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

The prayer was offered by the Chaplain, Pastor Sam Handschke, followed by the Pledge of Allegiance led by Senate page Katie Schmit.

Roll Call: All members present except Sen. Sutton 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 eleventh 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.
REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration SB 53 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Gary L. Cammack, Chair

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration SB 83 and returns the same with the recommendation that said bill be amended as follows:

83C

On page 1, line 6, of the Introduced bill, delete "any " and insert "all "

On page 1, line 6, of the Introduced bill, delete "utility having an adjoining service area " and insert "utilities serving in areas within and adjacent to a municipality that owns and operates its own electric utility "

On page 1, line 9, of the Introduced bill, delete "outside a " and insert "within and adjacent to the "

On page 1, line 9, of the Introduced bill, after "municipality" delete "that owns and operates its own electric utility"

On page 1, line 9, of the Introduced bill, after "utility." insert " The review does not require any electric utility to provide information that involves critical infrastructure under federal standards, that would be exempt from disclosure under § 1-27-1. 5(8), or that would require discussing marketing or pricing strategies when public discussion may be harmful to the competitive position of the utility."

On page 1, line 12, of the Introduced bill, delete " file" and insert " maintain"

On page 1, line 12, of the Introduced bill, after "minutes" delete " with the commission"

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration HB 1016 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,
Jim Stalzer, Chair
MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration SB 59 which was tabled.

Respectfully submitted,
R. Blake Curd, Chair

MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration SB 71 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration SB 47 and returns the same with the recommendation that said bill be amended as follows:

47A

On page 3, line 15, of the Introduced bill, after the end of the last paragraph insert "Section 3. That § 22-24B-19 be AMENDED:


To be eligible for removal from the registry as a Tier I offender, the petitioner shall show, by clear and convincing evidence, that all of the following criteria have been met:

(1) At least five years have elapsed since the date the petitioner first registered pursuant to this chapter;

(2) The crime requiring registration was for:

(a) Statutory rape under subdivision 22-22-1(5), or an attempt to commit statutory rape under subdivision 22-22-1(5), but only if the petitioner was twenty-one years of age or younger at the time the offense was committed or attempted;

(b) A juvenile adjudication for a sex crime as defined in subdivision 22-24B-1(1);

(c) Sexual contact under § 22-22-7 if the victim was between the ages of thirteen and sixteen and the petitioner was at least three years older than the victim, but only if the petitioner was twenty-one years of age or younger at the time the offense was committed;

(d) Felony use or dissemination of visual recording or photographic device without consent under § 22-21-4; or

(e) An out-of-state, federal or court martial offense that is comparable to the elements of the crimes listed in (a), (b), or (c);
(5) The petitioner has substantially complied in good faith with the registration and re-registration requirements imposed under chapter 22-24B; and

(6) Petitioner demonstrates to the satisfaction of the court that he or she does not pose a risk or danger to the community.

For purposes of this section, any period of time during which the petitioner was incarcerated or during which the petitioner was confined in a mental health facility does not count toward the five-year calculation, regardless of whether such incarceration or confinement was for the sex offense requiring registration or for some other offense.

"On page 3, line 17, after the end of the last paragraph insert "

Section 4. That § 22-21-4 be AMENDED:

22-21-4. Use or dissemination of visual recording or photographic device--Violation as misdemeanor or felony.

No person may use or disseminate in any form any visual recording or photographic device to photograph or visually record any other person without clothing or under or through the clothing, or with another person depicted in a sexual manner, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to self-gratify, to harass, or embarrass and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. A violation of this section is a Class 1 misdemeanor. However, a violation of this section is a Class 6 felony if the victim is seventeen years of age or younger and the perpetrator is at least twenty-one years of age at the time the photograph or recording is made.

"And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration SB 73 and returns the same with the recommendation that said bill be amended as follows:

On the Introduced bill, delete everything after the enacting clause and insert:

"Section 1. That a NEW SECTION be added:

21-37-5.2. Notice and open court requirements--Exception--Name change of victims--Sealed records.

The court may grant an order changing the name of a person without publication of notice or a hearing in open court if all of the following conditions are met:

(1) It appears from the pleadings that the petitioner has been a resident of the county in which the petition is filed for at least six months;

(2) The petitioner is a victim of human trafficking, domestic abuse, or child abuse;

(3) That sufficient basis exists to grant an exception to §§ 21-23-4 and 21-37-5;

(4) That the pleadings disclose if the petitioner has a protection order or restraining order; and
(5) It appears to the court that the name change is in the petitioner's best interests.

If good cause exists, the court may order all records regarding the petition and order be sealed. The records shall only be opened by a court order based upon showing good cause or at the petitioner's request.

On the previously adopted amendment (73B), On page 1, line 11, delete "§§ 21-23-4 " and insert "§§ 21-37-4 "

On the previously adopted amendment (73B), On page 1, line 13, after "order; " delete "and"

On the previously adopted amendment (73B), On page 1, line 14, after "interests" insert ";" and

(6) The court finds that the name change is not done for the purposes of fraud"

And that as so amended, said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Lance Russell, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:
I have the honor to transmit herewith HB 1023, 1055, 1057, and 1061 which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

SCR 603: A CONCURRENT RESOLUTION, Recognizing June 5, 2020, as Gun Safety Awareness Day.

Introduced by: Senator Nesiba

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

Sen. Langer moved that SB 4, 20, 26, 56, and 74 be deferred to Tuesday, February 4, 2020, the 13th 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 24 as found on page 97 of the Senate Journal be adopted.

Which motion prevailed and the report was adopted.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

The President declared that SB 77 and 86 were withdrawn at the request of the prime sponsors pursuant to Joint Rule 6B-1.1.

SB 104: FOR AN ACT ENTITLED, An Act to limit entitlement to mechanics' liens.

Introduced by: Senator Cammack

SB 108: FOR AN ACT ENTITLED, An Act to revise the time period allowable for certain covenants not to compete.

Introduced by: Senator Brock Greenfield

SB 119: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding private placement insurance.

Introduced by: Senator Schoenbeck

SB 129: FOR AN ACT ENTITLED, An Act to prohibit the cancellation or nonrenewal of a health insurance policy for a preexisting condition.

Introduced by: Senator Heinert

SB 139: FOR AN ACT ENTITLED, An Act to revise provisions regarding replacement nursing facilities.

Introduced by: Senator Steinhauer

SB 146: FOR AN ACT ENTITLED, An Act to revise provisions related to tribal identification cards.

Introduced by: Senator Heinert

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

SB 116: FOR AN ACT ENTITLED, An Act to establish requirements certain state entities must follow when applying for federal grants.

Introduced by: Senator Stalzer
SB 118: FOR AN ACT ENTITLED, An Act to revise certain educational programs and promote efficiency in state government and to make an appropriation therefor.

Introduced by: Senator Wiik

SB 127: FOR AN ACT ENTITLED, An Act to transfer certain funds, make an appropriation to provide horse racing relays, and to declare an emergency.

Introduced by: Senator Heinert

SB 130: FOR AN ACT ENTITLED, An Act to revise certain health programs and make an appropriation therefor.

Introduced by: Senator Wiik

SB 131: FOR AN ACT ENTITLED, An Act to enhance educational opportunities regarding the Board of Regents and promote efficiency in state government and to make an appropriation therefor.

Introduced by: Senator Wiik

SB 132: FOR AN ACT ENTITLED, An Act to accommodate legislation enhancing health care.

Introduced by: Senator Maher

SB 133: FOR AN ACT ENTITLED, An Act to revise certain provisions to enhance and promote South Dakota and to make an appropriation therefor.

Introduced by: Senator Wiik

SB 134: FOR AN ACT ENTITLED, An Act to accommodate legislation enhancing education.

Introduced by: Senator Maher

SB 142: FOR AN ACT ENTITLED, An Act to establish certain restrictions regarding the state subsidized dual credit program.

Introduced by: Senator Brock Greenfield

SB 143: FOR AN ACT ENTITLED, An Act to establish certain restrictions regarding funds from the state subsidized dual credit program for certain students.

Introduced by: Senator Brock Greenfield

SB 144: FOR AN ACT ENTITLED, An Act to establish certain restrictions regarding participation in the state subsidized dual credit program for certain students.

Introduced by: Senator Brock Greenfield

SJR 502: A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election, an amendment to Article XII of the Constitution of the State of South Dakota, relating to the creation and administration of the pooled local investment fund.

Introduced by: Senator Partridge

Were read the first time and referred to the Committee on Appropriations.
SB 117: FOR AN ACT ENTITLED, An Act to require the Department of Education to establish certain programs for children who are deaf and hard-of-hearing.

Introduced by: Senator Nesiba

SB 123: FOR AN ACT ENTITLED, An Act to make an appropriation for the Literacy Intervention Program.

Introduced by: Senator Brock Greenfield

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

SB 109: FOR AN ACT ENTITLED, An Act to provide protections for health care decisions governed by conscience.

Introduced by: Senator Stalzer

SB 136: FOR AN ACT ENTITLED, An Act to authorize certain witnesses to be accompanied by a certified therapeutic dog in a criminal proceeding.

Introduced by: Senator Soholt

SB 145: FOR AN ACT ENTITLED, An Act to recalculate abatement of the basic child support obligation.

Introduced by: Senator Phil Jensen

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

SB 114: FOR AN ACT ENTITLED, An Act to require an incentive program to provide diversion opportunities for certain substance abuse offenses.

Introduced by: Senator Kennedy

SB 115: FOR AN ACT ENTITLED, An Act to revise the penalty for the ingestion of certain controlled substances.

Introduced by: Senator Kennedy

SB 120: FOR AN ACT ENTITLED, An Act to establish exceptions regarding the possession of a pistol by a minor.

Introduced by: Senator Stalzer

SB 121: FOR AN ACT ENTITLED, An Act to revise parenting guidelines and repeal Supreme Court authority to promulgate guidelines.

Introduced by: Senator Russell

SB 126: FOR AN ACT ENTITLED, An Act to provide civil remedies for certain construction permits issued by the Public Utilities Commission.

Introduced by: Senator Heinert
SB 138: FOR AN ACT ENTITLED, An Act to amend parole provisions regarding life sentences.

Introduced by: Senator Rusch

SB 148: FOR AN ACT ENTITLED, An Act to adopt the Uniform Power of Attorney Act.

Introduced by: Senator Partridge

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

SB 135: FOR AN ACT ENTITLED, An Act to increase the bid limit for certain public improvements.

Introduced by: Senator Soholt

SB 137: FOR AN ACT ENTITLED, An Act to revise provisions for repair, replacement, and construction of sidewalks within a municipality.

Introduced by: Senator Schoenfish

SJR 501: A JOINT RESOLUTION, Proposing and submitting to the voters an amendment to the Constitution of the State of South Dakota, providing for wagering on sporting events and to revise provisions regarding certain municipal proceeds of gaming revenues.

Introduced by: Senator Ewing

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

SB 124: FOR AN ACT ENTITLED, An Act to to revise provisions regarding group pheasant hunts for disabled veterans.

Introduced by: Senator Lake

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

SB 103: FOR AN ACT ENTITLED, An Act to limit the disclosure of presidential election results and to provide for a suspension of such disclosure.

Introduced by: Senator Stalzer

SB 105: FOR AN ACT ENTITLED, An Act to accommodate legislation enhancing education.

Introduced by: Senator Bolin

SB 106: FOR AN ACT ENTITLED, An Act to accommodate legislation enhancing health care.

Introduced by: Senator Bolin
SB 107: FOR AN ACT ENTITLED, An Act to accommodate legislation enhancing basic government services in the state.

Introduced by: Senator Bolin

SB 110: FOR AN ACT ENTITLED, An Act to permit the Department of Revenue to disclose tax returns and tax return information to the Legislative Research Council in certain circumstances.

Introduced by: Senator Nesiba

SB 112: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding initiated measures.

Introduced by: Senator Nesiba

SB 128: FOR AN ACT ENTITLED, An Act to revise entities who may contribute to a political committee.

Introduced by: Senator Heinert

SB 140: FOR AN ACT ENTITLED, An Act to provide for the resolution of alleged certain disability violations.

Introduced by: Senator Novstrup

SB 141: FOR AN ACT ENTITLED, An Act to designate the Bobolink as the official songbird of South Dakota.

Introduced by: Senator Wismer

SB 147: FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by certain employees of the Board of Regents.

Introduced by: Senator Langer

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

SB 111: FOR AN ACT ENTITLED, An Act to exclude certain wind energy tax revenue from the state aid to education formula.

Introduced by: Senator Wiik

SB 122: FOR AN ACT ENTITLED, An Act to impose a severance tax on the quarrying of certain minerals.

Introduced by: Senator Maher

SB 125: FOR AN ACT ENTITLED, An Act to revise provisions regarding the exemption from taxation of certain substances used for agricultural purposes.

Introduced by: Senator Lake

Were read the first time and referred to the Committee on Taxation.
SB 113: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding instruction permits and restricted minor’s driving permits.

Introduced by: Senator Soholt

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

The following bills were read on January 29, 2020, and today the President assigned these bills to committees:

SB 101 was referred to the Committee on Commerce and Energy.

SB 102 was referred to the Committee on State Affairs.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1023: FOR AN ACT ENTITLED, An Act to permit the secretary of revenue to issue cease and desist orders and to impose a civil penalty on certain public auctions.

HB 1061: FOR AN ACT ENTITLED, An Act to exempt vehicles owned by improvement districts from certain vehicle registration fees.

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

HB 1055: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the termination of a political committee under certain circumstances.

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

HB 1057: FOR AN ACT ENTITLED, An Act to prohibit certain acts against children and provide a penalty therefor.

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

SECOND READING OF CONSENT CALENDAR ITEMS

Pursuant to Senate Rule 6-1, the President removed SB 52 from the Consent Calendar.

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

Was read the second time.

The question being "Shall SB 69 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, Steinhauer, White,
Wiik, Wismer, and Youngberg

Excused:
Sutton

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.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 54: FOR AN ACT ENTITLED, An Act to regulate the use of auxiliary containers.

Was read the second time.

The question being "Shall SB 54 pass?"

And the roll being called:

Yeas 22, Nays 12, Excused 1, Absent 0

Yeas:
Blare, Bolin, Cammack, Castleberry, Ewing, Brock Greenfield, Phil Jensen, Klumb, Kolbeck,
Lake, Langer, Maher, Monroe, Novstrup, Partridge, Russell, Schoenbeck, Schoenfish, Stalzer, White,
Wiik, and Youngberg

Nays:
Curd, Curd, Duhamel, Foster, Heinert, Kennedy, Nesiba, Ernie Otten, Rusch, V. J. Smith, Soholt,
Steinhauer, and Wismer

Excused:
Sutton

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.

SIGNING OF BILLS

The President publicly read the title to

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.

And signed the same in the presence of the Senate.
Sen. Foster moved that the Senate do now adjourn, which motion prevailed and at 1:49 p.m. the Senate adjourned.

Kay Johnson, Secretary