JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

EIGHTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, January 24, 2020

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

The prayer was offered by the Chaplain, Deacon Kris Wollman, followed by the Pledge of Allegiance led by Senate page Maria Roghair.

Roll Call: All members present except Sens. Novstrup and Steinhauer who were excused.

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 seventh 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,
Brock L. Greenfield, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 45** and returns the same with the recommendation that said bill be amended as follows:

45A

On page 1, line 22, of the Introduced bill, after "program," delete "the value-added agriculture subfund, "

On page 1, lines 24 through 2, after "Authority." insert " The Board of Economic Development is substituted for the Value Added Finance Authority and succeeds to the rights, privileges, and duties, and leases, indentures, accounts, and other documents or transactions relating to the value-added agriculture subfund."

On page 13, lines 18 through 25, after the end of the last paragraph delete "Section 22. That a NEW SECTION be added:

Authority contracts--Payment or interest rate risks for bonds.

The authority may enter into any contract that the authority determines necessary or appropriate to manage payment or interest rate risk for bonds issued pursuant to this chapter, the investment of proceeds, or other funds of the authority. The contracts may include: interest rate exchange agreements; contracts providing for payment or receipt of funds based on levels of or changes in interest rates; contracts to exchange cash flows or series of payments; or contracts incorporating interest rate caps, collars, floors, or locks."

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 62** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Bob Ewing, Chair

MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 14 and 15** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 21 and 30** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Ernie Otten, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1015, 1016, 1017, 1018, and 1030** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

SENATE PAGE RESOLUTION 1 Introduced by: Senators Blare; Bolin; Cammack; Castleberry; Curd; Duhamel; Ewing; Foster; Greenfield, Brock; Heinert; Jensen, Phil; Kennedy; Klumb; Kolbeck; Lake; Langer; Maher; Monroe; Nesiba; Novstrup; Otten, Ernie; Partridge; Rusch; Russell; Schoenbeck; Schoenfish; Smith, V.J.; Soholt; Stalzer; Steinhauer; Sutton; White; Wiik; Wismer; Youngberg

A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-fifth Legislature of the State of South Dakota to Brianna Duerre, Daniel Choate, Natalie Fawcett, Jordan Kitzmiller, James D. Lusk IV, Meghan Poindexter, Maria Roghair, and Kaelyn Somsen.

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

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

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

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

Sen. Nesiba moved that Senate Page Resolution 1 be adopted.

The question being on Sen. Nesiba's motion that Senate Page Resolution 1 be adopted.

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

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

Excused:
Novstrup and Steinhauer

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

Sen. Langer moved that **SB 23, 26, and 39** be deferred to Monday, January 27, 2020, the 9th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the report of the Standing Committee on

Agriculture and Natural Resources on **SB 22** as found on page 58 of the Senate Journal be adopted.

Which motion prevailed and the report was adopted.

CONSIDERATION OF JUDICIAL APPOINTMENTS

The Senate proceeded to the consideration of the judicial appointment of Gordon Swanson, of Pennington County, Rapid City, South Dakota, to the Board of Pardons and Paroles.

The question being "Does the Senate advise and consent to the judicial appointment of Gordon Swanson pursuant to the judicial message as found on page 52 of the Senate Journal?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

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

Excused:
Novstrup and Steinhauer

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

CONSIDERATION OF CONSENT JUDICIAL APPOINTMENTS

The Senate proceeded to the consideration of the judicial reappointment of Charles P. Schroyer of Hughes County, Pierre, South Dakota, to the Board of Pardons and Paroles.

The question being "Does the Senate advise and consent to the judicial reappointment of Charles P. Schroyer pursuant to the judicial message as found on page 52 of the Senate Journal?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

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

Excused:
Novstrup and Steinhauer

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

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 68: FOR AN ACT ENTITLED, An Act to authorize a county gross receipts tax.

Introduced by: **Senator** Steinhauer

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

SB 69: FOR AN ACT ENTITLED, An Act to revise the penalty for the misuse of emblem specialty plates on motor vehicles.

Introduced by: **Senator** Ernie Otten

SB 70: FOR AN ACT ENTITLED, An Act to authorize other languages to be used in the process of issuing certain driver licenses and permits.

Introduced by: **Senator** V. J. Smith

Were read the first time and referred to the Committee on Transportation.

SB 71: FOR AN ACT ENTITLED, An Act to revise the offenses for which an order for interception of communications may be granted.

Introduced by: **Senator** Duhamel

SB 73: FOR AN ACT ENTITLED, An Act to exempt certain persons from the requirement to publish name changes.

Introduced by: **Senator** Monroe

Were read the first time and referred to the Committee on Judiciary.

SB 72: FOR AN ACT ENTITLED, An Act to establish the Dakota's promise scholarship program, to establish the Dakota's promise fund, and to make an appropriation therefor.

Introduced by: The Committee on Appropriations

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

The President declared that **SB 57** was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1015: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding banks.

HB 1016: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding money transmission.

HB 1017: FOR AN ACT ENTITLED, An Act to provide for certain insurer corporate governance disclosure requirements.

HB 1018: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding life and health insurance insolvencies.

Were read the first time and referred to the Committee on Commerce and Energy.

HB 1030: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Board of Technical Education.

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

SECOND READING OF CONSENT CALENDAR ITEMS

SB 13: FOR AN ACT ENTITLED, An Act to revise certain educational requirements for the practice of barbering.

SB 28: FOR AN ACT ENTITLED, An Act to repeal provisions regarding the restricted real estate broker's license for auctioneers.

SB 31: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions relating to the South Dakota Retirement System.

SB 32: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the administration of certain family and surviving spouse benefits of the South Dakota Retirement System.

Were read the second time.

The question being "Shall **SB 13, 28, 31, and 32** pass?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

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

Excused:
Novstrup and Steinhauer

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

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 27: An Act to establish a missing persons clearinghouse.

Was read the second time.

The question being "Shall **SB 27** pass as amended?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

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

Excused:
Novstrup and Steinhauer

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.

SB 9: An Act to repeal the Department of Labor and Regulation's retirement plan and to transfer plan members and funds to the South Dakota Retirement System.

Was read the second time.

The question being "Shall **SB 9** pass?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

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

Excused:
Novstrup and Steinhauer

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed.

SB 34: An Act to establish a qualified benefit preservation arrangement for eligible members of the South Dakota Retirement System.

Was read the second time.

The question being "Shall **SB 34** pass?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

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

Excused:
Novstrup and Steinhauer

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.

Sen. Blare moved that the Senate do now adjourn, which motion prevailed and at 1:47 p.m. the Senate adjourned.

Kay Johnson, Secretary