JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 07, 2020

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

The prayer was offered by the Chaplain, Sergeant at Arms Dave Bonde, followed by the Pledge of Allegiance led by Senate page Abbianna Weinzetl.

Roll Call: All members present except Sens. Curd, Foster, Heinert, Nesiba, Novstrup, Schoenbeck, and Wismer 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 fifteenth 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.

11 copies were printed on recycled paper by the South Dakota Legislative Research Council at a cost of $.066 per page.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 70** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 85** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Ernie Otten, Chair

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 135** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 137** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SJR 501** and returns the same with the recommendation that said resolution be adopted.

Respectfully submitted,
Phil Jensen, Chair

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 141** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Bob Ewing, Chair

MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **HB 1006, 1022, and 1038** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
V. J. Smith, Vice-Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 19** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 18** and returns the same with the recommendation that said bill be amended as follows:

18B

On page 7, line 9, of the Introduced bill, after "passed" delete " a standardized national examination approved by"

On page 7, line 9, of the Introduced bill, delete " board" and insert " National Counselor Examination administered by the National Board for Certified Counselors"

On page 8, line 12, of the Introduced bill, delete " an accredited counseling program recognized" and insert " a counseling program approved"

On page 8, line 12, of the Introduced bill, delete " board" and insert " Council for Accreditation of Counseling and Related Educational Programs or an equivalent program, as demonstrated by studies in the following areas:

(a) The general principles and practices of etiology, diagnosis, treatment, and prevention of mental and emotional disorders and dysfunctional behavior;

(b) The general principles and practices for the promotion of optimal mental health;

(c) The specific models and methods for assessing mental status;

(d) The identification of mental illness or abnormal, deviant, or psychopathologic behavior by obtaining appropriate behavioral data using a variety of techniques, including nonprojective personality assessments and achievement, aptitude, and intelligence testing, and translating findings into the Diagnostic and Statistical Manual of Mental Disorders;

(e) The specific theories of psychotherapy for initiating, maintaining, and terminating therapy with a mentally and emotionally impaired client or a client with disabilities in a variety of settings using a variety of modalities, including crisis intervention, brief, intermediate, and long-term modalities;

(f) The basic classification, indications, and contraindications of the commonly prescribed psychopharmacological medications for the purpose of identifying the effects and side effects of prescribed psychotropic medications;

(g) The guidelines for conducting an intake interview and mental health history for planning and managing of client caseload; and

(h) The specific concepts and ideas related to mental health education, outreach, prevention, and mental health promotion"

On page 8, line 14, of the Introduced bill, after "passed" delete " a standardized national examination approved by"

On page 8, line 14, of the Introduced bill, delete " board" and insert " National Clinical Mental Health Counseling Examination administered by the National Board for Certified Counselors"

On page 8, line 17, of the Introduced bill, after "of" insert " direct client contact"

On page 8, line 26, of the Introduced bill, after "section." delete "Certain postgraduate supervision hours acquired to meet requirements to be licensed as a professional counselor under § 36-32-64 may be used to meet the provisions of subdivision (3), as prescribed by the board.

"

On page 8, line 29, of the Introduced bill, delete "(3)" and insert "(4)"

On page 8, line 33, of the Introduced bill, delete "(5)" and insert "(6)"

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 60** and returns the same with the recommendation that said bill be amended as follows:

60A

On page 19, line 16, of the Introduced bill, delete " Department of Health" and insert " board"

On page 20, line 16, after "research." delete "Section 5. That § 36-10-30 be AMENDED:

36-10-30. Licensing of applicant registered by Federation of State Boards of Physical Therapy or who has passed national examination.

The Board of Examiners may in its discretion, without examination, issue a license to any applicant who:

(1) Is registered by the Federation of State Boards of Physical Therapy; or

(2) Has passed a national examination recognized by the board with a grade acceptable to the board and meets the qualifications for licensure under this chapter and the rules promulgated by the board; or

(3) May be licensed under the Physical Therapist Licensure Compact under § 36-10-17. 1."

On page 20, line 21, remove the overstrikes from " or"

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 99** which was tabled.

Respectfully submitted,
Deb Soholt, Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 10, 12, and 13** and finds the same correctly enrolled.

Respectfully submitted,
Brock L. Greenfield, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1050, 1054, 1096, and 1106** which have passed the House and your favorable consideration is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to transmit herewith **SB 10, 12, and 13** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

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

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. Kennedy moved that Senate Page Resolution 2 be adopted.

The question being on Sen. Kennedy's motion that Senate Page Resolution 2 be adopted.

And the roll being called:

Yeas 28, Nays 0, Excused 7, Absent 0

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

Excused:
Curd, Foster, Heinert, Nesiba, Novstrup, Schoenbeck, and Wismer

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 90** be deferred to Monday, February 10, 2020, the 17th legislative day.

Which motion prevailed.

There being no objection, the Senate reverted to Order of Business No. 5, Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1024, 1027, and 1029, and SB 16 and 37** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Chris G. Karr, Co-Chair

Respectfully submitted,
John Wiik, Co-Chair

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the reports of the Standing Committees on

Judiciary on **SB 80** as found on page 150 of the Senate Journal; also

Judiciary on **SB 98** as found on page 150 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 186: FOR AN ACT ENTITLED, An Act to revise certain leave policies for state employees.

Introduced by: The Committee on State Affairs

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

The following bills were read on February 6, 2020, and today the President assigned these bills to committees:

SB 167 was referred to the Committee on Education.

SB 177 was referred to the Committee on Appropriations.

The President declared that **SB 116** 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 1050: FOR AN ACT ENTITLED, An Act to provide for voter registration through an online voter registration system provided by the Office of the Secretary of State.

HB 1054: FOR AN ACT ENTITLED, An Act to revise the documentation required for voter registration.

HB 1106: FOR AN ACT ENTITLED, An Act to authorize the state investment officer to include an indemnity provision in certain investment-related documents.

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

HB 1096: FOR AN ACT ENTITLED, An Act to prohibit commercial surrogacy contracts, provide a penalty for facilitating a commercial surrogacy, and establish an interim committee to evaluate surrogacy in the state.

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

SECOND READING OF CONSENT CALENDAR ITEMS

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

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

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

Were read the second time.

The question being "Shall **SB 84, and HB 1028 and 1031** pass?"

And the roll being called:

Yeas 28, Nays 0, Excused 7, Absent 0

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

Excused:
Curd, Foster, Heinert, Nesiba, Novstrup, Schoenbeck, and Wismer

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.

SIGNING OF BILLS

The President publicly read the title to

SB 10: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding cosmetology licensees.

SB 12: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding comity licensure in the technical professions.

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

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

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.

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

And signed the same in the presence of the Senate.

Sen. Kennedy moved that the Senate do now adjourn, which motion prevailed and at 1:38 p.m. the Senate adjourned.

Kay Johnson, Secretary