JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

TWENTY-SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 25, 2020

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

The prayer was offered by the Chaplain, Pastor Sam Handschke, followed by the Pledge of Allegiance led by Senate pages Riley Briggs and Caeden Bunde.

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-fifth 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.

COMMUNICATIONS AND PETITIONS

February 24, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on February 24, 2020, I approved Senate Bills 8, 14, 15, and 62, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 55** and returns the same with the recommendation that said bill be amended as follows:

55C

On page 1, line 1, of the Introduced bill, delete "prepare a plan providing for the shared administration of South Dakota School of Mines and Technology and Black Hills State University" and insert " assemble a task force to study the possibility of shared administration among the institutions of higher education under the board's authority"

On page 1, line 5, of the Introduced bill, delete "prepare a plan to provide for" and insert "assemble a task force consisting of at least eleven members to examine the possible program and administrative efficiencies and cost effectiveness that may be achieved through"

On page 1, line 6, of the Introduced bill, delete " and" and insert a comma

On page 1, line 6, of the Introduced bill, after "University" insert ", Dakota State University, Northern State University, South Dakota State University, and the University of South Dakota"

On page 1, line 6, of the Introduced bill, after "University. " insert "All expenses incurred in carrying out the work of the task force shall be paid out of funds appropriated or otherwise provided to the board.

"

On page 1, line 7, of the Introduced bill, after "the" delete " plan"

On page 1, line 7, of the Introduced bill, after "plan " insert " findings of the task force "

On page 1, line 8, of the Introduced bill, delete "2021" and insert "2020"

On page 1, line 9, of the Introduced bill, after "2021." delete "Section 2. The plan shall include:

(1) The timeline in which the transition to shared administrative services will take place;

(2) The specific administrative services that will be combined;

(3) The projected reduction in workforce that will occur and how that reduction will be achieved;

(4) The projected short-term costs associated with the transition;

(5) The long-term measurable cost savings and financial gains projected to be achieved through shared administrative services;

(6) The educational enhancements and any other benefits that are likely at each of the institutions based on the projected long-term measurable cost savings and financial gains;

(7) Any impact the shared administration will have on existing facilities at either of the institutions; and

(8) The efforts that will be undertaken to ensure that only administrative services of the two institutions are shared and that the history, heritage, mission, traditions, educational offerings, athletic programs, foundation, alumni association, and every other aspect of each individual institution is maintained."

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

Section 1.

"

On page 2, line 3, of the Introduced bill, after "maintained. " insert "The task force examination shall include the following:

(1) The possible combining of administration at all levels of operation within an institution;

(2) The possible combining of operations and functions across multiple institutions;

(3) The possible combining of the administration of programs across multiple institutions;

(4) A review of the duplication of program offerings;

(5) A review of the academic majors with low enrollments and low numbers of graduates;

(6) A review of functions outside the core missions of teaching, learning, and research;

(7) A review of the operations and functions provided as an efficiency through the central office of the Board of Regents;

(8) A review of the viability of the university centers; and

(9) Any other possible cost-effective measures the task force determines are worthy of examination. "

55D

On the previously adopted amendment (55C), On page 1, line 15, remove the overstrikes from "2021"

On the previously adopted amendment (55C), On page 1, line 15, after "2021" delete "2020"

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

123A

On page 1, line 1, of the Introduced bill, after "Program" insert " and to declare an emergency"

On page 1, line 3, of the Introduced bill, delete "seven hundred fifty thousand dollars ($750,000)" and insert " one dollar ($1)"

On page 1, line 10, of the Introduced bill, after "4. " 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 133, which was reconsidered** and returns the same with the recommendation that said bill be amended as follows:

133A

On page 1, line 1, of the Introduced bill, delete "revise certain provisions to enhance and promote South Dakota and to make an appropriation therefor" and insert " allow public funds not needed for current operating expenses to be invested in certain certificates of deposit or time deposits"

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

"

Section 2. That § 4-5-6 be AMENDED:

4-5-6. Investment in securities of or guaranteed by United States, repurchase agreements, or shares of registered investment companies.

Any public funds which will not be needed for current operating expenses may be invested in: (a) securities of the United States and securities guaranteed by the United States government either directly or indirectly including, without limitation, United States treasury bills, notes, bonds, and other obligations issued or directly or indirectly guaranteed by the United States government, or otherwise directly or indirectly backed by the full faith and credit of the United States government; provided that, for other than permanent, trust, retirement, building, and depreciation reserve funds, such securities shall either mature within eighteen months from the date of purchase or be redeemable at the option of the holder within eighteen months from the date of purchase; or (b) repurchase agreements fully collateralized by securities described in (a) and meeting the requirements of § 4-5-9, if the repurchase agreements are entered into only with those primary reporting dealers that report to the Federal Reserve Bank of New York and with the one hundred largest United States commercial banks, as measured by domestic deposits; or (c) in shares of an open-end, no-load fund administered by an investment company registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933 and whose only investments are in securities described in (a) and repurchase agreements described in (b)<u>; or (d) in certificates of deposit or time deposits issued by any bank, trust company or national banking association organized under the laws of any state or of the United States of America</u>.

"

133B

On page 1, line 1, of the Introduced bill, delete "revise certain provisions to enhance and promote South Dakota and to make an appropriation therefor" and insert "allow public funds not

needed for current operating expenses to be invested in certain certificates of deposit or time deposits"

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

"

Section 3. That § 4-5-6 be AMENDED:

4-5-6. Investment in securities of or guaranteed by United States, repurchase agreements, or shares of registered investment companies.

Any public funds which will not be needed for current operating expenses may be invested in: (a) securities of the United States and securities guaranteed by the United States government either directly or indirectly including, without limitation, United States treasury bills, notes, bonds, and other obligations issued or directly or indirectly guaranteed by the United States government, or otherwise directly or indirectly backed by the full faith and credit of the United States government; provided that, for other than permanent, trust, retirement, building, and depreciation reserve funds, such securities shall either mature within eighteen months from the date of purchase or be redeemable at the option of the holder within eighteen months from the date of purchase; or (b) repurchase agreements fully collateralized by securities described in (a) and meeting the requirements of § 4-5-9, if the repurchase agreements are entered into only with those primary reporting dealers that report to the Federal Reserve Bank of New York and with the one hundred largest United States commercial banks, as measured by domestic deposits; or (c) in shares of an open-end, no-load fund administered by an investment company registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933 and whose only investments are in securities described in (a) and repurchase agreements described in (b)<u>; or (d) notwithstanding § 4-5-6.1, in certificates of deposit or time deposits issued by any bank, trust company, or national banking association organized under the laws of any state or of the United States of America and insured by the Federal Deposit Insurance Corporation</u>.

"

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 132, 134, and 177** which were tabled.

Respectfully submitted,
John Wiik, Chair

MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration **SB 174** 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,
R. Blake Curd, Chair

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 104, which was reconsidered** and returns the same with the recommendation that said bill be amended as follows:

104A

On page 2, line 6, of the Introduced bill, delete "Entitlement to a first lien, as provided for in this section, does not extend to a contractor or subcontractor, who furnishes skill, labor, services, or materials, for the development, improvement, operation, or repair of a public highway or roadway, if the development, improvement, operation, or repair is undertaken principally for the benefit of a private entity that is not the owner of the abutting property." and insert " The owner of real property upon which a county highway or road has been constructed, improved, maintained, or repaired is not liable for the cost of the project, and no lien under chapter 44-9 may be attached to the real property as security for payment of the costs, unless the real property owner agreed in writing to pay all or a portion of the cost of the project."

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 151** and returns the same with the recommendation that said bill be amended as follows:

151B

On page 3, line 14, of the Introduced bill, after "forbidden" insert ", or any pole or tower used for any of the purposes in this subdivision, whether enclosed or marked with a sign or not"

On page 3, line 23, of the Introduced bill, after "gas" delete ". The term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility"

On page 3, line 32, of the Introduced bill, delete "Natural resources exploration, mining, or production equipment, refined product storage, or distribution facility" and insert " Oil and gas locations, facilities, and equipment, including temporary drilling rigs, permanent oil and gas product facilities, and artificial lift equipment"

On page 3, line 34, of the Introduced bill, delete " including a central operation office, cable head end, cable node, cellular telephone tower site, or a transmission facility for a federally licensed radio or television antenna system" and insert " infrastructure or equipment involved in the carriage of essential communications services for both wired and wireless communications, switching, routing, repeater/amplifier equipment or other electronic equipment, macro and micro wireless towers using federally licensed spectrum, video head end equipment, and satellite communications receiver or transmission equipment"

On page 9, line 27, of the Introduced bill, after "supply;

(c) Gas" insert " service"

On page 9, line 28, of the Introduced bill, delete "Power" and insert "Electric service"

On page 9, line 28, of the Introduced bill, after "Gas;

(d) Power;" insert " or"

On page 9, line 29, of the Introduced bill, after "service;" delete " or"

On page 9, line 30, of the Introduced bill, after "or" delete "(f) Critical infrastructure facility; or

(3) Interferes with, inhibits, impedes, or prevents the construction, maintenance, or repair of communications, public transportation, a utility service, or a critical infrastructure facility;

"

On page 10, line 5, of the Introduced bill, after "felony." insert "Any person who by any means interferes with, inhibits, impedes, or prevents the construction, operation, maintenance, or repair of communications, public transportation, water supply, gas, electric, or other utility service, or a critical infrastructure facility is guilty of a Class 1 misdemeanor.

Any person who by any means, knowingly, interferes with, inhibits, impedes, or prevents the construction, operation, maintenance, or repair of communications, public transportation, water supply, gas, electric, or other utility service, or a critical infrastructure facility is guilty of a Class 6 felony.

"

On page 10, line 6, of the Introduced bill, after "the " insert "construction, "

On page 10, line 6, of the Introduced bill, delete " or" and insert a comma

On page 10, line 6, of the Introduced bill, after "maintenance" insert ", or repair"

On page 10, line 11, of the Introduced bill, after "22-34-28" insert ", or"

On page 10, line 11, of the Introduced bill, after "22-34-30" delete ", or 22-34-32"

On page 10, line 13, of the Introduced bill, after "23A-28C." delete "Section 6. That a NEW SECTION be added:

"

On page 10, line 14, of the Introduced bill, after "added:" delete "Conspiracy--Fines."

On page 10, line 14, of the Introduced bill, after "added:

Conspiracy--Fines." delete "

If a person, whether natural or legal, is found to be a conspirator in the violation of § 22-34-28, 22-34-30, or 22-35-5, the conspirator may be punished, in addition to other penalties, by a fine up to ten times the amount of any fine otherwise authorized under § 22-3-8."

151C

On page 3, line 12, of the Introduced bill, delete "or " and insert "and "

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **HB 1109 and 1131** 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,
Jim Stalzer, Chair

MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 158** which was tabled.

Also MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1008** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Gary L. Cammack, Chair

MR. PRESIDENT:

The Committee on Senate Military and Veterans Affairs respectfully reports that it has had under consideration **SB 156** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Military and Veterans Affairs respectfully reports that it has had under consideration **SR 701** which was deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate Military and Veterans Affairs respectfully reports that it has had under consideration the nomination of Major General Jeffrey P. Marlette of Pennington County, Rapid City, South Dakota, to the Adjutant General and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Also MR. PRESIDENT:

The Committee on Senate Military and Veterans Affairs respectfully reports that it has had under consideration the nomination of Michael Oster of Pennington County, Rapid City, South Dakota, to the Assistant Adjutant General, Army and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Also MR. PRESIDENT:

The Committee on Senate Military and Veterans Affairs respectfully reports that it has had under consideration the nomination of Galen Niederwerder of Pennington County, New Underwood, South Dakota, to the South Dakota Ellsworth Development Authority and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment, and that said appointment having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Military and Veterans Affairs respectfully reports that it has had under consideration the nomination of Quentin L. Riggins of Pennington County, Rapid City, South Dakota, to the South Dakota Ellsworth Development Authority and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment, and that said reappointment having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Jim Bolin, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1035, 1070, 1108, 1124, 1166, 1175, 1182, 1184, 1195, and 1242** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Langer moved that **SB 66, and SCR 603** be deferred to Wednesday, February 26, 2020, the 27th legislative day.

Which motion prevailed.

HCR 6001: A CONCURRENT RESOLUTION, To direct the Department of Social Services to investigate implementing peer support services.

Was read the second time.

Sen. Steinhauer moved that **HCR 6001** as found on page 24 of House Journal be concurred in.

The question being on Sen. Steinhauer's motion that **HCR 6001** be concurred in.

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 motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **HCR 6001** was concurred in.

CONSIDERATION OF REPORTS OF COMMITTEES

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

Appropriations on **SB 142** as found on page 318 of the Senate Journal; also

Appropriations on **SB 144** as found on page 318 of the Senate Journal; also

Local Government on **SB 180** as found on page 319 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1184: FOR AN ACT ENTITLED, An Act to provide limited deer and antelope licenses to landowners.

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

HB 1070: FOR AN ACT ENTITLED, An Act to modify requirements regarding the installation and inspection of certain electrical wiring.

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

HB 1175: FOR AN ACT ENTITLED, An Act to define dyslexia for the purposes of special education and related services.

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

HB 1108: FOR AN ACT ENTITLED, An Act to adopt the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act.

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

HB 1166: FOR AN ACT ENTITLED, An Act to revise provisions regarding the appointment of inactive watershed district boards and the reactivation of watershed districts.

HB 1182: FOR AN ACT ENTITLED, An Act to provide for the renewal of an enhanced permit to carry a concealed pistol.

HB 1242: FOR AN ACT ENTITLED, An Act to provide for the reissuance of certain enhanced permits to carry a concealed pistol and to declare an emergency.

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

HB 1195: FOR AN ACT ENTITLED, An Act to provide an affirmative defense to pregnant women for certain controlled substance offenses.

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

HB 1124: FOR AN ACT ENTITLED, An Act to provide for an increase in the assessment against certain treated land.

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

HB 1035: FOR AN ACT ENTITLED, An Act to make an appropriation from the water and environment fund and its revolving fund subfunds for various water and environmental purposes, to revise the water resources projects list, and to declare an emergency.

Was read the first time and the President waived the committee referral pursuant to Joint Rule 6D-1.

SECOND READING OF CONSENT CALENDAR ITEMS

SB 140: FOR AN ACT ENTITLED, An Act to provide for the resolution of alleged certain disability violations.

SB 186: FOR AN ACT ENTITLED, An Act to revise certain leave policies for state employees.

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

HB 1097: FOR AN ACT ENTITLED, An Act to modify requirements for a marriage license.

HB 1126: FOR AN ACT ENTITLED, An Act to provide authority for real estate brokers to conduct real property evaluations.

HB 1127: FOR AN ACT ENTITLED, An Act to revise provisions regarding real estate appraisers.

HB 1164: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2019.

HB 1260: FOR AN ACT ENTITLED, An Act to revise provisions regarding tax increment districts.

Were read the second time.

The question being "Shall **SB 140 and 186, and HB 1097, 1126, and 1260** pass as amended, and **HB 1011, 1127, and 1164** 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.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 170: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school district capital outlay funds.

Was read the second time.

Sen. Curd moved that **SB 170** be amended as follows:

170B

On page 3, line 12, of the Senate Education bill, remove the overstrikes from "not"

On page 3, line 13, of the Senate Education bill, remove the overstrikes from "more than the lesser of"

On page 3, line 13, of the Senate Education bill, remove the overstrikes from "or the index factor, as defined in § 10-13-38, "

On page 3, line 15, of the Senate Education bill, after "2016. " insert "Starting with taxes payable in 2021, the total amount of revenue payable from the levy provided in this section may not increase annually by more than three percent over the amount of revenue that could have been raised in the prior year. "

Which motion prevailed.

The question being "Shall **SB 170** 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 6: FOR AN ACT ENTITLED, An Act to revise certain conditions under which presumptive probation may be applied.

Was read the second time.

The question being "Shall **SB 6** pass as amended?"

And the roll being called:

Yeas 19, Nays 16, Excused 0, Absent 0

Yeas:
Blare, Curd, Duhamel, Ewing, Brock Greenfield, Klumb, Kolbeck, Maher, Monroe, Novstrup, Ernie Otten, Russell, Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton, White, and Youngberg

Nays:
Bolin, Cammack, Castleberry, Foster, Heinert, Phil Jensen, Kennedy, Lake, Langer, Nesiba, Partridge, Rusch, V. J. Smith, Soholt, 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.

SB 169: FOR AN ACT ENTITLED, An Act to authorize the possession of a concealed pistol by employees in county courthouses.

Was read the second time.

The question being "Shall **SB 169** pass as amended?"

And the roll being called:

Yeas 28, Nays 7, Excused 0, Absent 0

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

Nays:
Foster, Heinert, Kennedy, Nesiba, Rusch, V. J. Smith, 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.

SB 36: FOR AN ACT ENTITLED, An Act to transfer funds from the budget reserve fund and to declare an emergency.

Was read the second time.

The question being "Shall **SB 36** 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 two-thirds majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 72: FOR AN ACT ENTITLED, An Act to establish the Dakota's promise scholarship program, to establish the Dakota's promise fund, to make an appropriation, and to declare an emergency.

Was read the second time.

The question being "Shall **SB 72** pass as amended?"

And the roll being called:

Yeas 32, Nays 2, Excused 1, 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, Sutton, White, Wiik, Wismer, and Youngberg

Nays:
Phil Jensen and Russell

Excused:
Steinhauer

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 166: FOR AN ACT ENTITLED, An Act to provide a transfer of funds for the postsecondary scholarship grant fund and to declare an emergency.

Was read the second time.

The question being "Shall **SB 166** pass as amended?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused:
Steinhauer

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 147: FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by certain employees of the Board of Regents.

Was read the second time.

The question being "Shall **SB 147** pass?"

And the roll being called:

Yeas 20, Nays 14, Excused 1, Absent 0

Yeas:
Bolin, Castleberry, Curd, Duhamel, Brock Greenfield, Phil Jensen, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Novstrup, Ernie Otten, Partridge, Stalzer, Sutton, White, Wiik, and Youngberg

Nays:
Blare, Cammack, Ewing, Foster, Heinert, Kennedy, Nesiba, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, and Wismer

Excused:
Steinhauer

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.

SJR 503: A JOINT RESOLUTION, Rescinding House Joint Resolutions calling for a constitutional convention for the sole purpose of changing the Constitution of the United States.

Was read the second time.

The question being "Shall **SJR 503** pass?"

And the roll being called:

Yeas 17, Nays 17, Excused 1, Absent 0

Yeas:
Castleberry, Duhamel, Ewing, Foster, Brock Greenfield, Heinert, Kennedy, Klumb, Nesiba, Partridge, Rusch, Russell, Schoenbeck, V. J. Smith, Soholt, White, and Wismer

Nays:
Blare, Bolin, Cammack, Curd, Phil Jensen, Kolbeck, Langer, Maher, Monroe, Novstrup, Ernie Otten, Schoenfish, Stalzer, Steinhauer, Sutton, Wiik, and Youngberg

Excused:
Lake

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

Sen. Brock Greenfield announced his intention to reconsider the vote by which **SJR 503** lost.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1079: FOR AN ACT ENTITLED, An Act to authorize a county to assess an administration fee for the processing of certain title applications.

Was read the second time.

The question being "Shall **HB 1079** pass as amended?"

And the roll being called:

Yeas 22, Nays 11, Excused 2, Absent 0

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

Nays:
Phil Jensen, Kennedy, Klumb, Kolbeck, Maher, Monroe, Nesiba, Russell, Sutton, Wiik, and Wismer

Excused:
Lake and Stalzer

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

HB 1056: FOR AN ACT ENTITLED, An Act to authorize video monitoring of residents in assisted living centers and nursing facilities.

Was read the second time.

The question being "Shall **HB 1056** 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, Langer, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Partridge, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Steinhauer, Sutton, White, Wiik, Wismer, and Youngberg

Excused:
Lake and Stalzer

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.

SIGNING OF BILLS

The President publicly read the title to

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

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.

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.

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

HB 1081: FOR AN ACT ENTITLED, An Act to exempt from alcoholic beverage regulations certain uses of alcohol by postsecondary institutions.

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

And signed the same in the presence of the Senate.

Sen. Russell moved that the Senate do now adjourn, which motion prevailed and at 4:45 p.m. the Senate adjourned.

Kay Johnson, Secretary