JOURNAL OF THE SENATE
NINETY-FIFTH SESSION

TWENTY-FIRST DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 18, 2020

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

The prayer was offered by the Chaplain, Father Ron Garry, followed by the Pledge of Allegiance led by Senate pages Broc Kilber and Joseph Lasseter.

Roll Call: All members present except Sen. Wismer 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 twentieth 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 150, and HB 1033** and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1058** 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,

Gary L. Cammack, Chair

MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 96, and HB 1047** and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 148 and 176** 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,

Lance Russell, Chair

MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration **SB 167** 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 Education respectfully reports that it has had under consideration the nomination of Barbara Stork of Union County, North Sioux City, South Dakota, to the State Board of Regents and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Respectfully submitted,

R. Blake Curd, Chair

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 153** which was deferred to the 41st Legislative Day.
Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration HB 1081 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Jim Stalzer, Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 8 and 62 and finds the same correctly enrolled.

Respectfully submitted,
Brock L. Greenfield, Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 23 was delivered to her Excellency, the Governor, for her approval at 9:20 a.m., February 18, 2020.

Respectfully submitted,
Brock L. Greenfield, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to transmit herewith SB 8 and 62 which have passed the House without change.

Also Mr. PRESIDENT:

I have the honor to transmit herewith HB 1009, 1011, 1014, and 1165 which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Soholt moved that the Senate do concur in House amendments to SB 50.

The question being on Sen. Soholt's motion that the Senate do concur in House amendments to SB 50.

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0
Tuesday, February 18, 2020 – 21st Legislative Day

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, and Wiik

Excused:
Wismer and Youngberg

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the amendments were concurred in.

Sen. Langer moved that SB 170 be referred from the Committee on Taxation to the Committee on Education.
Which motion prevailed.

Sen. Langer moved that SB 155 be deferred to Wednesday, February 19, 2020, the 22nd legislative day.
Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the reports of the Standing Committees on Agriculture and Natural Resources on SB 162 as found on page 220 of the Senate Journal; also Commerce and Energy on SB 181 as found on page 221 of the Senate Journal; also Education on HCR 6007 as found on page 220 of the Senate Journal be adopted.
Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1011: FOR AN ACT ENTITLED, An Act to require certain examinations of persons awaiting involuntary commitment hearings.
Was read the first time and referred to the Committee on Health and Human Services.

HB 1009: FOR AN ACT ENTITLED, An Act to revise provisions regarding failure to comply with outpatient commitment or treatment orders.

HB 1014: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances schedule and to declare an emergency.
Were read the first time and referred to the Committee on Judiciary.
HB 1165: FOR AN ACT ENTITLED, An Act to revise provisions regarding the acceptance of gifts by municipalities.

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

SECOND READING OF CONSENT CALENDAR ITEMS

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 Educational Facilities Authority.

HB 1039: FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the Human Resources Commissioner regarding the drug screening program for certain state employees.

HB 1074: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the required time that sexual assault kits be preserved.

Were read the second time.

The question being "Shall SB 81 pass as amended, and HB 1039 and 1074 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, Sutton, White, Wiik, and Youngberg

Excused:
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.

There being no objection, the Senate reverted to Order of Business No. 4 - Communications.
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 1-45 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have appointed Phyllis Heineman, Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Board of Education Standards.

This appointment is effective January 7, 2020, and shall continue until December 31, 2023.

Sincerely,
Kristi Noem
Governor

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

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 41-2 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have reappointed Russell Olson, Lake County, Wentworth, South Dakota, to the Game, Fish and Parks Commission.

This appointment is effective January 11, 2020, and shall continue until January 10, 2024.

Sincerely,
Kristi Noem
Governor

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

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 92: FOR AN ACT ENTITLED, An Act to to provide for the repurposing of STAR Academy.

Was read the second time.
The question being “Shall SB 92 pass?”
And the roll being called:
Yeas 14, Nays 20, Excused 1, Absent 0

Yeas:
Blare, Bolin, Curd, Ewing, Brock Greenfield, Phil Jensen, Klumb, Kolbeck, Maher, Monroe, Novstrup, Russell, Stalzer, and Steinhauer

Nays:
Cammack, Castleberry, Duhamel, Foster, Heinert, Kennedy, Lake, Langer, Nesiba, Ernie Otten, Partridge, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Sutton, White, Wiik, and Youngberg

Excused:
Wismer

So the bill not having received an affirmative vote of a majority of the members-elect, the President declared the bill lost.

SB 152: FOR AN ACT ENTITLED, An Act to delineate activities not constituting the corporate practice of chiropractic.

Was read the second time.
The question being “Shall SB 152 pass?”
And the roll being called:
Yeas 10, Nays 24, Excused 1, Absent 0

Yeas:
Blare, Duhamel, Foster, Heinert, Kennedy, Lake, Nesiba, Schoenfish, Steinhauer, and White

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

Excused:
Wismer

So the bill not having received an affirmative vote of a majority of the members-elect, the President declared the bill lost.

SB 21: FOR AN ACT ENTITLED, An Act to authorize temporary variable speed limits on state highways under certain circumstances.

Was read the second time.
The question being "Shall SB 21 pass?"

And the roll being called:

Yeas 20, Nays 14, Excused 1, Absent 0

Yeas:
Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Heinert, Kennedy, Nesiba, Ernie Otten, Rusch, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauser, White, and Youngberg

Nays:
Brock Greenfield, Phil Jensen, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Novstrup, Partridge, Russell, Schoenbeck, Sutton, and Wiik

Excused:
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.

Sen. Wiik rose to a point of order as to whether SB21 would require a 2/3 majority vote. The President ruled that there was no appropriation in the bill, so it required a majority vote.

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

Was read the second time.

The question being "Shall SB 128 pass as amended?"

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, Steinhauser, Sutton, White, Wiik, and Youngberg

Excused:
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.

Sen. Wiik requested a fiscal note on SB 95.

Which request was supported.
SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1032: FOR AN ACT ENTITLED, An Act to revise the authority of the Board of Education Standards to promulgate rules regarding certification.

Was read the second time.

The question being "Shall HB 1032 pass?"

And the roll being called:

Yeas 32, Nays 1, Excused 2, Absent 0

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

Nays:
Phil Jensen

Excused:
Lake 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.

HB 1083: FOR AN ACT ENTITLED, An Act to rename the postsecondary technical institutes as technical colleges.

Was read the second time.

The question being "Shall HB 1083 pass as amended?"

And the roll being called:

Yeas 27, Nays 7, Excused 1, Absent 0

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

Nays:
Ewing, Brock Greenfield, Phil Jensen, Maher, Monroe, Russell, and Sutton

Excused:
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.
HB 1051: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding public access to voter registration data.

Was read the second time.

The question being "Shall HB 1051 pass?"

And the roll being called:


Nays: Foster, Heinert, Phil Jensen, Maher, Nesiba, and Schoenfish

Excused: 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.

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.

Was read the second time.

The question being "Shall HB 1023 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, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, and Youngberg

Excused: Partridge and Wismer

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.

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

Was read the second time.
The question being “Shall HB 1084 pass as amended?”

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, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, and Youngberg

Excused:
Partridge and Wismer

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.

SIGNING OF BILLS

The President publicly read the title to

SB 8: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding insurance holding companies.

SB 62: FOR AN ACT ENTITLED, An Act to revise the membership and responsibilities of the South Dakota Board on Geographic Names.

HB 1024: FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of extraordinary litigation expenses and to declare an emergency.

HB 1027: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency.

HB 1029: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to suppression of wildfires in the state and to declare an emergency.

And signed the same in the presence of the Senate.

SC 802: A LEGISLATIVE COMMEMORATION, Recognizing and congratulating the Augustana Softball Team, who won the 2019 NCAA DII National Championship, and the students and staff involved in the softball program.

Introduced by: Senators Kolbeck, Curd, Nesiba, Partridge, Soholt, Stalzer, and Steinhauer and Representatives Barthel, Beal, Duba, Healy, Milstead, Sue Peterson, Jamie Smith, Steele, Sullivan, Willadsen, and Zikmund

Was read the first time.
SC 803: A LEGISLATIVE COMMEMORATION, Commending the Bare Bodkins Theatre Company for their hard work and dedication to producing professional and accessible Shakespeare productions in Sioux Falls.

Introduced by: Senators Nesiba, Bolin, Curd, Duhamel, Heinert, Kennedy, Kolbeck, Lake, Ernie Otten, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, White, and Wismer and Representatives Jamie Smith, Beal, Bordeaux, Borglum, Duba, Duvall, Finck, Healy, Hunhoff, David Johnson, Olson, Perry, and Zikmund

Was read the first time.

Sen. Soholt moved that the Senate do now adjourn, which motion prevailed and at 4:34 p.m. the Senate adjourned.

Kay Johnson, Secretary