

# *JOURNAL OF THE SENATE*

## *NINETY-FIFTH SESSION*

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TWENTY-EIGHTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, February 27, 2020

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

The prayer was offered by the Chaplain, Father Ron Garry, followed by the Pledge of Allegiance led by Senate page Lucy Fods.

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-seventh 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

**COMMUNICATIONS AND PETITIONS**

2

February 26, 2020

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on February 26, 2020, I approved Senate Bills 9, 31, 32, 34, and 50, and the same have been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,

7

Kristi Noem

8

Governor

9

**REPORTS OF STANDING COMMITTEES**

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MR. PRESIDENT:

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The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1014** and returns the same with the recommendation that said bill do pass.

12

13

Also MR. PRESIDENT:

14

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1009, 1012, and 1013** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

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16

17

Also MR. PRESIDENT:

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The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1065** and returns the same with the recommendation that said bill be amended as follows:

19

20

1065G

21

On page 1, line 22, of the House bill, delete "These restrictions " and insert "Subdivisions (3) and (4) "

22

23

And that as so amended, said bill do pass.

24

Respectfully submitted,

25

Lance Russell, Chair

26

MR. PRESIDENT:

27

The Joint Committee on Appropriations respectfully reports that it has had under consideration **HB 1232, 1290, 1292, and 1293** which were tabled.

28

29

Respectfully submitted,

30

John Wiik, Co-Chair

Respectfully submitted,

Chris G. Karr, Co-Chair

1 MR. PRESIDENT:

2 The Committee on Senate Education respectfully reports that it has had under consideration  
3 **HB 1174 and 1175** and returns the same with the recommendation that said bills do pass.

4 Respectfully submitted,  
5 R. Blake Curd, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
8 consideration **HB 1070** and returns the same with the recommendation that said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
11 consideration **HB 1073 and 1125** and returns the same with the recommendation that said bills  
12 do pass, and having been certified as uncontested, be placed on the consent calendar.

13 Respectfully submitted,  
14 Jim Stalzer, Chair

15 MR. PRESIDENT:

16 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
17 had under consideration **HB 1112** and returns the same with the recommendation that said bill do  
18 pass.

19 Also MR. PRESIDENT:

20 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
21 had under consideration **HB 1095, 1181, and 1257** and returns the same with the  
22 recommendation that said bills do pass, and having been certified as uncontested, be placed on the  
23 consent calendar.

24 Respectfully submitted,  
25 Gary L. Cammack, Chair

26 **MESSAGES FROM THE HOUSE**

27 Mr. PRESIDENT:

28 I have the honor to transmit herewith **HB 1199, 1213, 1255, 1262, and 1277** which have  
29 passed the House and your favorable consideration is respectfully requested.

30 Also Mr. PRESIDENT:

31 I have the honor to transmit herewith **HCR 6004, 6008, 6015, and 6017** which have been  
32 adopted by the House and your concurrence is respectfully requested.

33 Respectfully,  
34 Mary Lou Goehring, Chief Clerk

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**MOTIONS AND RESOLUTIONS**

1

2 Yesterday, Sen. Nesiba announced his intention to reconsider the vote by which **SB 117** lost.

3 Sen. Nesiba moved that the Senate do now reconsider the vote by which **SB 117** lost.

4 The question being on Sen. Nesiba's motion to reconsider the vote by which **SB 117** lost.

5 And the roll being called:

6 Yeas 8, Nays 27, Excused 0, Absent 0

7 Yeas:

8 Ewing, Foster, Heinert, Kennedy, Kolbeck, Nesiba, Russell, and Wismer

9 Nays:

10 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Brock Greenfield, Phil Jensen, Klumb,  
11 Lake, Langer, Maher, Monroe, Novstrup, Ernie Otten, Partridge, Rusch, Schoenbeck, Schoenfish, V.  
12 J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, and Youngberg

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

15 **HCR 6004:** A CONCURRENT RESOLUTION, To create a task force for the purpose of reviewing  
16 the manner in which mental health services are delivered in this state and considering changes to  
17 existing models or alternative models that could be utilized for the delivery of mental health services  
18 on a regional basis in this state.

19 **HCR 6008:** A CONCURRENT RESOLUTION, To authorize a legislative study for the continuum  
20 of care for the disabled and elderly of South Dakota.

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

22 **HCR 6015:** A CONCURRENT RESOLUTION, To provide for a legislative task force to study,  
23 report, and develop and consider recommendations and proposed legislation regarding the  
24 evaluation and standardization of quality measurements of agricultural products.

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

26 **HCR 6017:** A CONCURRENT RESOLUTION, to encourage the creation of an interim legislative  
27 study to address infrastructure and funding support related to the expansion of Ellsworth Air Force  
28 Base.

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

30 **SR 702:** A RESOLUTION, Calling for statewide recognition of South Dakota's military veteran  
31 entrepreneurs and Bunker Labs of Rapid City.

Introduced by: **Senator** Castleberry

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

1 Sen. Langer moved that **SCR 603, and HB 1025** be deferred to Monday, March 2, 2020, the  
2 29<sup>th</sup> 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 Judiciary on **SB 172** as found on page 346 of the Senate Journal; also  
7 Judiciary on **SB 164** as found on page 346 of the Senate Journal be adopted.  
8 Which motion prevailed and the reports were adopted.

#### 9 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

10 The President declared that **SR 702** changed prime sponsor from Senator Brock Greenfield to  
11 Senator Castleberry at their request.

#### 12 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

13 **HB 1213:** FOR AN ACT ENTITLED, An Act to preclude the assignment of exclusive broadcast  
14 rights for certain high school interscholastic activities.

15 **HB 1255:** FOR AN ACT ENTITLED, An Act to remove the requirement for a mandatory appraisal  
16 in exchanges of land between school districts.

17 Were read the first time and referred to the Committee on Education.

18 **HB 1277:** FOR AN ACT ENTITLED, An Act to prevent trafficking, coercion, and exploitation that  
19 occurs under the guise of obscene content.

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

21 **HB 1199:** FOR AN ACT ENTITLED, An Act to require certain annexation information be  
22 provided to electric utilities.

23 **HB 1262:** FOR AN ACT ENTITLED, An Act to revise provisions regarding electric service in  
24 annexed areas.

25 Were read the first time.

#### 26 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

29 **HB 1178:** FOR AN ACT ENTITLED, An Act to revise the seller's property condition disclosure  
30 statement.

1 **HB 1208:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the titling of motor  
2 vehicles.

3 Were read the second time.

4 The question being "Shall **HB 1170** pass as amended, and **HB 1178 and 1208** pass?"

5 And the roll being called:

6 Yeas 35, Nays 0, Excused 0, Absent 0

7 Yeas:

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

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

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

15 **SB 55:** FOR AN ACT ENTITLED, An Act to require the Board of Regents to assemble a task  
16 force to study the possibility of shared administration among the institutions of higher education  
17 under the board's authority.

18 Was read the second time.

19 The question being "Shall **SB 55** pass as amended?"

20 And the roll being called:

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

22 Yeas:

23 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Heinert, Phil  
24 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, and Youngberg

27 Nays:

28 Foster and Wismer

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

31 **SB 123:** FOR AN ACT ENTITLED, An Act to make an appropriation for the Literacy Intervention  
32 Program and to declare an emergency.

33 Was read the second time.

1 The question being "Shall **SB 123** pass as amended?"

2 And the roll being called:

3 Yeas 22, Nays 13, Excused 0, Absent 0

4 Yeas:

5 Cammack, Curd, Foster, Brock Greenfield, Heinert, Kennedy, Lake, Langer, Maher, Monroe,  
6 Nesiba, Novstrup, Ernie Otten, Rusch, Russell, Schoenfish, V. J. Smith, Soholt, Stalzer, Wiik,  
7 Wismer, and Youngberg

8 Nays:

9 Blare, Bolin, Castleberry, Duhamel, Ewing, Phil Jensen, Klumb, Kolbeck, Partridge,  
10 Schoenbeck, Steinhauer, Sutton, and White

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

13 Sen. Brock Greenfield announced his intention to reconsider the vote by which **SB 123** lost.

14 **SB 133:** FOR AN ACT ENTITLED, An Act to allow public funds not needed for current operating  
15 expenses to be invested in certain certificates of deposit or time deposits.

16 Was read the second time.

17 The question being "Shall **SB 133** pass as amended?"

18 And the roll being called:

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

20 Yeas:

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

25 Nays:

26 Russell

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 104:** FOR AN ACT ENTITLED, An Act to limit entitlement to mechanics' liens.

30 Was read the second time.

31 The question being "Shall **SB 104** pass as amended?"

32 And the roll being called:

33 Yeas 29, Nays 6, Excused 0, Absent 0

1 Yeas:  
2 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,  
3 Phil Jensen, Kennedy, Klumb, Lake, Maher, Nesiba, Novstrup, Partridge, Rusch, Russell,  
4 Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, Sutton, White, Wiik, Wismer, and Youngberg

5 Nays:  
6 Kolbeck, Langer, Monroe, Ernie Otten, Soholt, and Stalzer

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

9 **SB 151**: FOR AN ACT ENTITLED, An Act to define critical infrastructure and revise certain  
10 crimes for the trespass or damage to critical infrastructure.

11 Was read the second time.

12 Sen. Schoenbeck moved that **SB 151** be amended as follows:

13 151D

14 On page 9, line 31, of the Senate Commerce and Energy bill, after "felony." delete "Section 4.  
15 That a NEW SECTION be added:

16 "

17 On page 10, line 1, of the Senate Commerce and Energy bill, after "added:" delete  
18 "Interference with operation--Critical Infrastructure--Violation as misdemeanor or felony."

19 On page 10, line 2, of the Senate Commerce and Energy bill, after "felony." delete "

20 Any person who by any means interferes with, inhibits, impedes, or prevents the construction,  
21 operation, maintenance, or repair of communications, public transportation, water supply, gas,  
22 electric, or other utility service, or a critical infrastructure facility is guilty of a Class 1 misdemeanor.

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

27 Any person, who by any means knowingly damages, tampers, or interferes with the  
28 construction, operation, maintenance, or repair of any critical infrastructure facility causing physical  
29 injury or death, is guilty of a Class 4 felony."

30 Which motion prevailed.

31 The question being "Shall **SB 151** pass as amended?"

32 And the roll being called:

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

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

39 Nays:  
40 Heinert

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

3 **SB 172:** FOR AN ACT ENTITLED, An Act to revise provisions regarding civil forfeiture.

4 Was read the second time.

5 Sen. Rusch moved that **SB 172** be amended as follows:

6 172C

7 On page 1, line 23, after "chapter." insert " No property rights exist in contraband. Contraband  
8 is subject to seizure and shall be disposed of according to state law."

9 On page 2, line 26, delete " and " and insert ", "

10 On page 2, line 26, after "counsel" insert ", and any person with a perfected security interest  
11 in the property"

12 On page 3, line 27, delete "If property is forfeited under this chapter, the attorney general  
13 shall sell any forfeited property that is not required to be destroyed by law and that is not harmful  
14 to the public, and distribute the proceeds in the following order:

15 (1) The payment of fines or costs ordered to be paid by the defendant;

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

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

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

21 If property is forfeited under this chapter, the attorney general may:

22 (1) Retain the property for official use;

23 (2) Sell any forfeited property which is not required to be destroyed by law and which is not  
24 harmful to the public, provided that the proceeds be disposed of for payment of all proper expenses  
25 of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody,  
26 advertising, and court costs. All money seized or remaining proceeds from the sale of any forfeited  
27 property shall be paid into the following funds:

28 (a) If seized pursuant to a violation of chapters 34-20B or 22-42, proceeds shall go to the drug  
29 control fund;

30 (b) If seized pursuant to a violation of chapters 22-24A, 22-23, 22-19A, 22-24B, 43-43B, or  
31 23A-27, proceeds shall be used to reimburse the actual costs of the criminal investigation and  
32 prosecution, and any amount over those costs shall be used to satisfy any civil judgments received  
33 by the victims. All remaining proceeds shall be paid to the South Dakota internet crimes against  
34 children fund; and

35 (c) If not otherwise specified by this chapter, proceeds shall go to the general fund; or

36 (3) If property is seized pursuant to a violation of chapters 34-20B or 22-42, the attorney  
37 general may forward it to the Division of Criminal Investigation for disposition. Such disposition may  
38 include delivery for medical or scientific use to any federal or state agency under regulations of the  
39 United States attorney general"

1 On page 4, after line 29, insert "

2 **Section 1.** That a NEW SECTION be added:

3 23A-51-12. Conveyance used in common carrier business not subject to forfeiture--  
4 Exception.

5 Notwithstanding the provisions of subdivision 34-20B-70(4) or 22-24A-15(4), no conveyance  
6 used by any person as a common carrier in the transaction of business as a common carrier may  
7 be forfeited under the provisions of this chapter, unless it appears that the owner or other person  
8 in charge of the conveyance was a consenting party or privy to a violation of any crime in the  
9 chapters listed in § 23A-51-9.

10 "

11 On page 4, after line 29, insert "

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

13 23A-51-13. Stolen and leased conveyances not subject to forfeiture--Exception.

14 Notwithstanding the provisions of subdivision 34-20B-70(4) or 22-24A-15(4), no conveyance  
15 may be forfeited under the provisions of this chapter, by reason of any act or omission established  
16 by the owner of the conveyance to have been committed or omitted by any person other than the  
17 owner while the conveyance was unlawfully in the possession of a person other than the owner in  
18 violation of the criminal laws of the United States, or of any state, or while the conveyance was  
19 rented or leased from a motor vehicle dealer or a leasing or rental agency and the dealer or agency  
20 had no knowledge that the conveyance was being used or intended for use, to transport or in any  
21 manner facilitate the commission of any crime in the chapters listed in § 23A-51-9.

22 "

23 On page 4, after line 29, insert "

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

25 23A-51-14. Conveyance not subject to forfeiture for acts or omissions of nonowner--  
26 Exception.

27 Notwithstanding the provisions of subdivision 34-20B-70(4) or 22-24A-15(4), no conveyance  
28 may be forfeited under the provisions of this chapter, by reason of any act committed or omitted by  
29 a person other than an owner of the conveyance unless the owner knew or in the exercise of ordinary  
30 care should have known that the conveyance was being used or was intended for use to facilitate  
31 the commission of any crime in the chapters listed in § 23A-51-9.

32 "

33 On page 4, line 30, after "website." delete "Section 12. That a NEW SECTION be added:

34 "

35 On page 5, line 1, after "added:" delete "Relinquishing property seized to federal agency  
36 prohibited."

37 On page 5, line 1, after "prohibited." delete "

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

1 On page 7, after line 16, insert "

2 **Section 4.** That § 34-20B-64 be AMENDED:

3 34-20B-64. Drug control fund created--Administration by attorney general--Expenditures--  
4 Excess funds.

5 There is hereby created in the state treasury a special revolving fund to be known as the "drug  
6 control fund," which shall be administered by the attorney general. The attorney general may  
7 authorize expenditure of moneys in the fund for purchase of controlled drugs and substances, as  
8 defined in this chapter, by authorized agents of the attorney general from unregistered dispensers  
9 and distributors. All disbursements from the fund shall be made on warrants drawn by the state  
10 auditor on vouchers approved by the attorney general. Any ~~moneys in the fund~~ expenditures by the  
11 attorney general in excess of two hundred fifty thousand dollars per year shall be ~~available for~~  
12 ~~distribution by the attorney general. Upon application by any local law enforcement agency, any~~  
13 ~~drug law enforcement task force or the division of highway patrol, the attorney general may~~  
14 ~~authorize release of any such available moneys in the fund for the purpose of assisting local law~~  
15 ~~enforcement agencies in drug control and drug offender apprehension efforts.~~ approved by the Joint  
16 Committee of Appropriations or the special interim committee created by § 4-8A-2.

17 "

18 Which motion prevailed.

19 The question being "Shall **SB 172** pass as amended?"

20 And the roll being called:

21 Yeas 15, Nays 20, Excused 0, Absent 0

22 Yeas:

23 Cammack, Castleberry, Curd, Foster, Heinert, Phil Jensen, Kennedy, Maher, Nesiba, Novstrup,  
24 Partridge, Rusch, Russell, V. J. Smith, and Wismer

25 Nays:

26 Blare, Bolin, Duhamel, Ewing, Brock Greenfield, Klumb, Kolbeck, Lake, Langer, Monroe, Ernie  
27 Otten, Schoenbeck, Schoenfish, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, and Youngberg

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

30 **SB 164:** FOR AN ACT ENTITLED, An Act to revise the penalties and provisions regarding  
31 approaching stopped vehicles.

32 Was read the second time.

33 The question being "Shall **SB 164** pass as amended?"

34 And the roll being called:

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

36 Yeas:

37 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Heinert, Phil  
38 Jensen, Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Nesiba, Novstrup, Ernie Otten, Partridge,  
39 Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, White, Wiik,  
40 Wismer, and Youngberg

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1 Nays:  
2 Foster, Monroe, and Soholt

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

5 **SB 95**: FOR AN ACT ENTITLED, An Act to modify certain provisions regarding the repayment  
6 of restitution.

7 Was read the second time.

8 The question being "Shall **SB 95** pass?"

9 And the roll being called:

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

11 Yeas:  
12 Blare, Brock Greenfield, Phil Jensen, Klumb, Maher, Monroe, Novstrup, Ernie Otten, Russell,  
13 Stalzer, and Sutton

14 Nays:  
15 Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Heinert, Kennedy, Kolbeck, Lake,  
16 Langer, Nesiba, Partridge, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Steinhauer, White,  
17 Wiik, Wismer, and Youngberg

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

20 Today, Sen. Brock Greenfield announced his intention to reconsider the vote by which **SB 123**  
21 lost.

22 Sen. Brock Greenfield moved that the Senate do now reconsider the vote by which **SB 123**  
23 lost.

24 The question being on Sen. Brock Greenfield's motion to reconsider the vote by which **SB 123**  
25 lost.

26 And the roll being called:

27 Yeas 20, Nays 15, Excused 0, Absent 0

28 Yeas:  
29 Blare, Cammack, Castleberry, Ewing, Foster, Brock Greenfield, Heinert, Phil Jensen, Langer,  
30 Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Russell, Schoenfish, V. J. Smith, Wiik, Wismer, and  
31 Youngberg

32 Nays:  
33 Bolin, Curd, Duhamel, Kennedy, Klumb, Kolbeck, Lake, Partridge, Rusch, Schoenbeck, Soholt,  
34 Stalzer, Steinhauer, Sutton, and White

35 So the motion having received an affirmative vote of a majority of the members-elect, the  
36 President declared the motion carried and **SB 123** was up for reconsideration and final passage.

1 The question being "Shall **SB 123** pass as amended?"

2 And the roll being called:

3 Yeas 23, Nays 12, Excused 0, Absent 0

4 Yeas:

5 Blare, Cammack, Castleberry, Duhamel, Ewing, Foster, Brock Greenfield, Heinert, Lake,  
6 Langer, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Rusch, Russell, Schoenfish, V. J. Smith,  
7 Soholt, Wiik, Wismer, and Youngberg

8 Nays:

9 Bolin, Curd, Phil Jensen, Kennedy, Klumb, Kolbeck, Partridge, Schoenbeck, Stalzer,  
10 Steinhauer, Sutton, and White

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

### 13 **SIGNING OF BILLS**

14 The President publicly read the title to

15 **SB 52:** FOR AN ACT ENTITLED, An Act to create a state seal specialty plate emblem.

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

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

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

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

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

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

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

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

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

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

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

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

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**COMMEMORATIONS**

2

**SC 809:** A LEGISLATIVE COMMEMORATION, To honor and commend the late Senator Gene Abdallah for his dedicated service to his community and state.

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**Introduced by: Senators** Schoenbeck, Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert, Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Partridge, Rusch, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, Wismer, and Youngberg **and Representatives** Barthel, Anderson, Bartels, Borglum, Chaffee, Chase, Deutsch, Diedrich, Duvall, Finck, Frye-Mueller, Glanzer, Lana Greenfield, Gross, Hansen, Hunhoff, Johns, David Johnson, Mills, Milstead, Olson, Herman Otten, Perry, Kent Peterson, Sue Peterson, Rasmussen, Reed, Reimer, Rounds, Saba, St. John, Wiese, and York

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Was read the first time.

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Sen. V. J. Smith moved that the Senate do now adjourn, which motion prevailed and at 3:28 p.m. the Senate adjourned.

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Kay Johnson, Secretary