

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.

1

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
4 had under consideration **SB 150, and HB 1033** and returns the same with the recommendation
5 that said bills do pass.

6 Also MR. PRESIDENT:

7 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
8 had under consideration **HB 1058** and returns the same with the recommendation that said bill do
9 pass, and having been certified as uncontested, be placed on the consent calendar.

10

11

Respectfully submitted,
Gary L. Cammack, Chair

12 MR. PRESIDENT:

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

15 Also MR. PRESIDENT:

16 The Committee on Senate Judiciary respectfully reports that it has had under consideration
17 **SB 148 and 176** and returns the same with the recommendation that said bills do pass, and having
18 been certified as uncontested, be placed on the consent calendar.

19

20

Respectfully submitted,
Lance Russell, Chair

21 MR. PRESIDENT:

22 The Committee on Senate Education respectfully reports that it has had under consideration
23 **SB 167** 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 Also MR. PRESIDENT:

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

30

31

Respectfully submitted,
R. Blake Curd, Chair

32 MR. PRESIDENT:

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

1 Also MR. PRESIDENT:

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

4 Respectfully submitted,
5 Jim Stalzer, Chair

6 Mr. PRESIDENT:

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

9 Respectfully submitted,
10 Brock L. Greenfield, Chair

11 Mr. PRESIDENT:

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

14 Respectfully submitted,
15 Brock L. Greenfield, Chair

16 **MESSAGES FROM THE HOUSE**

17 Mr. PRESIDENT:

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

20 Also Mr. PRESIDENT:

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

23 Respectfully,
24 Mary Lou Goehring, Chief Clerk

25 **MOTIONS AND RESOLUTIONS**

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

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

29 And the roll being called:

30 Yeas 33, Nays 0, Excused 2, Absent 0

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

6 Excused:
7 Wismer and Youngberg

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

10 Sen. Langer moved that **SB 170** be referred from the Committee on Taxation to the Committee
11 on Education.

12 Which motion prevailed.

13 Sen. Langer moved that **SB 155** be deferred to Wednesday, February 19, 2020, the
14 22nd legislative day.

15 Which motion prevailed.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

17 Sen. Langer moved that the reports of the Standing Committees on
18 Agriculture and Natural Resources on **SB 162** as found on page 220 of the Senate Journal;
19 also

20 Commerce and Energy on **SB 181** as found on page 221 of the Senate Journal; also
21 Education on **HCR 6007** as found on page 220 of the Senate Journal be adopted.

22 Which motion prevailed and the reports were adopted.

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

24 **HB 1011:** FOR AN ACT ENTITLED, An Act to require certain examinations of persons awaiting
25 involuntary commitment hearings.

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

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

29 **HB 1014:** FOR AN ACT ENTITLED, An Act to place certain substances on the controlled
30 substances schedule and to declare an emergency.

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

1 **HB 1165:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the acceptance of gifts
2 by municipalities.

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

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 **SB 81:** FOR AN ACT ENTITLED, An Act to establish eligibility criteria for out-of-state health
6 institutions to receive financing from the Health and Educational Facilities Authority.

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

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

11 Were read the second time.

12 The question being "Shall **SB 81** pass as amended, and **HB 1039 and 1074** pass?"

13 And the roll being called:

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

15 Yeas:

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

20 Excused:

21 Wisner

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

24 There being no objection, the Senate reverted to Order of Business No. 4 - Communications.

1

COMMUNICATIONS AND PETITIONS

2 January 12, 2020

3 The Honorable Larry Rhoden
4 President of the Senate
5 State Capitol
6 Pierre, SD 57501

7 Dear President and Members of the Senate:

8 Pursuant to the provisions of Chapter 1-45 of the South Dakota Codified Laws and subject to
9 your consent, I have the honor to inform you that I have appointed Phyllis Heineman, Minnehaha
10 County, Sioux Falls, South Dakota, to the South Dakota Board of Education Standards.

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

12 Sincerely,
13 Kristi Noem
14 Governor

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

16 January 12, 2020

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

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

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

26 Sincerely,
27 Kristi Noem
28 Governor

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

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

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

33 Was read the second time.

1 The question being "Shall **SB 92** pass?"

2 And the roll being called:

3 Yeas 14, Nays 20, Excused 1, Absent 0

4 Yeas:

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

7 Nays:

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

10 Excused:

11 Wismer

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

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

16 Was read the second time.

17 The question being "Shall **SB 152** pass?"

18 And the roll being called:

19 Yeas 10, Nays 24, Excused 1, Absent 0

20 Yeas:

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

22 Nays:

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

26 Excused:

27 Wismer

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

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

32 Was read the second time.

1 The question being "Shall **SB 21** pass?"

2 And the roll being called:

3 Yeas 20, Nays 14, Excused 1, Absent 0

4 Yeas:

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

7 Nays:

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

10 Excused:

11 Wismer

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

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

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

18 Was read the second time.

19 The question being "Shall **SB 128** 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, Foster, Brock Greenfield, Heinert,
24 Phil 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, and Youngberg

27 Excused:

28 Wismer

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 Sen. Wiik requested a fiscal note on **SB 95**.

32 Which request was supported.

1

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

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

3

4

Was read the second time.

5

The question being "Shall **HB 1032** pass?"

6

And the roll being called:

7

Yeas 32, Nays 1, Excused 2, Absent 0

8

Yeas:

9

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

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11

12

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Nays:

14

Phil Jensen

15

Excused:

16

Lake and Wismer

17

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.

18

19

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

20

21

Was read the second time.

22

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

23

And the roll being called:

24

Yeas 27, Nays 7, Excused 1, Absent 0

25

Yeas:

26

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

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28

29

Nays:

30

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

31

Excused:

32

Wismer

33

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.

34

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

3 Was read the second time.

4 The question being "Shall **HB 1051** pass?"

5 And the roll being called:

6 Yeas 28, Nays 6, Excused 1, Absent 0

7 Yeas:

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

11 Nays:

12 Foster, Heinert, Phil Jensen, Maher, Nesiba, and Schoenfish

13 Excused:

14 Wismer

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

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

19 Was read the second time.

20 The question being "Shall **HB 1023** pass?"

21 And the roll being called:

22 Yeas 33, Nays 0, Excused 2, Absent 0

23 Yeas:

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

28 Excused:

29 Partridge and Wismer

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

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

34 Was read the second time.

1 The question being "Shall **HB 1084** pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 0, Excused 2, Absent 0

4 Yeas:

5 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
6 Phil 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, and Youngberg

9 Excused:

10 Partridge and Wismer

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

13 **SIGNING OF BILLS**

14 The President publicly read the title to

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

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

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

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

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

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

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

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

33 Was read the first time.

34 **SC 803:** A LEGISLATIVE COMMEMORATION, Commending the Bare Bodkins Theatre Company
35 for their hard work and dedication to producing professional and accessible Shakespeare productions
36 in Sioux Falls.

