

# *JOURNAL OF THE SENATE*

## *NINETY-FIFTH SESSION*

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TWENTY-FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, February 21, 2020

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

The prayer was offered by the Chaplain, Father Joe Holzhauser, followed by the Pledge of Allegiance led by Senate page Hattie Shaffer.

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 twenty-third 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

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**SB 168** which was deferred to the 41st Legislative Day.

1 Also MR. PRESIDENT:

2 The Committee on Senate Taxation respectfully reports that it has had under consideration  
3 **HB 1113 and 1114** and returns the same with the recommendation that said bills do pass, and  
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,  
6 Jeff Monroe, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Health and Human Services respectfully reports that it has had  
9 under consideration **SB 160, and HCR 6001** and returns the same with the recommendation that  
10 said bill and resolution do pass.

11 Also MR. PRESIDENT:

12 The Committee on Senate Health and Human Services respectfully reports that it has had  
13 under consideration **SB 173** which was tabled.

14 Also MR. PRESIDENT:

15 The Committee on Senate Health and Human Services respectfully reports that it has had  
16 under consideration **SCR 603** and returns the same with the recommendation that said resolution  
17 be amended as follows:

18 SCR603A

19 On page 1, line 1, of the Introduced bill, delete " June 5, 2020, as Gun Safety Awareness Day"  
20 and insert " the importance of gun safety"

21 On page 1, line 3, of the Introduced bill, after "Day." insert "WHEREAS, public safety is  
22 paramount, it is desirable for citizens of the state of South Dakota to reduce gun deaths and at the  
23 same time to fully respect the freedoms guaranteed by the Second Amendment of the United States  
24 Constitution"

25 On page 1, line 3, of the Introduced bill, after "Day." insert "; and"

26 On page 1, line 3, of the Introduced bill, after "and " delete "countless "

27 On page 1, line 11, of the Introduced bill, after "firearm5" delete the semicolon

28 On page 1, line 11, of the Introduced bill, delete " and" and insert a colon

29 On page 1, line 13, of the Introduced bill, after "and" delete " WHEREAS, studies show that a  
30 firearm in the home TRIPLES the suicide risk for every household member6; and

31 WHEREAS, studies show that eighty-five percent of firearms used in teenage suicide were  
32 obtained from that teenager's own home7; and

33 WHEREAS, studies show that, amongst children and teenagers who bring a firearm to school,  
34 approximately eighty percent of them obtained the firearm from their parent's or another relative's  
35 home8; and

36 WHEREAS, protecting public safety in the communities they serve is among an elected  
37 representative's highest responsibilities; and

38 "

On page 2, line 1, of the Introduced bill, after "and" delete "WHEREAS, it is desirable for citizens and public servants of the state of South Dakota to renew their commitment to reduce gun deaths; to pledge to do all they can, while respecting the freedoms guaranteed by the constitution, to keep firearms out of the wrong hands; and to encourage responsible gun ownership to keep our children safe:"

On page 2, line 6, of the Introduced bill, after "therein, " delete "that June 5, 2020, be recognized as Gun Safety Awareness Day in the State of South Dakota and "

On page 2, line 9, of the Introduced bill, delete "ensuring the principles " and insert "recognizing the importance "

On page 2, line 24, of the Introduced bill, after "2019)" delete "(6) Anglemyer A, Horvath T, Rutherford G. The accessibility of firearms and risk for suicide and homicide victimization among household members: A systematic review and meta-analysis. Annals of Internal Medicine. 2014; 160(2): 101-110.

(7) Suicide Prevention Resource Center – Counseling on Access to Lethal Means. <https://www.sprc.org/resources-programs/calm-counseling-access-lethal-means> (last accessed December 2019)

(8) Woodrow Cox J, Rich S. 'The gun's not in the closet. ' The Washington Post. August 1, 2018. <https://wapo.st/2TyDnTW>. The study analyzed acts of gun violence at primary and secondary schools involving shooters under the age of 18 since 1999 finding that of the 105 cases in which the gun's source was identified, 80 percent were acquired from the child's home or those of relatives or friends."

And that as so amended, said resolution do pass.

Respectfully submitted,  
Deb Soholt, Chair

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1116** which was tabled.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1165** 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,  
Helene Duhamel, Vice-Chair

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 31, 32, 34, 50, and 54** were delivered to her Excellency, the Governor, for her approval at 9:25 a.m., February 21, 2020.

Respectfully submitted,  
Brock L. Greenfield, Chair

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**MESSAGES FROM THE HOUSE**

Mr. PRESIDENT:

I have the honor to transmit herewith **HCR 6013 and 6014** which have been adopted by the House and your concurrence is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1133, 1170, and 1246** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,  
Mary Lou Goehring, Chief Clerk

**MOTIONS AND RESOLUTIONS**

SENATE PAGE RESOLUTION 3 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 Carleen Burger, RyLeigh Christopherson, Rachael Cutshaw, Victoria Donovan, Hunter Eide, Reese Ganje, Broc Kilber, Joseph Lasseeter, Carter Linke, Abraham Scharles, Hattie Shaffer, and Avery Wolff.

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. Heinert moved that Senate Page Resolution 3 be adopted.

The question being on Sen. Heinert's motion that Senate Page Resolution 3 be adopted.

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, Steinhauer, Sutton, White, Wiik, Wismer, and Youngberg

Excused:  
Stalzer

1        So the motion having received an affirmative vote of a majority of the members-elect, the  
2        President declared the motion carried.

3        Sen. Stalzer moved that the Senate do concur in House amendments to **SB 28**.

4        The question being on Sen. Stalzer's motion that the Senate do concur in House amendments  
5        to **SB 28**.

6        And the roll being called:

7        Yeas 35, Nays 0, Excused 0, Absent 0

8        Yeas:

9        Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,  
10       Phil 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       So the motion having received an affirmative vote of a majority of the members-elect, the  
14       President declared the motion carried and the amendments were concurred in.

15       **HCR 6009: A CONCURRENT RESOLUTION**, Strengthening the sister-state ties between the  
16       State of South Dakota and Taiwan; supporting the signing of a Bilateral Trade Agreement (BTA)  
17       between Taiwan and the United States; and reaffirming support for increasing Taiwan's international  
18       participation.

19       Was read the second time.

20       Sen. Bolin moved that the Senate do concur in **HCR 6009** as found on page 205 of House  
21       Journal be concurred in.

22       The question being on Sen. Bolin's motion that **HCR 6009** be concurred in.

23       And the roll being called:

24       Yeas 35, Nays 0, Excused 0, Absent 0

25       Yeas:

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

30       So the motion having received an affirmative vote of a majority of the members-elect, the  
31       President declared the motion carried and **HCR 6009** was concurred in.

**HCR 6013:** A CONCURRENT RESOLUTION, Urging all South Dakotans to participate in the 2020 United States Census.

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

**HCR 6014:** A CONCURRENT RESOLUTION, To encourage the Department of Game, Fish and Parks in 2020, as part of the biennial review of endangered and threatened species, to delist the river otter and manage this species as a harvested furbearer if scientifically-sound biological and ecological data support such a decision.

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

Sen. Langer moved that **SB 155** be deferred to Monday, February 24, 2020, the 25<sup>th</sup> legislative day.

Which motion prevailed.

## CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the reports of the Standing Committees on Education on **SB 66** as found on page 263 of the Senate Journal; also Education on **SB 170** as found on page 289 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 133** changed prime sponsor from Senator Wiik to Senator Partridge at their request.

## FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

**HB 1133:** FOR AN ACT ENTITLED, An Act to provide a rebuttable presumption in favor of joint physical custody of a minor child.

**HB 1246:** FOR AN ACT ENTITLED, An Act to revise the attorney's fees allowed in a retaliation action against a lessor.

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

**HB 1170:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of certain lights by tow truck vehicles and Department of Transportation authorized vehicles.

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

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1                                   **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

2           The Senate proceeded to the consideration of the executive reappointment of Tom Graham of  
3   Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Building Authority.

4           The question being "Does the Senate advise and consent to the executive reappointment of  
5   Tom Graham pursuant to the executive message as found on page 127 of the Senate Journal?"

6           And the roll being called:

7           Yeas 35, Nays 0, Excused 0, Absent 0

8           Yeas:

9           Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,  
10   Phil 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           So the question having received an affirmative vote of a majority of the members-elect, the  
14   President declared the reappointment confirmed.

15                                   **SECOND READING OF CONSENT CALENDAR ITEMS**

16           Sen. Kolbeck requested that **SB 176** be removed from the Consent Calendar.

17           Sen. Lake requested that **SB 183** be removed from the Consent Calendar.

18           Sen. Heinert requested that **HB 1025** be removed from the Consent Calendar.

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

21           **HB 1080:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding grain buyers.

22           **HB 1129:** FOR AN ACT ENTITLED, An Act to authorize the provision of telecommunications  
23   device location information to law enforcement agencies.

24           Were read the second time.

25           The question being "Shall **HB 1129** pass as amended, and **HB 1026 and 1080** pass?"

26           And the roll being called:

27           Yeas 35, Nays 0, Excused 0, Absent 0

28           Yeas:

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

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



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

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

4

Was read the second time.

5

Sen. Bolin moved that **SB 167** be amended as follows:

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167A

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On page 2, line 13, of the Introduced bill, after "program." insert "

8

**Section 1.** That § 13-55-31.2 be AMENDED:

9

13-55-31.2. Alternative testing requirements for opportunity scholarship eligibility.

10

Any student who does not meet the high school course requirements as provided in subdivision 13-55-31(3) is eligible for the opportunity scholarship program if:

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(1) The student takes the test administered by the American College Testing Program and earns a composite score or superscore of twenty-eight or higher and achieves ACT college readiness benchmark scores equaling or exceeding eighteen for English, twenty-one for reading, twenty-two for math, and twenty-four for science; or

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(2) The student takes the Scholastic Assessment Test and earns a verbal-mathematics score of twelve hundred fifty or higher, while also attaining sufficiently high markers in reading, writing, mathematics, and science as not to require remediation in any of those areas.

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~~This section is effective on July 1, 2013.~~

20

"

21

On page 2, line 13, of the Introduced bill, after "program." insert "

22

**Section 2.** That § 13-55-31.3 be AMENDED:

23

13-55-31.3. Opportunity scholarship eligibility requirements for students who received alternative instruction.

24

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In order to be eligible for a South Dakota opportunity scholarship pursuant to this section, a student who received alternative instruction pursuant to §§ 13-27-2 to 13-27-9, inclusive, shall:

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(1) Be a resident of this state;

28

(2) Obtain a composite score or superscore of at least twenty-four on the ACT or a comparable score on the Scholastic Aptitude Test as determined by the Board of Regents;

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(3) Provide a transcript of completed coursework that is issued by the parent or guardian listed on the certificate of excuse and which includes:

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(a) Four or more units of language arts, including:

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(i) One and one-half units of writing;

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(ii) One and one-half units of literature, one-half unit of which must be American literature;

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(iii) One-half unit of speech or debate; and

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- 1 (iv) One-half unit of a language arts elective;
- 2 (b) Three or more units of social studies, including:
- 3 (i) One unit of U.S. history;
- 4 (ii) One-half unit of U.S. government;
- 5 (iii) One-half unit of geography;
- 6 (iv) One-half unit of world history; and
- 7 (v) One-half unit of a social studies elective;
- 8 (c) Four units of mathematics, including:
- 9 (i) One unit of algebra I;
- 10 (ii) One unit of geometry;
- 11 (iii) One unit of algebra II; and
- 12 (iv) One unit of advanced math;
- 13 (d) Four units of science, at least three of which must be laboratory science, including:
- 14 (i) One unit of biology;
- 15 (ii) One unit of any physical science;
- 16 (iii) One unit of chemistry or physics; and
- 17 (iv) One unit of science electives;
- 18 (e) Two units of either of the following or a combination of the two:
- 19 (i) Career and technical education; and
- 20 (ii) World languages;
- 21 (f) One-half unit of personal finance or economics;
- 22 (g) One unit of fine arts;
- 23 (h) One-half unit of physical education; and
- 24 (i) One-half unit of health or health integration;
- 25 (4) Attend a university, college, or technical school that is accredited by the Higher Learning  
26 Commission and provides instruction from a campus located in this state; and
- 27 (5) Enter into the program:
- 28 (a) Within five years after the conclusion of the school year in which the student  
29 graduated, while being excused from school attendance in accordance with §§ 13-  
30 27-2 to 13-27-9, inclusive; or
- 31 (b) Within one year after the conclusion of the school year in which the student was  
32 discharged from active duty with the armed forces, provided the discharge

1 occurred within five years after the conclusion of the school year in which the  
2 student graduated, while being excused from school attendance in accordance  
3 with §§ 13-27-2 to 13-27-9, inclusive.

4 If a student attends full-time a regionally accredited university, college, or technical school,  
5 located outside this state, and within two years from the end of the school year in which the student  
6 graduated, while being excused from school attendance in accordance with §§ 13-27-2 to 13-27-9,  
7 inclusive, or within two years after the conclusion of the school year in which the student was  
8 discharged from active duty with the armed forces, as set forth in subsection (b) of subdivision (5),  
9 returns to the state to attend full-time a regionally accredited university, college, or technical school,  
10 the student is eligible to receive a partial award.

11 A student is eligible to participate in the South Dakota opportunity scholarship program for the  
12 equivalent of eight consecutive fall and spring semesters or until the attainment of a baccalaureate  
13 degree, whichever comes first. The Board of Regents may grant exceptions to the continuous  
14 enrollment requirement upon a showing of good cause.

15 "

16 Which motion prevailed.

17 The question being "Shall **SB 167** pass as amended?"

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

20 Yeas:

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

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

27 **SB 150:** FOR AN ACT ENTITLED, An Act to revise nonresident waterfowl licensure.

28 Having had its second reading was up for consideration and final passage.

29 The question now being on Sen. Cammack's pending motion to amend **SB 150** as found on  
30 page 257 of the Senate Journal.

31 Which motion prevailed.

32 The question being "Shall **SB 150** pass as amended?"

33 And the roll being called:

34 Yeas 21, Nays 14, Excused 0, Absent 0

35 Yeas:

36 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Phil Jensen,  
37 Klumb, Lake, Langer, Maher, Novstrup, Partridge, Rusch, Russell, Schoenfish, Soholt, Wiik, and  
38 Youngberg

1 Nays:  
2 Foster, Heinert, Kennedy, Kolbeck, Monroe, Nesiba, Ernie Otten, Schoenbeck, V. J. Smith,  
3 Stalzer, Steinhauer, Sutton, White, and Wismer

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

6 **SB 136:** FOR AN ACT ENTITLED, An Act to authorize certain witnesses to be accompanied by  
7 a certified therapeutic dog in a criminal proceeding.

8 Was read the second time.

9 The question being "Shall **SB 136** pass as amended?"

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, Foster, Brock Greenfield, Heinert,  
14 Phil 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, and Wismer

17 Excused:  
18 Youngberg

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 157:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the county  
22 zoning and appeals process.

23 Was read the second time.

24 Sen. Rusch moved that **SB 157** be amended as follows:

25 157C

26 On page 6, line 3, of the Senate State Affairs bill, delete ", " and insert " and "

27 On page 6, line 4, of the Senate State Affairs bill, after "action" delete ", and compensatory  
28 damages suffered"

29 On page 6, line 6, of the Senate State Affairs bill, after "certiorari.

30 Costs" delete ", damages,"

31 Which motion prevailed.

32 Sen. Wismer moved that **SB 157** be amended as follows:

33 157D

34 On page 2, line 5, of the Senate State Affairs bill, after "members" insert " elect"

On page 2, line 5, of the Senate State Affairs bill, after "authority" delete " who are present and voting"

On page 3, line 18, of the Senate State Affairs bill, after "members" insert " elect"

Which motion lost.

The question being "Shall **SB 157** pass as amended?"

And the roll being called:

Yeas 24, Nays 11, Excused 0, Absent 0

Yeas:

Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Klumb, Kolbeck, Lake, Langer, Maher, Novstrup, Partridge, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, and Youngberg

Nays:

Blare, Bolin, Foster, Heinert, Phil Jensen, Kennedy, Monroe, Nesiba, Ernie Otten, Russell, 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.

## SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

**HB 1041:** FOR AN ACT ENTITLED, An Act to revise provisions authorizing state employees to opt-out of the state employee health plan and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1041** 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 Wismer

Excused:

Partridge 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.

**HB 1063:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the purchase, distribution, and sale of tobacco products to persons under the age of twenty-one.

Was read the second time.

1 The question being "Shall **HB 1063** pass as amended?"

2 And the roll being called:

3 Yeas 18, Nays 14, Excused 3, Absent 0

4 Yeas:

5 Blare, Cammack, Curd, Duhamel, Foster, Heinert, Kennedy, Kolbeck, Lake, Nesiba, Novstrup,  
6 Rusch, Schoenbeck, Schoenfish, Soholt, Steinhauer, White, and Wismer

7 Nays:

8 Bolin, Castleberry, Brock Greenfield, Phil Jensen, Klumb, Langer, Maher, Monroe, Ernie Otten,  
9 Russell, V. J. Smith, Stalzer, Sutton, and Wiik

10 Excused:

11 Ewing, Partridge, and Youngberg

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

16 **REPORTS OF STANDING COMMITTEES**

17 MR. PRESIDENT:

18 The Senate Committee on Appropriations respectfully reports that it has had under  
19 consideration **SB 2** and returns the same with the recommendation that said bill do pass.

20 Also MR. PRESIDENT:

21 The Senate Committee on Appropriations respectfully reports that it has had under  
22 consideration **SB 36** and returns the same with the recommendation that said bill be amended as  
23 follows:

24 36A

25 On page 1, line 3, of the Introduced bill, delete "sixteen million seven hundred seventy-eight  
26 thousand five hundred twelve " and insert "fourteen million eight hundred fifty-nine thousand eight  
27 hundred sixty-six "

28 On page 1, line 4, of the Introduced bill, delete "(\$16,778,512)" and insert "(\$14,859,866)"

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

30 Also MR. PRESIDENT:

31 The Senate Committee on Appropriations respectfully reports that it has had under  
32 consideration **SB 72** and returns the same with the recommendation that said bill be amended as  
33 follows:

34 72A

35 On page 1, line 2, of the Introduced bill, after "fund, " delete "and "

On page 1, line 2, of the Introduced bill, delete " therefor" and insert ", and to declare an emergency"

On page 4, line 12, of the Introduced bill, insert "Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

72B

On the previously adopted amendment (72A), On page 2, line 1, after "score " insert "or superscore "

72C

On the previously adopted amendment (72B), On page 2, line 8, before "twelve" insert " a minimum of"

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 166** and returns the same with the recommendation that said bill be amended as follows:

166A

On page 1, line 1, of the Introduced bill, delete " critical teaching needs scholarships" and insert " the postsecondary scholarship grant fund and to declare an emergency"

On page 1, line 3, of the Introduced bill, delete "On July 1, 2020, the " and insert "The "

On page 1, line 6, of the Introduced bill, delete " critical teaching needs scholarships" and insert " the postsecondary scholarship grant fund"

On page 1, line 8, of the Introduced bill, insert "Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 127, and SJR 502** which were tabled.

Respectfully submitted,  
John Wiik, Chair

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 140** and returns the same with the recommendation that said bill be amended as follows:

140B

On page 1, line 6, of the Introduced bill, after "law " insert "that "

On page 1, line 7, of the Introduced bill, after "to " insert "websites owned and operated by an entity physically located in the state, "

On page 1, line 11, of the Introduced bill, delete the period and insert a semicolon

On page 3, line 1, of the Introduced bill, delete "60 " and insert "30 "

On page 3, line 2, of the Introduced bill, delete "60-DAY " and insert "30-DAY "

On page 3, line 5, of the Introduced bill, delete "60-DAY " and insert "30-DAY "

On page 3, line 6, of the Introduced bill, delete "60-DAY " and insert "30-DAY "

On page 3, line 8, of the Introduced bill, delete "60 " and insert "30 "

On page 4, line 17, of the Introduced bill, after "described" delete " in"

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 State Affairs respectfully reports that it has had under consideration **SB 186** and returns the same with the recommendation that said bill be amended as follows:

186A

On the Introduced bill, delete everything after the enacting clause and insert:

"

**Section 3.** That § 3-6C-4 be AMENDED:

3-6C-4. Vacation leave--Accrual and accumulation--Advanced leave.

Each permanent employee shall earn up to one hundred twenty hours vacation leave per full year of employment. A permanent employee with more than fifteen years employment shall earn up to one hundred sixty hours vacation leave per full year of employment. Vacation leave shall be accrued on an hourly, biweekly, semimonthly, or monthly basis as determined by the human resources commissioner. ~~Vacation leave may not be used until the employee has served the initial six-month period.~~ Vacation leave is cumulative only to the extent of that which may be earned in a period of time not exceeding two years of regular and continuous state employment. Vacation leave may not be advanced to an employee at any time.

**Section 4.** That § 3-6C-5 be REPEALED.

3-6C-5. Employees entitled to vacation leave.

**Section 5.** That § 3-6C-7 be AMENDED:

3-6C-7. Sick leave--Accrual and accumulation--Medical certificate--Vacation leave used for sickness--Personal emergency leave.

Each permanent employee shall earn up to one hundred twelve hours sick leave per full year of employment. Sick leave shall be accrued on an hourly, biweekly, semimonthly, or monthly basis as determined by the human resources commissioner and shall accumulate without limit as to the number of hours of such accumulation. The use of sick leave shall be supported by a medical certificate upon the request of the human resources commissioner. An employee is not entitled to more than the employee's accrued sick leave without first using all of the employee's accumulated vacation leave.



~~An employee may use up to forty hours of the employee's accrued sick leave annually for personal emergency reasons. Leave for personal emergencies may not be accumulated from year to year. The commission, pursuant to chapter 1-26, shall promulgate rules to implement this provision.~~

Adoption of a child by an employee is treated as natural childbirth for leave purposes.

**Section 6.** That a NEW SECTION be added:

3-6C-7.1. Paid family leave.

Each permanent employee who has been employed by the state for a continuous period of six months is entitled to paid family leave following the birth of a child or placement of a child for adoption.

**Section 7.** That § 3-6C-15 be AMENDED:

3-6C-15. Donation of vacation leave to recipient caring for terminally ill family member--  
Approval by bureau.

A permanent employee may donate accrued vested vacation leave to another permanent employee who meets all of the following criteria:

- (1) The recipient employee will use the donated leave to care for the recipient employee's spouse, child, or parent who is terminally ill;
- (2) The recipient employee's spouse, child, or parent is suffering from an acutely life threatening illness or injury which has been certified by a licensed physician as having a significant likelihood of terminating fatally; and
- (3) The recipient employee has exhausted all accrued vacation ~~and personal emergency leave.~~

The total paid leave, including the donated vacation leave pursuant to this section, may not exceed twelve weeks annually per recipient employee. The donation shall be approved by the bureau under rules promulgated pursuant to chapter 1-26 by the commission, including number of hours to be donated, confidentiality of a donation, definition of terminally ill, definition of life threatening illness or injury, criteria for determining employee eligibility to receive or donate leave and for prorating donated leave for part-time employees, and procedures for approval of the donation. Any donation shall be in compliance with the provisions of §§ 3-6C-4 ~~and 3-6C-5.~~

**Section 8.** That § 3-6C-18 be AMENDED:

3-6C-18. Promulgation of rules governing leave and other benefits.

The commission may, pursuant to chapter 1-26, promulgate rules to further define and administer the types of leave permitted to be taken as sick leave, vacation leave, paid family leave, and leave of absence, including the following: child care, jury duty, military service, maternity, and education and other fringe benefits.

"

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

1 Also MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
3 **SB 159, and SCR 602** which were deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 Bob Ewing, Chair

6 **SIGNING OF BILLS**

7 The President publicly read the title to

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

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

12 **HB 1058:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding water  
13 development districts.

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

15 Sen. Monroe moved that the Senate do now adjourn, which motion prevailed and at 3:12 p.m.  
16 the Senate adjourned.

17 Kay Johnson, Secretary