JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

SEVENTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 10, 2020

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

The prayer was offered by the Chaplain, Pastor Craig Wexler, followed by the Pledge of Allegiance led by Senate pages Carleen Burger and RyLeigh Christopherson.

Roll Call: All members present.

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 sixteenth 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.

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

Carleen Burger, RyLeigh Chistopherson, Rachael Cutshaw, Victoria Donovan, Reese Ganje, Broc Kilber, Joseph Lasseter, Carter Linke, Abraham Scharles, Hattie Shaffer, and Avery Wolff.

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 182** which was deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1040** 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,
Phil Jensen, Chair

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 102 and 112** which were deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 103** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1055** 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,
Bob Ewing, Chair

MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 97, and HB 1061** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 113** and returns the same with the recommendation that said bill be amended as follows:

113A

On page 2, line 13, of the Introduced bill, after "eighteen" insert " with at least one year of driving experience"

On page 5, line 22, of the Introduced bill, after "age " insert "and has one year of driving experience "

On page 5, line 23, of the Introduced bill, after "the " insert "restricted minor's "

On page 6, line 12, of the Introduced bill, delete "ninety " and insert "one hundred eighty "

On page 6, line 17, of the Introduced bill, delete "ninety " and insert "one hundred eighty "

On page 6, line 22, of the Introduced bill, delete "sixteenth " and insert "eighteenth "

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 149** and returns the same with the recommendation that said bill be amended as follows:

149B

On page 1, line 12, of the Introduced bill, after "§ 32-5-98." insert " The plate shall bear a design of George Washington's face as depicted on Mount Rushmore upon approval by the Department of Revenue. Any change to the emblem specialty plate design will be implemented during the next license plate reissue under § 32-5-83."

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

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SCR 604** and returns the same with the recommendation that said resolution be concurred in.

Respectfully submitted,
Ernie Otten, Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **HB 1057** which was deferred to the 41st Legislative Day.

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 30** 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 **HCR 6007** which has been adopted by the House and your concurrence is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1012, 1047, 1059, 1081, 1091, 1105, and 1120** which have passed the House and your favorable consideration is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to return herewith **SB 23** which has been amended by the House and your concurrence in the amendments is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to return herewith **SB 30** which has passed the House without change.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

HCR 6007: A CONCURRENT RESOLUTION, Supporting students and other persons afflicted by epilepsy and raising awareness of epilepsy in South Dakota.

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

Sen. Langer moved that **SB 26, 90, and 92, and SJR 501** be deferred to Tuesday, February 11, 2020, the 18th legislative day.

Which motion prevailed.

Sen. Langer moved that **SB 19** be deferred to Wednesday, February 12, 2020, the 19th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the reports of the Standing Committees on Health and Human Services on **SB 18** as found on page 165 of the Senate Journal; also Health and Human Services on **SB 60** as found on page 166 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

The President declared that **SB 171** 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 1012: FOR AN ACT ENTITLED, An Act to correct technical errors in statutory cross-references.

HB 1047: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding human trafficking.

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

HB 1059: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding hunting with drones.

HB 1091: FOR AN ACT ENTITLED, An Act to revise provisions regarding the compensation of merchandise dealers for diagnostic and warranty work.

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

HB 1081: FOR AN ACT ENTITLED, An Act to exempt from alcoholic beverage regulations certain uses of alcohol by postsecondary institutions.

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

HB 1105: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding restrictions on State Investment Council members.

Was read the first time and referred to the Committee on Retirement Laws.

HB 1120: FOR AN ACT ENTITLED, An Act to authorize the governing body of a second or third class municipality to act as a planning and zoning commission.

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

SECOND READING OF CONSENT CALENDAR ITEMS

Sen. Kennedy requested that **SB 137** be removed from the Consent Calendar.

HB 1006: FOR AN ACT ENTITLED, An Act to authorize the secretary of revenue to contract with certain entities for purposes of creating or maintaining a database to determine agricultural income value and to specify the mandatory and permissive data of the database.

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

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

Were read the second time.

The question being "Shall **HB 1006, 1022, and 1038** pass?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, 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, Sutton, White, Wiik, Wismer, and Youngberg

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

Was read the second time.

The question being "Shall **SB 80** pass as amended?"

And the roll being called:

Yeas 32, Nays 3, Excused 0, Absent 0

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

Nays:
Phil Jensen, Ernie Otten, and Russell

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.

SB 98: FOR AN ACT ENTITLED, An Act to extend the notification period for possession of a concealed pistol in the state capitol.

Was read the second time.

The question being "Shall **SB 98** pass as amended?"

And the roll being called:

Yeas 30, Nays 5, Excused 0, Absent 0

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

Nays:
Kennedy, Nesiba, Rusch, Schoenfish, and Wismer

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

Was read the second time.

The question being "Shall **SB 135** pass?"

And the roll being called:

Yeas 22, Nays 13, Excused 0, Absent 0

Yeas:
Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Heinert, Lake, Langer, Maher, Novstrup, Ernie Otten, Partridge, Rusch, V. J. Smith, Soholt, Steinhauer, White, Wiik, and Youngberg

Nays:
Foster, Phil Jensen, Kennedy, Klumb, Kolbeck, Monroe, Nesiba, Russell, Schoenbeck, Schoenfish, Stalzer, Sutton, and Wismer

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 70: FOR AN ACT ENTITLED, An Act to authorize other languages to be used in the process of issuing certain driver licenses and permits.

Was read the second time.

The question being "Shall **SB 70** pass as amended?"

And the roll being called:

Yeas 24, Nays 11, Excused 0, Absent 0

Yeas:
Blare, Bolin, Castleberry, Curd, Duhamel, Foster, Heinert, Kennedy, Klumb, Kolbeck, Lake, Langer, Nesiba, Novstrup, Partridge, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Steinhauer, White, Wismer, and Youngberg

Nays:
Cammack, Ewing, Brock Greenfield, Phil Jensen, Maher, Monroe, Ernie Otten, Russell, Stalzer, Sutton, and Wiik

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 16: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain health care professionals who have complied with the requirements for certain health care recruitment assistance programs and to declare an emergency.

Was read the second time.

The question being "Shall **SB 16** pass?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, 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, Sutton, White, Wiik, Wismer, 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.

SB 37: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to disasters in the state and to declare an emergency.

Was read the second time.

The question being "Shall **SB 37** pass?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, 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, Sutton, White, Wiik, Wismer, 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.

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **SB 111** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **SB 178** which was deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration the nomination of Joy Nelson of Codington County, Watertown, South Dakota, to the Board of Economic Development and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment, and that said appointment having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration the nomination of Patrick Burchill of Pennington County, Rapid City, South Dakota, to the Board of Economic Development and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment, and that said appointment having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration the nomination of Kevin Tetzlaff of Brookings County, Brookings, South Dakota, to the Board of Economic Development and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment, and that said appointment having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration the nomination of Donald L. Kettering of Yankton County, Yankton, South Dakota, to the Board of Economic Development and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment, and that said reappointment having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Jeff Monroe, Chair

SIGNING OF BILLS

The President publicly read the title to

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

And signed the same in the presence of the Senate.

Sen. Maher moved that the Senate do now adjourn, which motion prevailed and at 3:35 p.m. the Senate adjourned.

Kay Johnson, Secretary