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

The prayer was offered by the Chaplain, Pastor Jake Krahn, followed by the Pledge of Allegiance led by Senate page Alexa Dunker.

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-sixth 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.
REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration SB 7 and 121 which were tabled.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration SB 138 which was deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration SB 164 and returns the same with the recommendation that said bill be amended as follows:

164A

On page 1, line 12, of the Introduced bill, delete " or" and insert a comma

On page 1, line 12, of the Introduced bill, after "yellow" insert ", or blue"

On page 2, line 3, of the Introduced bill, after "of" delete ":

(1) A "

On page 2, line 4, of the Introduced bill, after "of:

(1) A " insert "a "

On page 2, line 5, of the Introduced bill, delete " or" and insert a comma

On page 2, line 5, of the Introduced bill, after "yellow" insert the comma

On page 2, line 6, of the Introduced bill, after "yellow " insert "or blue "

On page 2, line 6, of the Introduced bill, after "lights" delete ", and the accident does not cause bodily injury to a driver or passenger of that vehicle;

(2) A Class 6 felony if the accident causes bodily injury to a driver or passenger of a stopped emergency vehicle making use of its red visual signals or a stopped vehicle making use of amber or yellow warning lights; or

(3) A Class 3 felony if the accident causes the death of a driver or passenger of a stopped emergency vehicle making use of its red visual signals or a stopped vehicle making use of amber or yellow warning lights"

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration SB 172 and returns the same with the recommendation that said bill be amended as follows:

172B

On the Introduced bill, delete everything after the enacting clause and insert:
"  
  
**Section 1.** That a NEW SECTION be added:


Notwithstanding any other law, there may be no civil forfeiture under South Dakota law. Any forfeiture proceeding shall be held following the trial of the related criminal offense.

**Section 2.** That a NEW SECTION be added:

23A-51-2. Forfeiture of property--State must establish by clear and convincing evidence.

Property may be forfeited if the state establishes by clear and convincing evidence that the property:

(1) Constitutes, or is derived from, proceeds of the underlying offense for which the person was convicted; or

(2) Was used in any manner or part, to commit, or facilitate the commission of the offense for which the person was convicted.

Nothing in this chapter prevents property from being forfeited by a plea agreement approved by the presiding court, except that a plea agreement may not prevent the claims of a person who has a security interest or is an owner under § 23A-51-6.

**Section 3.** That a NEW SECTION be added:

23A-51-3. Certain provisions proceeded against under this chapter.

Property forfeitable under §§ 22-24A-15 or 34-20B-70 shall be proceeded against under this chapter.

**Section 4.** That a NEW SECTION be added:


Nothing in this chapter may be construed to deprive a victim under S.D. Const., Art. VI, § 29 of the victim's right, upon request, to the prompt return of the victim's property when the property is no longer needed as evidence in the case.

**Section 5.** That a NEW SECTION be added:

23A-51-5. Property taken deemed in custody of attorney general.

Property taken or detained pursuant to this chapter is deemed to be in the custody of the attorney general, subject only to the orders and decrees of a court or official having jurisdiction over the property.

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

23A-51-6. Person with interest in property--Proof of ownership--Proof of owner knowledge or consent.

Any person, other than a defendant, asserting an interest in the property seized pursuant to this chapter, may petition the court at any time for the return of the person's property. To the extent that the person can establish by clear and convincing evidence that the person has an interest in the property seized, a thing of value is not subject to forfeiture under this chapter by reason of any act or omission, unless the state proves by clear and convincing evidence that the act was committed.
or the omission occurred with the owner’s knowledge or consent. For property not subject to
forfeiture, a court shall order the return of the property if the property is not reasonably required to
be held for evidentiary reasons.

Section 7. That a NEW SECTION be added:


If the state determines to proceed with forfeiture of property, the state shall provide notice to
the defendant and defendant’s counsel before the trial for the underlying criminal proceeding. The
notice shall provide that the state is seeking forfeiture of the property as an additional sanction
related to the criminal violation and shall include:

(1) A description of the property seized;

(2) The date and place of the seizure;

(3) A description of the property’s use in the commission of a crime or derivation from the
commission of a crime; and

(4) The name and address of the agency responsible for the seizure.

Section 8. That a NEW SECTION be added:

23A-51-8. Forfeiture following conviction—Reasonable expenses of law enforcement and
state—Waiver of conviction requirement.

If the state has provided notice under § 23A-51-7 and the underlying prosecution resulted in
a conviction, following the trial for the underlying criminal prosecution, the property may be forfeited
in a court proceeding if the state establishes by clear and convincing evidence that the property is
subject to forfeiture based on evidence received at the criminal trial or additional evidence offered
after conviction.

In addition, the court shall determine the extent of reasonable expenses incurred by law
enforcement and the state in investigating and prosecuting the underlying criminal case.

The court may waive the conviction requirement and grant permanent title to the state if the
prosecuting authority files a motion no fewer than one hundred eighty days after seizure and shows
by clear and convincing evidence that, before conviction, the defendant:

(1) Died;

(2) Was deported by the United States government;

(3) Is granted immunity or reduced punishment in exchange for testifying or assisting a law
enforcement investigation or prosecution;

(4) Fled the jurisdiction; or

(5) Abandoned the property.

Section 9. That a NEW SECTION be added:


If property is forfeited under this chapter, the attorney general shall sell any forfeited property
that is not required to be destroyed by law and that is not harmful to the public, and distribute the
proceeds in the following order:
(1) The payment of fines or costs ordered to be paid by the defendant;

(2) The payment of restitution to any victims of the underlying crime;

(3) The payment of reasonable expenses incurred by law enforcement and the state in investigating and prosecuting the underlying criminal case as determined by the court; and

(4) Any remaining balance shall be treated in the same manner as fines and distributed to the schools in the manner prescribed in S.D. Const., Art. VIII, § 3.

Section 10. That a NEW SECTION be added:

23A-51-10. Written report of property seized.

For any property seized under this chapter, the law enforcement officer or agent of the Division of Criminal Investigation making the seizure, or for any seizure by an officer or agent who is not an officer or agent of the state, the officer or agent shall provide a written report of the seizure to the attorney general on a form prescribed by the attorney general. The report under this section shall include:

(1) The date of the seizure;

(2) The nature of the property seized;

(3) A description of the property seized;

(4) The address or location where the seizure occurred and, if seized during a traffic stop on an interstate or state highway, the direction of the traffic flow: eastbound, westbound, southbound, or northbound;

(5) The reason or purpose of the seizure;

(6) The criminal offense alleged that led to the seizure;

(7) The disposition of the property seized;

(8) The estimated value of the property seized; and

(9) For property seized without court process, the cause of the seizure.

Section 11. That a NEW SECTION be added:


Before February first of each year, the attorney general shall provide a report to the auditor general that includes the nature and extent of all seizures under this chapter during the previous calendar year. The attorney general shall publish the report provided under this section on the attorney general's website.

Section 12. That a NEW SECTION be added:

23A-51-12. Relinquishing property seized to federal agency prohibited.

A local or state law enforcement agency may not refer, transfer, or otherwise relinquish possession of property seized under state law to a federal agency by way of adoption of the seized property or other means by the federal agency for the purpose of the property's forfeiture under the federal Controlled Substances Act, Public Law 91-513, or other federal law.

Section 13. That §§ 23A-49-1 through 23A-49-20 be REPEALED.
Section 14. That § 22-24A-15 be AMENDED:


1. Any photograph, film, videotape, book, digital media or visual depiction that has been manufactured, distributed, purchased, possessed, acquired, or received in violation of §§ 22-19A-1, 22-24A-1 to 22-24A-20, inclusive, 22-24B-1, 23A-27-14.1, and 43-43B-1 to 43-43B-3, inclusive;

2. Any material, product, and equipment of any kind that is used or intended for use in manufacturing, processing, publishing, selling, possessing, or distributing any visual depiction proscribed by §§ 22-19A-1, 22-24A-1 to 22-24A-20, inclusive, 22-24B-1, 23A-27-14.1, and 43-43B-1 to 43-43B-3, inclusive;

3. Any property that is used, or intended for use, as a container for property described in subdivisions (1) and (2) of this section, including any computers and digital media;

4. Any conveyances including aircraft, vehicles, or vessels, that transport, possess, or conceal, or that is used, or intended for use, to transport, or in any manner facilitate any activity proscribed under §§ 22-19A-1, 22-24A-1 to 22-24A-20, inclusive, 22-24B-1, 22-49-1 to 22-49-3, inclusive, 23A-27-14.1, and 43-43B-1 to 43-43B-3, inclusive;


Any property described in subdivision (1) of this section shall be deemed contraband and shall be summarily forfeited to the state. Property described in subdivisions (2), (3), (4), (5), (6), and (7) is subject to forfeiture under the terms of § 23A-49, and property described in subdivision (4) is subject to forfeiture under the terms of § 23A-49, chapter 23A-51.

Section 15. That § 34-20B-70 be AMENDED:

34-20B-70. Property subject to forfeiture.

The following are subject to forfeiture pursuant to chapter 23A-49, chapter 23A-51 and no property right exists in them:

1. All controlled drugs and substances and marijuana which have been manufactured, distributed, dispensed, or acquired in violation of the provisions of this chapter or chapter 22-42;
(2) All raw materials, products, and equipment of any kind which are used or intended for use, in manufacturing, compounding, processing, importing, or exporting any controlled drug or substance or marijuana in violation of the provisions of this chapter or chapter 22-42;

(3) All property which is used, or intended for use, as a container for property described in subdivisions (1) and (2);

(4) All conveyances including aircraft, vehicles, or vessels, which transport, possess, or conceal, or which are used, or intended for use, to transport, or in any manner facilitate the transportation, sale, receipt, possession, or concealment of marijuana in excess of one-half pound or any quantity of any other property described in subdivision (1) or (2), except as provided in §§ 34-20B-71 to 34-20B-73, inclusive. This subdivision includes those instances in which a conveyance transports, possesses or conceals marijuana or a controlled substance as described herein without the necessity of showing that the conveyance is specifically being used to transport, possess, or conceal or facilitate the transportation, possession, or concealment of marijuana or a controlled substance in aid of any other offense;

(5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter;

(6) Any funds or other things of value used for the purposes of unlawfully purchasing, attempting to purchase, distributing, or attempting to distribute any controlled drug or substance or marijuana;

(7) Any assets, interest, profits, income, and proceeds acquired or derived from the unlawful purchase, attempted purchase, distribution, or attempted distribution of any controlled drug or substance or marijuana.

Property described in subdivision (1) shall be deemed contraband and shall be summarily forfeited to the state, property described in subdivisions (2), (3), (4), (5), (6), and (7) is subject to forfeiture under the terms of § 23A-49-14, and property described in subdivision (4) is subject to forfeiture under the terms of § 23A-49-15 chapter 23A-51.

And that as so amended, said bill do pass.

Respectfully submitted,
Lance Russell, Chair

MR. PRESIDENT:
The Committee on Senate Transportation respectfully reports that it has had under consideration HB 1170 and 1208 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,
Rocky Blare, Vice-Chair

MR. PRESIDENT:
The Committee on Senate State Affairs respectfully reports that it has had under consideration SB 3, 105, 106, 107, and 175 which were tabled.

Respectfully submitted,
Bob Ewing, Chair
MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration SB 130 and 131 which were tabled.

Respectfully submitted,
John Wiik, Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration HB 1096 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Deb Soholt, Chair

MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration HB 1178 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,
V. J. Smith, Vice-Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 52 and finds the same correctly enrolled.

Respectfully submitted,
Brock L. Greenfield, Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 28 and 69 were delivered to her Excellency, the Governor, for her approval at 9:06 a.m., February 26, 2020.

Respectfully submitted,
Brock L. Greenfield, Chair

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to transmit herewith HB 1004, 1068, 1100, 1140, 1172, 1179, and 1244 which have passed the House and your favorable consideration is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to return herewith SB 52 which has passed the House without change.
Also Mr. PRESIDENT:

I have the honor to transmit herewith HCR 6016 which has been adopted by the House and your concurrence is respectfully requested.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

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

No member moved to reconsider the vote by which SJR 503 lost.

HCR 6016: A CONCURRENT RESOLUTION, Supporting the efforts of William "Bill" Casper as 
the South Dakota state chairman of the State Funeral for World War II Veterans in his efforts to 
petition President Donald J. Trump to hold a state funeral for World War II veterans.

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

Sen. Langer moved that SCR 603 be deferred to Thursday, February 27, 2020, the 28th legislative day.

Which motion prevailed.

Sen. Langer moved that HB 1008 be deferred to Thursday, March 5, 2020, the 32nd legislative day.

Which motion prevailed.

Sen. Langer moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on 
Thursday, February 27, 2020, the 28th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the reports of the Standing Committees on 
Appropriations on SB 55 as found on page 330 of the Senate Journal; also 
Commerce and Energy on SB 104 as found on page 334 of the Senate Journal; also 
Appropriations on SB 123 as found on page 331 of the Senate Journal; also 
Appropriations on SB 133 as found on page 332 of the Senate Journal; also 
Commerce and Energy on SB 151 as found on page 334 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.
CONSIDERATION OF EXECUTIVE APPOINTMENTS

The Senate proceeded to the consideration of the executive appointment of Major General Jeffrey P. Marlette of Pennington County, Rapid City, South Dakota, to the position of Adjutant General.

The question being "Does the Senate advise and consent to the executive appointment of Major General Jeffrey P. Marlette pursuant to the executive message as found on page 80 of the Senate Journal?"

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, Steinhauer, White, Wiik, Wismer, and Youngberg

Excused:
Sutton

So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.

The Senate proceeded to the consideration of the executive appointment of Michael Oster of Pennington County, Rapid City, South Dakota, to the position of Assistant Adjutant General, Army.

The question being "Does the Senate advise and consent to the executive appointment of Michael Oster pursuant to the executive message as found on page 80 of the Senate Journal?"

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, White, Wiik, Wismer, and Youngberg

So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.
FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

The President declared that SB 184 was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

The President declared that SCR 605 was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1179: FOR AN ACT ENTITLED, An Act to authorize series limited liability companies.

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

HB 1172: FOR AN ACT ENTITLED, An Act to require the annual submission of a zero-based budget from certain departments or budget units.

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

HB 1244: FOR AN ACT ENTITLED, An Act to authorize forensic medical examinations for certain persons.

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

HB 1068: FOR AN ACT ENTITLED, An Act to include out-of-state convictions for the basis of an enhanced penalty for the crime of stalking.

HB 1140: FOR AN ACT ENTITLED, An Act to provide for a regular review of parenting guidelines.

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

HB 1001: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the organization of the Legislature.

HB 1002: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding documents of the Legislature.

HB 1003: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding legislative employees.

HB 1004: FOR AN ACT ENTITLED, An Act to provide for the defense of laws by the Legislature.

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

HB 1100: FOR AN ACT ENTITLED, An Act to make an appropriation to begin the research and development of a new bioprocessing facility and to declare an emergency.

Was read the first time and the President waived the committee referral pursuant to Joint Rule 6D-1.
CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS

The Senate proceeded to the consideration of the executive reappointments of Galen Niederwerder of Pennington County, New Underwood, South Dakota, to the South Dakota Ellsworth Development Authority (SJ 248), and Quentin L. Riggins of Pennington County, Rapid City, South Dakota, to the South Dakota Ellsworth Development Authority (SJ 248).

The question being "Does the Senate advise and consent to the executive reappointments of Galen Niederwerder and Quentin L. Riggins?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0


So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointments confirmed.

SECOND READING OF CONSENT CALENDAR ITEMS

SB 174: FOR AN ACT ENTITLED, An Act to revise the purposes for which a school district's capital outlay fund may be used.

HB 1109: FOR AN ACT ENTITLED, An Act to revise the Uniform Limited Liability Company Act.

HB 1131: FOR AN ACT ENTITLED, An Act to prohibit the use of misleading identification for telephonic communications.

Were read the second time.

The question being "Shall SB 174, and HB 1109 and 1131 pass?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0


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 117: FOR AN ACT ENTITLED, An Act to require the Department of Education to establish certain programs for children who are deaf and hard-of-hearing.

Was read the second time.

Sen. Wiik moved that SB 117 be amended as follows:

On page 1, line 2, of the Introduced bill, after "hard-of-hearing" insert "and to provide an appropriation"

On page 2, line 29, of the Introduced bill, after "2. " insert "There is hereby appropriated from the general fund the sum of three hundred seventy thousand three hundred thirty-eight dollars ($370,338), or so much thereof as may be necessary, to the Department of Education, for purposes of promoting the education of children who are deaf and hard-of-hearing."

On page 2, line 30, of the Introduced bill, after "3. " insert "The secretary of the Department of Education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act."

On page 2, line 31, of the Introduced bill, after "4. " insert "Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2021 shall revert in accordance with the procedures prescribed in chapter 4-8."

Which motion prevailed.

The question being "Shall SB 117 pass as amended?"

And the roll being called:

Yeas 18, Nays 17, Excused 0, Absent 0

Yeas:
Curd, Ewing, Foster, Heinert, Kennedy, Klumb, Kolbeck, Monroe, Nesiba, Ernie Otten, Rusch, Russell, V. J. Smith, Soholt, Steinhauser, White, Wismer, and Youngberg

Nays:
Blare, Bolin, Cammack, Castleberry, Duhamel, Brock Greenfield, Phil Jensen, Lake, Langer, Maher, Novstrup, Partridge, Schoenbeck, Schoenfish, Stalzer, Sutton, and Wiik

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

Sen. Nesiba announced his intention to reconsider the vote by which SB 117 lost.

SB 96: FOR AN ACT ENTITLED, An Act to prohibit the denial of benefits based solely on a controlled substance felony.

Was read the second time.
The question being "Shall SB 96 pass?"

And the roll being called:

Yeas 28, Nays 6, Excused 1, Absent 0

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

Nays:
Phil Jensen, Maher, Monroe, Russell, White, and Wiik

Excused:
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 66: FOR AN ACTENTITLED, An Act to provide for the creation and funding of Oceti Sakowin community-based schools.

Was read the second time.

Sen. Heinert moved that SB 66 be amended as follows:

On page 17, line 2, of the Senate Education bill, after "13-37." insert 

Nothing in this section impairs any collateral pledge of state aid for debt incurred by a sponsoring school district prior to July 1, 2020."

Which motion prevailed.

The question being "Shall SB 66 pass as amended?"

And the roll being called:

Yeas:

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 142: FOR AN ACTENTITLED, An Act to establish certain restrictions regarding the state subsidized dual credit program.

Was read the second time.
The question being "Shall SB 142 pass as amended?"
And the roll being called:
Yeas 31, Nays 3, Excused 1, Absent 0

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

Nays:
Monroe, Nesiba, and Wismer

Excused:
Heinert

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 144: FOR AN ACT ENTITLED, An Act to establish certain restrictions regarding participation in the state subsidized dual credit program for certain students.

Was read the second time.

Sen. Brock Greenfield moved that SB 144 be amended as follows:

On page 1, line 16, of the Senate Appropriations bill, after "course" insert ", or if at the student's expense the student retakes and passes the course that the student withdrew from or failed"

Which motion prevailed.

The question being "Shall SB 144 pass as amended?"
And the roll being called:
Yeas 28, Nays 6, Excused 1, Absent 0

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

Nays:
Foster, Nesiba, Partridge, Soholt, White, and Wismer

Excused:
Heinert

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 180: FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the petition circulation process.

Was read the second time.

The question being "Shall SB 180 pass as amended?"

And the roll being called:

Yeas 24, Nays 11, Excused 0, Absent 0

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

Nays:
Foster, Heinert, Phil Jensen, Kennedy, Nesiba, Russell, Schoenfish, V. J. Smith, Soholt, White, 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.

President Pro Tempore Brock Greenfield now presiding.

SB 156: FOR AN ACT ENTITLED, An Act to repeal provisions regarding the South Dakota Veterans Commission.

Was read the second time.

The question being "Shall SB 156 pass?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

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

Sen. Langer moved that HB 1025 be deferred to Thursday, February 27, 2020, the 28th legislative day.

Which motion prevailed.
COMMEMORATIONS

SC 806: A LEGISLATIVE COMMEMORATION, Honoring and commending Janice Gilbert on being named Tea Area School District Teacher of the Year.

Introduced by: Senator Ernie Otten and Representatives Latterell, Herman Otten, and Kent Peterson

SC 807: A LEGISLATIVE COMMEMORATION, Honoring and commending Cody Lutes, elementary school teacher, on being named Lennox School District Teacher of the Year.

Introduced by: Senator Ernie Otten and Representatives Latterell and Herman Otten

SC 808: A LEGISLATIVE COMMEMORATION, Commending and honoring the 2019 Tea Area High School Titans Boys Basketball Team.

Introduced by: Senators Ernie Otten and Bolin and Representatives Latterell and Herman Otten

Were read the first time.

Sen. Wismer moved that the Senate do now adjourn, which motion prevailed and at 4:23 p.m. the Senate adjourned.

Kay Johnson, Secretary