

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

EIGHTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 08, 2021

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

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by Senate page Quinn Bormann.

Roll Call: All members present except Sens. Curd and Zikmund who were excused, and Sen. Herman Otten who was present remotely.

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 17th 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 The oath of office was administered by the President to the following named pages:
2 Quinn Bormann, Tessa Erdmann, Isaac Estabrook, Teigen Hadrick, Maggie Hovde,
3 Claire Koenecke, Allison McManus, Trinity Peterson, Warren Russell, Makaivry Schatz, Chynna Story.
4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **COMMUNICATIONS AND PETITIONS**

6 January 26, 2021

7 The Honorable Larry Rhoden
8 President of the Senate
9 State Capitol
10 Pierre, SD 57501

11 Dear President and Members of the Senate:

12 Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and subject to
13 your consent, I have the honor to inform you that I have appointed David Paul, Meade County, Mud
14 Butte, South Dakota, to the State Brand Board.

15 This appointment is effective January 25, 2021, and shall continue until January 18, 2024.

16 Sincerely,
17 Kristi Noem
18 Governor

19 The President announced the referral of the appointment to the Committee on Agriculture and
20 Natural Resources.

21 January 26, 2021

22 The Honorable Larry Rhoden
23 President of the Senate
24 State Capitol
25 Pierre, SD 57501

26 Dear President and Members of the Senate:

27 Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and subject to
28 your consent, I have the honor to inform you that I have reappointed Myron Williams, Pennington
29 County, Wall, South Dakota, to the State Brand Board.

30 This appointment is effective January 25, 2021, and shall continue until January 18, 2024.

31 Sincerely,
32 Kristi Noem
33 Governor

1 The President announced the referral of the reappointment to the Committee on Agriculture
2 and Natural Resources.

3 **REPORTS OF STANDING COMMITTEES**

4 MR. PRESIDENT:

5 The Committee on Senate Health and Human Services respectfully reports that it has had
6 under consideration **SB 178** and returns the same with the recommendation that said bill be
7 amended as follows:

8 178A

9 On page 1, line 25, of the Introduced bill, after "changes" insert ". Genetic test does not mean
10 a routine physical measurement; a chemical, blood, or urine analysis; a test for drugs or HIV
11 infection; or any test performed due to the presence of signs, symptoms, or other manifestations
12 of a disease, illness, impairment, or other disorder"

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

14 Also MR. PRESIDENT:

15 The Committee on Senate Health and Human Services respectfully reports that it has had
16 under consideration **SB 187** and returns the same with the recommendation that said bill do pass.

17 Respectfully submitted,
18 Wayne H. Steinhauer, Chair

19 MR. PRESIDENT:

20 The Committee on Senate State Affairs respectfully reports that it has had under consideration
21 **SB 122** which was deferred to the 41st Legislative Day.

22 Also MR. PRESIDENT:

23 The Committee on Senate State Affairs respectfully reports that it has had under consideration
24 **SB 171** and returns the same with the recommendation that said bill be amended as follows:

25 171C

26 On page 1, line 1, of the Introduced bill, delete " needs-based scholarship funding for South
27 Dakota students" and insert " for the South Dakota Freedom Scholarship"

28 On page 1, line 4, of the Introduced bill, delete "\$1,000,000 " and insert "\$50,000,000 "

29 On page 1, line 7, of the Introduced bill, delete "Needs-Based " and insert "Freedom "

30 On page 1, line 14, of the Introduced bill, delete "needs-based scholarship " and insert
31 "Freedom Scholarship "

32 On page 2, line 21, of the Introduced bill, delete "needs-based scholarship " and insert
33 "Freedom Scholarship "

34 On page 2, line 22, of the Introduced bill, delete "needs-based scholarship " and insert
35 "Freedom Scholarship "

1 On page 2, line 26, of the Introduced bill, delete "needs-based scholarship " and insert
2 "Freedom Scholarship "

3 On page 2, line 27, of the Introduced bill, after "students" delete " and for the administration
4 of the program"

5 On page 3, line 1, of the Introduced bill, delete "needs-based scholarship board " and insert
6 "Freedom Scholarship Board "

7 On page 2, line 32, of the Introduced bill, delete "Needs-Based " and insert "Freedom "

8 On page 3, line 10, of the Introduced bill, delete " needs-based scholarship" and insert "
9 Freedom Scholarship"

10 On page 3, line 16, of the Introduced bill, after "service" insert " or graduate education"

11 On page 3, line 22, of the Introduced bill, delete "Needs-Based " and insert "Freedom "

12 On page 3, line 29, of the Introduced bill, after "a " insert "primary "

13 On page 3, line 31, of the Introduced bill, after "the " delete "needs-based "

14 On page 4, line 6, of the Introduced bill, delete "Needs-Based " and insert "Freedom "

15 171D

16 On the previously adopted amendment (171C), On page 4, line 3, after "public" insert ", tribal,"

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

19 Also MR. PRESIDENT:

20 The Committee on Senate State Affairs respectfully reports that it has had under consideration
21 **SJR 501** and returns the same without recommendation.

22 Respectfully submitted,
23 Gary L. Cammack, Chair

24 Mr. PRESIDENT:

25 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
26 Enrolling has carefully compared **SB 6, 20, 29, 30, 32, 39, 41, 42, 43, 63, and 73** and finds the
27 same correctly enrolled.

28 Respectfully submitted,
29 Lee A. Schoenbeck, Chair

30 **MESSAGES FROM THE HOUSE**

31 Mr. PRESIDENT:

32 I have the honor to return herewith **SB 6, 29, 32, 63, and 73** which have passed the House
33 without change.

1 Also Mr. PRESIDENT:

2 I have the honor to return herewith **SB 5** which has been amended by the House and your
3 concurrence in the amendments is respectfully requested.

4 Also Mr. PRESIDENT:

5 I have the honor to transmit herewith **HB 1085, 1111, and 1119** which have passed the
6 House and your favorable consideration is respectfully requested.

7 Respectfully,
8 Patricia Miller, Chief Clerk

9 **MOTIONS AND RESOLUTIONS**

10 **SCR 605:** A CONCURRENT RESOLUTION, Supporting the value of public higher education in
11 South Dakota and encouraging continued efforts to ensure that higher education remains affordable
12 for all South Dakotans.

13 Introduced by: **Senator** Rusch

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

15 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 2:30 p.m. on
16 Tuesday, February 9th, the 19th legislative day.

17 Which motion prevailed.

18 **CONSIDERATION OF REPORTS OF COMMITTEES**

19 Sen. Cammack moved that the reports of the Standing Committees on
20 State Affairs on **SB 44** as found on page 197 of the Senate Journal; also
21 Local Government on **SB 81** as found on page 195 of the Senate Journal; also
22 State Affairs on **SB 86** as found on page 198 of the Senate Journal; also
23 Local Government on **SB 92** as found on page 196 of the Senate Journal; also
24 Transportation on **SB 105** as found on page 190 of the Senate Journal; also
25 Local Government on **SB 134** as found on page 197 of the Senate Journal; also
26 Transportation on **SB 136** as found on page 194 of the Senate Journal; also
27 Taxation on **SB 149** as found on page 195 of the Senate Journal; and
28 Transportation on **SB 93** as found on page 190 of the Senate Journal be adopted.

29 Which motion prevailed and the reports were adopted.

1

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1111: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding inspections and seizures by, and forfeitures involving, the Department of Game, Fish and Parks.

3

4

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

5

HB 1119: FOR AN ACT ENTITLED, An Act to revise certain references to secondary elections.

6

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

7

HB 1085: FOR AN ACT ENTITLED, An Act to redefine the criteria for classifying land as agricultural for tax purposes.

8

9

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

10

CONSIDERATION OF EXECUTIVE APPOINTMENTS CONSENT CALENDAR

11

Sen. Schoenbeck requested that the nomination of Brigadier General Gregory W. Lair be removed from the consent calendar pursuant to JR 13-2.

12

13

SECOND READING OF CONSENT CALENDAR ITEMS

14

SB 168: FOR AN ACT ENTITLED, An Act to revise the population requirement for appointment of coroners.

15

16

Was read the second time.

17

The question being "Shall **SB 168** pass?"

18

And the roll being called:

19

Yeas 33, Nays 0, Excused 2, Absent 0

20

Yeas:

21

Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, 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

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Excused:

26

Curd and Zikmund

27

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.

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SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

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SB 77: FOR AN ACT ENTITLED, An Act to require certain font size for initiated measure petitions.

Was read the second time.

Sen. Novstrup moved that **SB 77** be amended as follows:

77G

On page 2, line 4, of the Senate State Affairs bill, after "size" insert " for ballot measure language not prescribed in this section"

On page 3, line 1, of the Senate State Affairs bill, after "size" insert " for ballot measure language not prescribed in this section"

Which motion prevailed.

Sen. Nesiba moved that **SB 77** be amended as follows:

77E

On page 1, line 1, of the Senate State Affairs bill, after "initiated " delete "measure "

On page 1, line 8, of the Senate State Affairs bill, after "shall:

(1)" delete "Contain the full text of the initiated measure in fourteen-point font;"

On page 1, line 9, of the Senate State Affairs bill, after "font;" delete "(2)"

On page 1, line 11, of the Senate State Affairs bill, delete "(3)" and insert "(2)"

On page 1, line 12, of the Senate State Affairs bill, delete "(4)" and insert "(3)"

On page 1, line 14, of the Senate State Affairs bill, delete "(5)" and insert "(4)"

On page 1, line 22, of the Senate State Affairs bill, after "circulator." insert " The petition circulator shall also make available, to each person who signs the petition, the full text of the initiated measure in fourteen-point font."

On page 2, line 12, of the Senate State Affairs bill, after "shall:

(1)" delete "Contain the full text of the initiated amendment in fourteen-point font;"

(2)"

On page 2, line 15, of the Senate State Affairs bill, delete "(3)" and insert "(2)"

On page 2, line 16, of the Senate State Affairs bill, delete "(4)" and insert "(3)"

On page 2, line 18, of the Senate State Affairs bill, delete "(5)" and insert "(4)"

On page 2, line 27, of the Senate State Affairs bill, after "circulator." insert " The petition circulator shall also make available, to each person who signs the petition, the full text of the initiated amendment in fourteen-point font."

1 Which motion lost.

2 The question being "Shall **SB 77** pass as amended?"

3 And the roll being called:

4 Yeas 20, Nays 13, Excused 2, Absent 0

5 Yeas:

6 Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duvall, Brock Greenfield, Hunhoff,
7 Klumb, Maher, Novstrup, Herman Otten, Schoenbeck, Stalzer, Steinhauer, Sutton, Symens, Tobin,
8 and Wiik

9 Nays:

10 Duhamel, Foster, Frye-Mueller, Heinert, Johns, David Johnson, Kolbeck, Nesiba, Rohl, Rusch,
11 Schoenfish, V. J. Smith, and Wheeler

12 Excused:

13 Curd and Zikmund

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

16 **SB 142**: FOR AN ACT ENTITLED, An Act to modify the meeting place and notice requirements
17 for county commission meetings.

18 Was read the second time.

19 The question being "Shall **SB 142** pass as amended?"

20 And the roll being called:

21 Yeas 33, Nays 0, Excused 2, Absent 0

22 Yeas:

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

27 Excused:

28 Curd and Zikmund

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

31 **SB 85**: FOR AN ACT ENTITLED, An Act to modify the composition of the Retirement Laws
32 Committee.

33 Was read the second time.

34 The question being "Shall **SB 85** pass?"

35 And the roll being called:

36 Yeas 20, Nays 13, Excused 2, Absent 0

1 Yeas:
2 Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Brock Greenfield,
3 Hunhoff, Johns, David Johnson, Klumb, Novstrup, Rohl, Schoenbeck, Steinhauer, Symens, Tobin,
4 Wheeler, and Wiik

5 Nays:
6 Bolin, Foster, Frye-Mueller, Heinert, Kolbeck, Maher, Nesiba, Herman Otten, Rusch,
7 Schoenfish, V. J. Smith, Stalzer, and Sutton

8 Excused:
9 Curd and Zikmund

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

12 **SB 98:** FOR AN ACT ENTITLED, An Act to limit the application of the death penalty.

13 Was read the second time.

14 The question being "Shall **SB 98** pass?"

15 And the roll being called:

16 Yeas 13, Nays 20, Excused 2, Absent 0

17 Yeas:
18 Duhamel, Foster, Heinert, Hunhoff, Johns, Nesiba, Rohl, Rusch, Schoenbeck, Schoenfish, V. J.
19 Smith, Steinhauer, and Wheeler

20 Nays:
21 Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duvall, Frye-Mueller, Brock
22 Greenfield, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Stalzer, Sutton,
23 Symens, Tobin, and Wiik

24 Excused:
25 Curd and Zikmund

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

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

30 Was read the second time.

31 The question being "Shall **SB 102** pass?"

32 And the roll being called:

33 Yeas 33, Nays 0, Excused 2, Absent 0

34 Yeas:
35 Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Foster, Frye-
36 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
37 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
38 Sutton, Symens, Tobin, Wheeler, and Wiik

1 Excused:
2 Curd and Zikmund

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

5 **SB 36:** FOR AN ACT ENTITLED, An Act to authorize the Department of Human Services to
6 dismantle and demolish Dakota Hall and the root cellar and to restore grounds on the South Dakota
7 Developmental Center campus, to make an appropriation therefor, and to declare an emergency.

8 Was read the second time.

9 The question being "Shall **SB 36** pass?"

10 And the roll being called:

11 Yeas 32, Nays 1, Excused 2, Absent 0

12 Yeas:

13 Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Foster, Frye-
14 Mueller, Brock Greenfield, 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, and Wiik

17 Nays:

18 Heinert

19 Excused:

20 Curd and Zikmund

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

23 **SB 59:** FOR AN ACT ENTITLED, An Act to revise the allocation of fees collected by the obligation
24 recovery center and to revise certain venue, jurisdiction, and collection efforts regarding the co-
25 owners of titled motor vehicles, motorcycles, and boats.

26 Was read the second time.

27 The question being "Shall **SB 59** pass?"

28 And the roll being called:

29 Yeas 31, Nays 2, Excused 2, Absent 0

30 Yeas:

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

35 Nays:

36 Heinert and Nesiba

37 Excused:

38 Curd and Zikmund

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

3 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

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

6 Was read the second time.

7 The question being "Shall **HB 1078** pass as amended?"

8 And the roll being called:

9 Yeas 33, Nays 0, Excused 2, Absent 0

10 Yeas:

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

15 Excused:

16 Curd and Zikmund

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

19 **HB 1037:** FOR AN ACT ENTITLED, An Act to authorize the increase of certain fees by the State
20 Electrical Commission.

21 Was read the second time.

22 The question being "Shall **HB 1037** pass as amended?"

23 And the roll being called:

24 Yeas 31, Nays 2, Excused 2, Absent 0

25 Yeas:

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

30 Nays:

31 Frye-Mueller and Kolbeck

32 Excused:

33 Curd and Zikmund

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

1 **HB 1032:** FOR AN ACT ENTITLED, An Act to revise the minimum cost of living adjustment and
2 revise terminology of the South Dakota Retirement System.

3 Was read the second time.

4 The question being "Shall **HB 1032** pass?"

5 And the roll being called:

6 Yeas 31, Nays 2, Excused 2, Absent 0

7 Yeas:

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

12 Nays:

13 Foster and Heinert

14 Excused:

15 Curd and Zikmund

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

18 **HB 1033:** FOR AN ACT ENTITLED, An Act to update certain provisions relating to the South
19 Dakota Retirement System, to revise certain provisions relating to reemployment after retirement
20 with the South Dakota Retirement System, and to declare an emergency.

21 Was read the second time.

22 The question being "Shall **HB 1033** pass?"

23 And the roll being called:

24 Yeas 33, Nays 0, Excused 2, Absent 0

25 Yeas:

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

30 Excused:

31 Curd and Zikmund

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

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

36 Was read the second time.

1 Sen. Wheeler moved that **HB 1071** be amended as follows:

2 1071B

3 On page 1, line 2, of the Introduced bill, after "procedures" delete " and repeal an obsolete
4 section"

5 On page 1, line 18, of the Introduced bill, after "60-8-8." delete "Section 3. That § 60-10-16
6 be REPEALED.

7 60-10-16. "

8 On page 1, line 19, of the Introduced bill, after "60-10-16. " delete "Severability of provisions
9 relating to picketing and violence."

10 On page 1, after line 19, of the Introduced bill, insert "

11 **Section 3.** That § 60-10-16 be AMENDED.

12 60-10-16. Severability of provisions relating to picketing and violence.

13 If any provision of §§ 60-10-10 to 60-10-13, inclusive, and § through 60-10-15, inclusive, or
14 the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect
15 other provisions or applications of the sections which can be given effect without the invalid provision
16 or application, and to this end the provisions of said sections are declared to be severable.

17 "

18 Which motion prevailed.

19 The question being "Shall **HB 1071** pass as amended?"

20 And the roll being called:

21 Yeas 33, Nays 0, Excused 2, Absent 0

22 Yeas:

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

27 Excused:

28 Curd and Zikmund

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

31 **HB 1031:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South
32 Dakota Retirement System.

33 Was read the second time.

1 The question being "Shall **HB 1031** pass?"

2 And the roll being called:

3 Yeas 33, Nays 0, Excused 2, Absent 0

4 Yeas:

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

9 Excused:

10 Curd and Zikmund

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

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

14 Was read the second time.

15 Sen. Schoenbeck moved that **HB 1046** be amended as follows:

16 1046F

17 On page 3, line 6, of the House bill, after "for " insert "benefits, "

18 On page 3, line 6, of the House bill, after "damages" insert the comma

19 On page 3, line 8, of the House bill, after "the " insert "direct "

20 On page 3, line 10, of the House bill, delete "state " and insert "plead "

21 On page 3, line 11, of the House bill, after "including " insert "facts to support actual intent or
22 substantial certainty of injury or exposure, as well as "

23 On page 3, line 12, of the House bill, delete " and establish all elements " and insert ", which
24 must be established "

25 Senator Cammack requested a roll call vote.

26 Which request was supported.

27 And the roll being called:

28 Yeas 7, Nays 25, Excused 3, Absent 0

29 Yeas:

30 Johns, Rohl, Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, and Wheeler

31 Nays:

32 Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duvall, Foster, Frye-Mueller, Brock
33 Greenfield, Heinert, Hunhoff, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman
34 Otten, Rusch, Stalzer, Sutton, Symens, Tobin, and Wiik

35 Excused:

36 Curd, Duhamel, and Zikmund

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

3 The question being "Shall **HB 1046** pass as amended?"

4 And the roll being called:

5 Yeas 29, Nays 3, Excused 3, Absent 0

6 Yeas:

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

11 Nays:

12 Foster, Heinert, and Nesiba

13 Excused:

14 Curd, Duhamel, 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 **SIGNING OF BILLS**

18 The President publicly read the title to

19 **SB 6:** FOR AN ACT ENTITLED, An Act to correct technical errors in statutory cross-references
20 related to the Department of Social Services.

21 **SB 20:** FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances
22 schedule and to declare an emergency.

23 **SB 29:** FOR AN ACT ENTITLED, An Act to revise certain training and testing requirements for
24 entry level driver applicants for a commercial driver license.

25 **SB 30:** FOR AN ACT ENTITLED, An Act to extend the issuance period for commercial learner's
26 permits.

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

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

31 **SB 41:** FOR AN ACT ENTITLED, An Act to revise certain requirements for contesting certificates
32 of assessment.

33 **SB 42:** FOR AN ACT ENTITLED, An Act to require all documentation supporting a tax refund
34 claim regarding the accidental mixing of undyed and dyed diesel fuel to be submitted to the
35 Department of Revenue within a certain time period.

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

37 **SB 63:** FOR AN ACT ENTITLED, An Act to correct technical errors and outdated provisions
38 regarding the Department of Environment and Natural Resources.

1 **SB 73:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the sale of certain
2 government owned vehicles by an auction agency.

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

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

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

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

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

13 Sen. Foster moved that the Senate do now adjourn, which motion prevailed and at 4:32 p.m.
14 the Senate adjourned.

15

Kay Johnson, Secretary