

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.

1

REPORTS OF STANDING COMMITTEES

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MR. PRESIDENT:

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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.

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Respectfully submitted,
Bob Ewing, Chair

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MR. PRESIDENT:

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

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Also MR. PRESIDENT:

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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.

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Also MR. PRESIDENT:

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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.

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Respectfully submitted,
Deb Sohlt, Chair

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MR. PRESIDENT:

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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:

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142A

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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"

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And that as so amended, said bill do pass.

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Also MR. PRESIDENT:

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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:

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144B

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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

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

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

4 Also MR. PRESIDENT:

5 The Senate Committee on Appropriations respectfully reports that it has had under
6 consideration **HB 1097** and returns the same with the recommendation that said bill do pass, and
7 having been certified as uncontested, be placed on the consent calendar.

8 Also MR. PRESIDENT:

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

11 Respectfully submitted,
12 John Wiik, Chair

13 MR. PRESIDENT:

14 The Committee on Senate Local Government respectfully reports that it has had under
15 consideration **SB 79, which was reconsidered** which was deferred to the 41st Legislative Day.

16 Also MR. PRESIDENT:

17 The Committee on Senate Local Government respectfully reports that it has had under
18 consideration **SB 180** and returns the same with the recommendation that said bill be amended as
19 follows:

20 180A

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

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

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

26 On page 2, line 14, of the Introduced bill, after "paid, " insert "the name of the petition sponsor,
27 "

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

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

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

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

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

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

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

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

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

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

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

22 Also MR. PRESIDENT:

23 The Committee on Senate Local Government respectfully reports that it has had under
24 consideration **HB 1079** and returns the same with the recommendation that said bill do pass.

25 Also MR. PRESIDENT:

26 The Committee on Senate Local Government respectfully reports that it has had under
27 consideration **HB 1260** and returns the same with the recommendation that said bill do pass, and
28 having been certified as uncontested, be placed on the consent calendar.

29 Respectfully submitted,
30 Phil Jensen, Chair

31 MR. PRESIDENT:

32 The Committee on Senate Taxation respectfully reports that it has had under consideration
33 **HB 1126, 1127, and 1164** and returns the same with the recommendation that said bills do pass,
34 and having been certified as uncontested, be placed on the consent calendar.

35 Respectfully submitted,
36 Jeff Monroe, Chair

1 Mr. PRESIDENT:

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

4 Respectfully submitted,
5 Brock L. Greenfield, Chair

6 Mr. PRESIDENT:

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

9 Respectfully submitted,
10 Brock L. Greenfield, Chair

11 **MESSAGES FROM THE HOUSE**

12 Mr. PRESIDENT:

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

14 Also Mr. PRESIDENT:

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

17 Also Mr. PRESIDENT:

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

20 Also Mr. PRESIDENT:

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

23 Respectfully,
24 Mary Lou Goehring, Chief Clerk

25 **MOTIONS AND RESOLUTIONS**

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

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

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

30 Introduced by: **Senator** Castleberry

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

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

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Sen. Langer moved that the reports of the Standing Committees on
6 Appropriations on **SB 36** as found on page 312 of the Senate Journal; also
7 Appropriations on **SB 72** as found on page 312 of the Senate Journal; also
8 State Affairs on **SB 140** as found on page 313 of the Senate Journal; also
9 Appropriations on **SB 166** as found on page 313 of the Senate Journal; also
10 State Affairs on **SB 186** as found on page 314 of the Senate Journal; also
11 Judiciary on **SB 6** as found on page 300 of the Senate Journal; also
12 Judiciary on **SB 169** as found on page 300 of the Senate Journal; also
13 Health and Human Services on **SCR 603** as found on page 301 of the Senate Journal be
14 adopted.
15 Which motion prevailed and the reports were adopted.

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

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

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

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

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

23 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

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

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

30 Were read the second time.

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

1 And the roll being called:

2 Yeas 35, Nays 0, Excused 0, Absent 0

3 Yeas:

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

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

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

12 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

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

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

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

18 Was read the second time.

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

20 And the roll being called:

21 Yeas 35, Nays 0, Excused 0, 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, Wismer, and Youngberg

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

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

31 Was read the second time.

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

2 And the roll being called:

3 Yeas 32, Nays 3, Excused 0, Absent 0

4 Yeas:

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

9 Nays:

10 Brock Greenfield, Monroe, and Wiik

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

15 Was read the second time.

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

17 And the roll being called:

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

19 Yeas:

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

24 Nays:

25 Phil Jensen and Russell

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

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

30 Was read the second time.

31 The question being "Shall **SB 176** pass as amended?"

32 And the roll being called:

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

34 Yeas:

35 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
36 Phil Jensen, Kennedy, Klumb, Kolbeck, Lake, Maher, Monroe, Nesiba, Novstrup, Ernie Otten,

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

3 Excused:
4 Langer

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

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

9 Was read the second time.

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

11 183C

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

15 "

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

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

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

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

27 "

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

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

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

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

39 "

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

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

3 12-6-7.1. Petition for candidate for Legislature, county political public office, or county party
4 office.

5 "

6 Which motion prevailed.

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

8 And the roll being called:

9 Yeas 35, Nays 0, Excused 0, Absent 0

10 Yeas:

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

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

19 Was read the second time.

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

21 And the roll being called:

22 Yeas 24, Nays 11, Excused 0, Absent 0

23 Yeas:

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

27 Nays:

28 Kennedy, Langer, Nesiba, Ernie Otten, Partridge, Soholt, Stalzer, Sutton, White, Wiik, and
29 Wismer

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

32 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

33 **HB 1060:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of the
34 aeronautics fund.

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

1 The question now being on Sen. Maher's pending motion to amend **HB 1060** as found on page
2 296 of the Senate Journal.

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

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

6 And the roll being called:

7 Yeas 24, Nays 11, Excused 0, Absent 0

8 Yeas:

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

12 Nays:

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

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

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

19 Was read the second time.

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

21 1025B

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

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

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

27 **SIGNING OF BILLS**

28 The President publicly read the title to

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

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

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

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

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

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

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

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

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

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

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

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

18 **COMMEMORATIONS**

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

22 **Introduced by: Senator** Wiik

23 Was read the first time.

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

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

29 Was read the first time.

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

32 Kay Johnson, Secretary