

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 15, 2023

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

The prayer was offered by the Chaplain, Rev. Tori Troen, followed by the Pledge of Allegiance led by Senate page Brynlee Patterson.

Roll Call: All members present.

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.

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REPORTS OF STANDING COMMITTEES

Mr. President:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 190 and 199** which were deferred to the 41st Legislative Day.

Also Mr. President:

The Committee on Senate Transportation respectfully reports that it has had under consideration **HB 1042** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Joshua Klumb, Chair

Mr. President:

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

174B

On page 1, line 1, of the Introduced bill, delete " counties or municipalities from enacting or implementing" and insert " the enactment or implementation of"

On page 1, line 2, of the Introduced bill, delete " connection or reconnection" and insert " use"

On page 1, line 3, of the Introduced bill, after "energy" delete " or"

On page 1, line 3, of the Introduced bill, after "energy" insert " or"

On page 1, line 7, of the Introduced bill, after "prohibits" delete the comma

On page 1, line 7, of the Introduced bill, delete ", the connection or reconnection of an" and insert " the use of"

On page 1, line 8, of the Introduced bill, after "or " insert "any "

On page 1, line 8, of the Introduced bill, after "energy " delete "or "

On page 1, line 8, of the Introduced bill, after "energy " insert "or "

On page 1, line 8, of the Introduced bill, delete " provided by a public utility, municipality, or cooperative utility or propane service" and insert " as a type or class of energy service"

On page 1, line 11, of the Introduced bill, delete " prohibit an" and insert " affect a prohibition on the use of"

On page 1, line 12, of the Introduced bill, after "energy " delete "or "

On page 1, line 12, of the Introduced bill, after "energy " insert "or "

On page 1, line 12, of the Introduced bill, after "service" insert " as a type or class"

On page 1, line 15, of the Introduced bill, after "prohibits" delete the comma

1 On page 1, line 15, of the Introduced bill, delete ", the connection or reconnection of an" and
 2 insert " the use of"

3 On page 1, line 16, of the Introduced bill, after "or " insert "any "

4 On page 1, line 16, of the Introduced bill, after "energy " delete "or "

5 On page 1, line 16, of the Introduced bill, after "energy " insert "or "

6 On page 1, line 16, of the Introduced bill, delete " provided by a public utility, municipality, or
 7 cooperative utility or propane service" and insert " as a type or class of energy service"

8 On page 1, line 19, of the Introduced bill, delete " prohibit an" and insert " affect a prohibition
 9 on the use of"

10 On page 1, line 20, of the Introduced bill, after "energy" delete " or"

11 On page 1, line 20, of the Introduced bill, after "energy" insert " or"

12 On page 1, line 20, of the Introduced bill, after "service" insert " as a type or class"

13 And that as so amended, **SB 174** do pass, and having been certified as uncontested, be placed
 14 on the consent calendar.

15 Respectfully submitted,
 16 Tim Reed, Chair

17 Mr. President:

18 The Committee on Senate Taxation respectfully reports that it has had under consideration
 19 **SB 202** and returns the same with the recommendation that said bill be amended as follows:

20 202A

21 On page 1, line 1, of the Introduced bill, delete "exempt from" and insert "clarify"

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

23 On page 1, line 1, of the Introduced bill, after "the" delete " state"

24 On page 1, line 1, of the Introduced bill, after "use" insert " tax and sales"

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

26 On page 1, line 1, of the Introduced bill, delete " fair market value" and insert " purchase price"

27 On page 1, line 1, of the Introduced bill, after "of" insert " certain"

28 On page 1, line 1, of the Introduced bill, delete " given without charge" and insert " provided
 29 to a customer as part of a taxable sale"

30 On page 1, line 5, of the Introduced bill, delete " fair market value" and insert " purchase price"

31 On page 1, line 6, of the Introduced bill, delete " given without charge" and insert " provided"

32 On page 1, line 6, of the Introduced bill, delete " during business operations" and insert " as
 33 part of a taxable sale"

1 On page 1, line 7, of the Introduced bill, after "chapter" insert " and chapter 10-45"

2 And that as so amended, **SB 202** do pass.

3 Respectfully submitted,
4 Brent "B.R." Hoffman, Vice-Chair

5 Also Mr. President:

6 The Committee on Senate State Affairs respectfully reports that it has had under consideration
7 **SB 111, 112, 113, and 114** and returns the same with the recommendation that said bills do pass,
8 and having been certified as uncontested, be placed on the consent calendar.

9 Also Mr. President:

10 The Committee on Senate State Affairs respectfully reports that it has had under consideration
11 **SB 123, 124, and 128** which were deferred to the 41st Legislative Day.

12 Also Mr. President:

13 The Committee on Senate State Affairs respectfully reports that it has had under consideration
14 **SB 189** and returns the same with the recommendation that said bill be amended as follows:

15 189C

16 On page 1, line 1, of the Introduced bill, delete " state" and insert " purchasing"

17 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That chapter 5-18A
18 be amended with a NEW SECTION:"

19 On page 1, line 5, of the Introduced bill, after "SECTION:" delete "Terms used in sections 2 to
20 8, inclusive, of this Act mean:

21 (1) "Contract," an agreement, entered into by or on behalf of this state, for the purchase
22 or lease of goods by the state, or for the provision of services, professional services, construction,
23 or public improvements to the state, in return for compensation;

24 (2) "Contractor," a vendor, supplier, or subcontractor that has submitted a bid, proposal, or
25 offer for, or has been selected to engage in, providing goods or services to this state, provided the
26 term does not include a sole proprietorship or individual United States citizen;

27 (3) "Executive branch agency," an agency, authority, board, bureau, commission, department,
28 or institution of this state, under the control of the Governor;

29 (4) "Prohibited entity," an organization, association, corporation, partnership, joint venture,
30 limited partnership, limited liability partnership, limited liability company, or other entity or business
31 association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies,
32 or affiliates, of those entities or business associations, regardless of their principal place of business,
33 which is ultimately owned or controlled, directly or indirectly, by:

34 (a) A foreign national or a foreign parent entity from the People's Republic of China, the
35 Republic of Cuba, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the
36 Russian Federation, or the Bolivarian Republic of Venezuela; or

37 (b) The government of the People's Republic of China, the Republic of Cuba, the Islamic
38 Republic of Iran, the Democratic People's Republic of Korea, the Russian Federation, or the
39 Bolivarian Republic of Venezuela. "

1 On page 2, after line 3, of the Introduced bill, insert: "

2 **Section 1. That § 5-18A-1 be AMENDED:**

3 **5-18A-1.** Terms used in this chapter and chapters 5-18B, 5-18C, and 5-18D mean:

4 (1) "Acceptance," the formal resolution of a purchasing agency authorizing the
5 execution of a design-build contract;

6 (2) "Biobased," any materials composed wholly or in a significant part of biological
7 products including renewable agricultural materials or forestry materials;

8 (3) "Contract," any type of agreement, regardless of what the agreement may be called,
9 for the procurement of supplies, services, or construction;

10 (4) "Construction," and "constructed," in addition to their ordinary meaning, repair,
11 demolition, and alteration;

12 (5) "Construction management," any project delivery system based on an agreement
13 whereby a construction manager provides leadership to the construction process through a series
14 of services to the purchasing agency;

15 (6) "Construction manager," any person or entity that provides construction
16 management services for a purchasing agency, and is either a construction manager-agent or
17 construction manager-at-risk;

18 (7) "Construction manager-agent," any construction manager that provides
19 construction management services to a purchasing agency in a fiduciary capacity;

20 (8) "Construction manager-at-risk," any construction manager that assumes the risk for
21 construction, rehabilitation, alteration, or repair of a public improvement and that provides
22 construction management services to the purchasing agency;

23 (9) "Design-build contract," any contract between a purchasing agency and a design-
24 builder to furnish the architecture, engineering, and related services as required, and the labor,
25 materials, and other construction services for a public improvement. A design-build contract may
26 be conditioned upon future refinements in scope and price, and may permit the purchasing agency
27 to make changes in the scope of the project without invalidating the design-build contract;

28 (10) "Design-build proposal," an offer to enter into a design-build contract;

29 (11) "Design-build request for proposals," any document or publication whereby a
30 purchasing agency solicits proposals for a design-build contract;

31 (12) "Design-builder," any person that proposes to design and construct a public
32 improvement covered by the procedures of this chapter and chapters 5-18B, 5-18C, and 5-18D;

33 (13) "Environmentally preferable product," any cleaning or maintenance product having
34 properties that minimize potential impacts to human health and the environment, any product
35 designed to conserve energy and water, any biobased product, and any product containing recycled
36 materials or recovered materials;

37 (14) "Internet," the international computer network of both federal and nonfederal
38 interoperable packet switched data networks, including the graphical subnetwork called the world
39 wide web;

40 (15) "Invitation for bids," any document, whether attached or incorporated by reference,
41 used for soliciting bids;

- 1 (16) "Officer," any elected official or administrative officer appointed to that position by
2 the governing body;
- 3 (17) "Performance criteria," requirements for the public improvement, including as
4 appropriate, capacity, durability, production standards, ingress and egress requirements, building
5 code requirements, or other criteria for the intended use of the public improvement, expressed in
6 performance-oriented specifications or drawings suitable to allow the design-builder to make a
7 proposal;
- 8 (18) "Performance criteria developer," any person and the person's subcontractors
9 retained by the purchasing agency to develop performance criteria;
- 10 (19) "Professional services," services arising out of a vocation, calling, occupation, or
11 employment involving specialized knowledge, labor, or skill, and the labor or skill involved is
12 predominantly mental or intellectual, rather than physical or manual;
- 13 (19A) "Prohibited entity," an organization, association, corporation, partnership, joint venture,
14 limited partnership, limited liability partnership, limited liability company, or other entity or business
15 association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies,
16 or affiliates, of those entities or business associations, regardless of their principal place of business,
17 which is ultimately owned or controlled by:
- 18 (a) A foreign parent entity from the People's Republic of China, the Republic of Cuba, the
19 Islamic Republic of Iran, the Democratic People's Republic of Korea, the Russian Federation, or the
20 Bolivarian Republic of Venezuela; or
- 21 (b) The government of the People's Republic of China, the Republic of Cuba, the Islamic
22 Republic of Iran, the Democratic People's Republic of Korea, the Russian Federation, or the
23 Bolivarian Republic of Venezuela.
- 24 A prohibited entity does not include a citizen or legal permanent resident of the United States,
25 or an individual foreign national;
- 26 (20) "Proposal," any offer to enter into contract in response to a request for proposals;
- 27 (21) "Purchasing agency," any governmental body or officer authorized by law,
28 administrative rule, or delegated authority, to enter into contracts;
- 29 (22) "Public improvement," the process of building, altering, repairing, improving, or
30 demolishing any public infrastructure facility, including any structure, building, or other
31 improvements of any kind to real property, the cost of which is payable from taxes or other funds
32 under the control of the purchasing agency, and includes any local improvement for which a special
33 assessment is to be levied;
- 34 (23) "Qualified agency," any public or private nonprofit corporation geographically
35 located in the State of South Dakota that provides services for persons with disabilities and is
36 certified by the Department of Human Services;
- 37 (24) "Request for proposals," any document, whether attached or incorporated by
38 reference, utilized by a purchasing agency when soliciting proposals for contracts for the
39 procurement of supplies, services, or construction;
- 40 (25) "Request for qualifications," the document or publication whereby a purchasing
41 agency solicits interested design-builders to pre-qualify for a design-build contract;
- 42 (26) "Resident," any person, partnership, association, limited liability company, foreign
43 limited liability company, corporation, or foreign corporation licensed to do business within this state
44 that has maintained a substantial and bona fide place of business and has conducted business from
45 within this state for at least one year prior to the date on which a contract was awarded. The
46 members of the partnership or association shall have been bona fide residents of the state for one

1 year or more immediately prior to bidding upon the contract. A foreign corporation licensed pursuant
2 to §§ 47-1A-1501 to 47-1A-1532, inclusive, is not a resident as defined by this section if the state
3 or country in which it is organized enforces or has a preference for resident bidders;

4 (26A) "Reverse auction," a purchasing process in which bidders submit bids in competing
5 to sell supplies or nonprofessional services in an open environment via the internet;

6 (27) "Sealed bid or proposal," a response to an invitation for bids or request for proposals
7 submitted in a manner where the contents of the bid or proposal cannot be opened or viewed before
8 the date and time of the formal opening without leaving evidence that the bid or proposal has been
9 opened or viewed;

10 (28) "Services," furnishing of labor, time, or effort by a contractor not involving the
11 delivery of a specific end product other than reports which are merely incidental to the required
12 performance;

13 (29) "Supplies," any property, including equipment, materials, and printing;

14 (30) "Surety," a bond or undertaking executed by a surety company authorized to do
15 business in the State of South Dakota and countersigned by an agent of the company resident in
16 the State of South Dakota. However, nothing in this subdivision requires countersignature of a bid
17 bond."

18 On page 2, line 5, of the Introduced bill, delete "An executive branch" and insert "A purchasing"

19 On page 2, line 5, of the Introduced bill, after "contract " insert "that is subject to § 5-18A-14,
20 5-18A-40, 5-18B-29, 5-18B-44, or 5-18D-17 "

21 On page 2, line 6, of the Introduced bill, delete "An executive branch" and insert "A purchasing"

22 On page 2, line 7, of the Introduced bill, after "inquiry. " delete "Each executive branch agency
23 shall reserve the right to terminate a contract with a contractor that submits a false certification."

24 On page 2, line 11, of the Introduced bill, delete " an executive branch" and insert " a
25 purchasing"

26 On page 2, line 14, of the Introduced bill, delete " contractor" and insert " bidder or offeror"

27 On page 2, line 15, of the Introduced bill, after "contract " insert "that is subject to § 5-18A-
28 14, 5-18A-40, 5-18B-29, 5-18B-44, or 5-18D-17 "

29 On page 2, line 15, of the Introduced bill, delete " contractor" and insert " bidder or offeror"

30 On page 2, line 17, of the Introduced bill, delete " the contractor" and insert " any party to a
31 contract subject to § 5-18A-14, 5-18A-40, 5-18B-29, 5-18B-44, or 5-18D-17"

32 On page 2, line 17, of the Introduced bill, delete " the contractor" and insert " that party"

33 On page 2, line 18, of the Introduced bill, delete " contracting executive branch" and insert "
34 purchasing"

35 On page 2, line 21, of the Introduced bill, after "designee," insert " or the governing board of
36 a unit of local government, as applicable,"

37 On page 2, line 22, of the Introduced bill, delete " with respect to" and insert " and"

38 On page 2, line 24, of the Introduced bill, delete "The commissioner determines that
39 compliance" and insert "Compliance"

40 On page 2, line 25, of the Introduced bill, delete " goods" and insert " supplies"

1 On page 3, line 1, of the Introduced bill, delete "Each executive branch agency shall implement
2 the requirements of section 2 of this Act in accordance with all applicable state laws and rules, and
3 all federal laws and regulations. Nothing in section 2 of this Act may affect the state's receipt of
4 federal funds." and insert "

5 Any certification that falsely indicates a person is not a prohibited entity at the time of
6 certification, and any failure to provide written notification to the purchasing agency that a person
7 has become a prohibited entity as required by section 3 of this Act, is cause to suspend or debar a
8 business under § 5-18D-12."

9 On page 3, line 4, of the Introduced bill, after "funds." delete "Section 6. That chapter 5-18A
10 be amended with a NEW SECTION:"

11 On page 3, line 5, of the Introduced bill, after "SECTION:" delete "The commissioner of the
12 Bureau of Administration may impose a civil penalty, in an amount not to exceed one thousand
13 dollars, against any person for violating section 3 of this Act. Any civil penalty collected pursuant to
14 this section must be deposited into the state general fund. "

15 On page 3, line 9, of the Introduced bill, after "fund." delete "Section 7. That chapter 5-18A
16 be amended with a NEW SECTION:"

17 On page 3, line 10, of the Introduced bill, after "SECTION:" delete "A contractor who, pursuant
18 to section 3 of this Act, submits a certification and falsely indicates the contractor is not a prohibited
19 entity at the time of certification, or who becomes a prohibited entity after certification and fails to
20 provide written notification to the contracting executive branch agency, is liable for a civil penalty
21 in the greater of:

22 (1) Two hundred and fifty thousand dollars; or

23 (2) Two times the amount of the contract for which a bid or proposal was submitted,
24 regardless of whether the bid or proposal was actually accepted by this state.

25 If this section is violated, the executive branch agency shall terminate the contract with the
26 contractor.

27 A contractor upon whom a penalty is imposed under this section may not bid on any state
28 contract for a period of three years from the date of the penalty."

29 On page 3, line 21, of the Introduced bill, after "penalty." delete "Section 8. That chapter 5-
30 18A be amended with a NEW SECTION:"

31 On page 3, line 22, of the Introduced bill, after "SECTION:" delete "An executive branch agency
32 may not:

33 (1) Procure or utilize any information or communication technologies, including devices,
34 services, components, networks, and systems created, owned, or controlled by a prohibited entity,
35 or by any other means made unsafe for this state's cybersecurity by any connection to a prohibited
36 entity;

37 (2) Procure or utilize any information or communication technologies, including devices,
38 services, components, networks, and systems, if any federal agency has prohibited the sale of,
39 restricted the licensing of, or otherwise limited the dissemination of, information or communication
40 technologies on the basis that the entity selling, leasing, or otherwise distributing the technology or
41 service poses a risk to national or state security;

42 (3) Procure or utilize any information or communication technologies, including devices,
43 services, components, networks, and systems that are designed, developed, or manufactured, or
44 that are supplied by any affiliate, agent, or other actor working on behalf of, or for the benefit of, a
45 prohibited entity, as determined by any federal or state governmental agency; or

1 (4) Expose existing government information or communication technologies, services,
2 equipment, components, networks, systems, or records to any prohibited entity, or any company,
3 firm, individual, affiliate, agent, or any other entity or actor made unsafe for this state's
4 cybersecurity by means of the entity's or the actor's connection to a prohibited entity."

5 And that as so amended, **SB 189** do pass.

6 Respectfully submitted,
7 Casey Crabtree, Chair

8 Mr. President:

9 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
10 Enrolling has carefully compared **SB 31, 34, 44, 61, 77, 83, 84, 92, 93, and 95** and finds the
11 same correctly enrolled.

12 Respectfully submitted,
13 Lee A. Schoenbeck, Chair

14 Mr. President:

15 The Committee on Legislative Procedure respectfully reports that **SB 9, 10, 11, 12, 13, 14,**
16 **15, 37, 71, 73, and 85** were delivered to her Excellency, the Governor, for her approval at
17 11:20 a.m., February 15, 2023.

18 Respectfully submitted,
19 Lee A. Schoenbeck, Chair

20 **MESSAGES FROM THE HOUSE**

21 Mr. President:

22 I have the honor to return herewith **SB 56** which has been amended by the House and your
23 concurrence in the amendments is respectfully requested.

24 Also Mr. President:

25 I have the honor to return herewith **SB 31, 34, 44, 61, 77, 83, 92, 93, and 95** which have
26 passed the House without change.

27 Also Mr. President:

28 I have the honor to transmit herewith **HB 1007, 1123, and 1209** which have passed the
29 House and your favorable consideration is respectfully requested.

30 Respectfully,
31 Patricia Miller, Chief Clerk

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MOTIONS AND RESOLUTIONS

2

Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Thursday, February 16, 2023, the 25th legislative day.

4

Which motion prevailed.

5

CONSIDERATION OF REPORTS OF COMMITTEES

6

Sen. Crabtree moved that the reports of the Standing Committees on

7

Commerce and Energy on **SB 120** as found on page 260 of the Senate Journal; also

8

Judiciary on **SB 134** and **206** as found on page 259 of the Senate Journal; and

9

Agriculture and Natural Resources on **SB 185** as found on page 258 of the Senate Journal be adopted.

10

11

Which motion prevailed and the reports were adopted.

12

CONSIDERATION OF EXECUTIVE APPOINTMENTS

13

The Senate proceeded to the consideration of the executive appointment of Michael Houdyshell of Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Revenue.

14

15

The question being "Does the Senate advise and consent to the executive appointment of Michael Houdyshell pursuant to the executive message as found on page 83 of the Senate Journal?"

16

17

And the roll being called:

18

Yeas 34, Nays 0, Excused 1, Absent 0

19

Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, and Wink

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Excused: Zikmund

24

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

25

26

CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS

27

Sen. Mehlhaff requested that the nomination of Greg Whitlock be removed from the Consent Calendar.

28

1

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1209: FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp.

3

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

4

HB 1123: FOR AN ACT ENTITLED, An Act to authorize school boards to modify the length of terms for members to allow for holding joint elections.

5

6

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

7

HB 1007: FOR AN ACT ENTITLED, An Act to to add emergency medical services personnel to Class B public safety membership of the South Dakota Retirement System.

8

9

Was read the first time and referred to the Committee on Retirement Laws.

10

SECOND READING OF CONSENT CALENDAR ITEMS

11

HB 1054: FOR AN ACT ENTITLED, An Act to provide a stipend for the erection of a private headstone for a deceased veteran.

12

13

Was read the second time.

14

The question being "Shall **HB 1054** pass?"

15

And the roll being called:

16

Yeas 34, Nays 0, Excused 1, Absent 0

17

Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, and Wink

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21

Excused: Zikmund

22

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.

23

24

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

25

SB 171: FOR AN ACT ENTITLED, An Act to create term limits for future public utilities commissioners.

26

27

Was read the second time.

28

Sen. Bolin moved that **SB 171** be amended as follows:

29

1 On page 1, line 1, of the Introduced bill, delete " term limits for future public utilities
2 commissioners" and insert " an age restriction on the election or appointment of a person to the
3 public utilities commission"

4 On page 1, line 4, of the Introduced bill, delete "No person may serve more than two
5 consecutive terms on the public utilities commission. This section shall not apply to any person
6 holding the office of public utility commissioner when this section takes effect.

7 Appointment to fill a vacancy or election to complete an unexpired term of office pursuant to
8 § 49-1-5 does not count as a term for the purposes of this section." and insert "

9 A person may not be elected or appointed to the public utilities commission if the person is
10 seventy years of age or older."

11 Which motion prevailed.

12 The question being "Shall **SB 171** pass as amended?"

13 And the roll being called:

14 Yeas 15, Nays 19, Excused 1, Absent 0

15 Yeas: Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Brent "B.R." Hoffman,
16 Larson, Maher, Nesiba, Pischke, Rohl, Schoenbeck, and Tobin

17 Nays: Beal, Castleberry, Duhamel, Foster, Frye-Mueller, Hunhoff, David Johnson, Klumb, Jack
18 Kolbeck, Steve Kolbeck, Mehlhaff, Novstrup, Herman Otten, Reed, Schoenfish, Stalzer, Wheeler,
19 Wiik, and Wink

20 Excused: Zikmund

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

23 **SB 40:** FOR AN ACT ENTITLED, An Act to revise the process for nominating candidates for
24 statewide offices.

25 Was read the second time.

26 Sen. Nesiba moved that **SB 40** be amended as follows:

27 40E

28 On page 1, line 23, of the Senate State Affairs Engrossed bill, after "committeeman;" delete "
29 and"

30 On page 1, line 24, of the Senate State Affairs Engrossed bill, after "committeewoman" insert
31 "; and

32 (4) Public utilities commissioner, if the political party is unable to nominate a candidate at the
33 primary election"

34 On page 2, after line 4, of the Senate State Affairs Engrossed bill, insert: "

35 **Section 3. That § 12-5-21 be AMENDED:**

1 ~~**12-5-21.** The In the years the Governor is to be elected, if a political party is unable state~~
 2 ~~convention shall to nominate candidates a candidate for lieutenant governor, attorney general,~~
 3 ~~secretary of state, state auditor, state treasurer, commissioner of school and public lands, and or~~
 4 ~~public utilities commissioner and in the years when a President of the United States is to be elected,~~
 5 ~~presidential electors and national committeeman and national committeewoman of the party at the~~
 6 ~~primary election, the political party may hold a state convention to nominate a candidate for an~~
 7 ~~office listed in this section."~~

8 On page 6, line 31, of the Senate State Affairs Engrossed bill, after "inclusive." delete "Section
 9 12. That § 12-5-21 be REPEALED:

10 "

11 On page 7, line 1, of the Senate State Affairs Engrossed bill, after "REPEALED:" delete "The
 12 state convention shall nominate candidates for lieutenant governor, attorney general, secretary of
 13 state, state auditor, state treasurer, commissioner of school and public lands, and public utilities
 14 commissioner and in the years when a President of the United States is to be elected, presidential
 15 electors and national committeeman and national committeewoman of the party."

16 Which motion prevailed.

17 The question being "Shall **SB 40** pass as amended?"

18 And the roll being called:

19 Yeas 18, Nays 16, Excused 1, Absent 0

20 Yeas: Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, David Johnson,
 21 Larson, Maher, Nesiba, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, and Wink

22 Nays: Beal, Castleberry, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, Klumb, Jack
 23 Kolbeck, Steve Kolbeck, Mehlhaff, Novstrup, Pischke, Stalzer, Tobin, Wheeler, and Wiik

24 Excused: Zikmund

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

27 **SB 129:** FOR AN ACT ENTITLED, An Act to include school employees in certain assault
 28 provisions and provide a penalty therefor.

29 Was read the second time.

30 The question being "Shall **SB 129** pass?"

31 And the roll being called:

32 Yeas 22, Nays 12, Excused 1, Absent 0

33 Yeas: Bolin, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Brent "B.R."
 34 Hoffman, Klumb, Jack Kolbeck, Steve Kolbeck, Mehlhaff, Novstrup, Reed, Rohl, Schoenbeck,
 35 Schoenfish, Stalzer, Tobin, Wiik, and Wink

36 Nays: Beal, Bordeaux, Foster, Frye-Mueller, Hunhoff, David Johnson, Larson, Maher, Nesiba,
 37 Herman Otten, Pischke, and Wheeler

38 Excused: Zikmund

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

3 **SB 181:** FOR AN ACT ENTITLED, An Act to authorize the provision of medical records and the
4 imposition of related fees.

5 Was read the second time.

6 The question being "Shall **SB 181** pass?"

7 And the roll being called:

8 Yeas 30, Nays 3, Excused 2, Absent 0

9 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
10 Duhamel, Foster, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher,
11 Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler,
12 Wiik, and Wink

13 Nays: Frye-Mueller, Brent "B.R." Hoffman, and Pischke

14 Excused: Rohl 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 31:** FOR AN ACT ENTITLED, An Act to create an off-road vehicle decal for non-residents
20 visiting the state.

21 **SB 34:** FOR AN ACT ENTITLED, An Act to authorize the sale of real property in Lake County
22 by the Board of Regents, and to declare an emergency.

23 **SB 44:** FOR AN ACT ENTITLED, An Act to repeal provisions regarding the creation of river basin
24 natural resource districts.

25 **SB 61:** FOR AN ACT ENTITLED, An Act to revise driver's license suspensions for restricted
26 permit holders over the age of sixteen.

27 **SB 77:** FOR AN ACT ENTITLED, An Act to reinstate the restricted real estate broker's license
28 for auctioneers and revise real estate licensing.

29 **SB 83:** FOR AN ACT ENTITLED, An Act to revise provisions regarding water development
30 districts.

31 **SB 84:** FOR AN ACT ENTITLED, An Act to authorize compensation for water project district
32 directors.

33 **SB 92:** FOR AN ACT ENTITLED, An Act to require that certain operations obtain their own
34 general or individual water pollution permits.

1 **SB 93:** FOR AN ACT ENTITLED, An Act to provide an increased appropriation for the
2 construction costs of an athletics events center at Dakota State University, and to declare an
3 emergency.

4 **SB 95:** FOR AN ACT ENTITLED, An Act to amend provisions regarding trusts.

5 **HB 1038:** FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
6 Department of Veterans Affairs and residency in the State Veterans Home.

7 **HB 1047:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding military affairs.

8 **HB 1048:** FOR AN ACT ENTITLED, An Act to repeal and make technical changes to provisions
9 regarding the Board of Military Affairs.

10 **HB 1057:** FOR AN ACT ENTITLED, An Act to allow for the appointment of county coroner by
11 all counties.

12 **HB 1060:** FOR AN ACT ENTITLED, An Act to modify provisions related to procurement for the
13 state and other purchasing agencies.

14 **HB 1064:** FOR AN ACT ENTITLED, An Act to require the Unified Judicial System to assemble
15 a task force to address the provision of legal services to indigent parties within the South Dakota
16 court system and to declare an emergency.

17 **HB 1088:** FOR AN ACT ENTITLED, An Act to update requirements for an insurance company
18 seeking to do business in this state.

19 **HB 1091:** FOR AN ACT ENTITLED, An Act to amend provisions of the insurance statutes
20 regarding producer recommendations and responsibilities.

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

22 Sen. Frye-Mueller moved that the Senate do now adjourn, which motion prevailed and at
23 3:54 p.m. the Senate adjourned.

24

Kay Johnson, Secretary

