

JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

THIRTIETH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 03, 2020

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

The prayer was offered by the Chaplain, Pastor Emily Munger, followed by the Pledge of Allegiance led by Senate pages Natalie Mohr and Abby Moon.

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-ninth 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

March 2, 2020

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on March 2, 2020, I approved Senate Bill 28, and the same
5 has been deposited in the office of the Secretary of State.

6

Respectfully submitted,
Kristi Noem
Governor

8

9

REPORTS OF STANDING COMMITTEES

10

MR. PRESIDENT:

11

The Joint Committee on Appropriations respectfully reports that it has had under consideration
12 **HB 1233** and returns the same with the recommendation that said bill be amended as follows:

13

1233A

14

On page 1, line 5, of the Introduced bill, delete "three hundred sixty thousand dollars
15 (\$360,000)" and insert "one dollar (\$1)"

16

And that as so amended, said bill do pass.

17

Also MR. PRESIDENT:

18

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

20

17A

21

On page 1, line 4, of the Introduced bill, delete "general" and insert "petroleum release
22 compensation"

23

And that as so amended, said bill do pass.

24

Respectfully submitted,
John Wiik, Co-Chair

25

Respectfully submitted,
Chris G. Karr, Co-Chair

26

MR. PRESIDENT:

27

The Committee on Senate Education respectfully reports that it has had under consideration
28 **HB 1213** which was deferred to the 41st Legislative Day.

29

Also MR. PRESIDENT:

30

The Committee on Senate Education respectfully reports that it has had under consideration
31 **HB 1255** and returns the same with the recommendation that said bill do pass, and having been
32 certified as uncontested, be placed on the consent calendar.

33

Respectfully submitted,
R. Blake Curd, Chair

34

1 MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **HB 1067** and returns the same with the recommendation that said bill be amended as follows:

4 1067G

5 On page 1, line 9, of the House bill, after "a " insert "legal "

6 On page 1, line 10, of the House bill, after "situated" insert ", or as allowed by § 17-2-10"

7 On page 1, line 10, of the House bill, after "situated. " delete "If no paper meets that criteria,
8 service shall be provided in a newspaper published nearest to the county seat of such county."

9 1067H

10 On the previously adopted amendment (1067G), On page 1, line 8, delete "under this section"
11 and insert " pursuant to § 21-16-6"

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

13 Also MR. PRESIDENT:

14 The Committee on Senate Judiciary respectfully reports that it has had under consideration
15 **HB 1094 and 1169** and returns the same with the recommendation that said bills do pass.

16 Also MR. PRESIDENT:

17 The Committee on Senate Judiciary respectfully reports that it has had under consideration
18 **HB 1068** and returns the same with the recommendation that said bill do pass, and having been
19 certified as uncontested, be placed on the consent calendar.

20 Respectfully submitted,
21 Lance Russell, Chair

22 MR. PRESIDENT:

23 The Senate Committee on Appropriations respectfully reports that it has had under
24 consideration **SB 118** and returns the same with the recommendation that said bill do pass.

25 Also MR. PRESIDENT:

26 The Senate Committee on Appropriations respectfully reports that it has had under
27 consideration **HB 1110** and returns the same with the recommendation that said bill do pass, and
28 having been certified as uncontested, be placed on the consent calendar.

29 Also MR. PRESIDENT:

30 The Senate Committee on Appropriations respectfully reports that it has had under
31 consideration **HB 1172** which was deferred to the 41st Legislative Day.

32 Respectfully submitted,
33 John Wiik, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
3 consideration **HB 1179** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 Jim Stalzer, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
8 had under consideration **HB 1184, and HCR 6014** and returns the same with the recommendation
9 that said bill and resolution do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
12 had under consideration **HCR 6011 and 6015** and returns the same with the recommendation that
13 said resolutions do pass, and having been certified as uncontested, be placed on the consent
14 calendar.

15 Respectfully submitted,
16 Gary L. Cammack, Chair

17 Mr. PRESIDENT:

18 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
19 Enrolling has carefully compared **SB 22** and finds the same correctly enrolled.

20 Respectfully submitted,
21 Brock L. Greenfield, Chair

22 Mr. PRESIDENT:

23 The Committee on Legislative Procedure respectfully reports that **SB 52** was delivered to her
24 Excellency, the Governor, for her approval at 9:30 a.m., March 3, 2020.

25 Respectfully submitted,
26 Brock L. Greenfield, Chair

27 **MESSAGES FROM THE HOUSE**

28 Mr. PRESIDENT:

29 I have the honor to transmit herewith **HCR 6019, 6021, 6022, 6023, and 6024** which have
30 been adopted by the House and your concurrence is respectfully requested.

31 Also Mr. PRESIDENT:

32 I have the honor to return herewith **SCR 601** in which House has concurred.

1 Also Mr. PRESIDENT:

2 I have the honor to return herewith **SB 75** which has been amended by the House and your
3 concurrence in the amendment is respectfully requested.

4 Also Mr. PRESIDENT:

5 I have the honor to transmit herewith **SB 22** which has passed the House without change.

6 Respectfully,
7 Mary Lou Goehring, Chief Clerk

8 **MOTIONS AND RESOLUTIONS**

9 **SCR 603:** A CONCURRENT RESOLUTION, Recognizing the importance of gun safety.

10 Was read the second time.

11 Sen. Nesiba moved that **SCR 603** as found on page 115 of the Senate Journal be adopted as
12 amended on page 301 of the Senate Journal.

13 Sen. Stalzer moved that **SCR 603** be amended as follows:

14 SCR603D

15 On the Senate Health and Human Services bill, delete everything after the title and insert:

16 "

17 WHEREAS, since 1903, the first year for which data was available, the per capita rate of
18 accidental gun deaths has decreased 95 percent, from 3.1 to 0.14 deaths per 100,000 people; and

19 WHEREAS, in 2018, the number of accidental gun deaths was 458--the lowest since at least
20 1903--and a record low of 0.14 deaths per 100,000 people; and

21 WHEREAS, during the past 25 years, the number of accidental gun deaths has decreased by
22 more than 66 percent while, at the same time, Americans acquired more than 200 million new guns
23 and today own approximately 407 million guns -- an all-time ownership high; and

24 WHEREAS, guns are involved in only 0.27 percent of all accidental deaths and only 1.4
25 percent of all accidental deaths among children; and

26 WHEREAS, the best way to decrease all accidents is through voluntary education efforts
27 such as the National Rifle Association's safety programs, which are conducted by nearly 116,000
28 National Rifle Association Certified Instructors and Range Safety Officers nationwide, and which
29 reach more than 1 million participants annually; and

30 WHEREAS, multiple National Rifle Association programs that teach children about gun safety
31 are offered each year through civic groups such as the Boy Scouts of America, the Jaycees, and the
32 American Legion, as well as through public and private schools; and

33 WHEREAS, the National Rifle Association's Eddie Eagle GunSafe program, which since 1988
34 has been used by 28,000 teachers and law enforcement officers to reach more than 31 million

children from pre-school through the third grade, teaches children that if they see a gun, they should not touch it and they should tell an adult; and

WHEREAS, the National Rifle Association's Law Enforcement Division has trained over 60,000 law enforcement firearms instructors since its inception and currently has more than 13,000 active, certified, law enforcement firearms instructors conducting firearms training for local, state, and federal law enforcement agencies, as well as for the military; and

WHEREAS, deaths resulting from motor vehicle accidents outnumber accidental gun deaths by 83 to 1; and

WHEREAS, gun control supporters are calling for gun manufacturers to be subjected to consumer product regulations that are designed to result in the banning of handguns and other weapons;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Fifth Legislature of the State of South Dakota, the House of Representatives concurring therein, that all owners and users of guns commit to observing and abiding by safe handling and storage practices, and that they avail themselves of training and practice opportunities so that safety improvements continue to be realized.

"

Sen. Nesiba requested a roll call vote on the amendment SCR603D.

Sen. Nesiba's request was not supported.

The question now being on Senator Stalzer's motion that **SCR 603** be amended.

Which motion prevailed.

Sen. Nesiba moved that **SCR 603** as amended be laid on the table.

And the roll being called:

Yeas 8, Nays 27, Excused 0, Absent 0

Yeas:

Foster, Heinert, Kennedy, Nesiba, Rusch, V. J. Smith, Soholt, and Wismer

Nays:

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

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

The question being "Shall **SCR 603** be adopted as amended."

And the roll being called:

Yeas 31, Nays 4, Excused 0, Absent 0

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

5 Nays:
6 Kennedy, Rusch, V. J. Smith, and Wismer

7 So the motion having received an affirmative vote of a majority of the members-elect, the
8 President declared the motion carried and **SCR 603** was adopted as amended.

9 **HCR 6013:** A CONCURRENT RESOLUTION, Urging all South Dakotans to participate in the
10 2020 United States Census.

11 Was read the second time.

12 Sen. Bolin moved that **HCR 6013** as found on page 237 of House Journal be concurred in.

13 The question being on Sen. Bolin's motion that **HCR 6013** be concurred in.

14 And the roll being called:

15 Yeas 35, Nays 0, Excused 0, Absent 0

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

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 President declared the motion carried and **HCR 6013** was concurred in.

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

25 Was read the second time.

26 Sen. Langer moved that **HCR 6008** as found on page 205 of House Journal be concurred in.

27 Sen. Bolin moved that **HCR 6008** be laid on the table.

28 And the roll being called:

29 Yeas 31, Nays 4, Excused 0, Absent 0

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

35 Nays:
36 Foster, Heinert, Kennedy, and Wismer

37 So the motion having received an affirmative vote of a majority of the members-elect, the
38 President declared the motion carried and **HCR 6008** was tabled.

HCR 6019: A CONCURRENT RESOLUTION, Urging greater awareness and understanding of post-traumatic stress injury.

HCR 6023: A CONCURRENT RESOLUTION, To encourage the Executive Board of the Legislature to create an interim legislative study to address the mental health of first responders.

HCR 6024: A CONCURRENT RESOLUTION, Commending automotive enthusiasts in South Dakota and the Specialty Equipment Market Association for their contributions in preserving classic automobiles and urging the Governor to declare a South Dakota Collector Car Appreciation Day this year.

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

HCR 6021: A CONCURRENT RESOLUTION, Supporting the continued operation of the D.C. Booth Historic National Fish Hatchery.

HCR 6022: A CONCURRENT RESOLUTION, Urging the State Trade Office in the Governor's Office of Economic Development to promote international business and trade on behalf of South Dakota exporters.

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

Sen. Langer moved that **HB 1065** be deferred to Wednesday, March 4, 2020, the 31st legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the reports of the Standing Committees on Joint Appropriations on **SB 40** as found on page 13 of the Senate Journal; also Local Government on **HB 1166** as found on page 338 of the Senate Journal; also State Affairs on **HB 1054** as found on page 169 of the Senate Journal; also State Affairs on **HB 1107** as found on page 230 of the Senate Journal; also State Affairs on **HB 1195** as found on page 338 of the Senate Journal; also State Affairs on **HCR 6003** as found on page 204 of the Senate Journal; also State Affairs on **HCR 6005** as found on page 227 of the Senate Journal; also State Affairs on **HCR 6012** as found on page 254 of the Senate Journal be adopted. Which motion prevailed and the reports were adopted.

SECOND READING OF CONSENT CALENDAR ITEMS

Sen. Bolin requested that **HCR 6004** be removed from the Consent Calendar.

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

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

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

Were read the second time.

The question being "Shall **HB 1244** pass as amended, and **HB 1124 and 1279** 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 41: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the construction of a facilities building at the University of South Dakota and to make an appropriation therefor.

Was read the second time.

The question being "Shall **SB 41** pass?"

And the roll being called:

Yeas 31, Nays 4, Excused 0, 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, White, Wiik, Wismer, and Youngberg

Nays:

Phil Jensen, Maher, Monroe, and Russell

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 42: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish three storage structures and contract for the construction of a grounds facility at the University of South Dakota and to make an appropriation therefor.

Was read the second time.

1 The question being "Shall **SB 42** pass?"

2 And the roll being called:

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

4 Yeas:

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

9 Nays:

10 Phil Jensen, Maher, and Russell

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

13 **SB 43:** FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority to
14 issue revenue bonds to provide for maintenance and repair on facilities controlled by the Board of
15 Regents and to provide appropriation therefor.

16 Was read the second time.

17 The question being "Shall **SB 43** pass?"

18 And the roll being called:

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

20 Yeas:

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

25 Nays:

26 Phil Jensen and Maher

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

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

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

32 Was read the second time.

33 The question being "Shall **HB 1182** pass as amended?"

34 And the roll being called:

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

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

5 Nays:
6 Phil Jensen, Langer, Monroe, Russell, Stalzer, and Sutton

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

11 Was read the second time.

12 The question being "Shall **HB 1242** pass?"

13 And the roll being called:

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

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

20 Excused:
21 Langer

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

24 **SIGNING OF BILLS**

25 The President publicly read the title to

26 **SB 22:** FOR AN ACT ENTITLED, An Act to to revise certain provisions regarding pesticide
27 registration, pesticide application, and enforcement of pesticide laws.

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

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

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

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

1

COMMEMORATIONS

2

SC 816: A LEGISLATIVE COMMEMORATION, Honoring Kendal Waltner for winning the South Dakota State Historical Society essay contest.

3

4

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

5

SC 817: A LEGISLATIVE COMMEMORATION, Honoring Lennox Legion Post 174 for winning the State B Legion title.

6

7

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

8

SC 818: A LEGISLATIVE COMMEMORATION, Honoring the Lennox Orioles track and field team on their outstanding performances at the state track and field meet.

9

10

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

11

Were read the first time.

12

Sen. Steinhauer moved that the Senate do now adjourn, which motion prevailed and at 3:08 p.m. the Senate adjourned.

13

14

Kay Johnson, Secretary