

JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

FIFTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 06, 2020

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

The prayer was offered by the Chaplain, Pastor Justin Warfel, followed by the Pledge of Allegiance led by Senate page Brooklyn Swenson.

Roll Call: All members present except Sen. Foster 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 fourteenth 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

REPORTS OF STANDING COMMITTEES

1

2 MR. PRESIDENT:

3 The Committee on Senate Judiciary respectfully reports that it has had under consideration
4 **SB 80** and returns the same with the recommendation that said bill be amended as follows:

5 80A

6 On page 1, line 9, of the Introduced bill, delete "If actual travel is made in collecting taxes, the
7 " and insert "The "

8 On page 1, line 10, of the Introduced bill, after "penalty, " delete "in lieu of mileage,"

9 On page 1, line 11, of the Introduced bill, after "fifteen " insert "fifty dollars or "

10 On page 1, line 11, of the Introduced bill, after "due" insert ", whichever is more"

11 On page 1, line 14, of the Introduced bill, after "law." delete " However, the sheriff is not
12 allowed mileage for collecting taxes within the corporate limits of the county seat."

13 On page 1, line 16, of the Introduced bill, after "seat." insert "

14 **Section 1.** That § 10-56-22 be AMENDED:

15 10-56-22. Sheriff's Fees--Costs--Collection of taxes.

16 The sheriff shall collect the following fees for collecting taxes: twenty-five dollars for making
17 the sheriff's return on the sheriff's warrant of authority; ~~fifteen~~ fifty dollars for each levy; ~~ten dollars~~
18 ~~for each sale~~; and the necessary costs of distress and sale. The fees and costs shall be collected
19 from the tax debtor or the tax debtor's property. ~~If actual travel is made in collecting taxes, the~~ The
20 sheriff shall also collect from the tax debtor or the tax debtor's property an additional penalty, ~~in~~
21 ~~lieu of mileage~~, equal to fifteen-fifty dollars or six percent of the amount of tax and interest due,
22 ~~which, with all, whichever is more. All~~ fees and costs collected, shall be credited to the general fund
23 of the county.

24 "

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

26 Also MR. PRESIDENT:

27 The Committee on Senate Judiciary respectfully reports that it has had under consideration
28 **SB 98** and returns the same with the recommendation that said bill be amended as follows:

29 98B

30 On page 2, line 2, of the Introduced bill, delete "The Except as otherwise provided in subsection
31 (d), the notification required by this subdivision includes :

32 (i) Includes the date on which or the range of dates during which the person intends to possess
33 a concealed pistol in the state capitol, provided the range of dates may not exceed thirty consecutive
34 days; and

35 (ii) May be renewed as necessary and without limit;

36 (d) The In the case of a person who meets the requirements of subsections (a) and (b) of this
37 subdivision and is in possession of a state capitol access control card, the notification required by

1 the this subdivision may be renewed, as necessary and without limit includes the date on which or
2 the range of dates during which the person intends to possess a concealed pistol in the state capitol,
3 provided the range of dates may not extend beyond December thirty-first of each year" and insert
4 " The notification required under this subdivision:

5 (i) Includes the date on which or the range of dates during which the person intends to possess
6 a concealed pistol in the state capitol, provided the range of dates may not extend beyond December
7 thirty-first of each year;

8 (ii) The notification may be renewed, as necessary and without limit"

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

10 Respectfully submitted,
11 Lance Russell, Chair

12 MR. PRESIDENT:

13 The Committee on Senate Commerce and Energy respectfully reports that it has had under
14 consideration **SB 129** which was tabled.

15 Respectfully submitted,
16 Jim Stalzer, Chair

17 MR. PRESIDENT:

18 The Committee on Senate Education respectfully reports that it has had under consideration
19 **SB 123** and returns the same with the recommendation that said bill be referred to the Committee
20 on Appropriations.

21 Also MR. PRESIDENT:

22 The Committee on Senate Education respectfully reports that it has had under consideration
23 **HB 1031** and returns the same with the recommendation that said bill do pass, and having been
24 certified as uncontested, be placed on the consent calendar.

25 Respectfully submitted,
26 R. Blake Curd, Chair

27 MR. PRESIDENT:

28 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
29 had under consideration **SB 63** which was deferred to the 41st Legislative Day.

30 Also MR. PRESIDENT:

31 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
32 had under consideration **HB 1028** and returns the same with the recommendation that said bill do
33 pass, and having been certified as uncontested, be placed on the consent calendar.

34 Respectfully submitted,
35 Gary L. Cammack, Chair

1

MESSAGES FROM THE HOUSE

2 Mr. PRESIDENT:

3 I have the honor to transmit herewith **HB 1007, 1025, 1026, 1033, 1051, 1056, 1066,**
4 **1084, and 1144** which have passed the House and your favorable consideration is respectfully
5 requested.

6

7

Respectfully,
Mary Lou Goehring, Chief Clerk

8

MOTIONS AND RESOLUTIONS

9 **SCR 601:** A CONCURRENT RESOLUTION, Supporting trade negotiations to remove barriers to
10 country of origin labelling.

11 Was read the second time.

12 Sen. Cammack moved that **SCR 601** as found on page 140 of the Senate Journal be adopted.

13 The question being on Sen. Cammack's motion that **SCR 601** be adopted.

14 And the roll being called:

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

16 Yeas:

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

21 Excused:

22 Foster

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 President declared the motion carried and **SCR 601** was adopted.

25 Yesterday, Sen. Rusch announced his intention to reconsider the vote by which **SB 26** lost.

26 Sen. Rusch moved that the Senate do now reconsider the vote by which **SB 26** lost .

27 The question being on Sen. Rusch's motion to reconsider the vote by which **SB 26** lost.

28 And the roll being called:

29 Yeas 30, Nays 4, Excused 1, Absent 0

30 Yeas:

31 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Heinert,
32 Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Novstrup, Ernie Otten, Partridge, Rusch,
33 Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, and
34 Youngberg

1 Nays:
2 Phil Jensen, Nesiba, Russell, and Wismer

3 Excused:
4 Foster

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 President declared the motion carried and **SB 26** was up for reconsideration and final passage.

7 Sen. Langer moved that **SB 26** be deferred to Monday, February 10, 2020, the 17th legislative
8 day.

9 Which motion prevailed.

10 **SCR 604**: A CONCURRENT RESOLUTION, Recognizing June as Move Over Awareness Month
11 and urging drivers to slow down and move over for stopped vehicles.

12 Introduced by: **Senator** Maher

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

14 The President declared that **SCR 604** changed prime sponsor at the request of the prime
15 sponsor.

16 Prime sponsor has been changed from Sen. Maher to Sen. Wiik.

17 Sen. Langer moved that **SB 92** be deferred to Monday, February 10, 2020, the 17th legislative
18 day.

19 Which motion prevailed.

20 Sen. Langer moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
21 Friday, February 7, 2020, the 16th legislative day.

22 Which motion prevailed.

23 **CONSIDERATION OF REPORTS OF COMMITTEES**

24 Sen. Langer moved that the reports of the Standing Committees on
25 Local Government on **SB 84** as found on page 136 of the Senate Journal; also
26 Local Government on **SB 90** as found on page 138 of the Senate Journal be adopted.

27 Which motion prevailed and the reports were adopted.

1

CONSIDERATION OF EXECUTIVE APPOINTMENTS

2 The Senate proceeded to the consideration of the executive appointment of Laurie Gill of
3 Hughes County, Pierre, South Dakota, to the Secretary of the Department of Social Services.

4 The question being "Does the Senate advise and consent to the executive appointment of
5 Laurie Gill pursuant to the executive message as found on page 81 of the Senate Journal?"

6 And the roll being called:

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

8 Yeas:

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

13 Excused:

14 Foster

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

17

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

18 **SB 162:** FOR AN ACT ENTITLED, An Act to provide limitations on the use of lighting equipment
19 while hunting.

20 Introduced by: **Senator** Youngberg

21 **SB 163:** FOR AN ACT ENTITLED, An Act to establish certain restrictions on the foreign
22 ownership of agricultural land.

23 Introduced by: **Senator** Youngberg

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

25 **SB 165:** FOR AN ACT ENTITLED, An Act to require all wind energy facilities to include an
26 aircraft detection lighting system.

27 Introduced by: **Senator** Steinhauer

28 **SB 181:** FOR AN ACT ENTITLED, An Act to revise provisions regarding health benefit plans.

29 Introduced by: **Senator** Blare

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

1 **SB 166:** FOR AN ACT ENTITLED, An Act to provide a transfer of funds for critical teaching
2 needs scholarships.

3 Introduced by: **Senator** Novstrup

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

5 **SB 174:** FOR AN ACT ENTITLED, An Act to revise the purposes for which a school district's
6 capital outlay fund may be used.

7 Introduced by: **Senator** Steinhauer

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

9 **SB 160:** FOR AN ACT ENTITLED, An Act to authorize the construction and operation of a
10 nursing home facility in Moody County, South Dakota, and to declare an emergency.

11 Introduced by: **Senator** Heinert

12 **SB 173:** FOR AN ACT ENTITLED, An Act to to establish limitations applicable to initial family
13 assessments.

14 Introduced by: **Senator** Phil Jensen

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

16 **SB 164:** FOR AN ACT ENTITLED, An Act to revise the penalties and provisions regarding
17 approaching stopped vehicles.

18 Introduced by: **Senator** Wiik

19 **SB 169:** FOR AN ACT ENTITLED, An Act to authorize the possession of a concealed pistol by
20 employees in county courthouses.

21 Introduced by: **Senator** Russell

22 **SB 172:** FOR AN ACT ENTITLED, An Act to revise provisions regarding civil forfeiture.

23 Introduced by: **Senator** Rusch

24 **SB 176:** FOR AN ACT ENTITLED, An Act to provide for the seizure and holding of real property
25 as evidence.

26 Introduced by: **Senator** Kolbeck

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

1 **SB 179:** FOR AN ACT ENTITLED, An Act to revise the legal notice process.

2 Introduced by: **Senator** Youngberg

3 **SB 180:** FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the
4 petition circulation process.

5 Introduced by: **Senator** Stalzer

6 **SB 182:** FOR AN ACT ENTITLED, An Act to provide for certain bonds for the construction of
7 courthouses.

8 Introduced by: **Senator** Wismer

9 **SB 183:** FOR AN ACT ENTITLED, An Act to revise the signature requirements for the
10 nominating petitions for certain elected offices.

11 Introduced by: **Senator** Lake

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

13 **SB 159:** FOR AN ACT ENTITLED, An Act to provide that Native American populations be
14 protected in the legislative redistricting process.

15 Introduced by: **Senator** Heinert

16 **SB 171:** FOR AN ACT ENTITLED, An Act to establish term limits for members of the
17 Commission on Uniform Legislation.

18 Introduced by: **Senator** Bolin

19 **SB 175:** FOR AN ACT ENTITLED, An Act to accommodate legislation related to meetings and
20 records of rural electric cooperatives.

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

22 **SB 184:** FOR AN ACT ENTITLED, An Act to revise provisions regarding electric service in
23 annexed areas.

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

25 **SJR 503:** A JOINT RESOLUTION, Rescinding House Joint Resolutions calling for a constitutional
26 convention for the sole purpose of changing the Constitution of the United States.

27 Introduced by: **Senator** Brock Greenfield

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

29 **SB 161:** FOR AN ACT ENTITLED, An Act to exempt certain real property from the special
30 maintenance fee levy.

31 Introduced by: **Senator** Klumb

1 **SB 168:** FOR AN ACT ENTITLED, An Act to limit the amount of other revenue that is counted
2 as local effort in the state aid to education formula.

3 Introduced by: **Senator** Schoenfish

4 **SB 170:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school district
5 capital outlay funds.

6 Introduced by: The Committee on Education at the request of the Office of the Governor

7 **SB 178:** FOR AN ACT ENTITLED, An Act to increase funding for counties and townships by
8 increasing the excise tax rate on motor fuel.

9 Introduced by: **Senator** Wismer

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

11 **SB 167:** FOR AN ACT ENTITLED, An Act to revise a provision regarding eligibility for the South
12 Dakota opportunity scholarship.

13 Introduced by: **Senator** Bolin

14 **SB 177:** FOR AN ACT ENTITLED, An Act to cap increases in the rates of tuition for certain
15 institutions.

16 Introduced by: **Senator** Kolbeck

17 **SB 185:** FOR AN ACT ENTITLED, An Act to regulate the use of facial recognition technology.

18 Introduced by: **Senator** Langer

19 Was read the first time.

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

21 **HB 1025:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding plugging and
22 performance bonds for oil and gas wells.

23 **HB 1026:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to use of security
24 for cleanup and remediation of environmental problems.

25 **HB 1033:** FOR AN ACT ENTITLED, An Act to provide for the prevention of aquatic invasive
26 species contamination in public waters and to declare an emergency.

27 **HB 1084:** FOR AN ACT ENTITLED, An Act to increase the maximum allowable height of certain
28 vehicles carrying baled feed and to declare an emergency.

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

30 **HB 1056:** FOR AN ACT ENTITLED, An Act to authorize video monitoring of residents in assisted
31 living centers and nursing facilities.

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

1 Excused:
2 Bolin and Foster

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

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

6 **SB 4:** FOR AN ACT ENTITLED, An Act to provide for the designation of an appropriate regional
7 facility by the Department of Social Services.

8 Was read the second time.

9 The question being "Shall **SB 4** pass?"

10 And the roll being called:

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

12 Yeas:

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

17 Excused:
18 Foster

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

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

22 Was read the second time.

23 The question being "Shall **SB 89** pass as amended?"

24 And the roll being called:

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

26 Yeas:

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

31 Excused:
32 Foster

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

1 **SB 61:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding a municipal office
2 nominating petition.

3 Was read the second time.

4 The question being "Shall **SB 61** pass?"

5 And the roll being called:

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

7 Yeas:

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

12 Excused:

13 Foster

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

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

18 Was read the second time.

19 The question being "Shall **SB 73** pass as amended?"

20 And the roll being called:

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

22 Yeas:

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

27 Excused:

28 Foster

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

31 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

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

34 Was read the second time.

1 The question being "Shall **HB 1021** pass?"

2 And the roll being called:

3 Yeas 33, Nays 1, Excused 1, Absent 0

4 Yeas:

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

9 Nays:

10 Partridge

11 Excused:

12 Foster

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

15 **SIGNING OF BILLS**

16 The President publicly read the title to

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

19 And signed the same in the presence of the Senate.

20 Sen. Ewing moved that the Senate do now adjourn, which motion prevailed and at 3:10 p.m.
21 the Senate adjourned.

22 Kay Johnson, Secretary

1 SB **167**: FOR AN ACT ENTITLED, An Act to revise a provision regarding eligibility for the South
2 Dakota opportunity scholarship.

3 **Introduced by: Senator** Bolin

4 **SB 177**: FOR AN ACT ENTITLED, An Act to cap increases in the rates of tuition for certain
5 institutions.

6 Introduced by: **Senator** Kolbeck

7 **SB 185**: FOR AN ACT ENTITLED, An Act to regulate the use of facial recognition technology.

8 Introduced by: **Senator** Langer

9 Was read the first time.