JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 24, 2020

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

The prayer was offered by the Chaplain, Pastor Matt Spoden, followed by the Pledge of Allegiance led by Senate page Avery Weinheimer.

Roll Call: All members present.

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

Riley Briggs, Caeden Bunde, Alexa Dunker, Lucy Fods, Emma Kopplin, BriAnna Linn, Natalie Mohr, Abby Moon, Taylor Storbakken, Tianna Tschetter, and Avery Weinheimer.

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

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-fourth 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 State Affairs respectfully reports that it has had under consideration **SB 147, and SJR 503** and returns the same with the recommendation that said bill and resolution do pass.

Respectfully submitted,
Bob Ewing, Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 109** which was tabled.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **HB 1011** 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 Health and Human Services respectfully reports that it has had under consideration **HB 1056** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Deb Soholt, Chair

MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 142** and returns the same with the recommendation that said bill be amended as follows:

142A

On page 1, line 12, of the Introduced bill, delete "Through the dual credit program, a student may only enroll in courses that fulfill general education requirements" and insert " The dual credit program may not be used for remedial courses"

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 144** and returns the same with the recommendation that said bill be amended as follows:

144B

On page 1, line 14, of the Introduced bill, after "program." insert " The Board of Regents or Board of Technical Education may reinstate a student who is prohibited from participating in the

dual credit program if the student demonstrates good cause for failing a course or withdrawing from a course."

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 **HB 1097** 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 Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 143, and HB 1152** which were tabled.

Respectfully submitted,
John Wiik, Chair

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 79, which was reconsidered** 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 **SB 180** and returns the same with the recommendation that said bill be amended as follows:

180A

On page 2, line 8, of the Introduced bill, delete "petition " and insert "paid "

On page 2, line 13, of the Introduced bill, after "license" insert " or other government-issued identification"

On page 2, line 13, of the Introduced bill, after "the " delete "ballot question committee supporting the ballot measure, "

On page 2, line 14, of the Introduced bill, after "paid, " insert "the name of the petition sponsor, "

On page 2, line 15, of the Introduced bill, delete "petition " and insert "paid "

On page 3, line 23, of the Introduced bill, after "circulator" delete the comma

On page 3, line 23, of the Introduced bill, after "circulator," " delete "and include the identity of the ballot question committee on behalf of which the petition circulator is registered, "

On page 4, line 18, of the Introduced bill, after "paid" delete "; and the petition circulator's circulator identification number"

On page 4, line 19, of the Introduced bill, delete " The names of all persons who circulated a signature sheet, and if the persons were paid circulators, their circulator identification numbers, shall be printed or written legibly on each signature page of a ballot measure petition. The petition circulators' names may be affixed to the signature page after the signature page has been circulated but before it is filed with the secretary of state." and insert " The petition form, as prescribed by the

State Board of Elections, shall include the paid circulator identification number within the verification of any paid circulator."

On page 5, line 17, of the Introduced bill, after "paid" delete "; and the petition circulator's circulator identification number"

On page 5, line 19, of the Introduced bill, delete " The names of all persons who circulated a signature sheet, and, if the persons were paid circulators, their circulator identification numbers, shall be printed or written legibly on each signature page of a ballot measure petition. The petition circulators' names may be affixed to the signature page after the signature page has been circulated but before it is filed with the secretary of state." and insert " The petition form, as prescribed by the State Board of Elections, shall include the paid circulator identification number within the verification of any paid circulator."

On page 6, line 23, of the Introduced bill, after "paid" delete "; and the petition circulator's circulator identification number"

On page 6, line 25, of the Introduced bill, delete " The names of all persons who circulated a signature sheet, and, if the persons were paid circulators, the circulator identification numbers, shall be printed or written legibly on each signature page of a ballot measure petition. The petition circulator's names may be affixed to the signature page after the signature page has been circulated but before it is filed with the secretary of state." and insert " The petition form, as prescribed by the State Board of Elections, shall include the paid circulator identification number within the verification of any paid circulator."

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1079** 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 **HB 1260** 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 Taxation respectfully reports that it has had under consideration **HB 1126, 1127, and 1164** 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,
Jeff Monroe, Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 28 and 69** and finds the same correctly enrolled.

Respectfully submitted,
Brock L. Greenfield, Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 9** was delivered to her Excellency, the Governor, for her approval at 9:10 a.m., February 24, 2020.

Respectfully submitted,
Brock L. Greenfield, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to return herewith **SB 69** which has passed the House without change.

Also Mr. PRESIDENT:

I have the honor to transmit herewith **HCR 6011** which has been adopted by the House and your concurrence is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1125 and 1279** which have passed the House and your favorable consideration is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in Senate amendments to **HB 1081, and HCR 6007**.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

HCR 6011: A CONCURRENT RESOLUTION, Supporting the Recovering America's Wildlife Act.

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

SCR 605: A CONCURRENT RESOLUTION, Calling for statewide recognition of South Dakota's military veteran entrepreneurs and Bunker Labs of Rapid City.

Introduced by: **Senator** Castleberry

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

Sen. Langer moved that **SB 66 and 170** be deferred to Tuesday, February 25, 2020, the 26th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

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

Appropriations on **SB 36** as found on page 312 of the Senate Journal; also

Appropriations on **SB 72** as found on page 312 of the Senate Journal; also

State Affairs on **SB 140** as found on page 313 of the Senate Journal; also

Appropriations on **SB 166** as found on page 313 of the Senate Journal; also

State Affairs on **SB 186** as found on page 314 of the Senate Journal; also

Judiciary on **SB 6** as found on page 300 of the Senate Journal; also

Judiciary on **SB 169** as found on page 300 of the Senate Journal; also

Health and Human Services on **SCR 603** as found on page 301 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1125: FOR AN ACT ENTITLED, An Act to revise conditions for selling non-temperature-controlled baked goods without license.

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

HB 1279: FOR AN ACT ENTITLED, An Act to require property owners to receive notification of property tax reduction programs.

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

SECOND READING OF CONSENT CALENDAR ITEMS

HB 1113: FOR AN ACT ENTITLED, An Act to provide for remote participation in a shareholders' meeting.

HB 1114: FOR AN ACT ENTITLED, An Act to authorize additional abbreviations in naming corporations, limited liability companies, and limited liability partnerships.

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

Were read the second time.

The question being "Shall **HB 1165** pass as amended, and **HB 1113 and 1114** 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.

There being no objection, the Senate reverted to Order of Business No. 10 - First Reading of Senate Bills and Joint Resolutions.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

The President declared that **SB 154** was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 155: FOR AN ACT ENTITLED, An Act to provide for step therapy protocol regarding certain prescription drugs.

Was read the second time.

The question being "Shall **SB 155** pass as amended?"

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 majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 160: FOR AN ACT ENTITLED, An Act to authorize the construction and operation of a nursing home facility in Moody County, South Dakota, and to declare an emergency.

Was read the second time.

The question being "Shall **SB 160** pass?"

And the roll being called:

Yeas 32, Nays 3, Excused 0, Absent 0

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

Nays:
Brock Greenfield, Monroe, and Wiik

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 2: FOR AN ACT ENTITLED, An Act to require the Department of Social Services to fully support a statewide centralized resource information system.

Was read the second time.

The question being "Shall **SB 2** pass?"

And the roll being called:

Yeas 33, Nays 2, 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, Ernie Otten, Partridge, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, Wismer, and Youngberg

Nays:
Phil Jensen and Russell

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 176: FOR AN ACT ENTITLED, An Act to provide for the seizure and holding of real property as evidence.

Was read the second time.

The question being "Shall **SB 176** 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, Maher, Monroe, Nesiba, Novstrup, Ernie Otten,

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

Excused:
Langer

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 183: FOR AN ACT ENTITLED, An Act to revise the signature requirements for the nominating petitions for certain elected offices.

Was read the second time.

Sen. Lake moved that **SB 183** be amended as follows:

183C

On page 1, line 7, of the Senate Local Government bill, after "paper. " insert "The petition for a candidate for the Legislature shall designate the senatorial or representative district number and house for which the person is a candidate.

"

On page 1, line 8, of the Senate Local Government bill, after "office " insert "for a state or federal candidate "

On page 1, line 10, of the Senate Local Government bill, after "the" delete " county, part of the county, district, or"

On page 1, line 10, of the Senate Local Government bill, after "state" delete " electing a candidate to fill the office"

On page 1, line 11, of the Senate Local Government bill, after "office. " insert "A petition for the Legislature, county party office, or county political public office shall be signed by not less than one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election, or fifty voters, in the county, part of the county, or district electing a candidate to fill the office, whichever is less.

"

On page 1, line 12, of the Senate Local Government bill, after "office " insert "for a state or federal candidate "

On page 1, line 14, of the Senate Local Government bill, after "the" delete " county, part of the county, district, or"

On page 1, line 15, of the Senate Local Government bill, after "state" delete " electing a candidate to fill the office"

On page 1, line 15, of the Senate Local Government bill, after "office. " insert "A petition for the Legislature, county party office, or county political public office shall be signed by not less than one percent of the voters who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial election in the county, part of the county, or district electing a candidate to fill the office, whichever is less

"

On page 2, line 10, of the Senate Local Government bill, after "candidate." insert "

Section 1. That § 12-6-7.1 be REPEALED.

12-6-7.1. Petition for candidate for Legislature, county political public office, or county party office.

"

Which motion prevailed.

The question being "Shall **SB 183** pass as amended?"

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 majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 161: FOR AN ACT ENTITLED, An Act to exempt certain real property from the special maintenance fee levy.

Was read the second time.

The question being "Shall **SB 161** pass?"

And the roll being called:

Yeas 24, Nays 11, Excused 0, Absent 0

Yeas:
Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert, Phil Jensen, Klumb, Kolbeck, Lake, Maher, Monroe, Novstrup, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, and Youngberg

Nays:
Kennedy, Langer, Nesiba, Ernie Otten, Partridge, Soholt, Stalzer, Sutton, White, Wiik, 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 1060: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of the aeronautics fund.

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

The question now being on Sen. Maher's pending motion to amend **HB 1060** as found on page 296 of the Senate Journal.

Sen. Brock Greenfield moved that **HB 1060** with the pending amendment be laid on the table.

The question being on Sen. Brock Greenfield's motion that **HB 1060** with the pending amendment be laid on the table.

And the roll being called:

Yeas 24, Nays 11, Excused 0, Absent 0

Yeas:
Blare, Bolin, Cammack, Castleberry, Duhamel, Brock Greenfield, Phil Jensen, Klumb, Kolbeck, Lake, Langer, Maher, Novstrup, Ernie Otten, Partridge, Russell, Schoenbeck, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, and Youngberg

Nays:
Curd, Ewing, Foster, Heinert, Kennedy, Monroe, Nesiba, Rusch, Schoenfish, V. J. Smith, and Wismer

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **HB 1060** was tabled.

HB 1025: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding plugging and performance bonds for oil and gas wells.

Was read the second time.

Sen. Kennedy moved that **HB 1025** be amended as follows:

1025B

On page 1, line 15, of the Introduced bill, after "reclamation, " delete "or one hundred thousand dollars blanket, "

Sen. Heinert requested that Joint Rule 5-17 be invoked on **HB 1025**.

Which request was supported and **HB 1025** with Sen. Kennedy's pending motion to amend was deferred until Wednesday, February 26, 2020, the 27th legislative day.

SIGNING OF BILLS

The President publicly read the title to

SB 28: FOR AN ACT ENTITLED, An Act to repeal provisions regarding the restricted real estate broker's license for auctioneers and to revise certain provisions regarding real estate licensing.

SB 69: FOR AN ACT ENTITLED, An Act to revise the penalty for the misuse of emblem specialty plates on motor vehicles.

HB 1007: FOR AN ACT ENTITLED, An Act to require certain adjustments to the assessed value of agricultural land if factors impact the land's productivity and to require those adjustments to be documented.

HB 1048: FOR AN ACT ENTITLED, An Act to revise certain requirements for certain advisory committees under the Board of Medical and Osteopathic Examiners, Board of Nursing, and Board of Social Work Examiners.

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

HB 1082: FOR AN ACT ENTITLED, An Act to revise the conditions under which a licensed vehicle dealer may display or sell certain vehicles.

HB 1086: FOR AN ACT ENTITLED, An Act to repeal certain fees charged by a clerk of courts.

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

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

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

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.

And signed the same in the presence of the Senate.

COMMEMORATIONS

SC 804: A LEGISLATIVE COMMEMORATION, Honoring Korbin Leddy for being named one of the top youth volunteers in South Dakota for 2020 through the Prudential Spirit of Community Award.

Introduced by: Senator Wiik

Was read the first time.

SC 805: A LEGISLATIVE COMMEMORATION, Honoring the 2019 Canton C-Hawk High School football team as champions of the Class 11A football championship.

Introduced by: Senators Bolin, Castleberry, Nesiba, Schoenbeck, Soholt, and Wiik **and Representatives** Anderson, Barthel, Bordeaux, Duvall, Finck, Olson, Perry, Kent Peterson, Qualm, and Reed

Was read the first time.

Sen. Stalzer moved that the Senate do now adjourn, which motion prevailed and at 3:25 p.m. the Senate adjourned.

Kay Johnson, Secretary