

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

THIRTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, March 10, 2021

The Senate convened at 10:00 a.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 Amanda Schroeder and Madisen Vetter.

Roll Call: All members present except Sen. Foster 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 34th 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

REPORTS OF STANDING COMMITTEES

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 36, 80, 95, 128, 162, and 167** and finds the same correctly enrolled.

Respectfully submitted,
Lee A. Schoenbeck, Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 44, 70, 75, 79, 85, 97, 100, 108, 109, 111, 112, 123, 126, 138, 139, 142, 148, 150, 152, 161, 164, 168, 173, 174, 175, 178, 182, 183, 184, and 193** were delivered to her Excellency, the Governor, for her approval at 9:10 a.m., March 10, 2021.

Respectfully submitted,
Lee A. Schoenbeck, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in Senate amendments to **HB 1018, 1064, 1139, 1140, 1153, 1166, 1169, 1171, 1191, 1256, 1259, 1265, and 1266, and HCR 6012.**

Also Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has adopted the report of the Conference Committee on **SB 77.**

Also Mr. PRESIDENT:

I have the honor to return herewith **SCR 606** in which the House has concurred.

Also Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has appointed Representatives Randolph (Chair), Goodwin, and Pourier as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 180.**

Respectfully,
Patricia Miller, Chief Clerk

1

CONSIDERATION OF EXECUTIVE APPOINTMENTS

2

The Senate proceeded to the consideration of the executive appointment of Linda Olsen of Ziebach County, Dupree, South Dakota, to the South Dakota Board of Education Standards.

3

4

The question being "Does the Senate advise and consent to the executive appointment of Linda Olsen pursuant to the executive message as found on page 406 of the Senate Journal?"

5

6

And the roll being called:

7

Yeas 30, Nays 0, Excused 5, Absent 0

8

Yeas:

9

10

11

12

Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Hunhoff, Johns, Klumb, Kolbeck, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

13

14

Excused:

Curd, Brock Greenfield, Heinert, David Johnson, and Maher

15

16

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

17

CONSIDERATION OF REPORTS OF STANDING COMMITTEES

18

19

20

Sen. Cammack moved that the report of the Joint Legislative Procedure Committee relative to the Joint Rules of the Ninety-Seventh Legislative Session as found on page 462 of the Senate Journal be adopted.

21

22

23

The question being on Sen. Cammack's motion that the report of the Joint Legislative Procedure Committee relative to the Joint Rules of the Ninety-Seventh Legislative Session be adopted.

24

And the roll being called:

25

Yeas 29, Nays 2, Excused 4, Absent 0

26

Yeas:

27

28

29

Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Johns, David Johnson, Klumb, Nesiba, Novstrup, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

30

31

Nays:

Kolbeck and Herman Otten

32

33

Excused:

Brock Greenfield, Heinert, Hunhoff, and Maher

34

35

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the report was adopted.

1

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

2

Sen. Novstrup moved that the report of the Conference Committee on **SB 77** as found on page 458 of the Senate Journal be adopted.

3

4

The question being on Sen. Novstrup's motion that the report of the Conference Committee on **SB 77** be adopted.

5

6

And the roll being called:

7

Yeas 19, Nays 14, Excused 2, Absent 0

8

Yeas:

9

Bolin, Breitling, Cammack, Castleberry, Crabtree, Duvall, Johns, Klumb, Maher, Novstrup, Herman Otten, Schoenbeck, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wiik, and Zikmund

10

11

Nays:

12

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

13

14

Excused:

15

Brock Greenfield and Hunhoff

16

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the report was adopted.

17

18

SIGNING OF BILLS

19

The President publicly read the title to

20

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

21

22

23

SB 80: FOR AN ACT ENTITLED, An Act to revise provisions regarding the legislative redistricting process.

24

25

SB 95: FOR AN ACT ENTITLED, An Act to provide protection for actions assisting an impaired lawyer or judge.

26

27

SB 128: FOR AN ACT ENTITLED, An Act to revise certain provisions related to news media coverage of high school activities.

28

29

SB 162: FOR AN ACT ENTITLED, An Act to appropriate funds for airport route restoration, business development, and air service marketing and to declare an emergency.

30

31

SB 167: FOR AN ACT ENTITLED, An Act to establish criteria for a regional nursing facility designation.

32

33

HB 1038: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and declare an emergency.

34

35

36

HB 1047: FOR AN ACT ENTITLED, An Act to provide limited deer and antelope licenses to landowners.

37

1 **HB 1080:** FOR AN ACT ENTITLED, An Act to increase the enhanced penalty for the crime of
 2 simple assault.

3 **HB 1081:** FOR AN ACT ENTITLED, An Act to increase the penalty for protection order
 4 violations.

5 **HB 1094:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the municipal
 6 zoning and appeals process.

7 **HB 1096:** FOR AN ACT ENTITLED, An Act to provide a penalty for sexual contact with a minor
 8 by a person holding a position of authority.

9 **HB 1131:** FOR AN ACT ENTITLED, An Act to authorize primary care agreements.

10 **HB 1154:** FOR AN ACT ENTITLED, An Act to prohibit employment contracts restricting
 11 competitive health care practices.

12 **HB 1155:** FOR AN ACT ENTITLED, An Act to remove certain restrictions on gifts of agricultural
 13 land.

14 **HB 1199:** FOR AN ACT ENTITLED, An Act to establish the Office of Liaison for Missing and
 15 Murdered Indigenous Persons.

16 **HB 1210:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
 17 to provide grant funding for a new bioproducts facility at the research park in Brookings, and to
 18 declare an emergency.

19 **HB 1212:** FOR AN ACT ENTITLED, An Act to clarify the use of force.

20 **HB 1217:** FOR AN ACT ENTITLED, An Act to promote continued fairness in women's sports.

21 **HB 1228:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp and
 22 to declare an emergency.

23 **HB 1264:** FOR AN ACT ENTITLED, An Act to make appropriations from the water and
 24 environment fund and its revolving fund subfunds for various water and environmental purposes
 25 and to declare an emergency.

26 **HB 1273:** FOR AN ACT ENTITLED, An Act to transfer funds to the health care trust fund and
 27 to declare an emergency.

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

29 There being no objection, the Senate reverted to Order of Business No. 7 - Messages From The
 30 House.

31 **MESSAGES FROM THE HOUSE**

32 Mr. PRESIDENT:

33 I have the honor to inform your honorable body that the House has failed to concur in Senate
 34 amendments to **HB 1100** and has appointed Representatives Gosch (Chair), Kent Peterson, and
 35 Lesmeister as a committee of three on the part of the House to meet with a like committee on the
 36 part of the Senate to adjust the differences between the two houses.

37 Respectfully,
 38 Patricia Miller, Chief Clerk

1 The President announced Sens. Curd (Chair), Rohl, and Sutton as a committee of three on the
2 part of the Senate to meet with a like committee on the part of House to adjust the differences
3 between the two houses on **HB 1100**.

4 There being no objection, the Senate reverted to Order of Business No. 4 - Communications
5 and Petitions.

6 **COMMUNICATIONS AND PETITIONS**

7 March 10, 2021

8 Mr. President and Members of the Senate:

9 I have the honor to inform you that on March 10, 2021, I approved Senate Bills 124, 148, and
10 177, and the same have been deposited in the office of the Secretary of State.

11 Respectfully submitted,
12 Kristi Noem
13 Governor

14 **REPORTS OF STANDING COMMITTEES**

15 Mr. PRESIDENT:

16 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
17 Enrolling has carefully compared **SB 77** and finds the same correctly enrolled.

18 Respectfully submitted,
19 Lee A. Schoenbeck, Chair

20 **REPORTS OF CONFERENCE COMMITTEES**

21 MR. PRESIDENT:

22 The **SB180 A** Conference Committee on **SB 180** respectfully reports that it has considered the
23 disagreement of the two houses, and returns the same with the recommendation that said bill be
24 amended as follows:

25 180D

26 On the House Military and Veterans Affairs engrossed bill, delete the previously adopted
27 amendment(s), thus restoring the bill to the Senate Military and Veterans Affairs version.

28 Respectfully submitted, Respectfully submitted,
29 Larry P. Zikmund, Chair Tony Randolph, Chair

30 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 9:00 a.m. on
31 Thursday, March 11, 2021 the 36th legislative day.

32 Which motion prevailed.

1 Sen. V. J. Smith moved that the Senate do now adjourn, which motion prevailed and at
2 2:24 p.m. the Senate adjourned.

3

Kay Johnson, Secretary

