

JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, January 27, 2020

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

The prayer was offered by the Chaplain, Pastor Emily Munger, followed by the Pledge of Allegiance led by Senate page Lainey Aasby.

Roll Call: All members present except Sens. Foster 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 eighth 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.

1 The oath of office was administered by the President to the following named pages:

2 Lainey Aasby, Grace Adam, Ella Hand, Megan Linke, Beth Nagel, Julia K. Russell, Katie Schmit,
3 Claire St. Pierre, Brooklyn Swenson, and Abbianna Weinzetl.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **COMMUNICATIONS AND PETITIONS**

6 June 17, 2019

7 The Honorable Larry Rhoden
8 President of the Senate
9 500 East Capitol Avenue
10 Pierre, SD 57501

11 Dear Mr. President and Members of the Senate:

12 Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your
13 consent, I am honored to inform you that I have appointed Major General Jeffrey P. Marlette, of
14 Pennington County, Rapid City, South Dakota, to the position of Adjutant General.

15 This appointment was effective June 8, 2019.

16 Sincerely,
17 Kristi Noem
18 Governor

19 The President announced the referral of the appointment to the Committee on Military and
20 Veterans Affairs.

21 January 23, 2020

22 The Honorable Larry Rhoden
23 President of the Senate
24 500 East Capitol Avenue
25 Pierre, SD 57501

26 Dear Mr. President and Members of the Senate:

27 Pursuant to the provisions of South Dakota Codified Law 33-1-10 and 33-1-10.1, and subject
28 to your consent, I have the honor to inform you that I have appointed Michael Oster, of Pennington
29 County, Rapid City, South Dakota, as the Assistant Adjutant General, Army.

30 This appointment was effective August 28, 2019.

31 Sincerely,
32 Kristi Noem
33 Governor

34 The President announced the referral of the appointment to the Committee on Military and
35 Veterans Affairs.

1 August 16, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 500 East Capitol Avenue
5 Pierre, SD 57501

6 Dear Mr. President and Members of the Senate:

7 Pursuant to the provisions of Article IV, Section 9 of the Constitution, and subject to your
8 consent, I am honored to inform you that I have appointed Hunter Roberts, of Hughes County,
9 Pierre, South Dakota, to the position of Secretary of the Department of Environment and Natural
10 Resources.

11 This appointment was effective August 5, 2019.

12 Sincerely,
13 Kristi Noem
14 Governor

15 The President announced the referral of the appointment to the Committee on Agriculture and
16 Natural Resources.

17 July 27, 2019

18 The Honorable Larry Rhoden
19 President of the Senate
20 500 East Capitol Avenue
21 Pierre, SD 57501

22 Dear Mr. President and Members of the Senate:

23 Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your
24 consent, I am honored to inform you that I have appointed Laurie Gill, of Hughes County, Pierre,
25 South Dakota, to the position of Secretary of the Department of Social Services.

26 This appointment was effective July 9, 2019.

27 Sincerely,
28 Kristi Noem
29 Governor

30 The President announced the referral of the appointment to the Committee on Health and
31 Human Services.

1 November 26, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 500 East Capitol Avenue
5 Pierre, SD 57501

6 Dear Mr. President and Members of the Senate:

7 Pursuant to SDCL § 1-33-10, and subject to your consent, I am honored to inform you that I
8 have appointed Darin Seeley, of Lake County, Wentworth, South Dakota, to the position of
9 Commissioner of the Bureau of Human Resources.

10 This appointment was effective October 14, 2019.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Taxation.

15 July 16, 2019

16 The Honorable Larry Rhoden
17 President of the Senate
18 State Capitol
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to
22 your consent, I have the honor to inform you that I have appointed Barbara Stork, Union County,
23 North Sioux City, South Dakota, to the State Board of Regents.

24 This appointment is effective July 2, 2019, and shall continue until March 31, 2025.

25 Sincerely,
26 Kristi Noem
27 Governor

28 The President announced the referral of the appointment to the Committee on Education.

1 January 12, 2020

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 5-12 of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have reappointed Tina VanCamp, Stanley
9 County, Fort Pierre, South Dakota, to the South Dakota Building Authority.

10 This appointment is effective January 21, 2020, and shall continue until January 15, 2024.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Commerce and
15 Energy.

16 March 25, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
23 your consent, I have the honor to inform you that I have appointed Joy Nelson, Codington County,
24 Watertown, South Dakota, to the Board of Economic Development.

25 This appointment is effective March 12, 2019, and shall continue until April 14, 2022.

26 Sincerely,
27 Kristi Noem
28 Governor

29 The President announced the referral of the appointment to the Committee on Taxation.

1 April 18, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have reappointed Donald L. Kettering, of Yankton
9 County, Yankton, South Dakota, to the Board of Economic Development.

10 This appointment is effective April 19, 2019, and shall continue until April 19, 2023.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the reappointment to the Committee on Taxation.

15 June 3, 2019

16 The Honorable Larry Rhoden
17 President of the Senate
18 State Capitol
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
22 your consent, I have the honor to inform you that I have appointed Patrick Burchill, Pennington
23 County, Rapid City, South Dakota, to the Board of Economic Development.

24 This appointment is effective April 19, 2019, and shall continue until April 19, 2023.

25 Sincerely,
26 Kristi Noem
27 Governor

28 The President announced the referral of the appointment to the Committee on Taxation.

1 June 10, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have appointed Kevin Tetzlaff, of Brookings
9 County, Brookings, South Dakota, to the Board of Economic Development.

10 This appointment is effective April 19, 2019, and shall continue until April 19, 2023.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Taxation.

15 March 20, 2019

16 The Honorable Larry Rhoden
17 President of the Senate
18 State Capitol
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
22 your consent, I have the honor to inform you that I have appointed James Yunag, Minnehaha
23 County, Sioux Falls, South Dakota, to the Board of Economic Development.

24 This appointment is effective March 12, 2019, and shall continue until April 14, 2022.

25 Sincerely,
26 Kristi Noem
27 Governor

28 The President announced the referral of the appointment to the Committee on Commerce and
29 Energy.

1 April 25, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have reappointed Theodore H. Hustead,
9 Pennington County, Wall, South Dakota, to the Board of Economic Development.

10 This appointment is effective April 19, 2019, and shall continue until April 19, 2023.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the reappointment to the Committee on Commerce
15 and Energy.

16 November 7, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
23 your consent, I have the honor to inform you that I have appointed David Emery, Pennington
24 County, Rapid City, South Dakota, to the Board of Economic Development.

25 This appointment is effective October 15, 2019, and shall continue until April 19, 2021.

26 Sincerely,
27 Kristi Noem
28 Governor

29 The President announced the referral of the appointment to the Committee on Commerce and
30 Energy.

1 April 25, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have appointed David Koupal, Fall River County,
9 Edgemont, South Dakota, to the State Brand Board.

10 This appointment is effective April 24, 2019, and shall continue until January 3, 2022.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Agriculture and
15 Natural Resources.

16 April 25, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and subject to
23 your consent, I have the honor to inform you that I have appointed Lyle Spring, Meade County,
24 Union Center, South Dakota, to the State Brand Board.

25 This appointment is effective April 11, 2019, and shall continue until January 3, 2022.

26 Sincerely,
27 Kristi Noem
28 Governor

29 The President announced the referral of the appointment to the Committee on Agriculture and
30 Natural Resources.

1 October 29, 2019

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session and subject to your
8 consent, I have the honor to inform you that I have reappointed Scott Peterson, Butte County, Belle
9 Fourche, South Dakota, to the South Dakota Board of Technical Education.

10 This appointment is effective November 1, 2019, and shall continue until October 31, 2022.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the reappointment to the Committee on Education.

15 October 29, 2019

16 The Honorable Larry Rhoden
17 President of the Senate
18 State Capitol
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session and subject to your
22 consent, I have the honor to inform you that I have reappointed Bob Faehn, Codington County,
23 Watertown, South Dakota, to the South Dakota Board of Technical Education.

24 This appointment is effective November 1, 2019, and shall continue until October 31, 2022.

25 Sincerely,
26 Kristi Noem
27 Governor

28 The President announced the referral of the reappointment to the Committee on Education.

1 January 12, 2020

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 41-2 of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have appointed Charles Spring, Meade County,
9 Union Center, South Dakota, to the Game, Fish and Parks Commission.

10 This appointment is effective January 11, 2020, and shall continue until January 10, 2024.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Agriculture and
15 Natural Resources.

16 June 25, 2019

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of House Bill 1076, 2017 Legislative Session and subject to your
23 consent, I have the honor to inform you that I have appointed David Gienapp, Lake County, Madison,
24 South Dakota, to the Government Accountability Board.

25 This appointment is effective July 1, 2019, and shall continue until June 30, 2024.

26 Sincerely,
27 Kristi Noem
28 Governor

29 The President announced the referral of the appointment to the Committee on Judiciary.

30 **REPORTS OF STANDING COMMITTEES**

31 MR. PRESIDENT:

32 The Committee on Senate Health and Human Services respectfully reports that it has had
33 under consideration **SB 1 and 20** and returns the same with the recommendation that said bills do
34 pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
3 under consideration **HB 1005** and returns the same with the recommendation that said bill do pass,
4 and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Deb Soholt, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Local Government respectfully reports that it has had under
9 consideration **HB 1049 and 1052** and returns the same with the recommendation that said bills
10 do pass, and having been certified as uncontested, be placed on the consent calendar.

11 Respectfully submitted,
12 Phil Jensen, Chair

13 MR. PRESIDENT:

14 The Committee on Senate Taxation respectfully reports that it has had under consideration
15 **SB 67** which was deferred to the 41st Legislative Day.

16 Respectfully submitted,
17 Jeff Monroe, Chair

18 **MOTIONS AND RESOLUTIONS**

19 Sen. Langer moved that **SB 39** be deferred to Tuesday, January 28, 2020, the 10th legislative
20 day.

21 Which motion prevailed.

22 Sen. Langer moved that **SB 26** be deferred to Thursday, January 30, 2020, the 12th legislative
23 day.

24 Which motion prevailed.

25 **CONSIDERATION OF REPORTS OF COMMITTEES**

26 Sen. Langer moved that the report of the Standing Committee on
27 State Affairs on **SB 45** as found on page 72 of the Senate Journal be adopted.

28 Which motion prevailed and the report was adopted.

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

2 **SB 74:** FOR AN ACT ENTITLED, An Act to revise provisions regarding legislative candidates.

3 Introduced by: **Senator** Bolin

4 Was read the first time and referred to the Committee on State Affairs.

5 **SB 75:** FOR AN ACT ENTITLED, An Act to provide for a habitat stamp on hunting and fishing
6 licenses.

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

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

9 **SB 76:** FOR AN ACT ENTITLED, An Act to provide for the assessment of certain agricultural
10 land as noncropland.

11 Introduced by: **Senator** Russell

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

13 **SB 77:** FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related to
14 the commissioning of the USS Pierre and to declare an emergency.

15 Introduced by: **Senator** Monroe

16 Was read the first time and referred to the Committee on Military and Veterans Affairs.

17 **SECOND READING OF CONSENT CALENDAR ITEMS**

18 **SB 14:** FOR AN ACT ENTITLED, An Act to revise registration requirements for motor vehicles,
19 motorcycles, snowmobiles, trailers, and semitrailers.

20 **SB 15:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the retention of
21 motor vehicle title documents by the Department of Revenue.

22 **SB 62:** FOR AN ACT ENTITLED, An Act to revise the membership and responsibilities of the
23 South Dakota Board on Geographic Names.

24 Were read the second time.

25 The question being "Shall **SB 14, 15, and 62** pass?"

26 And the roll being called:

27 Yeas 33, Nays 0, Excused 2, Absent 0

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

6 Excused:
7 Foster and Steinhauer

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

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

11 **SB 23:** FOR AN ACT ENTITLED, An Act to repeal the high school graduation or equivalent
12 requirement for certain licensed professionals.

13 Was read the second time.

14 The question being "Shall **SB 23** pass?"

15 And the roll being called:

16 Yeas 33, Nays 0, Excused 2, Absent 0

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

22 Excused:
23 Foster and Steinhauer

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

26 **SB 22:** FOR AN ACT ENTITLED, An Act to to revise certain provisions regarding pesticide
27 registration, pesticide application, and enforcement of pesticide laws.

28 Was read the second time.

29 The question being "Shall **SB 22** pass as amended?"

30 And the roll being called:

31 Yeas 31, Nays 2, Excused 2, Absent 0

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

37 Nays:
38 Monroe and Wismer

1 Excused:
2 Foster and Steinhauer

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

5 Sen. Wiik requested a fiscal note on **SB 21**.
6 Which request was supported.

7 **SB 30:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier
8 regulations.

9 Was read the second time.

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

11 And the roll being called:

12 Yeas 31, Nays 2, Excused 2, Absent 0

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

18 Nays:
19 Heinert and Maher

20 Excused:
21 Foster and Steinhauer

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

24 Sen. Duhamel moved that the Senate do now adjourn, which motion prevailed and at
25 2:43 p.m. the Senate adjourned.

26 Kay Johnson, Secretary

