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.

Respectfully submitted,
Lee A. Schoenbeck, Chair

Which motion prevailed.
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
CONSIDERATION OF EXECUTIVE APPOINTMENTS

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.

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?"

And the roll being called:

Yeas 30, Nays 0, Excused 5, Absent 0

Yeas:

Excused:
- Curd, Brock Greenfield, Heinert, David Johnson, and Maher

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

CONSIDERATION OF REPORTS OF STANDING COMMITTEES

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.

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.

And the roll being called:

Yeas 29, Nays 2, Excused 4, Absent 0

Yeas:

Nays:
- Kolbeck and Herman Otten

Excused:
- Brock Greenfield, Heinert, Hunhoff, and Maher

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.
CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

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

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

And the roll being called:

Yeas 19, Nays 14, Excused 2, Absent 0

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

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

Excused:
  Brock Greenfield and Hunhoff

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.

SIGNING OF BILLS

The President publicly read the title to

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.

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

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

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

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.

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

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.

HB 1047: FOR AN ACT ENTITLED, An Act to provide limited deer and antelope licenses to landowners.
HB 1080: FOR AN ACT ENTITLED, An Act to increase the enhanced penalty for the crime of simple assault.

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

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

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

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

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

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


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

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

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

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

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

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

And signed the same in the presence of the Senate.

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

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has failed to concur in Senate amendments to HB 1100 and has appointed Representatives Gosch (Chair), Kent Peterson, and Lesmeister 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.

Respectfully,
Patricia Miller, Chief Clerk
The President announced Sens. Curd (Chair), Rohl, and Sutton as a committee of three on the part of the Senate to meet with a like committee on the part of House to adjust the differences between the two houses on HB 1100.

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

COMMUNICATIONS AND PETITIONS

March 10, 2021

Mr. President and Members of the Senate:

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

Respectfully submitted,
Kristi Noem
Governor

REPORTS OF STANDING COMMITTEES

Mr. PRESIDENT:

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

Respectfully submitted,
Lee A. Schoenbeck, Chair

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT:

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

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

Respectfully submitted,
Larry P. Zikmund, Chair

Respectfully submitted,
Tony Randolph, Chair

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

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

Kay Johnson, Secretary