

JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 23, 2020

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

The prayer was offered by the Chaplain, Father Ron Garry, followed by the Pledge of Allegiance led by Senate page Kaelyn Somsen.

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 sixth 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,
Brock L. Greenfield, Chair

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REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Education respectfully reports that it has had under consideration
4 **SB 39** and returns the same with the recommendation that said bill do pass.

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Respectfully submitted,
R. Blake Curd, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Commerce and Energy respectfully reports that it has had under
9 consideration **SB 23** and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Commerce and Energy respectfully reports that it has had under
12 consideration **SB 13 and 28** and returns the same with the recommendation that said bills do pass,
13 and having been certified as uncontested, be placed on the consent calendar.

14 Also MR. PRESIDENT:

15 The Committee on Senate Commerce and Energy respectfully reports that it has had under
16 consideration **SB 29** which was deferred to the 41st Legislative Day.

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Respectfully submitted,
Jim Stalzer, Chair

19 MR. PRESIDENT:

20 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
21 nomination of Charles P. Schroyer of Hughes County, to the Board of Pardons and Paroles and
22 returns the same with the recommendation that the Senate advise and consent to the confirmation
23 of said reappointment, and that said reappointment be placed on the consent calendar.

24 Also MR. PRESIDENT:

25 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
26 nomination of Gordon Swanson to the Board of Pardons and Paroles and returns the same with the
27 recommendation that the Senate advise and consent to the confirmation of said appointment.

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Respectfully submitted,
Lance Russell, Chair

30 MR. PRESIDENT:

31 The Committee on Senate Retirement Laws respectfully reports that it has had under
32 consideration **SB 9 and 34** and returns the same with the recommendation that said bills do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Retirement Laws respectfully reports that it has had under
3 consideration **SB 31 and 32** and returns the same with the recommendation that said bills do pass,
4 and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Jim White, Chair

7 **MESSAGES FROM THE HOUSE**

8 Mr. PRESIDENT:

9 I have the honor to transmit herewith **HB 1005, 1049, and 1052** which have passed the
10 House and your favorable consideration is respectfully requested.

11 Also MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has approved the adoption
13 of the temporary joint rules adopted by the Ninety-fifth Legislative Session as the permanent joint
14 rules for the Ninety-fifth Legislative Session.

15 Respectfully,
16 Mary Lou Goehring, Chief Clerk

17 **MOTIONS AND RESOLUTIONS**

18 Sen. Langer moved that **SB 26 and 27** be deferred to Friday, January 24, 2020, the 8th
19 legislative day.

20 Which motion prevailed.

21 Sen. Langer moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
22 Friday, January 24, the 8th legislative day.

23 Which motion prevailed.

24 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25 **SB 67:** FOR AN ACT ENTITLED, An Act to provide an option to sparse school districts regarding
26 the amount of taxes collected in the capital outlay fund.

27 Introduced by: **Senator** Maher

28 Was read the first time and referred to the Committee on Taxation.

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

30 **HB 1005:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of
31 telehealth technologies.

32 Was read the first time and referred to the Committee on Health and Human Services.

1 **HB 1049:** FOR AN ACT ENTITLED, An Act to establish a maximum on the number of words
2 contained in a statement of a proponent or opponent for the ballot question pamphlet.

3 **HB 1052:** FOR AN ACT ENTITLED, An Act to change a reference from a secondary election to
4 a runoff election to maintain consistency in terms.

5 Were read the first time and referred to the Committee on Local Government.

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

7 **SB 50:** An Act to revise certain provisions regarding the practice of a certified registered nurse
8 anesthetist.

9 Was read the second time.

10 Sen. Soholt moved that **SB 50** be amended as follows:

11 50C

12 On page 1, lines 5 through 6, of the Introduced bill, after "anesthetist" insert "--Rulemaking
13 authority"

14 On page 1, line 12, after "advanced" insert " comprehensive nursing"

15 On page 1, line 18, after "practice" insert " or pain management"

16 On page 2, lines 6 through 10, after "appropriate." insert "

17 For purposes of this section, the board shall promulgate rules in accordance with chapters 1-
18 26 and 36-9 for the implementation of prescriptive authority within the role of the certified registered
19 nurse anesthetist, the use of radiography, and the specific procedures for pain management."

20 On page 2, lines 10 through 13, after ":" insert "(1) "Advanced comprehensive nursing
21 assessment," collection, analysis, and synthesis of data performed by the certified registered nurse
22 anesthetist used to establish a health status baseline, nursing diagnosis, plan nursing care, and
23 address changes in a patient's condition;

24 "

25 On page 2, line 10, delete 1 and insert 2

26 On page 2, line 12, delete 2 and insert 3

27 On page 2, line 15, delete 3 and insert 4

28 On page 2, line 16, delete 4 and insert 5

29 On page 2, line 18, delete 5 and insert 6

30 On page 2, line 20, delete 6 and insert 7

31 On page 2, line 20, delete "Collaboration" and insert "Collaborate"

32 On page 2, line 26, delete 7 and insert 8

33 On page 2, line 29, delete 8 and insert 9

34 On page 2, line 34, delete 9 and insert "10"

1 On page 3, line 2, delete "10" and insert "11"

2 On page 3, line 4, delete "11" and insert "12"

3 On page 3, line 6, delete "12" and insert "13"

4 On page 3, line 8, delete "13" and insert "14"

5 Which motion prevailed.

6 The question being "Shall **SB 50** pass as amended?"

7 And the roll being called:

8 Yeas 34, Nays 1, Excused 0, Absent 0

9 Yeas:

10 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
11 Phil Jensen, Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Nesiba, Novstrup, Ernie Otten,
12 Partridge, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Sutton, White, Wiik,
13 Wismer, and Youngberg

14 Nays:

15 Steinhauer

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

18 Sen. Sutton moved that the Senate do now adjourn, which motion prevailed and at 2:41 p.m.
19 the Senate adjourned.

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Kay Johnson, Secretary

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JOINT MEMORIAL SERVICE

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Pursuant to the report of the Joint-Select Committee, as found on page 16 of the Senate Journal, the Senate and the House of Representatives met in informal joint session in the House Chamber for the purpose of having a memorial service for deceased former members and reading of the following Joint Memorial Resolution:

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WHEREAS, the Great Ruler of the Universe has ordered a final adjournment in the lives of fifteen former members of the South Dakota Legislature, namely: *The Honorable Gene Abdallah; the Honorable George Blair; the Honorable T. Loren Christianson; the Honorable Gary Drake; the Honorable Neal Hines; the Honorable Joyce Hodges; the Honorable LeRoy Kaufman; the Honorable Kenneth (K.O.) Kauth; the Honorable Doris Miner; the Honorable Robert Ruth; the Honorable Michael Shaw; the Honorable Carol (Fitzgerald) Simpson; the Honorable Sheldon Songstad; the Honorable Kermit Staggars; and the Honorable David Vigen; and*

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WHEREAS, in the lives of all these eminent public servants there was noted a profound urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but with a consciousness that here in a land of freedom the dignity of the individual is supreme, that justice must be dispensed, and that only by eternal vigilance and unrelenting effort can self-government of a people be preserved; and

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WHEREAS, it is fitting that we humbly honor the memory of those who have thus contributed to the orderly process of government under the Constitution:

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NOW, THEREFORE, BE IT RESOLVED, by the Senate and the House of Representatives of the Ninety-fifth Session of the Legislature of the State of South Dakota duly convened in recess session in recognition of the useful lives and unflinching devotion to the interests of the State of South Dakota, as well as the rectitude of thought and action and fidelity to the highest principles of American citizenship by these honorable people, that the Senate and the House of Representatives do now pause in their labors out of respect for the memory of their late fellow associates in the functions of government, and note that in their passing, the state they have served so well has suffered a distinct loss, and though their labors have ceased and they have been laid to rest, the people of this great state have benefited greatly from the services rendered by them and they have left upon the sands of time an inspiring record of devotion to their fellow citizens under the guiding hand of Almighty God; and

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BE IT FURTHER RESOLVED, that this Resolution be printed in the journals of the Senate and the House of Representatives of the Ninety-fifth Session of the Legislature of the State of South Dakota, now assembled this 23rd day of January, 2020, at Pierre, South Dakota.