen and less than eighteen-
20 -Instruction permit--Restrictions.

21 Any person who is at least fourteen years of age but less than eighteen years of age applying
22 for a South Dakota operator's license, restricted minor's permit, or instruction permit who does not
23 currently hold an operator's license, motorcycle operator's license, restricted minor's permit,
24 motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit shall apply
25 to the Department of Public Safety for an instruction permit. The department may, after the
26 applicant has successfully passed all parts of the examination other than the driving test and paid a
27 fee which is equal in amount to the fee prescribed for a license in § 32-12-16, issue to the applicant
28 an instruction permit.

29 The instruction permit entitles the applicant, while having the permit in the applicant's
30 immediate possession, to drive a motor vehicle upon the public highways for a period of five years
31 during the hours of 6 a.m. to 10 p.m. if accompanied by a person holding a valid operator's license
32 who is at least eighteen years of age, has had at least one year of driving experience, and who is
33 occupying a seat beside the applicant. The applicant is entitled to drive a motor vehicle upon the
34 public highways during the hours of 10 p.m. to 6 a.m. if the motor vehicle is being operated under
35 the direction of the applicant's parent or guardian who is occupying a seat beside the applicant. No
36 holder of an instruction permit may use any type of wireless communication device while operating
37 a motor vehicle upon the public highways.

38 The holder of an instruction permit ~~who is at least fourteen years of age but less than eighteen~~
39 ~~years of age~~ may apply for a restricted minor's permit or operator's license after holding a valid
40 instruction permit ~~for at least one hundred eighty continuous days if issued before July 1, 2020, or~~
41 ~~at least two hundred seventy five days if issued after July 1, 2020.~~ The minor holding the instruction
42 permit ~~issued after July 1, 2020,~~ shall drive a minimum of fifty hours under the supervision of a
43 parent, legal guardian, or licensed driver over the age of eighteen with at least one year of driving
44 experience. Ten of the mandated hours must be in inclement weather and no less than ten hours

~~1 must be during night time hours. A parent or legal guardian shall attest in writing that the minor
2 has met the instruction permit requirements as set forth in this chapter before the minor can apply
3 for and obtain a restricted minor's permit under § 32-12-12. If an applicant holds an instruction
4 permit that was valid continuously for one hundred eighty days or more, and is currently valid or
5 has been expired for thirty days or less, the department shall waive the knowledge test to upgrade
6 to an operator's license, motorcycle operator's license, restricted minor's permit, or motorcycle
7 restricted minor's permit.~~

8 **Section 2.** That § 32-12-11.1 be AMENDED.

9 32-12-11.1. Motorcycle instruction permit--Application requirements--Examination and fee--
10 Restrictions.

11 Any person who is at least fourteen years of age but less than eighteen years of age applying
12 for a South Dakota motorcycle operator's license, motorcycle restricted minor's permit, or
13 motorcycle instruction permit who does not currently hold an operator's license, motorcycle
14 operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction
15 permit, or motorcycle instruction permit that has been valid continuously for ~~at least one hundred
16 eighty days if issued before July 1, 2020, or at least two hundred seventy five days if issued on or
17 after July 1, 2020,~~ shall apply to the Department of Public Safety for ~~a motorcycle an~~ instruction
18 permit. The department may, after the applicant has successfully passed all parts of the examination
19 other than the driving test and paid a fee which is equal in amount to the fee prescribed for a license
20 in § 32-12-16, issue to the applicant a motorcycle instruction permit. The ~~motorcycle~~ instruction
21 permit shall be held for at least one hundred eighty continuous days ~~if issued before July 1, 2020,
22 or at least two hundred seventy five days if issued on or after July 1, 2020.~~

23 A motorcycle instruction permit holder is not required to obtain a motorcycle operator's license
24 or a motorcycle restricted minor's permit if the applicant currently holds an instruction permit,
25 restricted minor's permit, or operator's license that has been valid continuously for one hundred
26 eighty days.

27 A motorcycle instruction permit entitles the holder, while having the permit in the permit holder's
28 immediate physical possession, to operate a motorcycle during the hours of 6 a.m. to 8 p.m. if the
29 permit holder is accompanied by a licensed motorcycle operator who is at least eighteen years of
30 age, who has at least one year of driving experience, and who is driving another motorcycle along
31 with the permit holder. No motorcycle instruction permit holder may carry another person on the
32 motorcycle. The permit is valid for one year. The holder of ~~a an instruction permit or~~ motorcycle
33 instruction permit ~~who is at least fourteen years of age but less than eighteen years of age~~ may
34 apply for a motorcycle restricted minor's permit or motorcycle operator's license after holding a valid
35 ~~motorcycle~~ instruction permit as required by this section for one hundred eighty continuous days.

36 **Section 3.** That § 32-12-12 be AMENDED.

37 32-12-12. Restricted minor's permit--Restrictions on operation.

38 A restricted minor's permit may be issued, upon application and payment of the proper fees
39 as provided in § 32-12-16, to a minor at least fourteen years of age but less than eighteen years of
40 age who has successfully passed all applicable tests and completed the requirements of an
41 instruction permit as provided in § 32-12-11 or 32-12-11.1 and has not been convicted of a traffic
42 violation during the past six months. For any such minor who has successfully completed a driver
43 education course that ~~has been approved was taught by an instructor holding a valid driver's~~
44 education permit issued by the Department of Education or a driver education course that the
45 secretary of the department of public safety has determined has been approved by a state
46 government agency in another state, the required minimum time period for holding the instruction
47 permit in order to qualify for the restricted minor's permit is ninety continuous days ~~if issued before
48 July 1, 2020, or one hundred eighty continuous days if issued on or after July 1, 2020.~~

49 A restricted minor's permit entitles the holder, while having the permit in immediate physical
50 possession, to operate a motor vehicle during the hours of 6 a.m. to 10 p.m. standard time if the
51 motor vehicle is being operated with the permission of the holder's parent or guardian and during
52 the hours of 10 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the

1 holder's parent or guardian who is occupying a seat beside the holder. The restrictions as to time of
 2 operation and operation under the direction of a parent or guardian do not apply to the holder of a
 3 valid restricted minor's permit who is:

4 (1) Operating a self-propelled agricultural machine that is not subject to registration
 5 under chapter 32-5;

6 (2) Operating a motor vehicle while traveling the most direct route to or from school or
 7 a school event;

8 (3) Operating a motor vehicle while traveling the most direct route to or from any
 9 religious worship service or meeting held by a religious organization; or

10 (4) Operating a motor vehicle while traveling the most direct route to, from, or in
 11 connection with any job, employment, or farm-related work.

12 No holder of a restricted minor's permit may use any type of wireless communication device
 13 while operating a motor vehicle upon the public highways.

14 ~~An operator's license may be issued to a minor at least sixteen years of age but less than
 15 eighteen years of age who has successfully completed the requirements set forth in § 32-12-11, has
 16 held a restricted minor's permit for at least six months, and has not been convicted of any traffic
 17 violations during the six months immediately preceding the application for an operator's license. If
 18 the holder applies and makes payment of the required fee thirty one or more days after the
 19 expiration date of the restricted minor's permit, the holder shall take the knowledge test as required
 20 by § 32-12-4 and may take the skill test for an operator's license.~~

21 **Section 4.** That § 32-12-12.1 be AMENDED.

22 32-12-12.1. Motorcycle restricted minor's permit--Application requirements--Examination
 23 and fee--Restrictions.

24 A motorcycle restricted minor's permit may be issued, upon application and payment of the
 25 proper fee as provided for in § 32-12-16, to a minor at least fourteen years of age but less than
 26 eighteen years of age who has successfully passed all applicable tests and completed the
 27 requirements of ~~a motorcycle an~~ instruction permit as outlined in § ~~32-12-11 and~~ 32-12-11.1 and
 28 has not been convicted of a traffic violation during the past six months. For any minor who has
 29 successfully completed the motorcycle safety education courses provided by § 32-20-14 and a driver
 30 education class that ~~has been approved was taught by an instructor holding a valid driver's education~~
 31 permit issued by the Department of Education or a driver education course that the secretary of the
 32 department of public safety has determined has been approved by a state government agency in
 33 another state, the required minimum time period for holding the motorcycle instruction permit to
 34 qualify for the motorcycle restricted minor's permit is thirty continuous days ~~if issued before July 1,~~
 35 ~~2020, or one hundred eighty continuous days if issued on or after July 1, 2020.~~

36 A motorcycle restricted minor's permit entitles the holder, while having the permit in immediate
 37 physical possession, to operate a motorcycle during the hours of 6 a.m. to 8 p.m. standard time if
 38 the motorcycle is being operated with the permission of the holder's parents or guardian.

39 ~~A motorcycle operator's license may be issued to a minor at least sixteen years of age but less
 40 than eighteen years of age who has successfully completed the requirements set forth in § 32-12-
 41 11.1, has held a restricted minor's motorcycle permit for at least six months, and has not been
 42 convicted of any traffic violations during the past six months immediately preceding the application
 43 for a motorcycle operator's license.~~

44 **Section 5.** That § 32-12-12.5 be REPEALED.

45 32-12-12.5. Restricted Minor's Permit--Passenger Limit.

46 **Section 6.** That § 32-12-15 be AMENDED.

1 32-12-15. Permits issued on probationary basis--Suspension--Exception.

2 The issuance of an instruction permit, motorcycle instruction permit, restricted minor's permit,
3 or motorcycle restricted minor's permit is on a probationary basis. The Department of Public Safety
4 upon the receipt of a record of conviction for a traffic violation or for a violation of the restrictions
5 in §§ 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-13, or 32-12-14, or 32-12-12.5,
6 ~~committed while operating under an instruction permit, motorcycle instruction permit, restricted~~
7 ~~minor's permit, or motorcycle restricted minor's permit~~ prior to the minor's ~~eighteenth~~ sixteenth
8 birthday shall suspend the minor's driving privileges according to the following schedule:

- 9 (1) A felony or Class 1 misdemeanor traffic conviction--suspension for one hundred eighty
10 days or until the minor's ~~eighteenth~~ sixteenth birthday whichever period is ~~shorter~~ longer
11 or as otherwise required by law;
- 12 (2) A first Class 2 misdemeanor traffic conviction or a comparable conviction of any moving
13 traffic violation of a county or municipal ordinance--suspension for thirty days or as
14 otherwise required by law;
- 15 (3) A first conviction of a violation of the conditions of an instruction permit, a motorcycle
16 instruction permit, a restricted minor's permit, or a motorcycle restricted minor's permit--
17 suspension for thirty days or as otherwise required by law;
- 18 (4) A second Class 2 misdemeanor traffic conviction or a comparable conviction of any
19 moving traffic violation of a county or municipal ordinance--suspension until the minor's
20 ~~eighteenth~~ sixteenth birthday or for ~~one hundred eighty~~ ninety days, whichever period is
21 ~~shorter~~ longer, or as otherwise required by law; and
- 22 (5) A second conviction of a violation of the conditions of an instruction permit, a motorcycle
23 instruction permit, a restricted minor's permit, or a motorcycle restricted minor's permit--
24 suspension until the minor's ~~eighteenth~~ sixteenth birthday or for ~~one hundred eighty~~
25 ninety days, whichever period is ~~shorter~~ longer, or as otherwise required by law.

26 No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-25-5, 32-26-
27 20, or 34A-7-7.

28 If a minor has no instruction permit, motorcycle instruction permit, restricted minor's permit, or
29 motorcycle restricted minor's permit and is convicted of any traffic violation prior to the minor's
30 ~~eighteenth~~ sixteenth birthday, the department shall suspend or revoke the minor's driving privilege
31 or privilege to apply for a driver license as provided in this section. A conviction for any traffic
32 violation that occurs prior to the issuance of an instruction permit, motorcycle instruction permit,
33 restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's license or an
34 operator's license shall be placed on the driving record and given the same consideration as any
35 violation that occurs following the issuance of an instruction permit, motorcycle instruction permit,
36 restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's license, or an
37 operator's license.

38 **Section 7.** That § 32-12-17 be AMENDED.

39 32-12-17. Issuance of license--Qualifications.

40 Upon payment of the fee established by § 32-12-16, the Department of Public Safety shall
41 issue an operator's license to each qualifying applicant. An operator's license may be issued to a
42 minor at least sixteen years of age but less than eighteen years of age who has successfully passed
43 all applicable tests and completed the requirements of an instruction permit as provided in § 32-12-
44 11 ~~and the restricted minor's permit as provided in § 32-12-12 if or 32-12-11.1, if~~ the applicant has
45 not been convicted of a traffic violation in the past six months, and the applicant is not currently
46 under suspension, revocation, or disqualification. If an applicant has successfully completed a driver
47 education course that was taught by an instructor holding a valid driver's education permit issued
48 by the Department of Education or a driver education course that the secretary of the Department
49 of Public Safety has determined to have been approved by a state agency in another state, the

1 required minimum time period for holding the instruction permit to qualify for the operator's license
 2 is ninety continuous days.

3 **Section 8.** That § 32-12-17.1 be AMENDED.

4 32-12-17.1. Issuance of motorcycle operator's license--Requirements.

5 Upon payment of the fee established by § 32-12-16, the Department of Public Safety shall
 6 issue a motorcycle operator's license to each qualifying applicant. A motorcycle operator's license
 7 may be issued to a minor at least sixteen years of age but less than eighteen years of age who has
 8 successfully passed all applicable tests and completed the requirements of ~~a motorcycle an~~
 9 instruction permit as provided in § 32-12-11 or 32-12-11.1 and restricted motorcycle minor's permit
 10 as provided in § 32-12-12.1, if the applicant has not been convicted of a traffic violation during the
 11 past six months, and if the applicant is not currently under suspension, revocation, or
 12 disqualification. If any applicant has successfully completed the motorcycle safety education courses
 13 provided by § 32-20-14 and a driver education class that was taught by an instructor holding a valid
 14 driver's education permit issued by the Department of Education or a driver education course that
 15 the secretary of the Department of Public Safety has determined has been approved by a state
 16 government agency in another state, the required minimum time period for holding the motorcycle
 17 instruction permit to qualify for the motorcycle operator's license is thirty continuous days.

18 "

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

20 Also MR. PRESIDENT:

21 The Committee on Senate Transportation respectfully reports that it has had under
 22 consideration **SB 136** and returns the same with the recommendation that said bill be amended as
 23 follows:

24 136C

25 On page 1, line 11, of the Introduced bill, after "supervisors" insert ", having jurisdiction,"

26 On page 1, line 11, of the Introduced bill, after "supervisors " insert "shall provide for a public
 27 hearing, as required by § 31-3-7, and after consideration of all information, opinions, and arguments
 28 presented, "

29 On page 1, line 11, of the Introduced bill, after "31-3-44, " insert "vacate, "

30 On page 1, line 11, of the Introduced bill, delete " any highway" and insert a comma

31 On page 1, line 16, of the Introduced bill, after "commissioners" insert ", having jurisdiction,"

32 On page 1, line 16, of the Introduced bill, after "commissioners " insert "shall provide for a
 33 public hearing, as required by § 31-3-7, and after consideration of all information, opinions, and
 34 arguments presented, "

35 On page 1, line 17, of the Introduced bill, after "31-3-44, " insert "vacate, "

36 On page 1, line 17, of the Introduced bill, delete " any highway in the county" and insert ", "

37 On page 1, line 20, of the Introduced bill, after "the " delete "board of supervisors or the "

38 On page 1, line 21, of the Introduced bill, after "jurisdiction, " insert "shall provide for a public
 39 hearing, as required by § 31-3-7, and after consideration of all information, opinions, and arguments
 40 presented, "

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

2 Respectfully submitted,
3 Mary Duvall, Chair

4 MR. PRESIDENT:

5 The Committee on Senate Taxation respectfully reports that it has had under consideration
6 **SB 149** and returns the same with the recommendation that said bill be amended as follows:

7 149A

8 On page 1, line 8, of the Introduced bill, delete "Ten percent of that amount" and insert " Ten
9 percent of the tax collected pursuant to § 10-44-9"

10 And that as so amended said bill be referred to the Joint Committee on Appropriations with a
11 Do Pass recommendation.

12 Respectfully submitted,
13 Timothy R. Johns, Chair

14 MR. PRESIDENT:

15 The Committee on Senate Local Government respectfully reports that it has had under
16 consideration **SB 168** and returns the same with the recommendation that said bill do pass, and
17 having been certified as uncontested, be placed on the consent calendar.

18 Also MR. PRESIDENT:

19 The Committee on Senate Local Government respectfully reports that it has had under
20 consideration **SB 81** and returns the same with the recommendation that said bill be amended as
21 follows:

22 81A

23 On page 1, line 1, of the Introduced bill, delete " within in a community improvement district"
24 and insert " regardless of any private covenants, restrictions, bylaws, rules, or requirements"

25 On the Introduced bill, delete everything after the enacting clause and insert:

26 "

27 **Section 1.** That a NEW SECTION be added:

28 11-5-7. Flag--Display

29 Any homeowner, regardless of any private covenants, restrictions, bylaws, rules, or
30 requirements may display one portable, removable official United States flag, not larger than four
31 and half feet by six feet and may additionally display the official South Dakota State flag or one
32 portable, removable official flag, not larger than four and half feet by six feet, that represents the
33 United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW MIA flag. The
34 additional flag must be equal in size to or smaller than the official United States flag.

35 **Section 2.** That a NEW SECTION be added:

1 11-5-8. Flagpole--Display

2 Any homeowner, regardless of any private covenants, restrictions, bylaws, rules, or
3 requirements, may erect a freestanding flagpole no more than twenty feet high on any portion of
4 the homeowner's property, if the flagpole does not obstruct sightlines at intersections and is not
5 erected within or upon an easement. The homeowner may further display from that flagpole, one
6 official United States flag, not larger than four and half feet by six feet, and may additionally display
7 one official South Dakota State flag or official flag that represents the United States Army, Navy,
8 Air Force, Marines, or Coast Guard, or a POW MIA flag. The additional flag must be equal in size to
9 or smaller than the official United States flag.

10 The flagpole specifications and display are subject to building codes imposed by this state or
11 appropriate local governing body.

12 "

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

14 Also MR. PRESIDENT:

15 The Committee on Senate Local Government respectfully reports that it has had under
16 consideration **SB 92** and returns the same with the recommendation that said bill be amended as
17 follows:

18 92A

19 On page 1, line 1, of the Introduced bill, delete " an affordable housing impact statement" and
20 insert " a housing cost impact statement"

21 On page 1, line 6, of the Introduced bill, delete "An agency shall, when submitting any proposed
22 rule that will have a direct impact on the cost of single-family or multi-family housing, prepare an
23 affordable housing impact statement that includes:

24 (1) An explanation, in plain, easy-to-read language, regarding the effect of the rule on the cost
25 of housing, the basis for the enactment, and the reason that the rule is necessary;

26 (2) The type of housing that will be subject to the rule;

27 (3) (a) The projected reporting and recordkeeping for compliance with the rule; and

28 (b) The professional skills necessary to prepare the report or record;

29 (4) A cost estimate, per housing unit, of compliance with the rule; and

30 (5) A description of any less intrusive or less costly alternative for achieving the purpose
31 of the rule.

32 In preparing the affordable housing impact statement, an agency is required to use only readily
33 available information and existing resources." and insert " Before an agency may promulgate any
34 rule prescribing new standards or requirements for building or remodeling a residential structure
35 that is based on a model code developed by a national or international organization of trade
36 professionals, including standards for electrical, plumbing or mechanical systems, energy
37 conservation, or fire prevention, the agency shall prepare a housing cost impact statement setting
38 forth the need for each new standard or requirement and the estimated cost, per dwelling unit, of
39 compliance. To determine the estimated cost of compliance, the agency shall obtain from three
40 licensed contractors, or other applicable building trades professionals operating in this state an
41 estimate of the total cost to consumer of all materials, labor and taxes necessary to comply with
42 the proposed new standard or requirement. The agency shall use the average of these estimates in
43 preparing the impact statement. For purposes of this section, residential structure, means any one-
44 family dwelling, two-family dwelling, or townhouse not more than three stories above grade."

1 On page 2, line 9, of the Introduced bill, delete "impact statement on affordable housing " and
2 insert "housing cost impact statement "

3 On page 2, line 17, of the Introduced bill, delete "impact statement on affordable housing "
4 and insert "housing cost impact statement "

5 On page 2, line 23, of the Introduced bill, delete "impact statement on affordable housing" and
6 insert " housing cost impact statement "

7 On page 3, line 16, of the Introduced bill, delete " impact statement on affordable housing"
8 and insert " housing cost impact statement"

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

11 Also MR. PRESIDENT:

12 The Committee on Senate Local Government respectfully reports that it has had under
13 consideration **SB 134** and returns the same with the recommendation that said bill be amended as
14 follows:

15 134A

16 On page 1, line 8, of the Introduced bill, delete " silver standard" and insert " certified"

17 On page 1, line 8, of the Introduced bill, after "rating" insert " with at least seventeen energy
18 and atmosphere points"

19 On page 2, line 5, of the Introduced bill, delete " The design of any new construction must
20 attempt to achieve the highest rating, reasonably obtainable, in accordance with the high-
21 performance green building standard" and insert " New construction shall, in good faith, be designed
22 with the intention of meeting or exceeding the high performance green building standard that was
23 in effect when the construction was registered with the rating system. Before construction begins,
24 the Office of the State Engineer, architect, and building owner shall identify, in good faith, all
25 components of the new construction that are used to satisfy the requirements of this section, but
26 the construction is not required to receive certification"

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

28 Also MR. PRESIDENT:

29 The Committee on Senate Local Government respectfully reports that it has had under
30 consideration **SB 137** which was deferred to the 41st Legislative Day.

31 Respectfully submitted,
32 Herman Otten, Chair

33 MR. PRESIDENT:

34 The Committee on Senate State Affairs respectfully reports that it has had under consideration
35 **SB 44** and returns the same with the recommendation that said bill be amended as follows:

36 44B

37 On page 1, line 21, of the Introduced bill, delete "within the interior " and insert "on the
38 premises "

39 On page 1, line 21, of the Introduced bill, after "establishment" insert " as approved by the
40 commission"

1 On page 12, line 3, of the Introduced bill, delete "in the interior " and insert "on the premises
2 "

3 On page 12, line 4, of the Introduced bill, after "establishment " insert "as approved by the
4 commission "

5 On page 12, line 6, of the Introduced bill, delete "from within the interior " and insert "on the
6 premises "

7 On page 12, line 7, of the Introduced bill, after "establishment " insert "as approved by the
8 commission "

9 On page 12, line 30, of the Introduced bill, after "or

10 (4) Any " insert "individual game in a "

11 44C

12 On the previously adopted amendment (44B), On page 1, line 2, after "Deadwood" insert " and
13 provide a penalty for a violation thereof"

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

15 Also MR. PRESIDENT:

16 The Committee on Senate State Affairs respectfully reports that it has had under consideration
17 **SB 86** and returns the same with the recommendation that said bill be amended as follows:

18 86A

19 On page 1, line 2, of the Introduced bill, after "Constitution" insert " and to declare an
20 emergency"

21 On page 3, after line 14, of the Introduced bill, insert "

22 **Section 5.** Whereas, this Act is necessary for the support of the state government and its
23 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
24 force and effect from and after its passage and approval.

25 "

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

27 Also MR. PRESIDENT:

28 The Committee on Senate State Affairs respectfully reports that it has had under consideration
29 **SB 89 and 90** which were deferred to the 41st Legislative Day.

30 Also MR. PRESIDENT:

31 The Committee on Senate State Affairs respectfully reports that it has had under consideration
32 the nomination of Brigadier General Gregory W. Lair of Minnehaha County, Sioux Falls, South
33 Dakota, to the position of Assistant Adjutant General, Air and returns the same with the
34 recommendation that the Senate advise and consent to the confirmation of said appointment, and
35 that said appointment be placed on the consent calendar.

36 Respectfully submitted,
37 Gary L. Cammack, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
3 under consideration **HB 1076** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Wayne H. Steinhauer, Chair

6 Mr. PRESIDENT:

7 The Committee on Legislative Procedure respectfully reports that **SB 7, 8, 9, 12, 13, 14, 15,**
8 **16, 37, and 38** were delivered to her Excellency, the Governor, for her approval at 8:00 a.m.,
9 February 5, 2021.

10 Respectfully submitted,
11 Lee A. Schoenbeck, Chair

12 MESSAGES FROM THE HOUSE

13 Mr. PRESIDENT:

14 I have the honor to transmit herewith **HB 1034, 1042, 1084, and 1090** which have passed
15 the House and your favorable consideration is respectfully requested.

16 Respectfully,
17 Patricia Miller, Chief Clerk

18 MOTIONS AND RESOLUTIONS

19 SENATE PAGE RESOLUTION 2 Introduced by: Senators Bolin; Breitling; Cammack;
20 Castleberry; Crabtree; Curd; Diedrich; Duhamel; Duvall; Foster; Frye-Mueller; Greenfield, Brock;
21 Heinert; Hunhoff; Johns; Johnson, David; Klumb; Kolbeck; Maher; Nesiba; Novstrup; Otten,
22 Herman; Rohl; Rusch; Schoenbeck; Schoenfish; Smith, V.J.; Stalzer; Steinhauer; Sutton; Symens;
23 Tobin; Wheeler; Wiik; Zikmund

24 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-sixth
25 Legislature of the State of South Dakota to Abbey Allen, Addyson Boltjes, Lydia Hoffman, Allie
26 Huizenga, Jayden Kass, Echo Koskan, Makenna Miller, Everett Paul, Paige Pollreisz, Savannah
27 Shrake, and Tianna Tschetter.

28 WHEREAS, the above named served loyally as pages for the Senate of the Ninety-sixth
29 Legislative Session; and

30 WHEREAS, the members of the Ninety-sixth Senate express their most sincere appreciation
31 to these young people for their service to the state; and

32 WHEREAS, the members extend to these young people their wishes for every success in life:

33 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-sixth Legislature of the
34 State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each
35 page on this last day of service.

36 Sen. Bolin moved that Senate Page Resolution 2 be adopted.

1 The question being on Sen. Bolin's motion that Senate Page Resolution 2 be adopted.

2 And the roll being called:

3 Yeas 31, Nays 0, Excused 4, Absent 0

4 Yeas:

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

9 Excused:

10 Foster, Frye-Mueller, Tobin, and Zikmund

11 So the motion having received an affirmative vote of a majority of the members-elect, the
12 President declared the motion carried.

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

15 Was read the second time.

16 Sen. Stalzer moved that **SCR 602** as found on page 101 of the Senate Journal be adopted.

17 The question being on Sen. Stalzer's motion that **SCR 602** be adopted.

18 And the roll being called:

19 Yeas 29, Nays 2, Excused 4, Absent 0

20 Yeas:

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

25 Nays:

26 Heinert and Nesiba

27 Excused:

28 Foster, Frye-Mueller, Tobin, and Zikmund

29 So the motion having received an affirmative vote of a majority of the members-elect, the
30 President declared the motion carried and **SCR 602** was adopted.

31 Sen. Schoenbeck moved that **SB 49 and 99** be referred from the Senate Committee on
32 Appropriations to the Joint Committee on Appropriations.

33 Which motion prevailed.

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

State Affairs on **SB 77** as found on page 178 of the Senate Journal; also

4

State Affairs on **HB 1078** as found on page 179 of the Senate Journal be adopted.

5

Which motion prevailed and the reports were adopted.

6

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

7

HB 1034: FOR AN ACT ENTITLED, An Act to revise certain youth hunting requirements.

8

HB 1042: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding riparian buffer strips

9

10

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

11

HB 1090: FOR AN ACT ENTITLED, An Act to modify certain requirements for domestic not-for-profit corporations.

12

13

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

14

HB 1084: FOR AN ACT ENTITLED, An Act to revise provisions regarding the duration of restrictive contracts or declarations.

15

16

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

17

SECOND READING OF CONSENT CALENDAR ITEMS

18

Pursuant to Senate Rule 6-1, the President removed **HB 1037** from the Consent Calendar.

19

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

20

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

21

22

HB 1002: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding fingerprint-based background checks for the Real Estate Commission and the appraiser certification program.

23

24

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

25

26

HB 1009: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the licensing of electricians and electrical contractors.

27

28

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

29

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

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

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

7 **HB 1082:** FOR AN ACT ENTITLED, An Act to revise certain state aid to education definitions
8 for the 2021-2022 school year.

9 **HB 1083:** FOR AN ACT ENTITLED, An Act to grant authority to the secretary of education to
10 waive accountability requirements in certain situations.

11 Were read the second time.

12 The question being "Shall **SB 108, and HB 1001, 1002, 1003, 1009, 1025, 1030, 1043,**
13 **1070, 1082, and 1083** pass?"

14 And the roll being called:

15 Yeas 31, Nays 0, Excused 4, Absent 0

16 Yeas:

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

21 Excused:

22 Foster, Frye-Mueller, Tobin, and Zikmund

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

25 Sen. Cammack moved that the balance of the calendar including **SB 36, 59, 85, 98, 102,**
26 **and 142, and HB 1031, 1032, 1033, 1046, and 1071** be deferred to Monday, February 8, 2021,
27 the 18th legislative day.

28 Which motion prevailed.

29 Sen. Bolin moved that the Senate do now adjourn, which motion prevailed and at 1:38 p.m.
30 the Senate adjourned.

31

Kay Johnson, Secretary