

# *JOURNAL OF THE SENATE*

## *NINETY-SIXTH SESSION*

---

TWENTY-FOURTH DAY

---

STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, February 18, 2021

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

The prayer was offered by the Chaplain, Pastor Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Chynna Story.

Roll Call: All members present except Sens. Frye-Mueller and Rusch who were excused and Brock Greenfield 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 23rd day.

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

And we hereby move the adoption of the report.

Respectfully submitted,  
Lee A. Schoenbeck, Chair

Which motion prevailed.

1

---

**COMMUNICATIONS AND PETITIONS**

2

February 17, 2021

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on February 17, 2021, I approved Senate Bills 6, 20, 22, 29, 30, 32, 39, 41, 42, 43, 63, 73, and 78, and the same have been deposited in the office of the Secretary of State.

5

6

7

Respectfully submitted,  
Kristi Noem  
Governor

8

9

10

**REPORTS OF STANDING COMMITTEES**

11

President Pro Tem Schoenbeck appointed Senator Wheeler as the Vice-Chair of the Senate Commerce and Energy Committee.

12

13

MR. PRESIDENT:

14

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 107** which was deferred to the 41st Legislative Day.

15

16

Also MR. PRESIDENT:

17

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **HB 1073 and 1234** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

18

19

20

Respectfully submitted,  
Casey Crabtree, Chair

21

22

MR. PRESIDENT:

23

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 163** which was deferred to the 41st Legislative Day.

24

25

Also MR. PRESIDENT:

26

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 148** and returns the same with the recommendation that said bill be amended as follows:

27

28

148A

29

On page 1, line 8, of the Introduced bill, delete "Class 2" and insert " Class 1"

30

And that as so amended, said bill do pass.

31

Also MR. PRESIDENT:

32

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 164** and returns the same with the recommendation that said bill be amended as follows:

33

1 164B

2 On page 1, line 1, of the Introduced bill, delete "provide for a formal " and insert "modify the  
3 "

4 On page 1, line 1, delete "criminal " and insert "for civil "

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

6 "

7 **Section 1.** That § 34-20B-70 be AMENDED.

8 34-20B-70. Property subject to forfeiture.

9 The following are subject to forfeiture pursuant to chapter 23A-49 and no property right exists  
10 in them:

11 (1) All controlled drugs and substances and marijuana which have been manufactured,  
12 distributed, dispensed, or acquired in violation of the provisions of this chapter or chapter  
13 22-42;

14 (2) All raw materials, products, and equipment of any kind which are used or intended for  
15 use, in manufacturing, compounding, or processing, ~~importing, or exporting~~ any  
16 controlled drug or substance or marijuana in excess of one-half pound in violation of the  
17 provisions of this chapter or chapter 22-42;

18 (3) All property which is used, or intended for use, as a container for property described in  
19 subdivisions (1) and (2);

20 (4) All conveyances including aircraft, vehicles, or vessels, ~~which transport, possess, or~~  
21 ~~conceal, or~~ which are used, or intended for use, to ~~transport, or in any manner~~ facilitate  
22 the ~~transportation, sale, receipt, unlawful distribution or possession, or concealment of~~  
23 with the intent to distribute marijuana in excess of one-half pound or any quantity of any  
24 other property described in subdivision (1) or (2), ~~except as provided in §§ 34-20B-71~~  
25 ~~to 34-20B-73, inclusive. This subdivision includes those instances in which a conveyance~~  
26 ~~transports, possesses or conceals marijuana or a controlled substance as described~~  
27 ~~herein without the necessity of showing that the conveyance is specifically being used to~~  
28 ~~transport, possess, or conceal or facilitate the transportation, possession, or concealment~~  
29 ~~of marijuana or a controlled substance in aid of any other offense;~~

30 (5) All books, records, and research, including formulas, microfilm, tapes, and data which  
31 are used, or intended for use, in violation of this chapter;

32 (6) Any funds or other things of value used for the purposes of unlawfully purchasing,  
33 attempting to purchase, distributing, or attempting to distribute any controlled drug or  
34 substance or ~~marijuana in an amount intended for distribution and not for personal use,~~  
35 and marijuana in excess of one-half pound; or

36 (7) Any assets, interest, profits, income, and proceeds acquired or derived from the unlawful  
37 purchase, attempted purchase, distribution, or attempted distribution of any controlled  
38 drug or substance ~~or marijuana in an amount intended for distribution and not for~~  
39 personal use, and marijuana in excess of one-half pound.

40 Property described in subdivision (1) shall be deemed contraband and shall be summarily  
41 forfeited to the state, property described in subdivisions (2), (3), (5), (6), and (7) is subject to  
42 forfeiture under the terms of § 23A-49-14, and property described in subdivision (4) is subject to  
43 forfeiture under the terms of § 23A-49-15.

44 "

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

2 Also MR. PRESIDENT:

3 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
4 **SB 166** and returns the same with the recommendation that said bill be amended as follows:

5 166B

6 On the previously adopted amendment (166A), On page 1, line 18, after "felony." delete  
7 "Section 2. That a NEW SECTION be added:"

8 On the previously adopted amendment (166A), On page 1, line 19, after "added:" delete "23-  
9 6-4. 1 "

10 On the previously adopted amendment (166A), On page 1, line 19, after "23-6-4.1 " delete  
11 "Bias-motivated crime reporting requirements."

12 On the previously adopted amendment (166A), On page 1, line 20, after "requirements." delete  
13 "All law enforcement agencies of the state and political subdivisions thereof shall record suspected  
14 bias-motivated crimes, including the basis or bases upon which the suspected bias-motivated crime  
15 occurred. In a manner prescribed by the director, all law enforcement agencies in the state shall  
16 report suspected bias-motivated crime data on a quarterly basis to the bureau. The director shall  
17 ensure that bias-motivated crime data from all law enforcement agencies within the state is  
18 submitted annually to the Federal Bureau of Investigation for inclusion in the hate crime statistics  
19 report. The director shall issue a detailed annual report on statewide bias-motivated crimes,  
20 including data on prosecutions under § 22-19B-1. A violation of this section is a Class 2  
21 misdemeanor.

22 For purposes of this section, bias-motivated crime means a criminal act committed against a  
23 person or a person's property in whole or in part because of actual or perceived race, color, ethnicity,  
24 religion, ancestry, national origin, disability, sex, sexual orientation, gender identity, or identification  
25 as a Native American Two-Spirit, or which is committed for the purpose of restraining that person  
26 from exercising the person's rights under the Constitution or laws of this state or of the United  
27 States in whole or in part because of actual or perceived race, color, ethnicity, religion, ancestry,  
28 national origin, disability, sex, sexual orientation, gender identity, or identification as a Native  
29 American Two-Spirit."

30 On the previously adopted amendment (166A), On page 2, line 12, after "Two-Spirit." delete  
31 "Section 3. That a NEW SECTION be added:"

32 On the previously adopted amendment (166A), On page 2, line 13, after "added:" delete "23-  
33 3-39. 9. "

34 On the previously adopted amendment (166A), On page 2, line 13, after "23-3-39.9. " delete  
35 "Bias"

36 On the previously adopted amendment (166A), On page 2, line 13, after "Bias" delete "-  
37 motivated crime training requirements."

38 On the previously adopted amendment (166A), On page 2, line 14, after "requirements." delete  
39 "The initial training of a law enforcement officer shall include training on the proper identification,  
40 investigation, documentation, and reporting of bias-motivated crimes as defined in § 23-6-4. 1. This  
41 training shall include instruction on all relevant state and federal bias-motivated crime laws,  
42 including mandatory reporting of bias-motivated crimes under § 23-6-4. 1. After initial training,  
43 each law enforcement officer shall receive annual training on bias-motivated crime. "

44 166A

45 On page 1, line 6, of the Introduced bill, after "persons" insert " in whole or in part"

1 On page 1, line 7, of the Introduced bill, after "persons' " insert "actual or perceived "

2 On page 1, line 7, of the Introduced bill, after "race, " insert "color, "

3 On page 1, line 8, of the Introduced bill, after "origin" insert ", disability, sex"

4 On page 1, after line 17, of the Introduced bill, insert "

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

6 23-6-4.1. Bias-motivated crime reporting requirements.

7 All law enforcement agencies of the state and political subdivisions thereof shall record  
8 suspected bias-motivated crimes, including the basis or bases upon which the suspected bias-  
9 motivated crime occurred. In a manner prescribed by the director, all law enforcement agencies in  
10 the state shall report suspected bias-motivated crime data on a quarterly basis to the bureau. The  
11 director shall ensure that bias-motivated crime data from all law enforcement agencies within the  
12 state is submitted annually to the Federal Bureau of Investigation for inclusion in the hate crime  
13 statistics report. The director shall issue a detailed annual report on statewide bias-motivated  
14 crimes, including data on prosecutions under § 22-19B-1. A violation of this section is a Class 2  
15 misdemeanor.

16 For purposes of this section, bias-motivated crime means a criminal act committed against a  
17 person or a person's property in whole or in part because of actual or perceived race, color, ethnicity,  
18 religion, ancestry, national origin, disability, sex, sexual orientation, gender identity, or identification  
19 as a Native American Two-Spirit, or which is committed for the purpose of restraining that person  
20 from exercising the person's rights under the Constitution or laws of this state or of the United  
21 States in whole or in part because of actual or perceived race, color, ethnicity, religion, ancestry,  
22 national origin, disability, sex, sexual orientation, gender identity, or identification as a Native  
23 American Two-Spirit.

24 "

25 On page 1, after line 17, of the Introduced bill, insert "

26 **Section 3.** That a NEW SECTION be added:

27 23-3-39.9. Bias-motivated crime training requirements.

28 The initial training of a law enforcement officer shall include training on the proper  
29 identification, investigation, documentation, and reporting of bias-motivated crimes as defined in §  
30 23-6-4.1. This training shall include instruction on all relevant state and federal bias-motivated crime  
31 laws, including mandatory reporting of bias-motivated crimes under § 23-6-4.1. After initial training,  
32 each law enforcement officer shall receive annual training on bias-motivated crime.

33 "

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

35 Also MR. PRESIDENT:

36 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
37 **SB 193** and returns the same with the recommendation that said bill be amended as follows:

38 193C

39 On page 2, line 1, of the Introduced bill, delete "identify " and insert "identity "

40 On page 2, line 8, of the Introduced bill, after "represents" delete ", or is employed by the firm  
41 or business that represents,"

1 On page 2, line 15, of the Introduced bill, after "communicate" insert " in real-time"

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

3 Respectfully submitted,  
4 Helene Duhamel, Vice-Chair

5 MR. PRESIDENT:

6 The Committee on Senate Education respectfully reports that it has had under consideration  
7 **SB 128** and returns the same with the recommendation that said bill be amended as follows:

8 128B

9 On the previously adopted amendment (128A), On page 3, line 19, after "event." insert " No  
10 association or media contractor may charge a fee for news media to engage in journalism at any  
11 such activity or event."

12 On the previously adopted amendment (128A), On page 3, line 22, after "state" insert "  
13 championship"

14 128A

15 On page 1, line 1, of the Introduced bill, delete "preclude the assignment of exclusive broadcast  
16 rights for certain high school interscholastic activities by an association" and insert " revise certain  
17 provisions related to news media coverage of high school activities"

18 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 13-36-4 be  
19 AMENDED:

20 "

21 On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "13-36-4. "

22 On page 1, line 5, of the Introduced bill, after "13-36-4. " delete "Delegation of control,  
23 supervision, and regulation of high school interscholastic activities to association."

24 On page 1, line 6, of the Introduced bill, after "association." delete "

25 The school board of a public school, approved and accredited by the secretary of the  
26 Department of Education, may delegate, on a year to year basis, the control, supervision, and  
27 regulation of any high school interscholastic activities to any association which is voluntary and  
28 nonprofit if:

29 (1) Membership in the association is open to all high schools approved and accredited pursuant  
30 to this section, including any school that allows participation by students receiving alternative  
31 instruction as set forth in § 13-27-3, pursuant to the provisions of this title;

32 (2) The constitution, bylaws, and rules of the association are subject to ratification by the  
33 school boards of the member public school districts and the governing boards of the member  
34 nonpublic schools and include a provision for a proper review procedure and review board;

35 (3) The report of any audit required by § 13-26-5 is made public on the association's website  
36 as well as the Department of Legislative Audit's website;

37 (4) The association complies with the provisions of chapter 1-25 and chapter 1-27. However,  
38 the association, and its employees, meetings, and records, are afforded the same exemptions and  
39 protections as a political subdivision or public body is provided under chapter 1-25 and chapter 1-  
40 27; and

1 (5) The association shall report to the Government Operations and Audit Committee  
2 annually, or at the call of the chair.

3 The governing body of a nonpublic school, approved and accredited by the secretary of the  
4 Department of Education, or AdvancED, or the Association of Christian Schools International (ACSI),  
5 or the Association of Classical and Christian Schools (ACCS), or Christian Schools International  
6 (CSI), or National Lutheran School Accreditation (NLSA), or Commission for Oceti Sakowin  
7 Accreditation (COSA), or Wisconsin Evangelical Lutheran Synod School Accreditation, may also  
8 delegate, on a year to year basis, the control, supervision, and regulation of any high school  
9 interscholastic activities to any association which is voluntary and nonprofit if membership in such  
10 association is open to all high schools approved and accredited pursuant to this section, including  
11 any school that allows participation by students receiving alternative instruction as set forth in § 13-  
12 27-3, pursuant to the provisions of this title, and if the constitution, bylaws, and rules of the  
13 association are subject to ratification by the school boards of the member public school districts and  
14 the governing boards of the member nonpublic schools and include a provision for a proper review  
15 procedure and review board.

16 Any association which that complies with this section may exercise the control, supervision,  
17 and regulation of interscholastic activities, including interscholastic athletic events of member  
18 schools, except as otherwise provided in § 13-36-4. 1. The association may promulgate reasonable  
19 uniform rules, to make decisions and to provide and enforce reasonable penalties for the violation  
20 of the rules."

21 On page 2, line 20, of the Introduced bill, after "rules." delete "Section 2. That a NEW SECTION  
22 be added:

23 "

24 On page 2, line 21, of the Introduced bill, after "added:" delete "13-36-4. 1. "

25 On page 2, line 21, of the Introduced bill, after "-36-4.1. " delete "Exclusive broadcast rights-  
26 -Lack of authority."

27 On page 2, line 21, of the Introduced bill, after "authority." delete "

28 The authority to exercise control, supervision, and regulation of interscholastic activities,  
29 including interscholastic athletic events, as set forth in § 13-36-4, does not include the authority to  
30 grant or assign exclusive broadcast rights for state-level events to a media contractor."

31 On page 2, after line 25, of the Introduced bill, insert "

32 **Section 1.** That § 13-1-57 be AMENDED.

33 13-1-57. Definitions regarding news media coverage of high school activities.

34 Terms used in §§ 13-1-58 and 13-1-59 mean:

35 (1) "Association," any association created under chapter 13-36;

36 (2)"Journalism," the gathering, preparing, collecting, photographing, recording, streaming,  
37 broadcasting, writing, editing, reporting, or publishing of news or information that  
38 concerns matters of public interest for dissemination to the public, including on the  
39 internet;

40 ~~(2)~~(3) "Media contractor" any entity that contracts with a school board, school district, or  
41 association to conduct journalism at any interscholastic high school activity or event;

42 (4)"News media," personnel of a newspaper or other periodical issued at regular intervals, a  
43 news service, a radio station, a television station, or a television network, regardless of  
44 whether the news media is in print, electronic, or digital format;





1 Also MR. PRESIDENT:

2 The Committee on Senate Education respectfully reports that it has had under consideration  
3 **HB 1196** and returns the same with the recommendation that said bill do pass, and having been  
4 certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 R. Blake Curd, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
9 had under consideration **SB 127** which was deferred to the 41st Legislative Day.

10 Also MR. PRESIDENT:

11 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
12 had under consideration **HB 1029** and returns the same with the recommendation that said bill do  
13 pass, and having been certified as uncontested, be placed on the consent calendar.

14 Also MR. PRESIDENT:

15 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
16 had under consideration **HB 1038** and returns the same with the recommendation that said bill be  
17 referred to the Senate Committee on Appropriations with a Do Pass recommendation.

18 Also MR. PRESIDENT:

19 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
20 had under consideration **HB 1039** and returns the same with the recommendation that said bill be  
21 referred to the Senate Committee on Appropriations with a Do Pass recommendation.

22 Respectfully submitted,  
23 Joshua Klumb, Vice-Chair

24 Mr. PRESIDENT:

25 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
26 Enrolling has carefully compared **SB 81, 82, 92, 101, and 136** and finds the same correctly  
27 enrolled.

28 Respectfully submitted,  
29 Lee A. Schoenbeck, Chair

30 Mr. PRESIDENT:

31 The Committee on Legislative Procedure respectfully reports that **SB 53** was delivered to her  
32 Excellency, the Governor, for her approval at 9:25 a.m., February 18, 2021.

33 Respectfully submitted,  
34 Lee A. Schoenbeck, Chair

---

**MESSAGES FROM THE HOUSE**

1

2 Mr. PRESIDENT:

3 I have the honor to return herewith **SB 81, 92, 101, and 136** which have passed the House  
4 without change.

5 Also Mr. PRESIDENT:

6 I have the honor to transmit herewith **HB 1140** which has passed the House and your favorable  
7 consideration is respectfully requested.

8 Also Mr. PRESIDENT:

9 I have the honor to return herewith **SCR 604** in which the House has concurred.

10  
11

Respectfully,  
Patricia Miller, Chief Clerk

12

**MOTIONS AND RESOLUTIONS**

13 SENATE PAGE RESOLUTION 3 Introduced by: Senators Bolin; Breitling; Cammack;  
14 Castleberry; Crabtree; Curd; Diedrich; Duhamel; Duvall; Foster; Frye-Mueller; Greenfield, Brock;  
15 Heinert; Hunhoff; Johns; Johnson, David; Klumb; Kolbeck; Maher; Nesiba; Novstrup; Otten,  
16 Herman; Rohl; Rusch; Schoenbeck; Schoenfish; Smith, V.J.; Stalzer; Steinhauer; Sutton; Symens;  
17 Tobin; Wheeler; Wiik; Zikmund

18 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-sixth  
19 Legislature of the State of South Dakota to Quinn Bormann, Tessa Erdmann, Isaac Estabrook,  
20 Teigen Hadrick, Maggie Hovde, Claire Koenecke, Allison McManus, Trinity Peterson, Warren  
21 Russell, Makaivry Schatz, Chynna Story.

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

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

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

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

30 Sen. Duvall moved that Senate Page Resolution 3 be adopted.

31 The question being on Sen. Duvall's motion that Senate Page Resolution 3 be adopted.

32 And the roll being called:

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

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

6 Excused:  
7 Frye-Mueller and Rusch

8 So the motion having received an affirmative vote of a majority of the members-elect, the  
9 President declared the motion prevailed.

10 Sen. Cammack moved that **SB 172** be re-referred to the Committee on Military and Veterans  
11 Affairs.

12 Which motion prevailed.

### 13 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

15 Local Government on **SB 161** as found on page 276 of the Senate Journal; also

16 Health and Human Services on **HB 1065** as found on page 275 of the Senate Journal; also

17 Military and Veterans Affairs on **SR 701** as found on page 274 of the Senate Journal be  
18 adopted.

19 Which motion prevailed and the reports were adopted.

### 20 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

21 The Senate proceeded to the consideration of the executive appointment of Thomas Johnson  
22 of Pennington County, Rapid City, South Dakota, to the South Dakota Ellsworth Development  
23 Authority.

24 The question being "Does the Senate advise and consent to the executive appointment of  
25 Thomas Johnson pursuant to the message as found on page 164 of the Senate Journal?"

26 And the roll being called:

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

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

33 Excused:  
34 Frye-Mueller and Rusch

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

1

---

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

2

**HB 1140:** FOR AN ACT ENTITLED, An Act to restrict the entry of conservation officers onto certain private land without permission.

3

4

Was 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 David R. Emery of Pennington County, Rapid City, South Dakota, to the South Dakota Ellsworth Development Authority (SJ 75), and

7

8

9

Patrick J. Burchill of Pennington Co, Rapid City, South Dakota, to the South Dakota Ellsworth Development Authority (SJ 74), and

10

11

Steven R. Kalkman of Pennington County, Rapid City, South Dakota, to the South Dakota Ellsworth Development Authority (SJ 75).

12

13

The question being "Does the Senate advise and consent to the executive reappointments of David R. Emery, Patrick J. Burchill, and Steven R. Kalkman?"

14

15

And the roll being called:

16

Yeas 33, Nays 0, Excused 2, Absent 0

17

Yeas:

18

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

19

20

21

22

Excused:

23

Frye-Mueller and Rusch

24

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

25

26

**SECOND READING OF CONSENT CALENDAR ITEMS**

27

Sen. Bolin requested that **HCR 6003** be removed from the Consent Calendar.

28

**SB 145:** FOR AN ACT ENTITLED, An Act to revise the process of filling vacancies for candidates for elected office.

29

30

**SB 182:** FOR AN ACT ENTITLED, An Act to revise provisions regarding owner occupied dwelling requirements.

31

32

Were read the second time.

33

The question being "Shall **SB 145 and 182** pass?"

1 And the roll being called:

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

3 Yeas:

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

8 Excused:

9 Frye-Mueller, Heinert, and Rusch

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

12 Sen. Cammack moved that the balance of the calendar including **SB 141, 174, 175, 176,**  
13 **180, and 184, and HB 1053 and 1067** be deferred to Monday, February 22, 2021, the 25<sup>th</sup>  
14 legislative day.

15 Which motion prevailed.

16 **SIGNING OF BILLS**

17 The President publicly read the title to

18 **SB 81:** FOR AN ACT ENTITLED, An Act to authorize certain flags and flagpoles to be located  
19 on residential property regardless of any private covenants, restrictions, bylaws, rules, or  
20 requirements.

21 **SB 82:** FOR AN ACT ENTITLED, An Act to revise certain regulations pertaining to dealers of  
22 motor vehicles, boats, snowmobiles, or manufactured homes and mobile homes.

23 **SB 92:** FOR AN ACT ENTITLED, An Act to require that certain proposed rules include a housing  
24 cost impact statement.

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

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

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

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

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

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

---

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

3

Kay Johnson, Secretary