

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

TWENTY-SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 16, 2021

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

The prayer was offered by the Chaplain, Pastor Matt Spoden, followed by the Pledge of Allegiance led by Senate pages Allison McManus and Trinity Peterson.

Roll Call: All members present except Sens. Curd and Brock Greenfield who were 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 21st 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 Judiciary respectfully reports that it has had under consideration
4 **SB 141** and returns the same with the recommendation that said bill be amended as follows:

5 141A

6 On page 1, line 1, of the Introduced bill, after "to " delete "provide for"

7 On page 1, line 1, of the Introduced bill, after "for " insert "revise "

8 On page 1, line 1, of the Introduced bill, after "certain " delete "marijuana "

9 On page 1, line 14, of the Introduced bill, delete "A" and insert " Beginning July 1, 2022, a"

10 On page 1, line 14, of the Introduced bill, after "misdemeanor " insert "charged prior to July
11 1, 2021 "

12 On page 1, line 16, of the Introduced bill, after "case." insert "Following the automatic removal
13 of any charge or conviction under this section, no person shall be held thereafter under any provision
14 of any law to be guilty of perjury or of giving a false statement by reason of the person's failure to
15 recite or acknowledge the person's arrest, indictment or information, or trial in response to any
16 inquiry made of the person for any purpose."

17 On page 1, line 16, of the Introduced bill, after "personnel" insert ", law enforcement,"

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

19 Also MR. PRESIDENT:

20 The Committee on Senate Judiciary respectfully reports that it has had under consideration
21 **HB 1068** and returns the same with the recommendation that said bill do pass, and having been
22 certified as uncontested, be placed on the consent calendar.

23 Respectfully submitted,
24 Helene Duhamel, Vice-Chair

25 MR. PRESIDENT:

26 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
27 under consideration **SB 33** and returns the same with the recommendation that said bill be referred
28 to the Joint Committee on Appropriations with a Do Pass recommendation.

29 Also MR. PRESIDENT:

30 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
31 under consideration **SB 181** and returns the same with the recommendation that said bill be
32 amended as follows:

33 181A

34 On page 1, line 4, of the Introduced bill, delete " \$3,000,000" and insert " \$4,500,000"

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

1 Also MR. PRESIDENT:

2 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
3 under consideration **SB 65** and returns the same with the recommendation that said bill do pass,
4 and having been certified as uncontested, be placed on the consent calendar.

5 Also MR. PRESIDENT:

6 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
7 under consideration **SB 172** and returns the same with the recommendation that said bill be
8 amended as follows:

9 172A

10 On page 2, after line 7, of the Introduced bill, insert "

11 **Section 1.** The provisions of this Act are repealed on December 31, 2024, and code sections
12 amended by this Act will revert to that which existed immediately prior to the effective date of this
13 Act.

14 "

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

16 Also MR. PRESIDENT:

17 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had
18 under consideration **SB 180** and returns the same with the recommendation that said bill be
19 amended as follows:

20 180A

21 On page 1, line 10, of the Introduced bill, delete "charge a fee of up to two thousand dollars
22 per person" and insert " promulgate rules pursuant to chapter 1-26 to establish a fee"

23 On page 1, line 11, of the Introduced bill, after "Cemetery." insert " The fee may not exceed
24 the United States Department of Veterans Affairs maximum plot allowance for a non-service
25 connected death of a veteran."

26 180B

27 On the previously adopted amendment (180A), On page 1, line 2, after "Cemetery" insert "
28 and to declare an emergency"

29 On the previously adopted amendment (180A), On page 1, after line 14, insert "

30 **Section 2.** Whereas, this Act is necessary for the support of the state government and its
31 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
32 force and effect from and after its passage and approval.

33 "

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

35 Respectfully submitted,
36 David Johnson, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **SB 174** and returns the same with the recommendation that said bill be amended as follows:

4 174A

5 On page 1, line 9, of the Introduced bill, delete " three" and insert " five"

6 On page 1, line 10, of the Introduced bill, after "satisfied" insert " and the defendant has not
7 been convicted of any further offenses within those five years"

8 On page 1, line 13, of the Introduced bill, after "satisfied" insert " and the defendant has not
9 been convicted of any further offenses other than petty offenses, municipal ordinance violations, or
10 Class 2 misdemeanors within those ten years"

11 174B

12 On the previously adopted amendment (174A), On page 1, line 11, after "years. " delete "Any
13 charge or conviction resulting from a case where a Class 1 misdemeanor was the highest charged
14 offense shall be automatically removed from a defendant's public record after ten years if all court-
15 ordered conditions on the case have been satisfied and the defendant has not been convicted of any
16 further offenses other than petty offenses, municipal ordinance violations, or Class 2 misdemeanors
17 within those ten years. "

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

19 Also MR. PRESIDENT:

20 The Committee on Senate Judiciary respectfully reports that it has had under consideration
21 **SB 176** and returns the same with the recommendation that said bill be amended as follows:

22 176A

23 On page 4, after line 24, of the Introduced bill, insert "

24 **Section 10.** That § 12-24-1 be AMENDED.

25 12-24-1. Elector's notice to Governor of readiness to perform duties--Certificate of names
26 presented to electors.

27 Each elector of President and vice president of the United States shall, before ~~the hour of~~
28 ~~eleven o'clock in the morning~~ noon of the day fixed by the act of Congress to elect a President and
29 vice president, give notice to the Governor that he is at the seat of government and ready at the
30 proper time to perform the duties of an elector; and the Governor shall forthwith deliver to the
31 electors present a certificate of all the names of the electors.

32 "

33 On page 4, line 27, of the Introduced bill, after "before " delete "nine o'clock in the morning "

34 On page 4, line 28, of the Introduced bill, after "morning " insert "noon "

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

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **SB 183** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Arthur Rusch, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Commerce and Energy respectfully reports that it has had under
8 consideration **SB 158** and returns the same with the recommendation that said bill be referred to
9 the Joint Committee on Appropriations.

10 Also MR. PRESIDENT:

11 The Committee on Senate Commerce and Energy respectfully reports that it has had under
12 consideration **SB 185** and returns the same with the recommendation that said bill be amended as
13 follows:

14 185A

15 On page 1, line 1, of the Introduced bill, delete "Sioux Falls " and insert "South Dakota "

16 On page 1, line 7, of the Introduced bill, delete " Sioux Falls" and insert " South Dakota"

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

19 Also MR. PRESIDENT:

20 The Committee on Senate Commerce and Energy respectfully reports that it has had under
21 consideration **HB 1109** and returns the same with the recommendation that said bill do pass, and
22 having been certified as uncontested, be placed on the consent calendar.

23 Respectfully submitted,
24 Casey Crabtree, Chair

25 MR. PRESIDENT:

26 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
27 had under consideration **SB 114 and 147** which were deferred to the 41st Legislative Day.

28 Also MR. PRESIDENT:

29 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
30 had under consideration **HB 1034** and returns the same with the recommendation that said bill do
31 pass.

32 Respectfully submitted,
33 V. J. Smith, Chair

1 Mr. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
3 Enrolling has carefully compared **SB 53** and finds the same correctly enrolled.

4 Respectfully submitted,
5 Lee A. Schoenbeck, Chair

6 Mr. PRESIDENT:

7 The Committee on Legislative Procedure respectfully reports that **SB 3, 5, 51, 58, 61, 62,**
8 **74, and 87** were delivered to her Excellency, the Governor, for her approval at 8:55 a.m.,
9 February 16, 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 1021, 1057, 1132, 1179, 1191, and 1234** which
15 have passed the House and your favorable consideration is respectfully requested.

16 Also Mr. PRESIDENT:

17 I have the honor to return herewith **SB 82** which has been amended by the House and your
18 concurrence in the amendments is respectfully requested.

19 Respectfully,
20 Patricia Miller, Chief Clerk

21 MOTIONS AND RESOLUTIONS

22 Sen. Rusch moved that the Senate do concur in House amendments to **SB 60**.

23 The question being on Sen. Rusch's motion that the Senate do concur in House amendments
24 to **SB 60**.

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

27 Yeas:

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

32 So the motion having received an affirmative vote of a majority of the members-elect, the
33 President declared the motion carried and the amendments were concurred in.

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

6 So the question having received an affirmative vote of a majority of the members-elect, the
7 President declared the appointment confirmed.

8 The Senate proceeded to the consideration of the executive appointment of Terry Nebelsick of
9 Beadle County, Huron, South Dakota, to the South Dakota Board of Education Standards.

10 The question being "Does the Senate advise and consent to the executive appointment of Terry
11 Nebelsick pursuant to the executive message as found on page 165 of the Senate Journal?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

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

19 So the question having received an affirmative vote of a majority of the members-elect, the
20 President declared the appointment confirmed.

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

22 **HB 1234:** FOR AN ACT ENTITLED, An Act to make certain revisions to the seller's property
23 condition disclosure statement.

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

25 **HB 1057:** FOR AN ACT ENTITLED, An Act to establish resident tuition requirements for
26 veterans and armed forces personnel and family members.

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

28 **HB 1021:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain health
29 care professionals who have complied with the requirements for certain health care recruitment
30 assistance programs and to declare an emergency.

31 **HB 1132:** FOR AN ACT ENTITLED, An Act to add dental hygienists to the list of mandatory
32 reporters of child abuse or neglect.

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

1 **HB 1179:** FOR AN ACT ENTITLED, An Act to provide for physician wellness programs.

2 **HB 1191:** FOR AN ACT ENTITLED, An Act to allow an expedited process for local
3 intergovernmental legal disputes.

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

5 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

6 The Senate proceeded to the consideration of the executive reappointment of Myron Williams
7 of Pennington County, Wall, South Dakota, to the State Brand Board.

8 The question being "Does the Senate advise and consent to the executive reappointment of
9 Myron Williams pursuant to the executive message as found on page 204 of the Senate Journal?"

10 And the roll being called:

11 Yeas 35, Nays 0, Excused 0, Absent 0

12 Yeas:

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

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

19 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

22 Was read the second time.

23 The question being "Shall **HB 1042** pass as amended?"

24 And the roll being called:

25 Yeas 35, Nays 0, Excused 0, Absent 0

26 Yeas:

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

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

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SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

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

Was read the second time.

Sen. David Johnson moved that **SB 117** be amended as follows:

117C

On page 1, line 16, of the Introduced bill, after "a " delete "natural or man-made "

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

On page 2, line 31, of the Introduced bill, delete "their " and insert "the applicant's "

Which motion prevailed.

Sen. David Johnson moved that **SB 117** be amended as follows:

117A

On page 1, line 16, of the Introduced bill, after "a " delete "natural or man-made "

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

On page 2, line 31, of the Introduced bill, delete "their " and insert "the applicant's "

Which motion prevailed.

The question being "Shall **SB 117** pass as amended?"

And the roll being called:

Yeas 11, Nays 24, Excused 0, Absent 0

Yeas:

Castleberry, Curd, Diedrich, Duhamel, Foster, Frye-Mueller, Heinert, David Johnson, Maher, Rusch, and Schoenfish

Nays:

Bolin, Breitling, Cammack, Crabtree, Duvall, Brock Greenfield, Hunhoff, Johns, Klumb, Kolbeck, Nesiba, Novstrup, Herman Otten, Rohl, Schoenbeck, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

SB 111: FOR AN ACT ENTITLED, An Act to reduce the fee for permits to carry concealed pistols.

Was read the second time.

1 Sen. Schoenbeck moved that **SB 111** be amended as follows:

2 111C

3 On the Introduced bill, delete the previously adopted amendment (111A).

4 On page 1, line 6, remove the overstrikes from "ten "

5 On page 1, line 6, after "ten " delete "three "

6 On page 1, line 7, remove the overstrikes from ". Seven dollars of the fee"

7 On page 1, line 7, after "shall " insert "must"

8 On page 1, line 7, remove the overstrikes from " be remitted "

9 On page 1, line 7, delete "remitted " and insert "forwarded"

10 On page 1, line 7, remove the overstrikes from "to the secretary of state and three dollars
11 shall "

12 On page 1, line 8, delete "shall " and insert "must "

13 On page 1, line 8, remove the overstrikes from "be deposited"

14 On page 1, line 8, after "deposited" delete " and deposit the fee"

15 On page 1, line 24, delete " fifty" and insert " sixty"

16 On page 1, line 25, delete ", which is to" and insert

17 On page 1, line 25, after "to" delete "be retained by the sheriff and "

18 On page 2, line 1, remove the overstrikes from " and"

19 On page 2, line 1, remove the overstrikes from " the secretary of state"

20 On page 2, line 1, after "to " delete "the secretary of state to "

21 On page 2, line 2, after "administer " delete "the concealed carry "

22 On page 2, line 2, remove the overstrikes from " concealed carry "

23 On page 2, line 10, after "Commission." insert "Fifty dollars of the application fee must be
24 retained by the sheriff and ten dollars must be forwarded to the secretary of state for use in
25 administering concealed carry permits.

26 "

27 On page 2, line 21, delete "twenty-five" and insert " thirty-five"

28 On page 2, line 30, delete "Fifty percent" and insert "Twenty-five dollars"

29 On page 2, line 30, remove the overstrikes from "Fifty percent of the "

30 On page 2, line 30, after "the " delete "The "

31 On page 2, line 30, after "fee " delete "required by this section "

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- 1 On page 2, line 30, remove the overstrikes from " must"
- 2 On page 2, line 30, after "must " delete "is to "
- 3 On page 2, line 31, remove the overstrikes from ". "
- 4 On page 2, line 31, after "percent" insert " Ten dollars"
- 5 On page 2, line 31, remove the overstrikes from " of the renewal fee "
- 6 On page 2, line 31, remove the overstrikes from "must be forwarded to the secretary of state
7 for use in administering "
- 8 On page 2, line 32, remove the overstrikes from "concealed carry"
- 9 On page 2, line 33, after "process" insert " permits"
- 10 On page 3, line 18, delete "thirty " and insert "forty "
- 11 On page 3, line 19, remove the overstrikes from " Thirty dollars of the "
- 12 On page 3, line 19, after "pistol. " insert "application "
- 13 On page 3, line 19, remove the overstrikes from "fee "
- 14 On page 3, line 19, after "shall " insert "must"
- 15 On page 3, line 19, remove the overstrikes from " be distributed to"
- 16 On page 3, line 19, after "shall " insert "retained by"
- 17 On page 3, line 19, remove the overstrikes from " the sheriff, "
- 18 On page 3, line 19, after "thirty-four" delete " dollars shall"
- 19 On page 3, line 19, remove the overstrikes from " dollars"
- 20 On page 3, line 19, remove the overstrikes from "shall"
- 21 On page 3, line 19, after "thirty-four " delete "be distributed to the Department of Public
22 Safety,"
- 23 On page 3, line 19, remove the overstrikes from "be distributed to the Department of Public
24 Safety,"
- 25 On page 3, line 19, remove the overstrikes from "and"
- 26 On page 3, line 19, after "six " insert "ten "
- 27 On page 3, line 19, remove the overstrikes from "dollars "
- 28 On page 3, line 19, after "dollars " insert "must be forwarded"
- 29 On page 3, line 19, remove the overstrikes from " to the secretary of state "
- 30 On page 3, line 20, after "the " insert "for use in administering "
- 31 On page 3, line 20, remove the overstrikes from "concealed carry "

1 On page 3, line 20, after "program" insert " permits"

2 On page 3, line 20, remove the overstrikes from the period

3 On page 3, line 20, after "program." delete " The fee is to be retained by the sheriff."

4 On page 3, after line 24, insert "

5 **Section 4.** That § 23-7-62 be AMENDED.

6 23-7-62. Renewal of gold card permit to carry concealed pistol.

7 ~~The holder of the~~A person who holds a gold card permit to carry a concealed pistol may renew
8 the permit through the sheriff of the county where the holder in which the person resides, no earlier
9 than ninety days prior to the expiration of. The period for renewal begins one-hundred eighty days
10 before the permit. The holder expires and ends thirty days after the permit expires.

11 In order to renew a gold card permit, a person shall pay a seventy:

12 (1) Pay a forty dollar renewal fee; and pass

13 (2) Pass a fingerprint-criminal background check and a National Instant Criminal
14 Background Check pursuant to § 23-7-61 prior to the renewal of the permit. The renewal,

15 Thirty dollars of the renewal fee shall must be distributed as set forth in subdivision 23-7-60(5)
16 retained by the sheriff and ten dollars must be forwarded to the secretary of state for use in
17 administering concealed carry permits.

18 "

19 Which motion prevailed.

20 The question being "Shall **SB 111** pass as amended?"

21 And the roll being called:

22 Yeas 35, Nays 0, Excused 0, Absent 0

23 Yeas:

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

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

30 **SB 124:** FOR AN ACT ENTITLED, An Act to provide protections for the exercise of religious
31 freedom.

32 Was read the second time.

33 The question being "Shall **SB 124** pass?"

34 And the roll being called:

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

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

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

8 **SB 152:** FOR AN ACT ENTITLED, An Act to authorize counties to issue off-sale liquor licenses.

9 Was read the second time.

10 The question being "Shall **SB 152** pass as amended?"

11 And the roll being called:

12 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

20 **SB 100:** FOR AN ACT ENTITLED, An Act to continue the prohibition on the seizure of firearms
21 and ammunitions.

22 Was read the second time.

23 The question being "Shall **SB 100** pass as amended?"

24 And the roll being called:

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

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

31 Nays:
32 Foster, Heinert, and Nesiba

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

35 **SB 123:** FOR AN ACT ENTITLED, An Act to require a comment period for the attorney general's
36 statement regarding initiated measures and initiated amendments.

37 Was read the second time.

1 The question being "Shall **SB 123** pass as amended?"

2 And the roll being called:

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

4 Yeas:

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

9 Nays:

10 Foster, Heinert, and Nesiba

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 **SB 106:** FOR AN ACT ENTITLED, An Act to eliminate the exemption from the perpetual care
14 funds provisions for certain cemeteries.

15 Was read the second time.

16 The question being "Shall **SB 106** pass?"

17 And the roll being called:

18 Yeas 13, Nays 22, Excused 0, Absent 0

19 Yeas:

20 Cammack, Curd, Diedrich, Duhamel, Johns, David Johnson, Maher, Novstrup, Rusch, V. J.
21 Smith, Stalzer, Steinhauer, and Symens

22 Nays:

23 Bolin, Breitling, Castleberry, Crabtree, Duvall, Foster, Frye-Mueller, Brock Greenfield, Heinert,
24 Hunhoff, Klumb, Kolbeck, Nesiba, Herman Otten, Rohl, Schoenbeck, Schoenfish, Sutton, Tobin,
25 Wheeler, Wiik, 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 179:** FOR AN ACT ENTITLED, An Act to authorize members of the Legislature to submit a
29 request for continuing education to a licensing board or commission in this state.

30 Was read the second time.

31 The question being "Shall **SB 179** pass?"

32 And the roll being called:

33 Yeas 24, Nays 11, Excused 0, Absent 0

34 Yeas:

35 Bolin, Breitling, Cammack, Castleberry, Curd, Diedrich, Duhamel, Foster, Brock Greenfield,
36 Heinert, Johns, Klumb, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Schoenfish, V. J. Smith,
37 Stalzer, Steinhauer, Sutton, Tobin, and Zikmund

1 Nays:
2 Crabtree, Duvall, Frye-Mueller, Hunhoff, David Johnson, Kolbeck, Rusch, Schoenbeck, Symens,
3 Wheeler, and Wiik

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

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

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

9 Was read the second time.

10 The question being "Shall **HB 1069** pass as amended?"

11 And the roll being called:

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

13 Yeas:

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

18 Nays:

19 Frye-Mueller and Sutton

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

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

24 Was read the second time.

25 The question being "Shall **HB 1079** pass as amended?"

26 And the roll being called:

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

28 Yeas:

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

33 Nays:

34 Foster, Heinert, and Nesiba

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

1 **HB 1051**: FOR AN ACT ENTITLED, An Act to maintain the life of any child born alive.

2 Was read the second time.

3 The question being "Shall **HB 1051** pass as amended?"

4 And the roll being called:

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

6 Yeas:

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

11 Nays:

12 Foster, Heinert, and Nesiba

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

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

17 Was read the second time.

18 Sen. Herman Otten moved that **HB 1035** be amended as follows:

19 1035B

20 On page 1, line 1, of the Introduced bill, delete "remove the locking seal requirement" and
21 insert " provide legal tagging options"

22 On page 1, line 6, of the Introduced bill, after "the" insert ":

23 (1) A"

24 On page 1, line 6, of the Introduced bill, remove the overstrikes from " locking seal "

25 On page 1, line 6, of the Introduced bill, remove the overstrikes from "and tag"

26 On page 1, line 6, of the Introduced bill, after "tag" insert ", furnished by the department and
27 "

28 On page 1, line 6, of the Introduced bill, remove the overstrikes from "bearing the license
29 number of the owner and the year of its issue"

30 On page 1, line 7, of the Introduced bill, after "of " delete "its "

31 On page 1, line 7, of the Introduced bill, after "issue" insert the comma

32 On page 1, line 7, of the Introduced bill, remove the overstrikes from " are securely locked
33 and attached legally tagged"

34 On page 1, line 10, of the Introduced bill, after "tagged" insert the comma

35 On page 1, line 13, of the Introduced bill, after "kind" delete the period

1 On page 1, line 14, of the Introduced bill, after "license" insert "; or

2 (2) The person who has taken the big game animal:

3 (a) Properly acquired and properly validated an electronic tag, in accordance with rules
4 promulgated by the department, pursuant to chapter 1-26; and

5 (b) Attached to the animal, in plain sight, a locking seal and tag, furnished by the department
6 and bearing the tag owner's name and the tag identification number"

7 On page 1, line 14, of the Introduced bill, remove the overstrikes from the period

8 On page 1, line 19, of the Introduced bill, after "by" insert " § 41-14-14, and in accordance
9 with"

10 Sen. Herman Otten requested a roll call vote.

11 Which request was supported.

12 And the roll being called:

13 Yeas 14, Nays 21, Excused 0, Absent 0

14 Yeas:

15 Bolin, Castleberry, Curd, Diedrich, Frye-Mueller, Johns, David Johnson, Maher, Herman Otten,
16 Schoenbeck, Stalzer, Steinhauer, Symens, and Tobin

17 Nays:

18 Breitling, Cammack, Crabtree, Duhamel, Duvall, Foster, Brock Greenfield, Heinert, Hunhoff,
19 Klumb, Kolbeck, Nesiba, Novstrup, Rohl, Rusch, Schoenfish, V. J. Smith, Sutton, Wheeler, Wiik, and
20 Zikmund

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

23 The question being "Shall **HB 1035** pass?"

24 And the roll being called:

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

26 Yeas:

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

31 Nays:

32 Frye-Mueller, Herman Otten, Symens, and Tobin

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

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SIGNING OF BILLS

The President publicly read the title to

SB 53: FOR AN ACT ENTITLED, An Act to revise certification and renewal fees for water supply and treatment system operators.

HB 1011: FOR AN ACT ENTITLED, An Act to increase certain boiler inspection fees and dedicate more of the fees to the state's boiler inspection program.

HB 1014: FOR AN ACT ENTITLED, An Act to establish uniform complaint and declaratory ruling procedures for agencies regulating certain professions and occupations.

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

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

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

HB 1071: FOR AN ACT ENTITLED, An Act to correct incorrect cross-references dealing with crimes and criminal procedures.

HB 1077: FOR AN ACT ENTITLED, An Act to provide for licensure by endorsement for certain licensed professionals and occupations.

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

And signed the same in the presence of the Senate.

Sen. Duvall moved that the Senate do now adjourn, which motion prevailed and at 4:43 p.m. the Senate adjourned.

Kay Johnson, Secretary

