JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, January 28, 2020

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

The prayer was offered by the Chaplain, Father David Hussey, followed by the Pledge of Allegiance led by Senate pages Grace Adam and Ella Hand. Grace Adam sang the National Anthem.

Roll Call: All members present except Sen. Steinhauer who was 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 ninth 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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COMMUNICATIONS AND PETITIONS

January 12, 2020

The Honorable Larry Rhoden
President of the Senate
State Capitol
Pierre, SD 57501

Dear President and Members of the Senate:

Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have reappointed Scott A. Vance, Meade County, Faith, South Dakota, to the State Brand Board.

This appointment is effective January 7, 2020, and shall continue until January 2, 2023.

Sincerely,
Kristi Noem
Governor

The President announced the referral of the reappointment to the Committee on Agriculture and Natural Resources.

October 29, 2019

The Honorable Larry Rhoden
President of the Senate
State Capitol
Pierre, SD 57501

Dear President and Members of the Senate:

Pursuant to the provisions of Senate Bill 65, 2017 Legislative Session and subject to your consent, I have the honor to inform you that I have reappointed Doug Ekeren, Yankton County, Yankton, South Dakota, to the South Dakota Board of Technical Education.

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

Sincerely,
Kristi Noem
Governor

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 24** and returns the same with the recommendation that said bill be amended as follows:

24B

On page 2, line 10, of the Introduced bill, delete "Forty " and insert "Forty-five "

And that as so amended said bill be referred to the Committee on Appropriations.

Respectfully submitted,
Gary L. Cammack, Chair

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 49** which was tabled.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 54** and returns the same with the recommendation that said bill be amended as follows:

54D

On page 2, line 3, of the Introduced bill, after "bag," insert "can, "

On page 2, line 3, after "package," insert "pouch, "

On page 2, lines 4 through 5, after "plastic," insert " including foamed or expanded plastic,"

On page 2, line 7, after "for" insert "consuming, "

On page 2, line 7, after "transporting" insert the comma

And that as so amended, said bill do pass.

Respectfully submitted,
Jim Stalzer, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1001, 1002, 1003, 1010, 1019, 1020, 1021, 1022, 1028, 1031, 1037, 1038, and 1053** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

SCR 601: A CONCURRENT RESOLUTION, Supporting consideration of country of origin labelling during trade negotiations.

Introduced by: **Senator** Cammack

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

Sen. Langer moved that **SB 20** be deferred to Wednesday, January 29, 2020, the 11th legislative day.

Which motion prevailed.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 78: FOR AN ACT ENTITLED, An Act to increase funding for court appointed special advocates.

Introduced by: **Senator** Klumb

SB 80: FOR AN ACT ENTITLED, An Act to revise certain sheriff's fees and costs.

Introduced by: **Senator** Schoenbeck

SB 82: FOR AN ACT ENTITLED, An Act to provide for a risk protection order authorizing the seizure of firearms and ammunition.

Introduced by: **Senator** Rusch

SB 86: FOR AN ACT ENTITLED, An Act to establish limitations applicable to initial family assessments.

Introduced by: **Senator** Phil Jensen

SB 89: FOR AN ACT ENTITLED, An Act to revise provisions regarding victim's rights.

Introduced by: **Senator** Rusch

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

SB 79: FOR AN ACT ENTITLED, An Act to modify provisions regarding the building of fences across certain unimproved highways.

Introduced by: **Senator** Klumb

SB 84: FOR AN ACT ENTITLED, An Act to authorize service animals in-training to enter certain establishments.

Introduced by: **Senator** Blare

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

SB 81: FOR AN ACT ENTITLED, An Act to establish eligibility criteria for out-of-state health institutions to receive financing from the Health and Education Facilities Authority.

Introduced by: **Senator** Partridge

SB 87: FOR AN ACT ENTITLED, An Act to add information required to be provided to a woman receiving an abortion.

Introduced by: **Senator** Phil Jensen

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

SB 83: FOR AN ACT ENTITLED, An Act to establish meetings to review certain electric systems.

Introduced by: **Senator** Schoenbeck

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

SB 85: FOR AN ACT ENTITLED, An Act to establish an annual fee for certain electric motor vehicles and electric hybrid motor vehicles.

Introduced by: **Senator** Rusch

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

SB 88: FOR AN ACT ENTITLED, An Act to require parental notification of self-injurious behavior expressed during counseling sessions.

Introduced by: **Senator** Phil Jensen

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

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1010: FOR AN ACT ENTITLED, An Act to revise provisions regarding testimony of qualified mental health professionals at involuntary commitment hearings.

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

HB 1019: FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue Code.

HB 1020: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of exemption certificates.

HB 1021: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South Dakota Lottery Commission.

HB 1022: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding dealer licenses for motor vehicle, snowmobile, and boat sales.

HB 1037: FOR AN ACT ENTITLED, An Act to update the adoption of certain American Society for Testing and Materials and National Institute of Standards and Technology standards and certain federal regulations.

HB 1038: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding manufactured home construction and safety standards.

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

HB 1028: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding pesticide registration and application.

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

HB 1031: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school district fiduciary funds.

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

HB 1053: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the submission process for ballot measures.

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

SECOND READING OF CONSENT CALENDAR ITEMS

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

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

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

Were read the second time.

The question being "Shall **HB 1005, 1049, and 1052** pass?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused:
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 39: FOR AN ACT ENTITLED, An Act to establish the Jobs for South Dakota's Graduates program and the special donation fund.

Was read the second time.

The question being "Shall **SB 39** pass?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused:
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 45: FOR AN ACT ENTITLED, An Act to transfer the functions of the South Dakota Value Added Finance Authority to the South Dakota Economic Development Finance Authority and the South Dakota Board of Economic Development and to abolish the South Dakota Value Added Finance Authority.

Was read the second time.

Sen. Kennedy moved that **SB 45** be amended as follows:

45B

On page 1, line 3, of the Senate State Affairs bill, delete " and" and insert a comma

On page 1, lines 4 through 5, after "Authority" insert ", and to revise a provision regarding the board of directors of the Economic Development Finance Authority"

On page 18, line 22, after the end of the last paragraph insert "

Section 1. That § 1-16B-8 be AMENDED:

1-16B-8. Board of directors--Appointment of members.

The board of directors of the authority consists of seven members. The Governor shall appoint seven members to the board for four-year staggered terms. No more than four members of the board may be members of the same political party.

"

Sen. Heinert requested a roll call vote.

He was not supported.

The question being on Sen. Kennedy's motion that **SB 45** be amended.

Which motion lost.

Sen. Partridge moved that **SB 45** be amended as follows:

45D

On page 12, line 16, of the Senate State Affairs bill, after "regulations " delete "as it determines necessary or desirable "

On page 13, line 30, remove the overstrikes from " such"

On page 13, line 30, after "such" delete " any"

Which motion prevailed.

The question being "Shall **SB 45** pass as amended?"

And the roll being called:

Yeas 29, Nays 5, Excused 1, Absent 0

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

Nays:
Foster, Heinert, Kennedy, Nesiba, and Wismer

Excused:
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 1: FOR AN ACT ENTITLED, An Act to provide for the use of electronic communication in the involuntary commitment process and to declare an emergency.

Was read the second time.

The question being "Shall **SB 1** 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, Novstrup, Ernie Otten, Partridge, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Sutton, White, Wiik, and Wismer

Excused:

Steinhauer and Youngberg

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

Sen. Phil Jensen moved that the Senate do now adjourn, which motion prevailed and at 2:49 p.m. the Senate adjourned.

Kay Johnson, Secretary